

## I. CERTIFICATION OF COMPLIANCE

Chairman Neiman called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Mr. Kielt read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: *The Asbury Park Press*, and *The Tri-Town News* at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

## 2. ROLL CALL

Mr. Franklin, Mr. Fink, Mr. Neiman, Mrs. Koutsouris, Mr. Banas, Mr. Schmuckler, Mr. Percal

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1674 (Variance Requested)  
Applicant: Simon Baum  
Location: Southwest corner of Vine Avenue & Oak Street  
Block 1015 Lot 1.02  
Minor Subdivision to create 3 lots

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; abstain, Mr. Banas; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

2. SD # 1676 (Variance Requested)  
Applicant: Israel Klein  
Location: Southwest corner of Emmanuel Drive (a/k/a/ West St) and  
Dr. Martin Luther King Drive  
Block 775 Lots 3.01, 11.01, 11.02 & 12  
Minor Subdivision to create 3 duplex lots

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to approve

**PLANNING BOARD MEETING  
JULY 21, 2009  
MEETING**

**TOWNSHIP OF LAKEWOOD  
REGULAR**

**ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; abstain, Mr. Banas; abstain, Mr. Schmuckler; yes, Mr. Percal; yes**

3. **SD # 1677 (Variance Requested)**  
**Applicant: Israel Klein**  
**Location: Southwest corner of Warren Avenue & Emmanuel Dr. (a/k/a/ West St)**  
**Block 775 Lots 3.02, 4.01, 4.02**  
**Minor Subdivision to create 2 duplex lots**

**Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to approve**

**ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; abstain, Mr. Banas; abstain, Mr. Schmuckler; yes, Mr. Percal; yes**

4. **SD # 1671 (Variance Requested)**  
**Applicant: Bais Yaakov High School of Lakewood**  
**Location: James Street, west of Hearth Court**  
**Block 321 Lot 1**  
**Block 339 Lot 1**  
**Block 340 Lot 1**  
**Block 341 Lot 1**  
**Preliminary & Final Major Subdivision-23residential lots, 1 stormwater/open space lot**

**Motion was made by Mr. Fink, seconded by Mr. Schmuckler, to approve**

**ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; abstain, Mr. Banas; abstain, Mr. Schmuckler; yes, Mr. Percal; yes**

## **5. NEW BUSINESS**

1. **SP # 1778A (Variance Requested)**  
**Applicant: Woodhaven Lumber**  
**Location: James Street, west of Sunset Road**  
**Block 345 Lot 11**  
**Preliminary & Final Site Plan for proposed service garage**

**Mr. Kielt said there are some members present that are not eligible to vote because this is a continuation. Mrs. Koutsouris and Mr. Percal are not eligible to vote. Mr. Akerman arrived at the meeting**

**Mr. Vogt prepared a letter dated June 10, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval to construct an 8,100 SF service garage at the above-referenced location. The existing tract covers 34.6 acres, containing an existing 10,083**

SF one story masonry office building with seventy-six (76) delineated spaces attached, a one story masonry garage of 2,417 SF, a one story masonry warehouse of 173,919 SF, and a one story masonry garage of 9,596 SF. The tract also includes undesignated gravel parking areas throughout, an aboveground fuel tank, several stockpiles of building materials, and a side track for delivery of building materials by rail. The property is located in the western portion of the Township bordered by James Street to the north, and the New Jersey Southern Branch Main Line to the south. The area directly across James Street to the north is a residential zone, containing primarily residential uses. The uses to the east, south, and west of the site are industrial uses and/or zoned industrial. *As illustrated on the revised plans and as referenced in the attorney's cover letter, a number of design revisions were made to accommodate concerns raised by the Board members and general public at the May 5, 2009 hearing, including but not limited to the following revisions: The proposed 8,100 square foot garage building location has been shifted from the northeast corner of the property, set back 138 feet from the James Street right-of-way, towards the western portion of the property, in front of the existing warehouse. The proposed location is now set back approximately 289 feet from the James Street right-of-way, near the intersection with Hearth Court, and west of the existing showroom and administrative building. An additional fifty-six (56) paved parking spaces are proposed between the proposed garage and the existing warehouse parking. This paved area was formerly a gravel overflow parking area for the existing facility. An additional forty-one (41) paved parking spaces will be created by re-striping paving in front of the warehouse building (i.e., where warehouse bay doors are not used as part of the operations). Vinyl slats are proposed within the existing chain link fence from the Level Lane area along the James Street frontage, to the property's easterly property line. These slats are intended to provide additional visual buffer along the eastern portion of the property frontage. As a result of these revisions, the applicant is requesting that the Board reconsider the previously recommended hours of operation for the garage as discussed at the May 5, 2009 public hearing.* The applicant has previously sought and received several completeness waivers at the Plan Review Meeting of February 3, 2009. We have the following comments and recommendations per review of the revised design, and comments from the February 3, March 3, 2009 Plan Review Meetings and the May 5, 2009 Public Meeting: Zoning-The site is situated within the M-1, Industrial Zone. The existing uses (lumber yard, office building, and garages) and the proposed garage are all permitted uses within the M-1 Zone. *Fact.* Per review of the site plans and application, the applicant has requested a variance for parking, providing seventy-six (76) parking spaces where the ordinance calls for one hundred thirty (130) spaces. The calculation of one hundred thirty (130) spaces is based upon the calculation of one space per employee (110 employees) plus twenty (20) spaces for executives listed for industrial buildings greater than 50,000 square feet. Our office notes that Section 18-903 M. 6. g., calls for the number of spaces to be as calculated or one space per 400 square feet of floor area, whichever is greater. One space per 400 square feet with the total area of 204,115 SF yields a parking requirement of 511 spaces. We recognize that the bulk of the parking area is undesignated gravel that currently exists and per submitted documents provides sufficient parking in the existing condition. The applicant's professionals shall provide testimony addressing the positive and negative criteria of the requested variance. *The parking calculations have been revised to provide for the existing conditions and an existing non-conformity has been noted. As noted above, the most recent design revisions would result in an additional 56 spaces for the proposed garage, as well as an additional Forty-one (41) paved spaces in front of the existing warehouse building.* According to Section 18-903 M. 6. c., the required minimum front yard setback is 50 or 100 feet. The existing condition for the frontage along Evelyn Avenue is 40.9 feet. This is a pre-existing non-conformity. *Fact.* *As discussed at the May 5, 2009 hearing, a zoning determination is necessary that the proposed garage would be allowed to service fleet vehicles from other company facility locations.* Review Comments-Site Plan/Circulation/Parking- No handicapped spaces are depicted on the plans. The applicant

should address ADA barrier-free requirements for handicapped parking, including van accessible parking, or seek the appropriate waiver. Details should be added to the plans as necessary. *Two (2) handicap spaces are proposed for the revised garage locations. Testimony should be provided as to whether one or both spaces will be van accessible.* No trash or refuse enclosures are depicted on the plans for the existing buildings or the proposed building. Testimony must be provided as to existing and proposed refuse handling and disposal, and appropriate details added to the plans. *A proposed 10' x 10' dumpster area has been depicted at the southwest corner of the proposed garage. Dimensioning and details shall be provided as well as testimony concerning the adequacy of existing and proposed refuse handling.* The applicant shall provide testimony as to whether the proposed garage area is meant to be accessed by the public, such as outside contractors. *The proposed garage will be restricted to service the Woodhaven Lumber Fleet, which includes trucks, service vehicles, and cars. At the current time, the fleet is approximately one hundred twenty (120) vehicles.* Truck circulation has been demonstrated in the area of the proposed project. However, we recommend that testimony be provided in regards to pedestrian circulation to and from the portion of the site being redeveloped. The Board may wish to require warning signage be installed to mitigate hazards where trucks and pedestrians will both be traveling throughout the site. *Due to the relocation of the garage and the proximity to paved parking spaces, our concerns with pedestrian access around the garage have been addressed. In addition, a revised vehicle circulation plan (Sheet 7 of 8) has been provided for the new garage location, based on a WB-65 vehicle, and appears satisfactory. A new revisions date (May, 2009) should be added to the plan to document the design revision.* We defer to the Fire Official in regards to the adequacy of emergency access and fire suppression capability. Testimony should be provided as to whether the proposed garage is to be equipped with sprinklers or not. *The proposed garage facility will not have a fire suppression system unless required by code. Fire extinguishers will be provided within the building.* The applicant shall provide testimony in regards to the proposed garage compared to the two other garage structures existing on the site, such as what tasks are performed at the existing garages compared to what tasks will be performed at the proposed garage. *Per previous information, it is our understanding that the proposed garage's use will be restricted to service Woodhaven Fleet Vehicles. The other existing garages structures on-site are currently used to store forklifts for protection and material such as sheet rock, which should not be exposed to the elements.* The applicant shall provide testimony as to the proposed washing equipment or activities to be performed in the proposed new garage, in regards to potential environmental concerns posed by the used wash water. *Vehicles will be washed within the limits of the Woodhaven Service Garage. Runoff from the wash will be collected via a floor drain and will be conveyed to a reclaim tank system. Each reclaim tank is provided with an oil/water separator and the last unit will serve as a reclaim unit as up to ninety-five percent (95%) of the water in the wash facility is reused. The five percent (5%) of water that is not reclaimed will be discharge to the sanitary sewer. Review of the recovery system detail reveals the outlet does not match the sanitary sewer lateral size.* The applicant shall provide testimony as to the storage, handling and disposal of any potential hazardous materials associated with the maintenance activities proposed for the garage, such as handling and disposal of used oil. *The applicant will be providing an above ground storage tank within the garage to handle the disposal of the oil. This tank will be a five hundred (500) gallon double walled system that meets NJDEP requirements. The waste oil will be removed by "Tonks" waste oil service out of Toms River.* Architectural-Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. *An HVAC pad has been shown at the southwest corner of the building. Arborvitaes have been provided to screen the HVAC unit.* Grading-The proposed grading appears sufficient to accomplish positive drainage of the site. *Fact.- Stormwater Management-The submitted drainage statement notes that, according to the NJDEP Frequently Asked Questions website, the existing gravel area can*

be recognized by NJDEP as impervious surface if it can be demonstrated that it behaves as such. Due to the storage of bulk materials and truck traffic, the gravel surface is compacted and behaves as an impervious surface, to the point that the applicant was forced to install storm inlets and piping to convey stormwater from the site because it was not infiltrating through the gravel layer. Since the applicant considers the existing gravel to be impervious, the proposed garage will not increase impervious coverage and the disturbance is less than one (1) acre. Therefore the applicant contends that the project is not subject to water quality, groundwater recharge, or runoff reduction requirements listed in NJAC 7:8. Our office has no objection to this conclusion. *Fact. However, the summary report should be revised to reflect the revised design conditions, including additional paving as now proposed.* The applicant shall provide testimony as to locations of roof drains on the proposed garage building and include them on the architectural. Splash blocks or similar structures should be added or specified. *The roof leader locations and splash block details have been shown on the site plan drawings.*

Landscaping- No landscaping buffer screening is provided at the east property line, where the UDO calls for a twenty-five foot buffer from the property line to the proposed use. Our offices notes that the circulation plan depicts a truck passing through portions of the marked landscaping buffer, so plantings are not proposed. A waiver is required. *The applicant is requesting a waiver from providing landscaping at the easterly property line to the adjacent site which is zoned M-1 (Industrial).* The overall landscape design is subject to review and approval by the Board. *Fact.* The applicant has proposed to supply eleven (11) Douglas fir trees to replace trees that will be removed in the course of installing the proposed underground utility connections out to James Street. *Fact. We recommend that Landscaping and buffering shall be provided to the satisfaction of the Board, accounting form previously-cited public concerns.*

Lighting-No lighting data for the existing or proposed condition has been provided. Details should be added to the plans depicting existing and proposed lighting, lighting levels, and hours of operation and methods of control of the lights. *Details have been provided of the proposed lighting on the proposed garage facility. As indicated on the revised plans, mounted lighting is proposed on the east and west sides of the building. Per previous testimony, the lights will be restricted to the hours of operation. Testimony should be provided from the applicant's professionals as to whether lighting is necessary for the new parking spaces proposed near the garage.*

Utilities- Projected sewer flow calculations must be provided, and availability of sufficient capacity confirmed. *The sanitary sewer flow calculations have been provided on the Grading, Drainage & Utility Plan and are minimal.* The proposed sanitary sewer connection is not depicted according to the utility legend supplied on the plans. A number of the depicted utilities on Sheet #5 do not match the utility legend. The plans must be revised to clarify the existing and proposed utilities. *The proposed sanitary sewer connection has been revised in accordance with the utility legend. Additionally, all the utilities have been labeled correctly. Buffer landscaping is provided along the proposed utility trench from the garage building to James Street, including Blue Spruces near the property frontage to provide buffer for the proposed utility installation clearing. Testimony should be provided form the applicant's professionals whether this landscaping would interfere with future maintenance of these utilities.*

Signage-No signage information is provided. A full signage package for free-standing and building-mounted signs both existing and proposed must be provided for review and approval as part of the site plan application. *No new signage is proposed for this application and the applicant requests a waiver from providing any existing signage information. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Fact.*

Environmental-Site Description-Per review of the site plans, aerial photography and a site inspection of the property, the site and surrounding areas are predominantly developed with the exception of wooded portions in the northwestern corner of the property, as well as wooded buffer areas along the northern and southern property lines. *Fact.*

Environmental Impact Statement-An Environmental Impact Statement (EIS) has

been submitted for review. The EIS is generally well-prepared. No significant environmental impacts are anticipated from the proposed development. *Fact.* Phase I/AOC's- If existing, a Phase I study should be provided to address potential areas of environmental concern (AOC's), if any within the site. At a minimum, we recommend that all existing debris and construction materials from redevelopment activities be removed and/or remediated in accordance with State and local standards. *The applicant has requested a waiver from providing a Phase I Study.* Construction Details-Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. *Fact. Site Housekeeping-Public concerns regarding general housekeeping issues (e.g., dust, debris, buffer, etc) expressed at the May 5, 2009 public hearing should be addressed to the Board's satisfaction as a condition of approval (if granted).* Outside Agency Approvals-Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer service (NJAWC); Ocean County Soil Conservation District; and All other required outside agency approvals. *Ocean County Planning Board Approval and Ocean County Soil Conservation District Certification were granted on 2/4/09. Evidence of submission to NJAWC is required. Subject to approval by the Board, a resolution compliance submission should be provided, including a point-by-point summary letter of revisions.*

Mr. Neiman said where the left off last time, the applicant was asked to relocate the garage to another location on the site; there were also issues with trees etc.

Philip San Filippo Esq. appeared on behalf of the applicant. He said one of the items they concluded with was whether or not this was a permitted use in the zone and they were referred to the zoning officer. Mrs. Siegel has offered a letter dated June 23, 2009 stating it is a permitted use in conjunction with principal use.

Mr. Palus previously testified and was sworn in again. He described the exhibit marked A-4 which is a site plan rendering, dated June 2, 2009 and exhibit A-5 is the overall site plan rendering also dated June 2, 2009. The primary change in the application is the location of the service garage (exhibit A-5). Previously the garage was proposed at the northeast corner of the property and it has been relocated to the western portion of the property, just north of the warehouse but southwest of the office building. The building will now be located 289 ft. from James Street, where previously it was 138 ft. so it is further back from James Street to the south and the buffer is 178 ft. where the ordinance requires only 50 ft. There will be 2 handicap spaces and they are providing 56 spaces in the existing gravel area, just north of the warehouse building area and they will be for overflow parking and they are also providing 41 spaces along the north side of the warehouse facility where garage doors are no longer being used. Mr. Palus said they are also removing the mesh that was over the fence located along James Street and will be replaced with privacy slats along the entire frontage. They are going to maintain the current hours of operation and for a buffer (exhibit A4) they are going to extend a 20 ft. wide cut through the wooded area to provide for utilities and they will replace that with a total of 16 pine trees and 8 vibernum and they will put in a double staggered row at the entrance and also extend it along James Street from Hearth Court east which will help provide additional buffering for the parking that is located on the south side of the office facility.

Mr. San Filippo said of the 56 new parking spaces they all will be paved and the 41 will also be paved; so as a result there will now be 173 spaces available. Mr. San Filippo said the board asked them to achieve 130 paved spaces. Mr. San Filippo said the variance that they had sought for parking has been eliminated.

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**TOWNSHIP OF LAKEWOOD  
REGULAR**

Mr. Fink thought they did a great job. Mr. Neiman asked Mr. Vogt what the variance is as shown on the agenda and Mr. Vogt said that is a carry over from the original application and he is not aware of any other variances. Mr. Neiman said at the last meeting there were objectors and he does not see any here today and asked if it was properly noticed. Mr. Jackson said the applicant stood up ready to do their case and there was an issue of a quorum and the applicant agreed to come back and it was announced. Mr. San Filippo said they had noticed for the June 16<sup>th</sup> meeting and there was a question as to a quorum so they were carried to tonight and it was announced.

Mr. Banas asked if there is any need to re stripe the parking designation in the area of the warehouse, and Mr. Palus said they are proposing to stripe there because there is no delineation and since the loading doors are no longer being used, they plan on striping out that area.

Mr. Vogt had a comment from page 8 of his letter, under utilities, with the issue of the trench going out to the road and landscaping to the front and he asked if that is going to be an issue with maintenance of the lines and Mr. Palus said he did not think so, but if they have to remove a tree if there is an immediate issue along the front they would replace it.

Mr. Neiman opened the microphone to the public

Mr. Bill Hobday, 30 Schoolhouse Lane, Lakewood was sworn in. He said seeing the revisions that have been made, this is not only a very astute business person, but a wonderful neighbor and he commend them on their revised plans and they are indeed an asset to Lakewood.

Mr. Neiman agreed.

Seeing no one else, this portion was closed to the public

Mr. Akerman asked if the hours of operation was going to be extended and Mr. Neiman said they testified they will keep the same hours they have now- Monday – Friday 7am to 5pm and Saturday 7am to 1pm and no hours of operation on Sunday.

Motion was made by Mr. Akerman, seconded by Mr. Fink, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes

2. SD # 1509B (Variance Requested)  
Applicant: Majestic Contracting  
Location: Massachusetts Avenue, south of Prospect Street  
Block 445 Lot 18  
Preliminary & Final Subdivision & Site Plan for 17 two family townhouses

Mr. Sal Alfieri said Mr. Carpenter was supposed to be here in his place because he has to leave by 7:30. He said they can begin the application and when Mr. Carpenter arrives, he can continue and Mr. Alfieri leaves. Mr. Jackson said Mr. Gasiorowski knew Mr. Alfieri was leaving, and based on that Mr. Gasiorowski did not call his planner and Mr. Gasiorowski had accepted a

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commitment to appear at another matter tonight and just left. What Mr. Gasiorowski arranged with Mr. Alfieri was that the applicant would put on his case and then on a different day, or when it was adjourned to and Mr. Gasiorowski would have the opportunity to cross examine the applicant's witnesses and put on his own case.

Mr. Neiman said he would rather either try to hear the whole case tonight or not hear any of the case. He would rather not split it up because he finds things get lost in the shuffle and board members might be here or not be here and there is a quorum issue.

Mr. Jackson said his recommendation would be that since that arrangement was made and council is not here, that you put it on for another day and give deference to the case to get it heard that night. Mr. Alfieri said that discussion did take place; however his client wanted to proceed and pleaded tonight and that is when he consulted with Mr. Shea and he agreed to cover this meeting (at 4:00 today) but Mr. Gasiorowski had already made plans.

Mr. Neiman asked Mr. Kielt when the next date would be and Mr. Kielt said August 18<sup>th</sup> but they have approximately 7 or 8 items on there already. Mr. Neiman asked if they could hear it on the next tech meeting and Mr. Kielt said he received a call from T&M as well as Mr. Edwards, the manager, and it was expressed to him that they have to be on August 4<sup>th</sup> with the fair share plan for the Master Plan, and that will be about an hour, so with the tech items, there is no way he can add more items.

Mr. Alfieri said, for the record, his client/former client said he wants to be heard tonight, but Mr. Shea is not here to move forward. Mr. Neiman said he does not think they should start and stop in the middle so he said they would have to wait to the next meeting. Mr. Fink agreed and made a motion to move this to August 18, 2009

Mr. Schmuckler asked if there was a time constraint and Mr. Kielt said he could check into that but thought the applicant would grant an extension if it is needed, if he doesn't Mr. Kielt will check the date and it could be denied without prejudice and the applicant's attorney should persuade the applicant to give an extension. Mr. Alfieri said technically he does not think he is the attorney for the applicant and does not think he has the authority to do that. Mr. Schmuckler said because of the septic issue, they have applicants that want to be heard that night.

Mr. Banas said he would like to work on an application from beginning to end and they should not be held.

Mr. Percal seconded the motion to carry to August 18, 2009. Mr. Alfieri said he doesn't have the authority to grant an extension and his former client said he does not have that authority and to wait to Mr. Shea, but since they already made the motion, he just doesn't want it to come back to him that he made any representation.

Mr. Banas said Mr. Kielt offered a very quick resolution to that problem and Mr. Kielt said he would run upstairs to check because he is not granting an extension and if they need one, they deny it without prejudice. There was a 2 minute recess and Mr. Kielt returned and said they have until September 8, 2009 to hear the application.

**ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes**



3. **SP # 1851A (Variance Requested)**  
**Applicant: Condor Jackson LLC**  
**Location: 450 W. Kennedy Boulevard-corner of Kennedy Blvd. & Forest Ave.**  
**Block 57 Lot 1**  
**Amended Site Plan for proposed office and medical office**

Mr. Vogt prepared a letter dated May 27, 2009 and is entered in its entirety. The applicant is seeking Amended Preliminary and Final Site Plan and Variance approval in order to construct a two-story, 6,300-square foot office building with parking areas on a 13,880-square foot property along Kennedy Boulevard West at the intersection of Forest Avenue. There is an existing one-story residential multi-family dwelling on the lot which will be removed as part of this plan. The proposed building will include medical office use on the first floor and general (non-medical) office space on the second floor with an unfinished basement. The applicant has proposed a total of twenty-one (21) parking spaces for the proposed office use. The tract is located in the northern portion of the Township on the south side of Kennedy Boulevard West at the southeast intersection with Forest Avenue. A vacant lot borders the site to the east. A commercial use borders the property to the south. A large shopping center is located on the north side of Kennedy Boulevard West. The subject site is located within a developed area with residential and commercial uses. There is existing curbing along the property frontages. Sidewalk exists along the Kennedy Boulevard West frontage. The applicant has proposed sidewalk along the Forest Avenue frontage with a small sidewalk easement near the intersection. Sight right easement dedications to Ocean County also have been proposed since Kennedy Boulevard West is a County Road. The parcel is located in the OT Office Transitional Zone District. Professional offices including medical office uses are permitted in the OT Zone. A bulk variance and a design waiver are required. Waivers- The following waivers have been requested from the Land Development Checklist: B2 --Topography within 200 feet thereof. B4 --Contours of the area within 200 feet of the site boundaries. C13 -- Environmental Impact Statement. The indicated reason for waiver requests on B2 and B4 is that access to neighboring properties has been denied. A waiver has been requested for an EIS because of the developed nature of the site. *Per Section 18-820 of the UDO, an EIS is only required for major site plans including 5,000 square feet or more of commercial space, and may not be necessary.* In any event, we support the waiver requests. Zoning- the site is situated within the OT, Office Transitional Zone. Professional offices, including medical offices are permitted uses in this zone. A variance is being requested for the number of parking spaces. The application and plans indicate that twenty-five (25) parking spaces are required, and twenty-one (21) parking spaces are proposed. Testimony should be provided as to how the number of required parking spaces has been calculated. A waiver is being requested from Ordinance Section 18-803 E.2.a., which states: "Except as otherwise stated in this chapter, non-residential development shall provide a minimum twenty-five foot (25') wide buffer area as measured from the property line toward the proposed use." Corrections are required to the schedule of bulk requirements in order to match the amended site plan layout. The applicant must address the positive and negative criteria in support of the requested variances. Review Comments- Site Plan/Circulation/Parking- Additional dimensions are required on the site plan for the various site improvements. A seventeen (17) space proposed parking area will access Kennedy Boulevard West. A four (4) space proposed employee parking area will access Forest Avenue. The circulation for the designated employee parking area shall be addressed. Curb exists along the entire frontage of the property. Sidewalk exists along the Kennedy Boulevard West frontage. The applicant has proposed sidewalk along the Forest Avenue frontage with a small sidewalk easement near the intersection. Sight right easement dedications to Ocean County have been proposed since Kennedy Boulevard West is a County Road. A table for the sight right easement descriptions

need to be completed on the site plan. Some of the General Notes require corrections, such as the medical office use, soil removal, and plastic piping. Building access points need to be shown and coordinated with the architectural plans. Handicap parking shall be properly placed for accessibility to the building. Columns for the 2<sup>nd</sup> floor building overhang are shown in the parking lot. The column locations are situated in dead zones between the parking spaces. However, the locations are not consistent with the architectural plans and will conflict with pedestrian access to vehicles. Architectural- An architectural plan was submitted for review. The floor plans at the building access points do not match the site plan. Minimum yard setback variances may be required. Testimony shall be provided. The plans indicate a building height of 34'-9". This complies with the allowable height of thirty-five feet (35'). Information should be provided for utility connections. Location of air conditioning equipment should be shown. Said equipment should be adequately screened. Grading- Revisions to the grading plan are required to show all the proposed floor elevations and square footages. The elevation of the basement shall be at a minimum of two feet (2') above the seasonal high groundwater table. Seasonal high groundwater table information must be provided. The architectural plan indicates three (3) exterior stairs and a ramp associated with the building, yet the site plan and grading plan show none of this information. Clarification is required. Additional proposed grades are required for review of the grading plan. Stormwater Management- the Stormwater Management Report provided is dated February 20, 2006. It is our belief that the previous approval was granted based on this report and was prior to the Township adoption of its stormwater ordinance (modeled after NJAC 7:8). Confirming testimony should be provided by the applicant's engineer. Per our review of the proposed improvements as described in the report, less than 0.25 acres of additional impervious coverage is proposed, exempting the project from being "major development" as defined in the Township Code and in the NJ Stormwater rule. Information regarding the proposed roof leaders and their discharge(s) into the stormwater collection system must be provided. The plan and profile of the proposed storm drain system do not correspond. Landscaping- The applicant has provided a landscape plan as part of this submission. Landscaping has been proposed to screen the southern side of the site. A board on board fence is proposed along the east side of the property. The overall landscape design is subject to review and approval by the Board. Landscape details are missing from the plan set. The applicant has not provided a six (6) foot shade tree and utility easement for the proposed project. Should the Board require any easements, the applicant must show the easements and should provide legal descriptions and easement language for review. The easements shall be filed as a condition of approval. Lighting- Site lighting is being provided by three (3) proposed fixtures. Site lighting should be configured to minimize any impact on adjoining sites. Lighting details are missing from the plan set. Therefore, evaluation of the lighting plan cannot be made. Utilities- Public water and sewer services will be provided by New Jersey American Water Company. New services connecting from Forest Avenue are proposed for the site. A separate fire service line is being proposed for the building. The notes provided on the utility plan are too general and not site specific. The notes must be revised. Signage- No signage information is provided other than traffic signage. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Environmental-Site Description- per review of the site plans, aerial photography and a site inspection of the property, the site is developed. Per our 5/19/09 inspection of the site, the lot contains an existing one-story residential multi-family dwelling. The dwelling fronts Kennedy Boulevard West and has driveway access to Kennedy Boulevard West. Environmental Impact Statement- The applicant has requested a waiver from submission of an Environmental Impact Statement; contingent upon comments (if any) received from the Environmental and Shade Tree Commissions. To assess the site for environmental concerns,

our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated Sites (including deed notices of contaminated areas); Threatened and endangered species habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland areas. Per NJDEP mapping, there were no environmental issues found to be associated with this developed property. Tree Management Plan- The Existing Conditions Plan only notes a Norway maple and a couple of White Oaks as significant. The applicant must also comply with the requirements for tree protection and removal as applicable on the site. Construction Details- Construction details are provided on Sheet 7 of the plans. Details include both county and site improvements. All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. Additional information is required for the trash enclosure detail. No footings are shown for the posts. The concrete slab has no reinforcement. No information is provided for the closing mechanisms on the wood gates. The Stop Sign detail should be revised to include the reflective strip that should be installed the length of the post. The Roof Leader detail with the use of splash blocks does not correlate to this site plan. A Van Accessible Sign Detail must be added. A Depressed Curb Detail must be added. A Trench Repair Detail must be added. A Bollard Detail must be added. The plans shall be amended to include handicapped ramp details from sheet 37 of the 2001 NJDOT Standard Details to account for the multiple types of ramps on the project with truncated domes. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Water and sewer utilities, prior to occupancy permits; and all other required outside agency approvals. A meeting between the professionals is recommended prior to providing a revised submission addressing the above-referenced comments.

Mr. Samuel Brown Esq. appeared on behalf of the applicant. He said this application has been previously been approved and they are requesting to expand the uses to get the units rented. The variance requested is one additional variance to anything that had been discussed previously- the issue of parking. The tenant currently being courted for the second floor is a tenant that does not have pedestrian traffic or a high in and out use; it is simply a office situation where most of the people who are there walk or drive, but they stay for the day. The first floor where they are asking for this variance will probably have a local practitioner who sees 1 or 2 patients at a time, not a large office. Mr. Brown said there are some neighbors who have agreed to allow for overflow parking if such an event occurs and will testify.

Mr. Flannery is the engineer for the applicant and said the architectural plans will be revised to match the site plan. The original approval was done 12-18 months ago as strictly general office with a parking ratio 1-300 and the site plan they are proposing is exactly what was approved but the difference is they are asking for medical office on the first floor which requires 4 spaces more than they have and the other variances were all granted with the original application; all they are asking for is to allow them to use the first floor as a medical office. Mr. Flannery said due to the nature of the practitioner that they will get, this is more of a neighborhood practice so it is not as busy as other ones and their testimony is that for this type of use and the type of practitioner they are seeking, coupled with the use of the office upstairs which does not require

the parking that can be required by that general office type of use. Mr. Flannery said the safeguard is a neighbor who has spaces available for his use.

Mr. Flannery said they would comply with the recommendations and the difference is the original application was reviewed by a different engineer and Mr. Vogt looked at it in a new sense. The one item that Mr. Flannery wanted to clear up is there was a note on the plan that said no dental offices on site and the meaning of that is they are not allowed and they are asking for dental offices as part of that medical use and it would be a local practitioner as previously discussed. Mr. Jackson asked if they were at liberty to say what doctor it is because a pediatrician has different needs than an orthopedic and the board should know what type of practice and maybe the approval could be tied into that specific type. Mr. Brown said they have spoken to several local practitioners and the nature of the practice is a neighborhood type of practitioner; it is not going to attract the type of practitioner who has major flow through traffic as you would have closer to the hospital. This is the OT zone where most of the practitioners are local doctors with maybe 1 or 2 people in the waiting room.

Mr. Percal asked what kind of lease are they going to give-how long? Mr. Brown said as long as they can possibly negotiate it and Mr. Percal said if they negotiate a 2 year lease and then someone else comes in they will be facing a problem with parking. Mr. Brown said the type of practitioner that would be interested in this location is not a high volume big practice type of practitioner; they are not attracted to this type of site where all they have is 2,000 sf of space, so the nature of the practice will always be the type of practitioner which requires a lesser impact in terms of parking and surrounding area.

Mr. Fink said all they are trying to find out is what kind of practitioner they are putting in there. Mr. Brown said one is a dental practitioner with perhaps 2 chairs and one is a physician specialist who sees one patient at a time; both are not high volume. Mr. Fink asked what type of office will be upstairs and Mr. Brown said it will be an office that does back office support for a large business- and that is a long term arrangement. Mr. Jackson asked how many suites would it allow for on the architectural and Mr. Brown said the architectural do not have specific details for a medical practice; it is currently broken up into 3 suites (downstairs).

Mr. Neiman asked how many parking spots is he off with the medical and business and Mr. Vogt said 4 total according to the plan ratio.

Mr. Banas said the idea of a request of this nature is absurd and he is surprised that Mr. Brown would ask for something so far out of line. Mr. Flannery uses the word diminimus and this doesn't even come close to diminimous and asked where in the ordinance does it identify what kind of doctors should be privy to lesser parking spaces than other doctors-he has not found anything of that nature.

Mr. Flannery said they are acknowledging that this is for a medical office and they are here asking for a variance because of the parking. They are asking for a variance for 4 spaces less than the ordinance stipulates and the ordinance stipulates the number of spaces that are needed based on what they think for that type of use and the applicant is saying for this type of use is a little different due to the nature of the area and they will not be able to rent the space to any tenants if there is not enough parking. Mr. Flannery said it is his professional testimony that this is sufficient parking and the board has to make the determination whether the benefits outweigh the detriments. Mr. Banas said if the board grants a variance for this purpose- to be a medical facility, 2 years the road that property is sold and new tenants enter, once that facility is there and they do not have the proper parking for it, can the board do anything about and Mr.

Flannery said no. The Planning Board's job is to listen to the testimony and decide if they make their case. Mr. Flannery said if they approve a general office, there are a lot of general office uses that use more than 1 space per 300 so if some tenant is foolish enough to rent this space out for general office and he generated more parking than that there would be more parking spaces need than what were provided and it would be the same situation. Mr. Banas said in the past they have asked that the individual who grants parking spaces in a neighboring area sign a lease for the parking space to be used as long as that building exists and asked if the individuals who are granting the 4 spaces willing to do this and Mr. Brown said he has not discussed the form of lease because they are tenants themselves. Mr. Brown said Mr. Flannery's testimony is that they will present sufficient testimony to the board that will satisfy the positive criteria and outweighing the negative and the issue of helping the board make the determination is by explaining whether or not this is a high volume practice, low volume practice, etc. and that is to help the board understand the dynamics so that they can be in a better position to make the determination based on his testimony.

Mr. Neiman asked if parking on Kennedy Boulevard permitted and Mr. Brown said across Forest Avenue it is but not directly in front of the building. Mr. Neiman asked if there was any way they can get a letter as part of the resolution that if there is a need for 4 parking spaces they can park in the neighboring business. Mr. Brown said he was hoping the neighbor would be here to testify.

Mr. Schmuckler said the first floor (looking at the architectural) is made up of 3 office suites and asked if what is on the architectural what is going to be and Mr. Brown said no-this is a conceptual plan but 900 ft. of the bottom floor supports the upstairs floor. According to the ordinance, they have to count the space as part of the use. Mr. Neiman said in that case, forget the letter he requested.

Mr. Neiman opened the microphone to the public

Mr. Bill Hobday, 30 Schoolhouse Lane, Lakewood was sworn in. He said in this case, the ordinance seems very well thought out and has been a long established ordinance and he thinks the applicant's reasoning for asking for a variance is very weak. There is no doctor's office that he can think of that doesn't need sufficient parking spaces except a witch doctor and not to insist on that affects everybody else; every other business, residence is in jeopardy because there is nowhere to park and he asks that the board reject this application.

Noreen Gill, 192 Coventry Square, Lakewood was sworn in. She said she knows the property very well and she recently (last Thursday) has a dental appointment and she was scheduled for a cleaning for 40 minutes and in the other chair was someone was having a tooth filled; they were scheduled. In the waiting room there were 4 people but each time a patient goes in the dentist has a chart and they allot a certain amount of time for the work. This was given approval that it was going to be an office and now they are coming back and saying no, someone would be crazy to just use this as an office and now they are asking for a dental. The board is approving one thing and then coming back a year later and saying this is fine, but we need to make a little more money and the economy is bad but this was given an approval and a year from now this could be sold and they can get this approval and turn around and sell this and what happens to the next buyer- there has to be protection.

Mr. Neiman said the way he understands it is the highest density for parking is a medical building so they are asking for a variance and if they turn around and sell it there is nothing

more- no more density than can be in this building than what is there now. It might not be the end of the world to have 4 deficient parking spaces.

Larry Simons, 7 Schoolhouse Court, Lakewood was sworn in. He said since the person has agreed to accept the overflow is not here, he asked if that person- and Mr. Neiman said he is not dealing with that person because he is a tenant. Mr. Simon said then the 4 spots do not exist and Mr. Neiman said exactly.

Mr. Brown said the next person is the person who is actually granting the permission for overflow parking.

Mr. Wilmer, a tenant at 1520 Madison Avenue, Lakewood was sworn in. He said he is a tenant at Century 21 which is a block away and he believes that medical office building would be beneficial to the area and if there is an overflow of parking and Mr. Neiman said as a tenant he cannot give permission.

Seeing no one else, this portion was closed to the public

Mr. Flannery said they are asking for a variance of 4 less parking spaces- a 20% reduction. The positive criteria is they develop that site and the parking spaces that they are looking for; the first floor requires 13.2 for medical and 1/3 of the first floor is to support the upper area which equates to 4 spaces, which is exactly what they are short which is why when they look at this as professionals, they say for the type of use and the type of building and what they are proposing, it is sufficient parking. The negative is since there is sufficient parking there is no negative and the doctor's office will be a benefit to the public.

Mr. Akerman said there was a doctors office across the street from there a couple of years ago and Mr. Akerman used to go there and said he did not think the doctor used more than 3 - 4 spaces.

Mr. Neiman re-opened the microphone to the public on the added testimony of Mr. Flannery

Noreen Gill asked if the owner of the building that the tenant testified on would be willing to give permission to use it. Mr. Neiman said they went away from that issue.

Seeing no one else, this portion was closed to the public

Motion was made by Mr. Akerman, seconded by Mr. Percal, to approve the application and grant the variance and agreeing to all the comments from the professional.

ROLL CALL: Mr. Herzi; abstain, Mr. Franklin; no, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; no, Mr. Schmuckler; yes, Mr. Percal; yes

4. SD # 1679 (Variance Requested)  
Applicant: Zebra Holdings  
Location: corner of Ridge Avenue and Brook Road  
Block 189 Lot 21  
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated July 16, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide existing Lot 21, Block 189, into two (2) residential lots.

An existing dwelling is currently situated on-site which will remain on proposed Lot 21.01 as a part of this project. A new single-family dwelling lot will be created for proposed Lot 21.02 under this application. Both lots have frontage along Ridge Avenue, with proposed Lot 21.01 having dual frontage. The proposed lots are situated within the R-12, Single Family Residential Zone. The surrounding land uses are predominantly residential. We have the following comments and recommendations per review of the revised submission and comments from our previous review letter dated June 18, 2009: Zoning- The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use in the zone. *Fact.* Per review of the Subdivision Map and the zone requirements, the following variances are required for proposed Lot 21.01: Front Yard setback (10.8 ft proposed, 30 ft required) – existing condition. *Fact.* Accessory Rear Yard setback (1.6 ft proposed, 10 ft required) – existing condition. *Fact.* Minimum Side Yard setback (8.58 ft proposed, 10 feet required) – new condition. *Fact.* Minimum Accessory Side Yard setback (3.78 ft proposed, 10 feet required) – new condition. *Fact.* It should be noted that the proposed side yard setback variances are from the existing dwelling and garage, and appear unavoidable without making proposed Lot 21.02 less than the 12,000 square foot area minimum. *Fact.* The applicant must address the positive and negative criteria in support of the requested variances. *Testimony must be provided at the public hearing.* Review Comments- The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. No specific parking data for the existing and proposed lots is provided. Therefore, the zoning table rounds up to three (3) off-street parking spaces being required for these lots. It appears the existing dwelling (proposed Lot 21.01) will use an existing garage and future parking made available through a proposed gravel driveway and turnaround. No parking information is provided for proposed Lot 21.02. Said information must be provided on the revised subdivision plan and testimony provided for the Board's consideration. *Testimony must be provided at the public hearing.* No footprint is provided for a proposed dwelling on new Lot 21.02. The zone requirement chart appears to indicate that the 25% building coverage limit allowed per R-12 zoning will not be exceeded. Confirming testimony is required. *Testimony must be provided at the public hearing.* Neither sidewalk nor curbing exist along the property's Ridge Street frontage, and none appears proposed per review of the plan. Sidewalk and curbing exist along the opposite side of Ridge Avenue, facing proposed Lot 21.01. The Board should consider whether new curb and/or sidewalk are necessary for this project. *Sidewalk is now proposed as depicted on Sheet 2.* Per review of the existing subdivision plan, a potable well exists on proposed Lot 21.01, where the existing home is located. An existing septic system is shown on proposed Lot 21.02. Notes on the plan indicate that new Lot 21.02 will be served by public water, and an individual septic system. Clarifying testimony should be provided by the applicant's professional, and testimony given regarding how each lots is or will be served for water and sewerage (i.e. whether the existing well serves the existing dwelling on Lot 21.01, and whether the existing septic system on Lot 21.02 will serve one of the proposed lots). Ocean County Health approval is necessary. *Sheet 2 of 2 indicates that the existing septic system located within Lot 21.02 will be removed, and a new system installed for the home on Lot 21.01.* Grading information should be provided for the proposed apron and gravel driveway to serve the existing home on proposed Lot 21.01, in addition to any other improvements deemed necessary by the Board. *The requested grading information for the apron and driveway are shown on Sheet 2.* The subdivision plan should be revised to indicate that the "Remains of Concrete Pond and Wall" will be removed as a condition of developing proposed Lot 21.02. *A note #6 has been added to Sheet 1, as well as a plan note on Sheet 2.* Proposed construction details must be modified to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). *Details have been provided on Sheet 2, and are satisfactory.* A radial right-of-way dedication should be given from the proposed corner lot since the intersecting streets already encroach on the property. *The dedication is illustrated on revised Sheet 1.* Since

the minimum combined side yard setback is 25 feet, we recommend the proposed westerly side yard setback line on new Lot 21.02 be increased to 15 feet. *Revised Sheet 1 includes this change.* The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. *Fact.* No shade trees are proposed within a 6 foot shade tree/utility easement on the subdivision plan. These items should be provided (unless waived by the Board). *Shadbush trees are proposed along the property frontage as illustrated on Sheet 2. The proposed tree type should be reviewed and approved by the Board and the Shade Tree Commission.* Descriptions shall be provided for the proposed shade tree/utility and sight triangle easements. *This item remains outstanding.* Compliance with the Map Filing Law is required. *Fact.* Should approval be granted, the monuments shown to be set must be in place prior to signing the map for filing with the County. *Fact.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Board of Health; Water and Sewer Approvals (prior to occupancy); Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals.

Mr. Abe Penzer Esq. appeared on behalf of the applicant. Mr. MacFarlane is the engineer for the applicant. Mr. MacFarlane said this is a minor subdivision to create 2 conforming lots. It is located at the intersection of Ridge Avenue and E. 7<sup>th</sup> St. and one lot will be 14,000+ sf and the other lot will be 12,000+ sf. There is one existing home that will remain on new lot 21.01 and a new home will be constructed on new lot 21.02. The existing septic system is currently located on new lot 21.02 which will be relocated to the northwest corner of new lot 21.01. The existing home will be accessed by a driveway from Ridge Avenue and the other home will be accessed from the other portion of Ridge Avenue. The creation of 2 conforming building lots result in 2 diminimus variances; one is a side yard setback for the existing home- they are proposing 8.58ft but they have increased the sideyard setback on new lot 2.02 so that the combined sideyard setback will be 23 ½ ft.

Mr. Penzer said they have complied with all the conditions including sidewalks but the only item that is open is the description of the shade tree/utility easement and site triangle and they agree to give a description. Mr. Vogt said they need to address the parking and Mr. MacFarlane said adequate parking will be provided in accordance with RSIS by combination of driveway and garages. Mr. Vogt asked about the building coverage and Mr. MacFarlane said they will adhere to the 25% building coverage and will not be seeking a variance.

Mr. Schmuckler asked if they would be comfortable with a minimum of 4 off street parking spaces for each lot and Mr. MacFarlane he did not. Mr. Schmuckler said the site triangle on this corner needs to be clear and that makes the application because this is a terrible corner.

Mr. Neiman opened the microphone to the public

Noreen Gill, 192 Coventry Drive, Lakewood was sworn in. She said the septic system will be relocated and asked if that would be to lot 21.01 or 21.02 and Mr. MacFarlane said each lot will have its' own septic system and the current system is for the existing home which is located on what is going to be the new lot 21.02 so it will be abandoned and a new system constructed for that lot and one for the existing home. Mrs. Gill asked where the septic will be placed-front, side or back and Mr. MacFarlane said they have not made that determination and when they have a layout of the house they will prepare a plot plan with the location of the new septic system. Mrs. Gill asked what the distance is between 2 septic systems and Mr. MacFarlane said they can testify that they can design a system in accordance with existing regulations. The regulations do dictate separation between 2 houses, well, water supply and adjoining beds and it will have to be adhered to. They will also need county health approval.



Seeing no one else, this portion was closed to the public

Motion was made by Mr. Schmuckler, seconded by Mr. Herzl, to approve the application

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

5. SP # 1919 (Variance Requested)  
Applicant: Congregation J&M Inc.  
Location: Whispering Pines Lane  
Block 172 Lot 6.25  
Preliminary and Final Site Plan for proposed synagogue

Mr. Vogt prepared a letter dated July 16, 2009 and is entered in its entirety. The applicant is seeking Site Plan and variance approvals for Lot 6.25, Block 172. The applicant proposes to replace the existing three (3) story synagogue with a new, larger two (2) story synagogue containing a total of 11,586 SF of floor space including the basement at the above-referenced location. The property is an irregularly shaped lot located on a curved portion of Whispering Pines Lane containing 12,226 SF (0.28 acres) in area. The property is located east of Squankum Road abutting the New Jersey Southern Railroad main stem. The majority of the adjacent and surrounding property is developed and consists of residential uses. The adjoining lot to the north is a tot lot that contains an underground storm water detention system. The property to the west is a residential townhouse dwelling. The railroad property abuts the lot to the east and the property to the south is vacant. The property is located in the R-M Zone Multi-family Residential District. Places of worship are permitted uses. The following comments (*bold*) are in response to review of the revised submission per comments made in our original review letter dated 7/1/09: Variances The following variances have been requested: Chapter 902, Section H. 4.C (5).Offsite Parking – Fifty-three (53) spaces are required whereas thirteen (13) are provided. *The revised plans indicate fifty-three (53) spaces are required and thirteen (13) are provided. It is noted that a variance has been requested for maximum building coverage. The permitted coverage for houses of worship is thirty-five percent (35%). The table indicates a proposed building coverage of 31.3%, therefore a variance is not required and the permitted coverage in the table should be corrected. Furthermore, the required lot area and width should also be corrected to 10,000 SF and 75', respectively.* The following variances are required: Chapter 905, Section B.1 & 3 - Buffer to residential properties – 20 ft. is required, 3 ft. is provided. *The required variance must be added to the zoning schedule.* Chapter 905, Section B.2 - No parking area shall be located closer than 5 ft. to any side or rear property line. A Board-on-Board fence six (6) feet high plus shrubs – 4 ft. Arbor Vitae every 4 ft. unless a 20 ft. buffer is provided. The proposed parking is within 3 ft. of the property line and although a 6 ft. high fence has been provided, no shrubbery is included. *Eleven (11) Arbor Vitae have been proposed at ten foot (10') spacing. A 2.5' X 9' rectangular section of the proposed building extends into the rear yard setback. Therefore, a rear yard variance is required to permit a 12.5' setback where 15' is allowed.* Waivers The following waivers have been requested: B2 --Topography within 200 feet thereof. B4 --Contours of the area within 200 feet of the site boundaries. B10 – Man-made features within 200 feet thereof. The following additional waivers are required: C7 – Location and Description of monuments or markers C9 – Proposed or Existing Easements C14 – Tree Protection Management Plan C17 – Storm Water Management Calculations and report. We have no objection to the waivers as required. *The waivers must be acted upon by the Board.* Zoning

The site is situated within the R-M, Multi-Family Residential Zone. Per Section 18-902H.1.e, of the UDO, "Places of worship is a permitted use, subject to the provisions of Section 18-905. *Statement of fact.* According to Section 18-902 F.4.c.5 a side yard setback of twelve feet (12') with an aggregate of twenty-five feet (25') is required. The proposed side yard setback on the north side of the building (Lot 6.26) is 4.00'. The proposed side yard setback on the west side of the building (Lot 6.24) is 46.15'. Therefore, the proposed aggregate of the side yards is 50.15'. A variance is required for the minimum side yard abutting the tot lot and the bulk requirements corrected in the zoning schedule on the plans should be corrected. *The requested proposed side yard variance of four feet (4') has been indicated. The required side yard setback lines must be corrected to twelve feet (12') and thirteen feet (13'), respectively.* According to Section 18-905 B. 1 & 3. Perimeter Buffer: For properties adjacent to residential properties, if the site leaves a twenty (20) foot undisturbed area then there is no requirements for buffering. If the twenty (20) foot buffer is invaded or disturbed than requirements indicated in 18-905 B. 3 shall be put in place along the invaded area including a six ft. (6') high fence plus shrubs. A fence has been proposed, but no shrubs have been included. A variance will be required for the buffer requirements. *Eleven (11) Arbor Vitae are proposed around the proposed parking lot. Twenty-three (23) Norway spruce are proposed behind the proposed building.* According to Section 18-905 B. 2. No parking area shall be located closer than five (5) feet to any side property line adjacent to residential zoned properties. Board on board fence six (6) feet high plus shrubs with a four (4) foot arbor vitae every four (4) feet will be required to hide all parking adjacent to residential properties, unless there is a buffer of greater than twenty (20) feet in which case it shall not require screening. There is parking adjacent to Lot 12.01. The dimension to the sideline is not provided; however, the distance scales at three feet (3'). Fencing has been proposed, but no landscaping is included in this area. The applicant shall address these issues or request the appropriate variances. *Arbor Vitae have been proposed at ten foot (10') spacing.* According to Section 18-905 A. Parking Regulations: one space per 100 SF of sanctuary area is required for sanctuaries 800 to 1,999 SF, 1.25 for 2,000 to 2,999 SF and 1.5 for areas 3,000 SF or greater. The architectural plans indicate that there will be two sanctuary areas – one on the first floor of 2,164 SF and one on the second floor of 2,166 SF for a total of 4,330 SF. This would result in a requirement of fifty-three (53) parking spaces including 2 ADA compliant spaces. The applicant has proposed 13 spaces with 1 ADA compliant space. A variance is required. *Statements of fact.* Review Comments- Site Plan/Circulation/Parking - As described above, fifty-three (53) parking spaces including 2 ADA compliant spaces are required, whereas the applicant has proposed 13 spaces with 1 ADA compliant space. A variance is required. *Statements of fact.* Testimony should be provided to describe the means of access to service the trash receptacles since they are located behind the sidewalk with no access to the paved area. *The proposed trash enclosure has been relocated behind the curb at the end of the proposed parking lot where the last two (2) spaces are proposed. Testimony must still be provided to describe the means of access. One less proposed parking space with the trash enclosure at the end of the aisle should be considered.* Proposed ADA compliant spaces and aisles shall be dimensioned. *The proposed ADA compliant space and aisle has been properly dimensioned.* Curb stops are designated for three of the 9' x 18' parking spaces. Testimony should be provided regarding the rational for these curb stops since this would reduce the effective depth of the parking spaces. *The proposed curb stops have been eliminated.* Handicapped ramps and demarcations should be indicated at the intersection of the driveway and the adjoining walks. *Another handicapped ramp should be proposed for the proposed curb radius at the end of the proposed parking areas to provide a route that will not pass behind parked vehicles.* The extent of the concrete driveway and sidewalk should be depicted on the plan. It is recommended that since there is parking located along the road frontage that the area across the frontage adjacent to Whispering Pines Lane be constructed as a concrete driveway and sidewalk. *The applicant's engineer has indicated that he will provide testimony on this matter.* The applicant's engineer

should provide testimony as to whether or not the site is within a flood hazard area. *The FEMA flood hazard classification shall be added to the plans.* There are minor differences between the architectural plan and the site plan. These discrepancies should be reconciled. *Discrepancies still exist and setbacks could be violated.* Architectural- The proposed structure is a two (2) story building with a 3,894 SF basement that includes a 2,042 SF hall, and two Mikvas, a 3,894 SF first floor that includes a 2,164 SF main sanctuary and a 3,798 SF second floor that includes a 2,166 SF main sanctuary. *Statement of fact.* The plans indicate a roof height of 24 feet. However, there is an extension above the indicated roof. The architect should provide testimony regarding the additional building façade. *Testimony is required.* The elevations indicate a 7" step at the building entrance. This is not ADA compatible. The ADA access should be clearly delineated. *Proposed grades at the building access points should also be added.* The architect should provide testimony regarding ADA access to the basement and second floor areas. *Testimony is required.* The architect should provide testimony regarding the materials of construction and proposed colors. *A rendering is recommended.* The location of air conditioning equipment is not shown on either the architectural plan or the site plan. Testimony should be provided regarding the location of the equipment. *Revised architectural plans are required.* Grading- There is insufficient information to determine the relative grades between the proposed parking and the adjoining townhouse property. *Existing spot grades indicate a low point is being created along the property line. This matter must be addressed.* Additional grades should be provided along the common property line with Lot 6.26 to determine the affect of the proposed improvements. *The existing spot grades are insufficient to make any determination on the affect of proposed improvements.* There are minimal site grades provided. Based on the information provided, it appears that there is inadequate slope provided (0.10%) to insure proper drainage. It is recommended that the grading be modified to increase the slope to provide adequate slope for drainage. *The providing of additional existing and proposed spot grades, as well as existing and proposed contours will reinforce the design and review.* Due to the shallow slope along the property frontage at the street line, it is recommended that a concrete gutter be included to facilitate storm water conveyance. *The spot grades shown along the existing gutter line indicate that runoff will pond.* Stormwater Management- Storm water calculations were not provided. The applicant's engineer has indicated that there will be a minimal increase in impervious area and storm water quantity. Calculations should be provided to confirm this statement and to insure compliance with applicable storm water regulations and requirements. *Providing the calculations associated with the original subdivision project may suffice.* Drainage area maps should be provided indicating pre and post development areas. *The maps are required.* The applicant's engineer has indicated that the site drains to an existing underground recharge system that can handle the increased flow. Calculations and design plan information should be provided to confirm this position. *Once again, calculations associated with the original subdivision project may suffice.* The applicant's engineer has indicated that the storm water will be directed to an existing underground recharge system. No drainage facilities (inlets, piping, etc.) are shown on the plans. Information should be provided to demonstrate how the storm water will be conveyed to the recharge system. *This information is still required.* The elevations of the curb at the ADA compliant space indicate a 0.5 ft. (6") differential. The curb/sidewalk should be flush with the paving at the ADA access. *Additional proposed spot grades are required.* Landscaping and Lighting- Landscaping has been provided at the rear of the property along the rail road. Additional landscaping should be provided between the parking area and the adjoining properties. *Eleven (11) Arbor Vitae have been added between the parking area and the adjoining properties.* A six foot (6') wide shade tree and utility easement has not been provided. *The Board shall determine the necessity of the easement since virtually the entire area of the easement would be paved.* A six foot high board on board fence has been proposed along the westerly property line adjacent to the bordering Lot 6.24. This fence extends approximately 15 feet into the front yard along the proposed parking area driveway entrance.

The fence should be terminated at the front yard set back line or a variance will be required. *The fence has been terminated at the setback line and the call out shall be corrected accordingly.* Parking area lighting has been proposed. Based on the isometric data provided, there appears to be adequate lighting in all but the southwesterly corner (juncture of Lots 6.24, 6.25 & 12.02) where the lighting is 0.1 FC whereas a minimum of 0.2 FC is required (Section 18-804.F). *The lighting fixtures have been adjusted and the lighting may be adequate. A point to point diagram is required taking into consideration the necessary house shielding.* There is significant spillage of light to the adjoining townhouse property (Lot 6.24) from the pole light located at the northwesterly corner adjacent to the entrance drive. It is noted that a house shield has been provided. The applicant should consider relocating the fixture or modifying the fixture to reduce the impact on the adjoining property. *Different type lighting fixtures are recommended for the two (2) pole mounted fixtures.* Utilities- The plans indicate the site will be served by public water and sewer. *Statement of fact.* The applicant's engineer should provide testimony regarding the servicing utility and the availability of adequate service. *Testimony is required.* The applicant should provide testimony indicating whether the building will be protected by a fire suppression system. If not, the applicant should provide testimony regarding fire protection for the new synagogue. *Testimony is required.* Signage -No signage information is provided. If any signage is anticipated, a full signage package should be provided for review and approval as part of the site plan application. *Testimony regarding signage is required.* All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. *Statement of fact.* Environmental-Site Description- per review of the site plans, aerial photography and a site inspection of the property, the tract is developed. There is an existing three (3) story wood and brick structure on the site. The site has frontage on Whispering Pines Lane, a small horseshoe type street. The neighboring properties are multi-family residential. The site is bordered on the east by the New Jersey Southern Railroad and to the north by a tot lot that has been indicated to include a subsurface storm water recharge facility. The NJDEP mapping indicates that the undeveloped area to the south is state threatened Forested areas. *Statements of fact.* A Tree Management Plan has not been provided nor a waiver requested. It should be noted that virtually no trees will be removed as part of this site plan. *The Board shall act on a waiver from providing a Tree Protection Management Plan.* Construction Details- The concrete driveway apron and sidewalk should be modified to include a concrete gutter. *The detail shall be provided if the design ultimately requires a concrete gutter.* Foundations for pole mounted lights should be provided. *Light pole foundations shall use 4,500 psi concrete. Should site plan approval be granted, final construction details will be reviewed during resolution compliance.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Service; Ocean County Soil Conservation District (disturbance exceeds 5,000 SF); and all other required outside agency approvals. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Abe Penzer Esq. appeared on behalf of the applicant. Mr. Baruch Framovitz, who is project manager for the architect and Joseph Kociuba with the engineering firm of R. C. Associates the engineer were sworn in.

Mr. Penzer said Whispering Pines is a sardine can as it is right now and by natural growth there is no place to pray. The mikvah is in the center of the development which gives no woman any privacy. They have designed a mikvah to be in the rear for maximum privacy and designed the building to be as large as possible to accommodate the needs of the development. They have

put more parking spaces now than exists at the development. There is no place to pray and this will be a neighborhood synagogue.

Mr. Neiman asked if they were knocking down what is there new and putting this up and Mr. Penzer said yes. Mr. Penzer said there was a discrepancy that was raised between the engineer and the architect and there is another variance. They are short 1 ½ ft. in the front yard and they are going to need a variance because the way the building arcs they will encroach; they need 15 ft. and they are at 12 ½ ft. setback. Mr. Penzer said all the waivers are minor in nature because there is no topography-whatever is there is there. They agree to move the lot lines over as recommended by Mr. Vogt and have put as much arborvitae and norway spruce as possible. The area that Mr. Franklin will be concerned with the access to the trash receptacles and Mr. Penzer said right now the cans are carried out to the curb and they plan on continuing that so there will not be any trash enclosure so there is no issue losing a parking space. They would rather put a lift chair instead of a handicap ramp because it is cheaper. Mr. Kociuba said in response the Mr. Vogt's comment about the driveway and sidewalk; the intent is to keep it in a driveway type fashion to do a depressed curb along the frontage of the parking with pavement behind that and they are going to provide handicap ramps at either end to allow pedestrian traffic through but rather than provide a significant amount of concrete throughout the area, the intent was to treat it as a driveway with a depressed curb.

Mr. Penzer said there is no FEMA because there is no flood zone. They will make sure that the grades match and they will take care of that. It is their position that the stairs accommodate the ADA access. Mr. Framovitz said the colors are what are depicted on the rendering. The air conditioning equipment will be put behind the building. They believe that they are not a major development and therefore they do not have to give calculations and Mr. Vogt said they typically require some recalculations at a minimum; they should make their case and if they agree based on the information that will be fine and Mr. Penzer said they have no problem with that. Mr. Penzer said to put up a shade tree easement when the whole area is going to paved is not feasible and there are existing utility services right now and they are adequate. They will put in a fire suppression system in the building. There is no proposed signage- it will be on the building. They are asking for a waiver on the tree management because there are no trees. They agree to comply with the remainder of the comments in the professional's report.

Mr. Banas said it is a beautiful synagogue.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Banas, seconded by Mr. Herzl, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

6. SP # 1920 (Variance Requested)  
Applicant: Congregation Bais Medrash of Arlington  
Location: corner of Arlington Avenue & Wynatt Street  
Block 774.01 Lot 12.01  
Preliminary & Final Site Plan for proposed synagogue

Mr. Vogt prepared a letter dated July 16, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Major Site Plan approval. The applicant proposes to demolish two (2) existing one story dwellings on Block 774.01, Lot 12.01 to construct a new 5,787 SF synagogue which includes 3,350 SF of sanctuary space. A total of twenty-five (25) parking spaces are proposed including one (1) ADA accessible space. Access will be provided by a driveway from Arlington Avenue. The initial tract consists of a total 21,032 SF or 0.483 acres. The site is bordered by Wynatt Street the north, Arlington Avenue to the west and forested areas to the east and vacant land to the south. Both streets are currently dead ends. Based on the State of New Jersey mapping, the forested areas may contain wetlands. The property is primarily in the R-7.5 zone. The southwest corner of the property is in the R-10 zone. It is our understanding that a previous application submitted and approved by the Board was approved based on the R-7.5 zoning requirements. The two (2) previously existing one story dwellings on the property and additional out buildings have been removed. The site is currently open field with grass, trees and exposed soil. Variances -The following variances have been requested: Chapter 902, Section G.4.C. Front Yard Setback – 25 ft. is required; 15.3 ft. provided. Waivers - The following waivers have been requested: Chapter 905, Section B.1 & 3. Buffer to residential properties – 20 ft. is required, 5 ft. is provided. The following additional waivers are required: B2 -- Topography within 200 feet thereof. *Waiver Requested* B4 -- Contours of the area within 200 feet of the site boundaries. *Waiver Requested* B10 – Man-made features within 200 feet thereof. *Waiver Requested* C7 --Location and Description of monuments or marker. *Monuments have been shown. The description of the monument should be provided on the plan.* C8 -- Proposed or Existing Easements *Easements have been shown. The only easement is the shade tree easement along the Arlington Avenue frontage.* C14 – Tree Protection Management Plan *A tree management plan has been provided. It has been indicated that there are no existing trees on site.* C15 - Landscaping Plan *A landscaping plan has been provided.* We have no objection to the waivers as required. Zoning- The site is primarily situated within the R-7.5, Single Family Residential Zone. The southwest corner of the property is located in the R-10, Single Family Residential Zone. Per Section 18-902.F.1.c and 18-902.G.1.c of the UDO, Places of Worship are included under “permitted uses”. It should be noted that there are minor differences in the requirements in each zone. *Statement of Fact. No action required.* The proposed improvements comply with the bulk requirements for both zones with the following exceptions for which variances would be required:

R7.5 Provided

Front Yard Setback 25 ft 15.3 ft. on Arlington Ave.  
21 ft. on Wynatt St.

Based on the building fronting on Arlington Avenue. *Statement of Fact. No action required.* Per review of the site plans and application, the following design waivers appear to be required: Minimum 25 foot buffer from the property line to the proposed use (Subsection 18-803.E.2.a.). *Waiver Requested.* Tree Protection Management Plan (18-803.H). *A tree management plan has been provided. It has been indicated that there are no existing trees on site.* Parking Lot Lighting (18-804.02). *Proposed lighting has been provided on the Landscape and Lighting Plan. The footcandle lines should be labeled as to intensity. A point to point plan should be provided. If it is assumed that the footcandle lines provided are for 1.0 and 0.5 FC, respectively, the proposed lighting appears adequate. Lighting details can be resolved during resolution compliance if the Board acts favorably on this application.* Provide a 20 foot buffer to neighboring properties (18-905.B). A 7ft. side yard is provided to Lot 12.02. However, Lot 12.02 is owned by Bais Medrash. The board may wish to have testimony regarding the acceptability of the lack of buffer since both lots are under the same ownership. *Waiver Requested.* Any and all other design waivers deemed necessary by the Board. *Statement of Fact. No action required.* Review Comments-Site Plan/Circulation/Parking- The 200 foot radius around the site should be

shown. *The 200 foot radius is shown on the existing conditions plan.* There is a difference between the lot numbering shown in the tax map on the cover and the lot numbers shown on the site plan. Additionally, the lot numbers shown on the plan are not reflected in the list of adjoining property owners. It is our understanding that the lot numbers shown on the plan are the result of a recently approved subdivision and are the correct lot designations. The tax map on the cover and the list of property owners should be noted to indicate old and new lot numbers. Testimony should be provided regarding the discrepancy. *The applicant has indicated that Testimony will be provided.* The site plan indicates a sanctuary space of 2,275 sf. which would result in a requirement of 24 spaces (one space per 100 s.f. up to 2,000 s.f., 1.25 spaces per 100 s.f. for the balance of the floor area). The applicant proposes 25 on-site spaces including 1 ADA compliant space. *Statement of Fact. No action required.* An 8' x 10' refuse area is proposed. Details of the enclosure should be provided. Testimony is required regarding the adequacy of the dumpster. The refuse area is enclosed, but no screening has been provided. The waste receptacle area should be designed in accordance with Section 18-809.E. of the UDO. *A detail of the refuse containment area has been provided. Due to the location of the enclosure area, it is recommended that the concrete pad be modified to include a curb to contain any potential overflow. The applicant has indicated that Testimony will be provided regarding the adequacy of the proposed dumpster.* Vehicular circulation plans must be provided to confirm accessibility for delivery, emergency, and trash pickup vehicles that will need to access the site. *A vehicle circulation plan has been provided that indicates adequate access for the refuse enclosure area.* Proposed ADA compliant spaces and aisles shall be dimensioned. *Dimensions have been provided for the ADA space.* The elevations of the curb at the ADA compliant space indicate a 0.5 ft. (6") differential. The curb/sidewalk should be flush with the paving at the ADA access. *The plan has been revised to include an ADA compliant access ramp.* Dimensions and slopes for the ADA compliant ramps should be provided. *Dimensions have been provided for the ADA ramps on the construction detail sheet.* Architectural- Basic architectural floor plans and elevations were submitted for review. Per review of the submitted plans, the building will be approximately 20 feet in height measured to the roof line and about 55 feet in height to the roof peak. *Statement of Fact. No action required.* The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. *The applicant has indicated that Testimony will be provided.* The architect should provide testimony regarding disabled persons access to the lower level. *The applicant has indicated that Testimony will be provided.* The retaining walls at the rear and front of the building should be depicted on the architectural plans. Testimony should be provided regarding the design and proposed materials for the retaining walls. *The applicant has indicated that Testimony will be provided.* Roof drains should be depicted and coordinated with the engineering drawings. *The applicant has indicated that Testimony will be provided.* Grading- A detailed grading plan is provided on Sheet 4. The elevations should be verified with the architectural plans since there appears to be a discrepancy between the elevation differences shown on the architectural plans and those on the grading plan. *Statement of Fact. There continues to appear to be discrepancies between the architectural plans and the site plans. These discrepancies should be resolved.* Additional spot elevations should be provided at the base of the rear stairs and at the exit landing. *Additional spot elevations have been provided.* Additional spot elevations should be provided at the front entrance landing. *The spot elevations are adequate. However, there are discrepancies between the architectural elevations and the site plan grades that should be resolved.* Additional grading on the adjoining property to the south is shown which includes a swale sloped toward the rear of the property (easterly). It is noted that this adjoining lot is under the same ownership. Testimony should be provided indicating grading on this adjoining lot is acceptable and that the swale will be maintained in the event of future development of Lot 12.02. *Testimony should be provided regarding the acceptability of the encroachment. Grading and drainage easement(s) should be provided.* The site is graded toward a low point at the northeast corner of the

property. Additional grades should be shown for the area between the low point on the curb line and the northeast corner of the lot. *Additional spot elevations have been provided. The shallow slope in this area implies that there is a potential for ponding in this area.* Stormwater Management- The proposed development encompasses the majority of the lot. The storm water report indicates a predevelopment impervious area of 0.04 acres. The post development impervious area is shown to be 0.15 acres with 0.30 acres of pervious pavement and 0.03 acres of open space/lawn. *Statement of Fact. No action required.* The porous pavement and underlying stone bedding is used to provide a means of obtaining a reduction in the storm water site discharge quantity and to maintain quality. *Statement of Fact. No action required.* The calculations for storm water quantity reduction uses an infiltration rate of 6"/hr with a safety factor of 2. Documentation should be provided to substantiate this infiltration rate. *A tube permeameter test result (location unknown) was provided indicating that the infiltration rate used for the calculation is acceptable.* Drainage area maps should be provided indicating pre and post development areas. *Drainage area maps were provided. Revisions will be necessary which may be addressed during compliance review should the Board act favorably on this application.* The grading provides for storm water collection in the northeasterly corner of the lot retained by the curb. *Statement of Fact. No action required.* We recognize the application of porous pavement and its use to reduce storm water discharge quantity and to maintain discharge quality. The applicant's engineer should contact our office to discuss the assumptions and calculations provided. *The stormwater design as proposed is feasible. The final requirements for the use of the porous pavement and additional details can be addressed during compliance review should the Board act favorably on this application.* A stormwater maintenance manual has not been provided in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards and is required. *The applicant has indicated that a stormwater maintenance manual will be provided.* Landscaping- No landscaping has been proposed for the site. A six foot high board on board fence has been proposed along the southerly property line adjacent to the bordering Lot 12.02. This fence extends approximately 4 feet into the front yard. The fence should be terminated at the front yard set back line or a variance will be required. *The location of the fence has been revised such that the fence terminates at the front yard setback line.* The overall landscape design is subject to review and approval by the Board. *Statement of Fact.* The applicant has not provided a six (6) foot shade tree and utility easement along the property frontages, and a sight triangle easement for the proposed site access. It should be noted that the property has frontage on two (2) sides. *The applicant has indicated that the Minor Subdivision approval required the shade tree easement along Arlington Avenue only and that no easement was required along Wynatt Street. The applicant has indicated that the sight triangle easement is within the ROW. The sight triangle should be shown on the plans. Testimony should be provided.* Lighting- A detailed lighting design is not provided. The applicant should provide testimony regarding parking lot lighting. *Proposed lighting has been provided on the Landscape and Lighting Plan. The footcandle lines should be labeled as to intensity. A point to point plan should be provided. It is not possible to determine the adequacy of the proposed lighting with the information provided. If it is assumed that the footcandle lines shown are for 1.0 and 0.5 FC, respectively, the proposed lighting appears adequate. Lighting details can be resolved during resolution compliance if the Board acts favorably on this application.* Utilities -Existing water supply and waste water disposal information is not shown on the Existing Conditions Plan. The Grading, Drainage and Utility Plan, Sheet 4, indicates that new sewer facilities (by others) are proposed. It appears that new water service is to be installed. *Statement of Fact. No action required.* General Note #4 on the Site Plan indicates that public water and sewer services will be provided by the NJ American Water Company. *Statement of Fact. No action required.* The applicant should provide testimony regarding other utilities (electric, telephone, etc.) to be provided. *The applicant has indicated that Testimony will be provided.* Testimony should be provided regarding proposed fire protection measures. *The*



*applicant has indicated that Testimony will be provided.* Signage- No signage information is provided. If any signage is anticipated, a full signage package should be provided for review and approval as part of the site plan application. *The applicant has indicated that no signage is proposed nor anticipated.* All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. *Statement of Fact. No action required.* Environmental- Site Description- Per review of the site plans, aerial photography and a site inspection of the property, the tract is vacant with soil stockpiles. The site is open with a few trees and grass. The site is bordered by Arlington Avenue to the west and by Wynatt Street to the north. Undeveloped residential partially wooded lots border on the east and south. The Arlington Avenue pavement ends approximately 10 feet north of the southerly property line for Lot 12.01 and the pavement ends approximately 35 feet west of the northeasterly corner of Lot 12.01. The NJDEP mapping indicates that the surrounding areas are state threatened Forested and Forested Wetlands -*Statement of Fact. No action required.* Environmental Impact Statement- The applicant has not submitted an Environmental Impact Statement. It is noted that a freshwater wetlands line was verified by NJDEP on the property to the northeast and a 50 ft. buffer was provided from this delineation line. The applicant should provide information regarding this line and should obtain a presence/absence determination from the NJDEP for the subject property. *A letter from Trident Environmental Consultants dated January 5, 2009 has been provided. This letter indicates that wetlands were identified off site and that the delineation was confirmed by the NJDEP (File No. 1514-06-0004.1) and that there are no wetlands on site. The file number reference should be shown on the wetlands line on the plan sheets. It does indicate that there is a portion of the transition area that encroaches on the northeasterly corner of the property. This area is shown on the plans. No improvements are proposed in this area.* Tree Management Plan- A Tree Management Plan has not been provided nor a waiver requested. It should be noted that virtually no trees will be removed as part of this site plan. *A tree management plan has been provided. It has been indicated that there are no existing trees on site.* Construction Details- Construction details are provided on Sheet 6 of the plans. *Statement of Fact. No action required.* All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. *The details have been revised accordingly.* Additional information is required for the trash enclosure detail. *A detail of the refuse containment area has been provided. Due to the location of the enclosure area, it is recommended that the concrete pad be modified to include a curb to contain any potential overflow.* Although traffic control details are included, none are shown on the site plan. If traffic control signs are to be installed, the location and type should be specified on the site plan. *The location of traffic control signage has been indicated on the plan and includes a stop sign at the driveway exit, no parking signs along the building sidewalk and the designation of the handicapped parking space.* A retaining wall detail is required. *A detail has been provided. A drain pipe located at the bottom of the rock drain fill behind the block should be provided. Additionally, the location of the discharge of the drain pipe shown and the recommended drain pipe should be shown.* Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. *Statement of Fact.* Outside agency approvals for this project may include, but are not limited to the following: Water and Sewer service (NJAW); Ocean County Planning Board; Ocean County Soil Conservation District; NJDEP Presence/Absence LOI; and, all other required outside agency approvals.

Mr. Abe Penzer Esq. appeared on behalf of the applicant. He said at the last meeting they discussed the waivers and they now have a landscaping plan. Mr. Baruch Framovitz and Mr. Flannery were sworn in. Mr. Penzer said they originally came before the board because the lot was split zoned between the R7.5 and R10 and they moved over the other lots to maximize on

this lot to make the shul as large as possible. There was a question about Wynatt Street and they are using the shul but they have disguised the mikvah on the left hand side for privacy. They have also maintained the parking in the area and they can park on Wynatt Street but they have enough off street parking as well. Mr. Neiman said there is never enough off street parking.

Mr. Flannery said the application is for a house of worship. They are looking for 1 variance for front setback; 25 ft. is required and they are proposing 15.3 ft. They have landscaped the front of the building and the side of the building will be aesthically pleasing. The house of worship is a beneficial use and the 15.3 ft. is required due to the nature of this site in order to provide a facility that works for the neighborhood. The remainder of the report has technical issues and they agree to comply with them. The only issue that they have is the outside agency approvals- they have a DEP presence/absence LOI and they had submitted a letter from Trident that was accepted earlier that indicated where the wetlands is so that would not be needed.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Schmuckler, seconded by Mr. Percal, to approve the application.

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. Neiman asked if they got to look at the comments from the Lakewood Environmental Commission and Mr. Flannery said no. Mr. Neiman said he knows they have a motion already but if they could look at it and Mr. Flannery looked at it and said they are complying and putting in a retaining wall.

## **6. CORRESPONDENCE**

- None at this time

## **7. PUBLIC PORTION**

- No one at this time

## **8. APPROVAL OF MINUTES**

- Minutes from July 7, 2009 Plan Review Meeting

Motion was made by Mr. Koutsouris, seconded by Mr. Banas, to approve

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; abstain, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

## 9. APPROVAL OF BILLS

Motion was made by Mr. Akerman, seconded by Mr. Schmuckler, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

## 10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted  
Johnson  
Board Recording Secretary

Respectfully

Chris  
Planning