

1. 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 Meeting 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 the 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 criteria of the Open Public Meetings Act."

2. ROLL CALL

Mr. Herzl, Mrs. Koutsouris, Mr. Fink, Mr. Neiman, Mr. Follman, Mr. Percal, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. OLD BUSINESS

- 1. SP # 1931 (No Variance Requested)
Applicant: Gem Ambulance-Revised Parking Layout
Location: Cedar Bridge Ave & Oberlin Ave North
Block 1605 Lot 1
Primary and Final Site Plan

Project Description

The applicant is proposing a minor adjustment to the proposed parking area near the north access driveway. The revision will reconfigure the proposed eighteen (18) space parking row by moving it closer to Oberlin Avenue North. The proposed landscape islands associated with the proposed eighteen (18) space row will differ in size, but the proposed number of spaces will be unchanged. This proposed alteration will provide for an increased maneuvering area for trucks that will use the existing loading ramp to remain on the north side of the building. The total number of proposed parking spaces for the site, one hundred forty-nine (149), will remain the same. This proposed layout adjustment would be an improvement to the configuration previously approved. The applicant proposes to accomplish the reconfiguration without encroaching on the previously approved minimum dimension proposed between the parking row and Oberlin Avenue North. The southerly end space in the proposed parking row will remain at the 11.1' dimension from the right-of-way which was originally approved. The remainder of the proposed parking row

will swing closer to the street, but will remain behind the sight line easement required for the nearby access driveway. Our office is of the opinion that the proposed parking area reconfiguration is an improvement to the previously approved layout and minor enough in nature as to not impact the approval granted by the Board. The plan should be revised to show the correct limits of new paving.

Mr. Graham Macfarlane P.E. stated we are requesting a lot pitch to improve this site plan just to adjust the parking line a little bit closer to Oberlin Ave North. We talked with Mr. Vogt and decided that the correct thing to do would be to bring this change before the Board for an administrative approval so that there would be no surprises as we moved forward. The reasoning for the change is to provide some increased circulation for trucks that would be using the loading dock.

Mr. Neiman asked if there were any questions from the Board. There were none.

Mr. Neiman opened discussion to the public. There was none

A motion to accept this change to the application was made by Mr. Fink and seconded by Mr. Follman

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

5. MEMORIALIZATION OF RESOLUTIONS

#1 SD# 1730 (Variance Requested)

Applicant: Michael Herzog

Location: Attays Road – West of Miller Road

Block 11.04 Lot 7

Minor Subdivision to create two lots

A motion to move was made by Mr. Follman and seconded by Mr. Fink.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#2 SP# 1877

Applicant: K Land Corp

Amended Resolution for proposed WaWa and furniture store changes of certain Phase I improvements in Phase II

A motion to move was made by Mr. Follman and seconded by Mr. Schmuckler

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#3 SP# 1899

Applicant: Yeshiva Yesodei Hatorah

Amended Resolution of previously approved resolution with changes regarding the use of basements in the townhouse units.

A motion to move was made by Mr. Percal and seconded by Mr. Follman

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes

6. NEW BUSINESS

#1 #SD-1735 (Variance Requested)
Applicant: Chiam Greenes
Location: 12th Street east of Clifton Ave
Block 109 Lot 5,6
Minor Subdivision for 3 lots

Project Description

The applicant seeks minor subdivision approval to subdivide two (2) existing lots totaling 28,650 square feet (0.658 acres) in area known as Lots 5 & 6 in Block 109 into three (3) new residential lots, designated as proposed Lots 5.01-5.03 on the subdivision plan. The site contains an existing one-story dwelling and an existing garage, the dwelling spans the existing lots. Both structures will be removed along with all other existing site improvements. Proposed Lots 5.01-5.03 will become new residential building lots. Public water and sewer is available. The site has double frontage and is situated in the northern portion of the Township between Twelfth Street and Courtney Road, east of Clifton Avenue. Proposed Lots 5.01 and 5.02 will be equal 60' X 150' lots of 9,000 square feet each in area. Proposed Lot 5.03 will be larger, 71' X 150', for an area of 10,650 square feet. Curb exists along both street frontages, but sidewalk does not. Sidewalk is proposed across the Twelfth Street and Courtney Road frontages of the proposed lots. The lots are situated within the R-10 Single Family Residential Zone. Variances are required to create this subdivision. ***We have the following comments and recommendations per testimony***

provided at the 6/15/10 Planning Board Meeting, and comments from our initial review letter dated May 26, 2010: (I) **Zoning** (1) The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. **Statements of fact.** (2) Per review of the Subdivision Map and the zone requirements, the following variances are required: (a) Minimum Lot Area (proposed Lots 5.01 and 5.02, 9,000 SF and 9,000 SF respectively, 10,000 SF required) – proposed conditions. **The Board shall take action on the proposed lot area variances requested for proposed Lots 5.01 and 5.02.** (b) Minimum Lot Width (proposed Lots 5.01, 5.02, and 5.03, 60 feet, 60 feet, and 71 feet respectively, 75 feet required) – proposed conditions. **The Board shall take action on the proposed lot width variances requested for proposed Lots 5.01 – 5.03.** (3) A waiver from constructing sidewalk along the Courtney Road frontage should be requested since sidewalk is not proposed there. It should be noted that part of the Courtney Road right-of-way is steep and constructing sidewalk would require grading that would necessitate the removal of at least two (2) existing large trees. **Sidewalk has been proposed along Courtney Road. Therefore, a waiver from constructing sidewalk is no longer required.** (4) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) An existing asphalt driveway which services adjoining Lot 2 encroaches onto proposed Lot 5.01. The disposition of this encroachment must be resolved in order to grant the subdivision as proposed. **The applicant's attorney has indicated the encroachment with the neighbor will be resolved in an appropriate way, perhaps with a license. Testimony should be provided.** (2) The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that three (3) off-street parking spaces will be provided for each unit. The proposed driveways on the proposed lots have been dimensioned to be large enough to accommodate four (4) spaces. Four (4) off-street parking spaces is the proposed number of spaces to be provided for all the proposed lots according to the Schedule of Bulk Requirements. Testimony should be provided regarding the proposed number of bedrooms in order to determine whether additional off-street parking is required. **Testimony should be provided regarding the proposed number of bedrooms.** (3) Testimony should be provided as to whether basements are proposed for the proposed dwellings on proposed Lots 5.01-5.03. Parking shall be provided to the satisfaction of the Board. **Testimony should be provided as to whether basements are proposed for any of the proposed dwellings. Should basements be proposed, borings or test pits will be required to determine seasonal high water table.** (4) The Minor Subdivision Map has been prepared based on an outbound and topographic survey completed by Charles Surmonte, P.E. & P.L.S.; a copy of the survey along with the project bench mark should be provided. **A copy of a Topographic Survey with a bench mark has been provided. The Survey should be revised to be a "Boundary & Topographic Survey" with the appropriate notes added.** (5) Proposed lot and block numbers must be approved by the tax assessor's office. **The Minor Subdivision Map must be signed by the**

tax assessor. (6) General Note 8 notes the architectural dimensions of the proposed structures on the proposed lots is not known at this time. Building boxes of 34' X 55' for proposed Lots 5.01 and 5.02 will provide less than twenty-one percent (21%) lot coverage. A building box of 38' x 55' will provide less than twenty percent (20%) lot coverage for proposed Lot 5.03. The proposed building boxes shown on the Improvement Plan are easily within the allowable coverage of twenty-five percent (25%). **The applicant intends to comply with the allowable building coverage.** (7) The Surveyor's certification on the Minor Subdivision Plan shall be corrected to state "outbound corner markers as shown have been found or are to be set". **The correction is still required.** (8) Proposed dimensions should be added for the proposed two-story dwellings on the proposed lots. **The proposed dimensions have been added.** (9) The existing gutter grades on both Twelfth Street and Courtney Road cannot properly convey runoff. The curb on Twelfth Street shall be replaced and the gutter constructed at a slope of 0.33% towards Clifton Avenue. Half width road reconstruction will be required and a construction detail shall be designed. The curb on Courtney Road must also be replaced. A high point shall be designed allowing runoff flow to be split in each direction. A half width road reconstruction will also be required and a construction detail shall be designed. **The curb on Twelfth Street is proposed for replacement. The proposed gutter grades have been properly designed and the half width of Twelfth Street proposed for reconstruction. The applicant's professionals have indicated they are willing to mill and pave a swath along the Courtney Road frontage to rectify the grading. The proposal is acceptable to our office and the design shall be forwarded to us for review.** (7) No shade tree and utility easement is proposed for the Courtney Road frontage of the project. A proposed six foot (6') wide shade tree and utility easement is proposed for the Twelfth Street frontage of the project. No shade trees are proposed along either of the property's frontage. Landscaping should be provided to the satisfaction of the Board. **A proposed shade tree and utility easement has been added to the Courtney Road frontage of the project. Proposed easement areas should be added on a per lot basis. Four (4) shade trees are proposed along Twelfth Street and three (3) shade trees are proposed along Courtney Road. One (1) of the proposed shade trees along Twelfth Street shall be relocated since it conflicts with a proposed driveway.** (12) The Plan indicates a number of mature trees exist on the site. Some of these trees are unsalvageable if the proposed lots are developed as shown, but many of these trees appear salvageable. The proposed grading should be tightened to better limit the area of disturbance. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans for proposed Lots 5.01-5.03 submitted for Township review should include tree protective measures to save mature vegetation where practicable. **The proposed grading plan can be revised in an attempt to save additional trees. This issue can be addressed during compliance review.** (13) Testimony should be provided on storm water management and the disposition of storm water from roof leaders. **The applicant's professionals indicate they will provide testimony on storm water management at the public hearing.** (14) Due to no construction of new dwellings on proposed

Lots 5.01-5.03 at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. **Statement of fact.** (15) Compliance with the Map Filing Law is required. **An incorrect ten foot (10') side yard setback dimension shall be removed from proposed Lot 5.03.** (16) Some minor corrections to the construction details are required and road reconstruction details must be provided. **A typical pavement section has been added and corrections made to the construction details.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) New Jersey American Water (water & sewer); and (d) All other required outside agency approvals. **All outside agency approvals shall be obtained as a condition of approval.**

Mr. John Doyle Esq. on behalf of the applicant stated that they would prefer not to have to construct sidewalks on the Courtney Rd. side of the properties due to the already mentioned concerns such as the topography, the lack of sidewalks in the area and the potential to have to build a retaining wall. With that being said we have provided maps with the sidewalks and without the sidewalks, we hope the Board chooses the one without the sidewalks. The Board is familiar with the plan from the technical review meeting, these lots are fronting on 12th street with the back on Courtney Road the issues arise about improvements on these streets, there may be facilities being connected on these streets, where should the driveways be and where should the walkways be. There are also bulk variances that are being sought to accommodate the tree lots, one a conforming lot and the other two non-conforming lots (9,000 sq feet vs. 10,000 sq feet required). Taking all of this information in, at the last meeting some of the neighbors expressed concerns with this application. We have tried to respond to each neighbors concerns to the best of our ability. We would like to stress that the exhibits that you will see pertaining to the three lot configuration is consistent with the neighborhood and by far a better alternative than two lots with duplexes that could be there. The issues as to the variances and the placement of the driveways and the sidewalks, we think are lesser issues and we will listen to the neighbors as the Board will also and hopefully we can resolve those issues along with passing this application.

Mr. Brian Flannery P.E. stated that the application is indicated for three single family lots, the property as indicated in the Engineers report is in the R-10 Zone. He pointed out that this particular property being 28,000 sq feet could support two duplexes which would not be consistent with the other houses in the area. The applicant, who lives in the area and will continue to live there, would like to break the property into three lots, one conforming area and two slightly deviant areas. The variances required are for minimum lot area, one area is for 10,000 sq feet and the two smaller lots are 9,000 sq feet. Additionally 75 lot width is required and we are asking for 60, 60 and 71 respectively. He stated that he felt this was a better zoning alternative than two duplexes and that the Board has the right to grant these variances. Item #3 in Mr. Vogts letter is about the sidewalk

waiver, the applicant has agreed curb and roadwork necessary for drainage. All the houses will front on 12th Street where there will be sidewalks. We are respectfully requesting a waiver for the rear of the property on Courtney Rd to not have sidewalks.

Mr. Neiman asked if sidewalks existed on 12th Street at this time.

Mr. Doyle stated that there were sidewalks across the street at this time.

Mr. Flannery stated referring to Mr. Vogts letter that there will be basements at these properties and there will be borings done and submitted.

Mr. Neiman asked if there will be four parking spots per unit.

Mr. Flannery answered that there will be four parking spots per unit but unit 5.01 and 5.02 would have there driveways in the rear of the buildings on the Courtney Road side.

Mr. Fink stated that if there were to be driveways on the Courtney Road side then couldn't they provide sidewalks also.

Mr. Flannery asked If he could address that concern after hearing from the public on this application.

Mr. Flannery stated that under item #13 testimony of Storm Water Management, dry wells will be provided.

Mr. Follman asked if a tax map was provided. Mr. Flannery produced the map and it was entered as Exhibit A-1.

Mr. Jackson asked would there be anything to stop the two lots that are not being built on yet from becoming duplexes.

Mr. Flannery stated that it would be against the Zoning Laws.

Mr. Neiman opened the meeting to the public for discussion.

Mr. Michael Flamm, the owner of 300 12th street was sworn in. He stated that he organized the neighbors and they originally wanted all the homes to face Courtney Road because it is a wider street. There are schools in the area on both Courtney Road and 12th Street, the area is very busy both day and night. When he first spoke to Rabbi Greenes he stated that he wanted his property to remain facing 12th Street. Should all three properties face 12th Street we would like to see them as flush as possible with Mr. Goldstein's house to the east of the properties. His setback is 62 feet, we would accept a 50 foot setback but we do not wish the homes to be up and down. Most of the homes on that side of the

street are a 50 foot setback. The basement apartments should have rear facing entrances or at least on the side of the properties towards the back. We would like to see the pads and driveways and walkways for the basement apartments to be on the Courtney Road side of the property as well as the garbage pickup, due to traffic concerns. We would like to see as many trees preserved as possible. We are not looking for sidewalks on the Courtney Road side.

Mr. Doyle thanked Mr. Flamm for his comments, he then stated with respect to the traffic issue we leave ourselves in the Boards hands as to the placement of the driveways and pads and the need for sidewalks and pathways for the basement apartments. As to the setbacks we will leave the measurements up to the Engineers to plan before bringing our request before the Board.

Mr. Flannery stated that they agree with Mr. Flamm in reference to the traffic issue, we would be willing to put the driveways on the Courtney Road side for 5.01 and 5.02, the basement access will be on Courtney as well as the garbage pickup. Our only concerns with the setbacks on the south side of 12th Street, across the street there is a 15 foot right of way from the curbline which equates to a 35 foot setback. On the north side the setbacks are 30 to 33 feet with a 15 foot right of way. The Applicant is willing to go with the average of a 35 foot setback which is 45 feet from the curb. The ordinance requires 30 feet from the right of way.

Mrs. Koutsouris inquired if the Applicant would have a problem with the entrances for the basement apartments being on the Courtney Road side. Mr. Flannery said they would not.

Mrs. Chana Mayer a neighbor across the street was sworn in. She stated that she does not think these are minor changes because homes will double the amount of people on the block and the other neighbors do not rent out their basements.

Mr. Eliazer Goldstein the next door neighbor to Rabbi Greenes was sworn in. He stated that Rabbi Greenes told him that there would be a fifty foot setback from the sidewalk.

Mr. Flannery explained that the setback would be fifty one feet to the house but that the stoop is part of the setback.

Seeing no other comments from the public this portion of the meeting was closed.

Mr. Schmuckler made a motion to approve the application with the following conditions; lot 5.01 and 5.02 will be forty five feet off the setback, 5.03 will be fifty feet off the setback; basement entrances will be to the rear of the property; pads and driveways for 5.01 and 5.02 will be in the rear of the property; there will be sidewalks on both 12th Street and Courtney Road; there will be a minimum of four

design waiver from providing curb for the proposed on-site parking lot. (4) The applicant must address the positive and negative criteria in support of the required variance. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (III) **Review Comments (A)Site Plan/Circulation/Parking (1)** As indicated previously, a four (4) space parking lot with one (1) van accessible handicapped space is being provided for the proposed synagogue. Since less than eight hundred square feet (800 SF) of sanctuary area is proposed, no off-street parking spaces are required. **Statements of fact. (2)** Based on the dimensions and configuration of the proposed parking lot and driveways, it appears access through the site will be counterclockwise in a one-way direction with a right turn only exit. The applicant shall provide testimony on vehicular circulation. **The configuration of the proposed parking lot has been revised. Confirming testimony should be provided that the proposed westerly driveway will be a two-way unrestricted access point and the easterly driveway a one-way, right turn exit only.** (3) The proposed twenty foot (20') wide aisle in the parking area is too narrow for two-way traffic. It is adequate for one-way traffic only if the proposed adjoining parking spaces are angled. **The proposed aisle adjacent the proposed parking spaces has been widened to twenty-four feet (24') to permit two-way traffic.** (4) Per our 6/9/10 site inspection, we note that partial sidewalk and curbing exist along East County Line Road in front of the site. Sidewalk and curbing is proposed to the front of the site where these improvements are missing. An existing depressed curb section which will not be used for a driveway will be replaced with full depth curb. **Statements of fact. (5)** No refuse enclosures are depicted on the plans. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. **The applicant's professionals having indicated testimony will be provided that trash collection shall be curbside pickup by the Township. Accordingly, a screened area for individual containers must be provided.** (6) The General Notes reference an outbound and topographic survey. An Existing Condition Plan shows outbound survey data and a topographic survey. A signed and sealed copy of the referenced survey must be provided as a separate document. Existing easements should be included since the plan set indicates existing sanitary sewer, a pump station, and a shade tree/utility easement. **A signed and sealed copy of the survey has been provided. An existing shade tree and utility easement is referenced per Filed Map #J3531. A copy of this filed map shall be provided. No information has been provided on other existing easements even though the plans show an existing sanitary sewer main and pump station on the site. An explanation is required on the ownership of the existing utilities.** (7) The Schedule of Bulk Requirements shows that no variances will be required. However, the proposed building dimensions do not agree between the site plans and architectural plans. The dimensions must be coordinated between the drawings and dimensions given to the hundredth of a foot to insure zoning compliance. **Further coordination of dimensions between the drawings is required because of the brick face on portions of the proposed building. Proposed setback dimensions must be shown to the hundredth of a foot. Our**

review of the drawings indicates the proposed aggregate side yard setback will be violated because of the brick face. (8) All proposed curb radii should be shown for accuracy of the layout. In addition, the proposed curb return points should be added. **All proposed curb and/or pavement radii along with tangent points have been added.** (9) A proposed six foot (6') high decorative vinyl fence encompasses the rear portion of the property from the front yard setback limits on the side property lines. The top third of the proposed fence is partially open as shown by the lattice on the construction detail sheet. **Statements of fact.** (10) Sight triangle easements are required at the exit drives. **Lines of sight have been added at the exit drives. Sight triangle easements must be added where necessary.** (B) **Architectural** (1) The proposed building is rather high for a proposed one-story structure. The distance between the proposed roof truss and first floor is twenty-two feet (22'). Furthermore, the first floor is proposed to be five foot, seven inches (5'-7") above proposed grade. The building does not exceed the allowable height of thirty-five feet (35'). **Statements of fact.** (2) A partial attic is proposed for the building. However, no floor plan or use for the attic is shown. Testimony should be provided along with a floor plan. **Testimony and a floor plan are required for the attic.** (3) Testimony is required on ADA accessibility. It appears only the first floor is accessible. We also recommend the interior floor plans be checked for accessibility and code compliance. **Testimony should be provided on ADA accessibility and code compliance.** (4) A portion of the proposed basement floor elevation conflicts with the seasonal high water table elevation. The basement floor should be set to provide at least a two foot (2') separation from the seasonal high water table, as indicated on the soil boring log submitted. **Revisions to the elevations are necessary.** (5) Testimony should be provided as to whether the proposed synagogue will include a sprinkler system. **Testimony should be provided on fire protection.** (6) We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. **The location and screening of proposed air conditioning equipment should be shown on the applicable architectural plans and site plans.** (7) We recommend that color renderings of the building be provided for the Board's use at the forthcoming public hearing for the application. **Color renderings of the building are recommended for the public hearing.** (C) **Grading** (1) Grading information is provided on the current Improvement Plan. Additional proposed elevations are required to evaluate the grading. Proposed elevations should be provided at control points, such as pavement radii returns, pavement corners, and building access points. **Additional proposed elevations have been added to the proposed grading. However, more proposed elevations are required in the vicinity of the proposed handicapped parking and at the building access points. Minor corrections are required to some of the proposed contours. A low point is being created in the vicinity of the existing sanitary sewer manhole in the northern corner of the site. Either proposed drainage or off-site grading with an adjustment to the manhole rim elevation is required to address the problem.** (2) Per review of the existing elevations and per review of site conditions during our 6/9/10 site inspection, on-site grades generally slope towards a depression in the rear of the property. **Statement of fact.** (3) The architectural plans indicate a five foot, seven inch (5'-7") elevation difference between the proposed first

floor and finished grade. This elevation difference is not reflected on the site plans. Revisions are required and the plans must be coordinated. ***The applicant's engineer indicates the architectural plans are to be revised to match the site plans; this may not be possible because of the seasonal high water table. In any event, coordination of the plans is still required.*** (4) A soil boring location is indicated on the drawings. Based on the soil log provided, the proposed main basement floor elevation of 43.33 shown on the site plan is greater than two feet (2') above the seasonal high water table elevation of 40.1. ***The elevation of a lower proposed basement floor elevation which is not two feet (2') above the seasonal high water table must be revised.*** (D) **Storm Water Management** (1) The Roof Drywell Design provided properly accounts for a twenty four (24) hour, twenty-five (25) year storm. The proposed roof runoff will be collected and piped into Stormtech Chambers where it will be recharged into the soil. A total of eight (8) underground Stormtech Chambers are proposed; four (4) in front of the proposed building and four (4) in the back. ***Maintenance responsibilities for these systems (by whom) should be addressed by the applicant.*** (2) Additional design information such as sizes, slopes, and inverts must be provided regarding the proposed roof leaders and their discharge(s) into the proposed storm water recharge system. ***The sizes, slopes, and inverts have been provided for the proposed roof leaders.*** (3) Storm Water Management has not been addressed for the front of the site. The proposed design is discharging overland runoff from the proposed parking area to East County Line Road with no provisions for the increase in impervious surfaces. ***The project has received County approval with contingencies. Confirming testimony is necessary from the applicant's engineer that off-site drainage design approval has or will be sought from Ocean County.*** (4) Total impervious coverage must be calculated to determine if the project is a major development per NJAC 7:8. ***The total impervious coverage has been calculated to be 8,430 square feet, which is less than a quarter acre. Therefore, the project is not a major development.*** (E) **Landscaping and Lighting** (1) A dedicated Landscaping & Lighting Plan is provided with the submission; proposed landscaping and lighting is depicted on Sheet 4 of the plans. ***Revised Landscaping and Lighting Plans have been submitted. A revised dedicated Landscaping Plan is Sheet 4 and a revised dedicated Lighting Plan is Sheet 5.*** (2) An existing seven foot (7') wide shade tree and utility easement is shown across the frontage of the property. The easement should indicate dedication to the Township of Lakewood and include the completion of survey data. ***The easement information has been added.***(3) Proposed sight triangle easements must be added to the Landscaping & Lighting Plan. Proposed shade trees shall be removed from the sight triangle easements. ***The proposed shade trees have been relocated behind the lines of sight. All proposed shade trees will be located behind the existing shade tree and utility easement.***(4) One (1) existing twenty-four (24") diameter tree is shown on the Existing Conditions Plan and will be retained as shown with the landscaping design. ***Statement of fact.***(5) Landscaping should be provided to the satisfaction of the Board. ***Landscaping review comments, if any, should be provided by the Board.*** (6) Corrections are required to the count on the plan and plant list for the American Arborvitae. A call out in the southeast corner of the lot should be corrected to three (3) and the total count corrected to

twenty-five (25). **Corrections have been made to the count on the plan and plant list for the American Arborvitae.** (7) Corrections are required to the Planting Notes. **Many corrections to the Planting Notes have been made. We can review the remaining minor corrections with the applicant's professionals.** (8) The Lighting design only shows two (2) fifteen foot (15') high wall mounted lights on the front of the proposed building. No pole mounted lights are proposed for the parking area or any other proposed lighting around the perimeter of the building. Testimony should be provided on the adequacy of the proposed site lighting. Revisions are necessary including details, photometric data, and a point to point diagram. **A revised Lighting Plan has been submitted. The revised lighting plan consists of five (5) twelve foot (12') high wall mounted mini sconces on the sides and rear of the proposed building, two (2) fifteen foot (15') high wall mounted scones on the front of the proposed building, and three (3) fourteen foot (14') high pole mounted fixtures in the parking area. Proposed details, data, and a point to point diagram indicated the proposed site lighting is adequate.** (9) Lighting should be provided to the satisfaction of the Board. **Proposed lighting review comments, if any, should be provided by the Board.** (F) **Utilities** (1) No easements associated with the existing pump station and sanitary sewer main on the site are indicated. Testimony is required on the ownership of these facilities. **Testimony on utilities should be provided.** (2) The plans indicate the site is served by public water and sewer. A proposed water service to the proposed building is shown from an existing main in East County Line Road as depicted on the plan. A proposed sanitary sewer connection for the new building is indicated to an existing main shown in the front yard of the lot. An existing pump station is shown in the northeast corner of the lot. An existing force main associated with the pump station has not been shown. It is our understanding the pump station is privately owned and operated by W&M, LLC. Permission for the sanitary sewer connection must be obtained from the owner. **Approval from W&M, LLC is required for the sanitary sewer connection.** (3) The applicant must receive necessary approvals from the Lakewood Township Municipal Utilities Authority since the project is within their franchise area. **Statement of fact.** (A) **Signage** (1) 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. **No free-standing and/or building mounted signs have been proposed as part of the site plan application.** (2) All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. **Statement of fact.** (H) **Environmental** (1) No Environmental Impact Statement (EIS) was prepared for this project or required due to the project size. **Statement of fact.** (2) 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: (a) Known Contaminated sites (including deed notices of contaminated areas); (2) Wood

Turtle and Urban Peregrine habitat areas; and (c) NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. Testimony should be provided by the applicant's professionals as to whether there are any other known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property. **Testimony should be provided as to whether there are any areas of environmental concern that exist within the property.** (I) **Construction Details** (1) Additional construction details will be required for any additional improvements required by the Board. All proposed construction details must comply with applicable Township and/or applicable 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. **Statements of fact.** (2) The Decorative White Vinyl Fence detail requires additional information with respect to footings and the lattice panel shown on the top third of the fence. **The footing depth should be extended to thirty-six inches (36") and contain Class B concrete. The level of detail provided for the open lattice panel is inadequate.** (3) The Stormtech Chambers detail must be corrected to show the units connected in series. **The Section View still requires correction.** (4) The parking lot detail is substandard. A bituminous base course must be added to the cross section. **The paving detail has been upgraded and is acceptable.** (5) A minor correction is required to the notes of the Concrete Sidewalk detail. **The word "joints" in Note #1 shall be corrected to "joint".** (6) Handicapped ramp details to the current NJDOT standards must be added. **The proper ramp detail, Type 7, with detectable warning surface shall be provided.** (7) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. **Statement of fact.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) W&M, LLC (sewer);(d) Water and Sewer Service (LTMUA) prior to occupancy; and (e) All other required outside agency approvals. **Ocean County Planning Board granted approval with contingencies on June 16, 2010. Evidence of all other outside agency approvals must be submitted when they are obtained.**

Mr. Samuel Brown on behalf of the applicant. The applicant does not need Board approval but would like to do this with Board approval. Due to the unique shape of the residence as well as the lot applicant does require a variance in reference to the twenty foot buffer.

Mr. Charles Surmonte P. E. stated that the lot does have one hundred forty feet of frontage on County Line Road but due to its pie shape it reduces down to fifty foot in the rear that is why we are seeking the variance for the buffer requirement especially where the rear of the building is situated we run out of room to provide the twenty foot buffer. The parking lot is not requires due to the size of the building, it requires nothing more than the parking needed for a residential home, therefore we saw no need for a sidewalk around the parking lot.

Mr. Neiman inquires as to where the people will park when they attend the synagogue.

Mr. Brown answered that the synagogue is there to service the area it is in. Most people would walk to the synagogue and not risk losing their parking spots.

Mr. Charles Durmonte P.E. stated that they agree with all the comments in Mr. Vogt's letter. The Applicant will maintain the Storm Water Management System it is a recharge system.

Mr. Anthony Zero, Architect licensed in New Jersey stated that the substantial attic space is only accessible by pull down stairs and is not being planned for use. The first floor is ADA accessible. Sprinklers are not necessary. The air conditioning units will be on the roof and fenced in. He submitted a rendering of the proposed synagogue and it was entered as Exhibit A1.

Mr. Neiman opened this portion to the public, seeing no one this portion was closed.

A motion to approve this application was made by Mr. Herzel and seconded by Mr. Fink.

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#3 SD#1718 (Variance Requested)
Applicant: Shlomo Greenzweig
Location: Lanes Mills Road – across from Alamitos
Block 187.15 Lot 14
Preliminary and Final Major Subdivision – 8 lots

Project Description

The applicant proposes to subdivide an existing lot of approximately 5.8 acres into seven (7) single-family residential lots and one (1) storm water management lot to be dedicated to the Township. The proposed subdivision would create a cul-de-sac for the project, which is proposed to be called Concord Circle, upon which all lots would front. The applicant is seeking Preliminary and Final Major Subdivision approval with variances. The subject property is located on the northerly side of Lanes Mill Road, a County Highway, in the northeastern portion of the Township, across from Alamitos Drive. The tract has an existing one-story frame dwelling located in the southwest corner of the property. There are also numerous existing sheds and fences on the land. All of these existing improvements will be removed. The east side of the site contains approximately two hundred twenty feet (220') of a two hundred forty foot (240') wide Jersey Central Power & Light right-of-way easement. High tension lines with a tower exist in the easement. The center of the tower is seventy-five feet (75') east of the western edge of the easement. A fifteen foot (15') wide MCI right-of-way easement is located within the JCP&L right-of-way easement. The MCI right-of-way easement runs between the tower and Lanes Mill Road. A twenty foot (20') wide

Ocean County Utilities Authority Easement borders the site to the east. Freshwater wetlands are also contained on the easterly edge of the site within the woods where the clearing for the high tension lines has ended. Proposed storm water management facilities and utilities are associated with this project. A wet pond is proposed for the southeastern most proposed lot at the northeast corner of Concord Circle and Lanes Mill Road. Proposed sanitary sewer will connect to an existing manhole at the intersection of Lanes Mill Road and Alamitos Drive. Proposed potable water will pass through the subdivision and connect to existing mains on Lanes Mill Road and Hidden Lane. Hidden Lane is an existing street in a neighboring subdivision to the north and utility easements are proposed between the Concord Circle cul-de-sac and Hidden Lane. At least three (3) off-street parking spaces are proposed for each single-family unit. The number of bedrooms for the units is now specified as five (5) on the subdivision plans. The project is also proposing curb and sidewalk throughout. The subject site is located within the R-15 Single Family Residential Zone District. Single-family residences are a permitted use in the zone district. The site is situated within a predominantly residential area.

We have the following comments and recommendations per testimony provided at the 7/6/10 Planning Board Workshop Meeting, and comments from our most recent review letter dated June 28, 2010:

(I) Zoning (1) The site is situated within the R-15, Single-Family Residential Zone District. Single-family residences are a permitted use in the zone district. ***Statements of fact.*** (2) Minimum Lot Width variances are required for proposed Lots 14.04-14.07. The proposed minimum lot widths for the residential lots are 86.8', 77.2', 90.0', and 88.9' respectively. The minimum required lot width is one hundred feet (100'). ***A Minimum Lot Width variance is also required for proposed Lot 14.08, the "Basin Lot". A lot width of 89.9' is proposed. The Board shall take action on the requested lot width variances.*** (3) Minimum Front Yard Setback variances are required for proposed Lots 14.04-14.07. The minimum required front yard setback is thirty feet (30') and front yard setbacks proposed are twenty feet (20'). ***The Board shall take action on the front yard setback variances requested.*** (4) ***A design waiver is sought from providing a Tree Management Plan which we support.*** (5) The applicant must address the positive and negative criteria in support of the requested variances. ***At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.***

(II) Review Comments (A) **General** (1) The General Notes refer to a Survey that the outbound and topographic data has been taken from. A copy of this Survey must be submitted. ***A signed and sealed copy of the Boundary & Topographic Survey has been submitted. General Note #2 on the Site Development Plan shall be updated to reference the Survey Map submitted.*** (2) Off-street parking: According to the architectural plans provided, a typical dwelling will be a five (5) bedroom unit with an unfinished basement and no garage. The applicant is proposing three (3) off-street parking spaces per unit which is enough to be in compliance with the RSIS standards of three (3) off-street parking spaces for five (5) bedroom units. The Board shall determine if the parking provided will be sufficient for the type of development proposed. ***The revised plan leaves enough room to provide at least one (1) on-street parking space in front of***

each proposed residential lot. (3) Curb and sidewalk is proposed throughout the development. **Statement of fact.** (4) Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. This matter is not addressed on either the subdivision plans or architectural plans. It is presumed collection will be by the Township since the cul-de-sac dimensions are designed to standards. **The applicant's professionals have indicated they will testify that trash and recyclables will be collected by the Township.** (5) A new road name, Concord Circle, has been proposed for the project. The proposed road name is subject to approval from the Township and proof of approval shall be provided. **An e-mail provided from the applicant's engineer indicates the new road name will be Concord Drive not Concord Circle. The proposed road name is subject to approval from the Township and formal proof shall be provided.** (6) The Final Plat indicates that all New Lot Numbers have been approved by the Lakewood Tax Assessor on 01-25-10. **Statement of fact.** (7) The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of four (4) basic house designs are required for developments consisting of between seven (7) and fifteen (15) homes. One (1) basic house design has already been submitted. **The applicant's professionals indicate the applicant will comply with the requirements and provide three (3) additional house designs.** (B) **Plan Review** (1) The intersection of proposed Concord Circle with Lanes Mill Road is not in accordance with RSIS standards. The perpendicular approach to Lanes Mill Road is less than fifty feet (50'). The centerline offset from Alamitos Drive on the opposite side of Lanes Mill Road is less than one hundred fifty feet (150'). We recommend the plans be revised to lengthen the offset between the roads on the opposite sides of Lanes Mill Road and to lengthen the approach of Concord Circle to Lanes Mill Road. **The proposed cul-de-sac begins at the proposed curb line of Lanes Mill Road. Therefore, the proposed perpendicular approach to Lanes Mill Road from the cul-de-sac is either thirty-eight feet (38') or forty feet (40'). (There is a Site Development Plan discrepancy with the Final Plat.) Compliance with the RSIS standard of fifty feet (50') for cul-de-sacs can be attained by relocating the intersection and/or adjusting the location and radius of the cul-de-sac curve. The County has approved the proposed centerline offset from Alamitos Drive based on the limited number of proposed lots designed for the cul-de-sac.** (2) Corrections are required to the Schedule of Bulk Requirements. Required Minimum Lot Width should be one hundred feet (100'). A proposed lot width should be indicated for proposed Lot 14.08. The proposed rear yards for proposed Lots 14.05-14.07 should be two hundred twenty feet (220') because of the Jersey Central Power & Light right-of-way easement. The proposed number of bedrooms for the single-family units shall be five (5) based on the architectural plan submitted. **Corrections have been made to the Schedule of Bulk Requirements. The proposed rear yards for proposed Lots 14.05-14.07 shall be 217.26', 217.80', and 218.44', respectively.** (3) The location of the benchmark referenced in General Note #8 shall be indicated. **The location of the benchmark referenced in the General Notes has been indicated on the plans.** (4) General Note #10 should be revised to state "except for the high tension wire tower, all existing structures to be removed". **General Note #10 has been revised as requested.** (5) General Note #15 should be revised to "street surfaces and other surfaces disturbed by the

construction of facilities for this project shall be restored in accordance with the requirements of the Lakewood Township Municipal Utilities Authority, the Township of Lakewood, and the County of Ocean". **Except for typographical errors, General Note #15 has been revised as requested.** (6) The proposed off-street parking spaces have not been dimensioned. Proposed off-street parking spaces shall consist of a minimum of 9' X 18' parking spaces. **Except for proposed Lot 14.04, off-street parking spaces have been dimensioned to be a minimum of 9' X 18'.** (7) Based on our 6/17/10 site investigation, we believe the existing dwelling is being serviced by an individual septic system. We also observed an existing well. Testimony should be provided regarding existing utility connections. Abandonment of existing individual septic disposal systems and/or individual potable water wells will require approval from the Ocean County Board of Health. **A note has been added to the Existing Conditions Plan stating that "any existing septic systems and/or wells shall be properly abandoned in accordance with the Ocean County Board of Health".** (8) An NJDEP File Number is indicated for the Freshwater Wetlands and fifty foot (50') transition area lines. A copy of the Letter of Interpretation and the approved plan should be submitted. **Copies of the Letter of Interpretation and the approved plan have been submitted.** (9) A variable width dedication to the County of Ocean is being provided for road widening purposes. The proposed half width right-of-way for Lanes Mill Road is thirty-three feet (33'). **Statements of fact.** (C) **Grading** (1) A detailed Grading and Drainage Plan is provided on Sheet 4 of 16. A storm sewer collection system is proposed to collect runoff and convey it to a proposed wet pond on proposed Lot 14.08. **Statements of fact.** (2) The plans note that Lanes Mill Road Improvements are designed as per Maser Consulting "County Route 526 Reconstruction Plans". A copy of the pertinent plan sheets must be submitted for our review of the proposed site grading. **The applicant's engineer indicates that a copy of the County Route 526 Reconstruction Plans shall be forthcoming.** (3) Soil borings have been provided to demonstrate that a two foot (2') separation from the seasonal high water table to proposed basement elevations is maintained. **Statement of fact.** (4) A profile has been provided for the proposed Concord Circle and is generally satisfactory. The proposed profile may require revision based on the County Improvement Plans. The vertical curve at the terminus of the cul-de-sac shall be lengthened to one hundred feet (100'). Proposed horizontal control points shall be added. **The vertical curve at the terminus of the cul-de-sac has been lengthened to one hundred feet (100') as requested. The proposed front yard grading of the proposed adjoining lots must be revised accordingly. The County Improvements Plans may impact the proposed profile. Proposed horizontal control points must still be added. We note a two foot (2') discrepancy for the beginning location of the Concord Circle curve.** (5) The Grading and Drainage Notes require corrections which we can review with the applicant's engineer. **Corrections have been made to the Grading and Drainage Notes as discussed during a July 1, 2010 meeting with our firm.** (D) **Storm Water Management** (1) A proposed storm sewer collection system has been designed utilizing reinforced concrete pipe (RCP) to convey storm water runoff into a proposed wet pond for storm water management. The proposed pond is located in the southeast corner lot of the proposed subdivision at the northeast intersection of Lanes Mill Road and Concord Circle. **Statements of fact.**

(2) Review of the Plans and Storm Water Management Report indicate the wet pond proposed does not meet the standards for New Jersey Best Management Practices. Furthermore, the applicant is proposing to dedicate the proposed storm water management lot with the proposed pond to the Township. Acceptance would be required from the Department of Public Works. Township acceptance of this should be a condition of Board approval if/when forthcoming. **Should the Township agree to accept ownership of the wet pond, we recommend the ownership be conditioned upon a minimum operation period by the developer. We recommend a minimum operation period after installation be considered in order to determine whether any modifications are required to the storm water management system.** (3) A Storm Water Management Operation & Maintenance Manual has been submitted per the NJ Storm Water Rule (NJAC 7:8) and Township Code. The manual indicates the Township of Lakewood will be the owner and responsible party. The manual would only require minor revisions for the facilities proposed. **Only minor revisions will be required to the manual if the Township of Lakewood agrees to be the owner and responsible party for the proposed wet pond.** (4) A portion of the proposed storm water management facility is within the JCP&L right-of-way easement. Approval is required from JCP&L to allow the facility on their right-of-way easement. Furthermore, storm water discharge from the proposed facility will pass through the JCP&L right-of-way easement, MCI right-of-way easement, and other proposed lots to the existing wetlands. Approval for the proposed storm water discharge through the right-of-way easement will also be required from JCP&L and MCI. Furthermore, drainage easements should be provided across other proposed subdivision lots. **Approval from JCP&L has been conditioned upon the outlet pipe being constructed to withstand the weight of heavy equipment. Approval from MCI is still outstanding. Drainage easements allowing storm water discharge through other proposed subdivision lots must still be addressed.** (5) A map indicating the soil boring locations has been provided to confirm the seasonal high water table. **Statement of fact.** (6) A design meeting is recommended regarding the proposed storm water management system. **A design meeting was held. Ownership and operation of the wet pond are the issues for discussion.** (E) **Landscaping** (1) The overall landscape design is subject to review and approval by the Board. Per our site inspection of the property, the majority of the site has been cleared. An existing treed area is located just west of the JCP&L right-of-way easement. The eastern edge of the site is wooded and contains Freshwater Wetlands. Testimony should be provided by the applicant's professionals whether any specimen trees exist on-site. If so, compensatory plantings may be required unless waived by the Board. **The applicant's professionals have indicated that testimony will be provided.** (2) Spreading English Yews are proposed around the portion of the proposed wet pond within the Sight Triangle Easement. Lower lying plant material should be considered. **Lower lying Cotoneasters have been provided in place of the English Yews around the portion of the wet pond within the Sight Triangle Easement.** (3) The two (2) proposed London Planetrees along Lanes Mill Road west of the cul-de-sac should be labeled. **The two (2) proposed shade trees have been labeled.** (4) The Inkberry Holly proposed within the JCP&L right-of-way easement will require approval by JCP&L. **The conceptual approval letter from JCP&L**

states no landscaping is permitted inside a JCP&L easement. (5) Corrections are required to the Deciduous Tree Planting Detail. Either an additional Tree Guying Detail shall be added or reference to the detail removed. **The detail has been incorrectly revised. The staking information should remain and just the tree guying information removed.** (F) **Lighting** (1) Proposed lighting has been provided for the cul-de-sac area. Four (4) "colonial" pole mounted fixtures are proposed. There is a discrepancy on the proposed height of the fixtures. A twelve foot (12') height is noted in multiple locations, while a fifteen foot (15') height is shown on the detail. **The proposed lighting for the cul-de-sac has been revised. Six (6) "colonial" pole mounted fixtures are proposed on twelve foot (12') high poles.** (2) A point to point diagram has been provided to verify the adequacy of the proposed lighting. Review of the point to point diagram provided indicates an increase in lighting is warranted. **A revised point to point diagram has been provided to verify the adequacy of the proposed lighting. The photometric patterns shown around the proposed poles are wrong and should be removed.** (3) Testimony should be provided regarding street lighting on the existing Lanes Mill Road frontage. **The applicant's professionals have indicated that testimony will be provided regarding street lighting along the existing Lanes Mill Road frontage.** (4) Coordination of the street lighting with JCP&L is required. **Statement of fact.** (G) **Utilities** (1) Potable water and sanitary sewer service will be provided by the Lakewood Township Municipal Utilities Authority. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. If there are on site septic systems and potable wells, abandonment must be in accordance with all applicable municipal, county, and state standards. The General Notes shall be modified accordingly. **A note has been added to the Utility and Signage Plan stating that any existing onsite septic system and/or potable well shall be abandoned in accordance with all applicable municipal, county, and state standards.**(2) The plans state that electric, telephone, and cable to be provided underground. If gas is available, it shall be added to the list of underground utilities. **The utility notes indicate that gas will be provided underground.** (H) **Signage** (1) Proposed signage has been shown on sheet 5 of 16. Regulatory sign details have been provided. **Statements of fact.** (2) No project identification signs are proposed. **Statement of fact.** (I) **Environmental** (1) **Site Description** Per review of the site plans, aerial photography, and a site inspection of the property, the tract has an existing one-story frame dwelling located in the southwest corner of the property. There are also numerous existing sheds and fences on the land. The east side of the site contains a Jersey Central Power & Light right-of-way easement. High tension lines with a tower exist in the easement. Freshwater wetlands are also contained on the easterly edge of the site within the woods where the clearing for the high tension lines has ended. The majority of the property has been cleared. The existing on-site topography slopes from west to east towards the freshwater wetlands on the eastern edge of the site. **Statements of fact.** (2) **Environmental Impact Statement** Since the number of proposed lots is under ten (10), an Environmental Impact Statement is not required. To assess the site for environmental concerns, our office conducted a 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 highlights some of the documents which were reviewed to evaluate potential environmental issues associated with development of this property: (a) Known Contaminated sites (including deed notices of contaminated areas); (b) Wood Turtle and Urban Peregrine habitat areas; (c) NJDEP Landscape Project Areas, including known forested wetlands, emergent wetlands, forest, and grassed habitat areas. Freshwater wetlands with a fifty foot (50') transition area have been mapped for the site. A copy of the Letter of Interpretation and the approved plan are required for subdivision approval. **Copies of the Letter of Interpretation and the approved plan have been provided.** (3) **Tree Management** A Tree Management Plan has not been submitted. A plan is necessary unless waived by the Board. It should be noted that the site is mostly cleared and only the wooded area in the center of the property will be disturbed. Therefore, no extraneous trees will be removed as part of this subdivision. **The Board shall take action on whether to waive a Tree Management Plan.** (J) **Construction Details**(1) Construction details are provided with the current design submission. However, design changes are anticipated. Therefore, we recommend that final construction details be revised as necessary during compliance review, if/when this project is approved by the Board. **Statements of fact.** (2) **We recommend the proposed board on board fence located around the portion of the wet pond not fronting a road be replaced with open type fencing.** (K) **Final Plat (Major Subdivision)** (1) Additional curves should be added to the wetlands buffer line unless the Freshwater Wetlands Line and Transition Area Line have already been approved by the NJDEP. **The proposed Transition Area Line creates a minimally larger buffer than required; therefore a revision is not necessary.** (2) The General Notes require corrections similar to the construction plans. **The General Notes have been revised.** (3) Detail "C" must be labeled. **Detail "C" has been labeled.**(4) The Secretary's Certification must reference the Planning Board and the date corrected. **The Secretary's Certification has been revised to reference the Planning Board and the date has been corrected.** (5) Bearings must be provided for the right-of-way lines of Concord Circle near the intersection with Lanes Mill Road. **The applicant's engineer has indicated the five foot (5') distance is the beginning of the curve for Concord Circle that is within the Sight Triangle Easement. However, the tangent points for the beginning of the Concord Circle curve must be checked for consistency between the road and right-of-way. The right-of-way radii and curb radii will not be concentric at the intersecting roads because of the differing right-of-way widths. We believe there is a two foot (2') discrepancy between the tangent points, but cannot make a final determination because we are not in possession of the Lanes Mill Road Improvement Plans.** (6) Compliance with the Map Filing Law is required. **Statement of fact.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board. (b) Ocean County Soil Conservation District (c) Ocean County Board of Health (well and septic abandonment, if necessary); (d) Jersey Central Power & Light; (e) MCI; (f) New Jersey Department of Environmental Protection (LOI); and (g) All other required outside agency approvals. Lakewood Township Municipal Utilities Authority will be responsible for constructing potable water and sanitary sewer facilities. **Ocean**

County Planning Board granted a revised approval with contingencies on June 16, 2010. Jersey Central Power & Light granted a conceptual approval on January 28, 2010 and provided plan review on June 16, 2010. New Jersey Department of Environmental Protection granted a Letter of Interpretation/Line Verification on September 21, 2006. Evidence of all other outside agency approvals must be submitted when they are obtained.

Mr. Samuel Brown Esq. appearing for the applicant. This is a 5.8 acre area which will be subdivided into seven single family homes.

Mr. Brian Flannery P.E. stated that this application is for seven proposed single family lots in an R15 Zone on 5.8 acres, the variances we are requesting are for lots on the easterly side of the Cul-de-sac which has the drainage or utility easement in the rear. We are requesting relief from lot width and from setback in order to accommodate useable lots. The easement line is right behind the proposed building boxes we have shown. The homeowners are able to use the yard area, they just can't put a swimming pool or shed or anything of that nature, no fences either. We would not need permission from JCP & L for these lots but we would for a lot on lanes mills being used as a storm water basin, there should be no problem with this it just takes time.

Mr. Schmuckler stated that he had spoken to JCP & L in reference to a similar property situation and that they stated that the homeowner can not put up a pool or metal fence but a vinyl fence was allowable.

Mr. Flannery stated that the applicant would satisfy all other comments in Mr. Vogt's letter.

Mr. Neiman inquired if the Board can require a development plan for this application.

Mr. Brown stated that if it is made a part of approval of this application that a development plan, in reference to the easement, would be able to be provided.

Mr. Neiman asked if there would be four off street parking spaces per unit. Mr. Flannery stated that there was to be three off street spots and one on street spot.

Mr. Neiman requested that there be four off street spaces. Mr. Flannery stated that the Applicant would agree.

Mr. Vogt asked about the Storm Water Management System, this is a wet basin with a fountain in the middle of it. The applicant would like the Township to maintain this basin. Mr. Vogt would like the applicant to get in touch with DPW to ascertain that this can be done in accordance with the ordinance in the UDO.

Mr. Schmuckler inquires as to what type of fence would be put around the wet basin.

Mr. Flannery stated that they were discussing this with JCP & L and they will probably go with a board on board four foot high fence.

Mr. Vogt inquired about item number three under the Lighting section of his letter.

Mr. Flannery stated that we will get your office a point to point diagram showing it complies with the standards and if anything needs to be done obviously we will provide the additional information.

Mr. Neiman opened this portion of the meeting to the public.

Mrs. Ann Richards of 1870 Lanes Mills Road was sworn in. She stated that with JCP & L and Ocean County Sewer Authority, everything has to be done in writing. This is a 5.8 acre property where most of it is JCP & L easement or swamp. It has a very high water table, this and several other existing properties in the area where once under water. JCP & L has a seventy five foot easement from the power lines. Back in 1978 JCP & L wanted to put in Ocean County Sewer Line providing in time they wanted to put another tower in the future. These power lines emit 2300 volts per day. She does not see why anyone would want to live in this area.

Mr. Jackson asked if she was aware of any cases or studies that would prohibit the Board from approving this application at this time.

Mrs. Richardson answered that she was unaware of any cases or studies at this time. She stated that there was no tree management plan at this time and that any activity under the Fresh Water Wet Lands Protection Act needs a permit in writing from the DEP. County Line Road is a major artery for commuters to the Parkway and the County is eventually going to widen this road. There should be no parking on Lanes Mills Road. The proposed entrance and exit from this property is on a curve. She feels that the Board members should go to this site and look at this piece of property. Ocean County Engineers are in the process of checking the boundaries.

Mr. Neiman asked if this is wet lands or LOI.

Mr. Vogt stated that this is an LOI showing a wet lands line on the property, it would be the easterly side of the easement farthest away from the homes, they are showing a wet lands line based on the Nomenclature which appears to be approved in 2006 which would be valid for five years with the option for a five year extension. So to answer your question yes, there is an NJ DEP accepted wet lands line shown on this property, there is a fifty foot wet lands buffer, provided they are outside of that buffer there is no wet lands issue relative to any permitting, they have delineated the wet lands, they have delineated the buffer. Obviously if they encroached into the buffer or the wetlands they will be subject to DEP freshwater wet lands permitting. Concerning the issue with JCP & L, our recommendations include JCP & L and outside agency approvals, there will be negotiations for various things including the basements and the fencing.

Mrs. Jerry Baldwin of Governors Road was sworn in. She stated that because of LOI and wet lands, did this go to the Environmental Commission and what kind of report or recommendations were given. Due to the wet lands proximity there should be no basements permitted on this site, that would just cause problems for the home owners.

Mr. Flannery stated that soil borings were done and given to Mr. Vogt's office, they were done at a seasonal high time frame and we will provide written comments to the Board as per Mr. Vogt's letter. There will be no parking on Lanes Mills Road.

Mr. Schmuckler made a motion to approve this application with the deed disclaimer about the easement, four parking spots per unit and JCP & L approval. MR. Herzel seconded the motion.

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#4 SD# 1742 (Variance Requested)
Applicant: Moshe Bauman
Location: Westwood Ave- west of Ridge Ave.
Block 235 Lots 18 & 19
Minor Subdivision – realign lot lines

Project Description

The applicant seeks minor subdivision approval to realign the lot line of two (2) existing properties to create two (2) new single-family residential lots. The two (2) existing lots, totaling 11,092 square feet (0.25 acres) in area, are known as Lots 18 and 19 in Block 235. Existing Lot 18 is only 28.20 feet wide and contains around four thousand square feet (4,000 SF). Existing Lot 19 has a conforming width of fifty feet (50'), but is still undersized containing about seven thousand square feet (7,000 SF). The two (2) proposed residential lots are designated as proposed Lots 18.01 and 19.01 on the subdivision plan. Both proposed lots are designed with a 39.10' width. The area of proposed Lot 18.01 will be 5,657 square feet (0.130 acres) and proposed Lot 19.01 will be 5,435 square feet (0.125 acres). The site is situated in the northern portion of the Township on the north side of Westwood Avenue, west of the intersection with Ridge Avenue. The property contains two (2) existing two and a half story frame dwellings which will be removed. The lots are located on the north side of Westwood Avenue, a dead-end street, which has a partially paved twenty foot (20') right-of-way. However, a wood fence with bollards obstructs the southern half of the right-of-way near the terminus in front of the proposed lots. Therefore, the end portion of Westwood Avenue is effectively limited to a ten foot (10') width. Public water and sewer is available. However, the plan shows the existing water main located on the south side of the existing fence obstructing the right-of-way. Curb and sidewalk does not exist along the limited street frontage. No construction is proposed under this application. The proposed lots are situated within the R-7.5, Single Family Residential Zone. The site is surrounded by other residential lands. Lot area, width, and side yard setback variances are required to create this subdivision. ***We have the following comments and recommendations per testimony provided at the 7/6/10 Planning Board workshop hearing, and comments from our initial review letter dated June 14, 2010:*** (1) Zoning (1) The parcels are located in the R-7.5 Single Family Residential Zone. Single family detached housing is a permitted use in the zone. ***Statements of fact.*** (2) Per

review of the Subdivision Map and the zone requirements, the following variances are requested: (a) Minimum Lot Area (proposed Lots 18.01 & 19.01, 5,657 SF and 5,435 SF respectively; 7,500 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lots 18.01 & 19.01, 39.10 feet; 50 feet required) – proposed condition. (c) Minimum Side Yard Setback (proposed Lots 18.01 & 19.01, 5 feet; 7 feet required) – proposed condition. (d) Minimum Aggregate Side Yard Setback (proposed Lots 18.01 & 19.01, 12 feet; 15 feet required) – proposed condition. **The Board shall take action on the proposed variances requested for proposed Lots 18.01 and 19.01.** (3) A waiver from constructing curb and sidewalk along the property frontage is necessary (if approved by the Board). However, it should be noted that the right-of-way is too narrow to allow sidewalk construction without a dedication or easement. **The Board shall take action on the proposed waiver requests.** (4) The applicant must address the positive and negative criteria in support of the requested variances and waivers. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) No site improvements are proposed along the frontage of the project. Westwood Avenue is paved for most of its twenty foot (20') width. However, the pavement is in poor condition and in need of replacement. In addition, the access is poor and is restricted to only ten feet (10') near the terminus. Therefore, we recommend the pavement be reconstructed to Ridge Road and that a turnaround be designed to allow access for trash collection and emergency vehicles. A dedication will be necessary for the turnaround. **The applicant's professionals indicate that testimony will be provided at the public hearing.** (2) The existing property is generally flat and slopes slightly toward Westwood Avenue. Since no units are depicted at this time, testimony is required to address proposed grading and drainage. Furthermore, we recommend that a resubmission of the plan be made prior to the Public Hearing using a conforming building box to delineate proposed layout, grading, and drainage schemes. If approved, these concepts could be finalized at plot plan review. **Testimony is required to address proposed grading and drainage. A Conceptual Improvement Plan has been provided which generally slopes the site towards Westwood Avenue. Conforming building boxes of 25' X 50' are indicated on the Conceptual Improvement Plan.** (3) The General Notes indicate the outbound information was obtained from the survey provided for the project. However, the source of the topography must be provided, which is probably the same survey. Also, no individual trees are shown on the survey and the survey is out of date. It does not show the obstructing fence and bollards in the center of Westwood Avenue observed during our 6/9/10 site investigation. **The "Survey of Property" title has been revised to "Boundary & Topographic Survey". The General Notes on the Minor Subdivision Plan must be revised accordingly. Off-site topography has not been updated and is relevant since the obstructing fence and bollards in the road in front of the project impact circulation.** (4) General Notes 11 & 12 should be revised to state "all existing on-site improvements are to be removed" and "all existing on-site lot lines and numbers are to be deleted". **Typographical corrections are still required on General Notes 11 & 12.** (5) No construction or dwelling units are proposed at

this time. The plan indicates the number of proposed bedrooms for the single-family detached dwelling units is unknown. The NJ R.S.I.S. requires 2.5 off-street parking spaces for an unknown number of bedrooms for single-family dwellings. The plans indicated that four (4) off-street parking spaces will be provided for each lot. **The Conceptual Improvement Plan proposes driveways large enough to accommodate four (4) off-street parking spaces for each proposed lot. The accessibility of these proposed driveways must be addressed, particularly proposed Lot 19.01 since the entire fronting road is partially obstructed.** (6) Testimony should be provided as to whether basements are proposed for the future dwellings on proposed Lots 18.01 & 19.01. Based on the four (4) spaces being provided, it appears basements are contemplated. Parking shall be provided to the satisfaction of the Board. **The applicant's professionals indicate that testimony will be provided at the hearing. Seasonal high ground water table information is required if basements are proposed.**(7) The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. **The signature block on the Minor Subdivision plan must be signed by the Tax Assessor.** (8) Testimony should be provided on storm water management and the disposition of storm water from roof leaders. **The applicant's professionals indicate that testimony will be provided at the hearing** (9) A proposed six foot (6') wide shade tree and utility easement is depicted on the plan along the property frontage. The easement location will probably require revision because of the recommended turnaround. The easement areas should be provided on a per lot basis. **The recommended turnaround has not been provided.** (10) No shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. **Two (2) Hackberry shade trees have been proposed for the project, one for each lot. The trees are proposed to be planted at the back edge of the proposed shade tree and utility easement.** (11) The Plan does not indicate any existing trees on the site. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans submitted for Township review should include tree protection measures to save mature vegetation where practicable. **The applicant's professionals indicate they will provide testimony on the existing trees at the public hearing.** (12) Due to no construction of new dwellings at this time, the Board may wish to require the cost of any improvements to be bonded or placed in escrow to avoid replacing them in the future. **The extent of improvements has yet to be determined.** (13) Construction details will be necessary for the improvements required by the Board. **The extent of improvements has yet to be determined.** (14) The General Notes indicate public sewer and water will be provided by New Jersey American Water Company. Testimony should be provided on existing utilities. The existing water main is shown on the south side of the obstructing fence in Westwood Avenue. **The applicant's professionals indicate that testimony will be provided at the public hearing.** (15) The Surveyor's certification on the Minor Subdivision Plan should be revised since the survey indicates a corner marker waiver was given. **The Surveyor's certification has not been revised since a waiver for corner**

markers was given for the original survey. Should approval be granted, new corner markers will be set prior to filing the map. (16) Compliance with the Map Filing Law is required. **The Minor Subdivision will require corner markers per the Map Filing Law.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District (if necessary); and (c) All other required outside agency approvals. **All outside agency approvals shall be obtained as conditions of approval.**

Mr. John Doyle Esq. on behalf of the applicant. This is a two lot minor subdivision in which we are seeking to realign an existing lot line, the area is as an old subdivision off of Westwood Ave. at the end of that twenty foot Right of Way are two ancient homes that are in a state of disrepair and the distance between them is very narrow. The applicant proposes to take these two lots one which is 4,000 square feet and one which is 7,000 square feet and equalize the distance, demolish the houses and put up modern homes on each lot. Given the pre-existing conditions there are variances that we seek. This project would be an improvement to the area.

Mr. Brian Flannery P.E. stated that he had three exhibits to present to the Board. The first is a minor subdivision map marked exhibit A1 with the two lots existing on Westwood Ave. The second exhibit showing the non-conforming lots in the area marked Exhibit A2. Exhibit A3 is pictures of the existing homes in their dilapidated condition, clearly in need of redevelopment. The entire area is being redeveloped with beautiful homes. The applications shows that there are two existing homes on the lots and that is what we are asking for, we are just adjusting the lot lines to equal up the two lots. Referring to Mr. Vogt's report, the variances we need are minimum lot area, 8,500 square feet is required and we have lots of 5,600 and 5,400 square feet. Minimum lot width, fifty feet is required and the two lots are 39.10 feet each. The minimum standard side yard setback seven feet is required and we have five feet. The minimum aggregate side setback, fifteen feet is required and we are requesting twelve feet. We are showing seven feet to the neighbors and so the neighbors will not be impacted by something that is not enforced with the ordinance and we are asking in between the two proposed lots five feet which is an improvement to the area. We have a unique situation with Westwood Ave. area, the townhouses that were constructed to the west of us put up ballards in the middle of the road and a fence up, apparently their deed went to the middle of the road, a road that has been used for quite a long time and they blocked it off, it still allows a ten foot access to the properties. We have provided for four parking spaces per unit, we do need a waiver from constructing curbs and sidewalks because we only have a twenty foot right of way and we only have twenty foot of pavement, it is an existing condition and we have no relief.

Mr. Neiman stated that new homes are defiantly warranted but why is there only half of a street.

Mr. Flannery explained that sometimes older deeds showed that the deed owner owned half the road and because the townhouses were built and the play area fenced in there is no relief it is already done.

Mr. Neiman stated that this is a unique situation and because of the area that these properties are in, the Board may be able to overlook some of the requirements.

Mr. Vogt asked if there was any dialogue with the Township as far as servicing this property, due to the small width of the road. Also, is there going to be an emergency turn around.

Mr. Flannery stated that there are two existing homes on the property and they are being serviced at this time. As far as emergency vehicles, an ambulance can pull in and back out, a fire engine can reach the property from Ridge Ave.

Mr. Vogt stated that under review comments #2 in reference to grading and drainage what is the status?

Mr. Flannery replied that they would provide during resolution compliance information to show that the grading would work with these structures.

Mr. Vogt then asked about the seasonal ground water testing.

Mr. Flannery stated that they would provide soil borings if the new structures are to have basements.

Mr. Vogt asked about #11 under the comment section referring to trees and compensatory planting. Mr. Flannery said he saw no problem with the plot plan and the existing trees.

A motion to approve this application with all that was discussed was made by Mr. Follman and seconded by Mr. Percal.

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#5 SD# 1743 (Variance Requested)
Applicant: Isaac Bistrizsky
Location: Stirling Avenue – east of Holly Street
Block 189.2 Lot 178
Minor Subdivision for 3 lots (1 single family and 2 duplexes)

Project Description

The applicant seeks minor subdivision approval to subdivide an existing lot totaling 19,952 square feet (0.458 acres) in area known as Lot 178 in Block 189.02 into three (3) new residential lots consisting of a single-family unit and a duplex unit on two (2) zero lot line parcels. The proposed properties are designated as proposed Lots

178.01-178.03 on the subdivision plan. The site contains an existing one-story dwelling and an existing shed. Both structures will be removed along with all other existing site improvements. Proposed Lots 178.01-178.03 will become a new single-family residential building lot and two (2) zero lot line properties for a duplex unit. Public water and sewer is available, but will have to be extended on Stirling Avenue to service the development. The existing dwelling has an existing septic system which will be abandoned and public water which is connected to the end of an existing main in Stirling Avenue. The site is situated in the north central portion of the Township on the south side of Stirling Avenue between Holly Street and Linden Avenue. Proposed Lots 178.01 and 178.02 will be equal 41.38' X 145' zero lot line lots of six thousand square feet (6,000 SF) each in area. Proposed Lot 178.03 will be a larger single-family lot of 54.84' X 145', for an area of 7,952 square feet. Curb exists along the street frontage, but sidewalk does not. Sidewalk is proposed across the frontage of the proposed lots. The lots are situated within the R-10 Single Family Residential Zone. Variances for the proposed single-family lot are required to create this subdivision. **We have the following comments and recommendations per testimony provided at the 07/06/10 Planning Board Workshop Hearing and comments from our initial review letter dated June 14, 2010.** (I) **Zoning** (1) The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings and duplex housing on zero lot line properties are permitted uses in the zone. **Statements of fact.** (2) Per review of the Subdivision Map and the zone requirements, the following variances are required: (a) Minimum Lot Area for a Single-Family Lot (proposed Lot 178.03, 7,952 SF, 10,000 SF required) – proposed condition. (b) Minimum Lot Width for a Single-Family Lot (proposed Lot 178.03, 54.84 feet, 75 feet required) – proposed condition. **The Board shall take action on the above listed variances.** (3) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments**(1) The width dimension shown on the plan for proposed Lot 178.03 shall be corrected from 51.84' to 54.84'. **The width dimensions shown at the proposed front and rear property lines shall be corrected to 54.84'.** (2) The General Notes reference an outbound and topographic survey prepared by Charles Surmonte, P.E. & P.L.S. A signed and sealed copy of this survey must be submitted. An existing chain link fence in the vicinity of the rear property line of adjoining Lot 167 must be added to the survey and plan to insure it does not encroach onto proposed Lot 178.03. An existing elevation fifty (50) contour in front and on the side of the existing dwelling must be corrected. Two (2) existing contours should be drawn, one (1) between the front of the existing dwelling and the existing curb, and one (1) between the side of the existing dwelling and the side property line. **A signed and sealed copy of the survey has been submitted with all the corrections completed.** (3) General Note #3 requires correction to properly describe the proposed project. **General Note #3 shall be revised to state “the applicant proposes to subdivide the subject property and provide a duplex on two zero lot line properties as well as an additional single family lot”.** (4) Multiple corrections are required to the Schedule of Bulk Requirements. The required minimum area for the duplex zero lot

line lots is six thousand square feet (6,000 SF). The required minimum lot width for the single-family lot is seventy-five feet (75'); the proposed lot width is 54.84 feet. The required minimum side yard setbacks for the zero lot line lots is 0'/10', the proposed setbacks are 0'/14.71' based on the building boxes proposed. The required minimum side yard setbacks for the single-family lot of 10'/25' are not being violated based on the building box proposed. ***The Schedule of Bulk requirements has mostly been corrected on the revised plan. The proposed side yard setbacks shall be indicated to the hundredth of a foot.*** (5) The proposed side yard setback lines for the zero lot line lots should be shown as ten feet (10') on the plan. ***The proposed side yard setback lines have been corrected on the revised plan.*** (6) The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that three (3) off-street parking spaces will be provided for each unit. The proposed driveways on the proposed lots have been dimensioned to be large enough to accommodate four (4) spaces. Four (4) off-street parking spaces is the proposed number of spaces to be provided for all the proposed lots according to the Schedule of Bulk Requirements. Testimony should be provided regarding the proposed number of bedrooms in order to determine whether additional off-street parking is required. ***Testimony should be provided on the proposed number of bedrooms.*** (7) Testimony should be provided as to whether basements are proposed for the proposed dwellings on proposed Lots 178.01-178.03. Parking shall be provided to the satisfaction of the Board. ***Testimony should be provided as to whether basements will be proposed. Should basements be proposed, seasonal high water table information must be obtained.*** (8) General Note #8 notes the architectural dimensions of the proposed structures on the proposed lots is not known at this time. Building boxes of 26.67' X 55' for proposed Lots 178.01 and 178.02 will provide 24.5% lot coverage. A building box of 29' x 55' will provide twenty percent (20%) lot coverage for proposed Lot 178.03. The proposed building boxes shown on the Improvement Plan should have dimensions added. The proposed building boxes are within the allowable coverage of twenty-five percent (25%). ***The proposed building box dimensions have been added to the revised plan.*** (9) The proposed driveway and off-street parking for proposed Lot 178.03 is configured to save existing trees. The proposed apron must be revised to match the proposed configuration. ***The proposed apron has been revised on the Improvement Plan.*** (10) Proposed grading corrections are required to the plan. A proposed fifty (50) contour in the front yard of proposed Lot 178.03 must be revised to save the existing trees in the front yard. A proposed forty-nine (49) contour is missing from behind the units. A proposed fifty (50) contour is missing from the east side of the site. ***The gutter grade to be matched on the east side of the project should be elevation 49.66. Accordingly, the proposed gutter grades across the project frontage should be adjusted along with a proposed fifty (50) contour in the front yard. The rest of the proposed grading revisions have been accomplished.*** (11) The nearby Zone Line should be added to the Minor Subdivision Plan. ***The Zone Boundary Lines have been added to the Area Map on the revised Minor Subdivision Plan.*** (12) Proposed lot and block numbers must be approved by the tax assessor's office. ***The Minor Subdivision Map must also be signed by the tax assessor's office.*** (13) The Surveyor's certification on the Minor Subdivision

Plan shall be corrected to state “outbound corner markers as shown have been found or are to be set”. ***The certification has been corrected on the revised Minor Subdivision Plan.*** (14) A Legend should be added to the Minor Subdivision Plan. ***A Legend has been added to the Improvement Plan. A Legend is still required on the Minor Subdivision Plan.***(15) The combination of proposed utility connections and new driveway aprons will virtually disturb the entire existing curb. We recommend replacing all the curb in front of the property and designing top of curb and gutter grades to properly convey runoff toward Holly Street. ***Corrections to the proposed curb and gutter grades are required.*** (16) A sanitary sewer main needs to be extended on the south side of Stirling Avenue to service the project. A potable water main needs to be extended on the north side of Stirling Avenue to service proposed Lots 178.02 and 178.03. Therefore, a road reconstruction plan will be required with construction details designed since most of the road will be excavated. ***The proposed road reconstruction and associated details have been added to the revised Improvement Plan.*** (17) A proposed six foot (6') wide shade tree and utility easement is provided for the project. Proposed easement areas should be indicated for the individual lots. Three (3) “Green Vase Zelkova” shade trees are proposed along the property’s frontage, one (1) for each proposed lot. Landscaping should be provided to the satisfaction of the Board. ***The proposed easement areas shall appear on the Minor Subdivision Plan instead of the Improvement Plan.*** (18) The Plan indicates a number of mature trees exist on the site. Some of these trees are unsalvageable if the proposed lots are developed as shown, but many of these trees appear salvageable. The proposed grading should be revised to better limit the area of disturbance. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans for proposed Lots 178.01-178.03 submitted for Township review should include tree protective measures to save mature vegetation where practicable. ***The proposed forty-eight (48) contour in the southwest corner of the project should be adjusted northeastward to protect the existing trees.*** (19) Testimony should be provided on storm water management and the disposition of storm water from roof leaders. ***Dry wells are proposed for storm water management. Calculations are required for the sizing of the proposed dry wells. The construction details must be corrected to show the Stormtech Chambers in series. Also, seasonal high water table and permeability information is required.*** (20) Due to no construction of new dwellings on proposed Lots 178.01-178.03 at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. ***The Board should consider the bonding because of the road reconstruction required for the utility extensions.*** (21) Compliance with the Map Filing Law is required. ***Statement of fact.*** (22) Some minor corrections to the construction details are required and road reconstruction details must be provided. ***Road reconstruction details have been added. We can review the minor construction detail corrections with the applicant’s engineer.*** (III) ***Regulatory Agency Approvals*** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) Ocean County Board of

Health (septic system removal); (d) New Jersey American Water (water & sewer); and (e) All other required outside agency approvals. **All outside agency approvals shall be obtained as conditions of approval.**

Mr. Brian Flannery P.E. appearing on behalf of the Applicant. This application as indicated would be for three dwelling units, two would be duplex units that conform with the ordinance and the remaining lot would be a single family unit providing 7,952 square feet, where 10,000 sq feet is required. This application is in the area where the Master Plan (which has not been implemented with ordinance by the Township yet) on page 74 in the March 2007 Master Plan, recommending rezoning both of the R10 zones east of downtown area to R75 zone to provide additional housing opportunities compatible with redevelopment in that area. This would be a redevelopment of a piece of property where two of the lots are completely conforming and on of the lots is less than the 10,000 sq feet required in a R10 zone but larger than the 7,500 square feet required in the R75 zone. It is my testimony that the Board can approve this application with out detriment to the zone plan and zone ordinance because it complies with the Master Plan and there is no detriment to the public good. Addressing the positive and negative, the positive is we have redevelopment of a piece of property and three housing units and in my opinion there is no negative detriment. We do have the tax map that the Board likes to see, it is marked Exhibit A1. It shows that on third of the lots have variance conditions existing and that is consistent with what we are proposing.

Mr. Neimen inquired if there were any other duplexes in the area as of now.

Mr. Flannery stated he was unaware of them as of now but in any redevelopment there were sure to be others built in the future.

Mr. Sumonte stated that looking at Mr. Vogt's report we have addressed most of the concerns the one thing that is absent to date is the Detailed Soil Investigation report, to determine the depth of the basements we are proposing and to design the drywell system for the rear yard, but other than that and some minor grading revisions to the proposed street reconstruction, I am pretty sure we have covered everything. There will be four parking spots per unit and four or five bedrooms per unit.

A motion to approve this application with everything discussed was made by Mr. Schmuckler and seconded by Mr. Follman.

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Schmuckler excused himself from the meeting at this time.

#6 **SD#1744 (Variance Requested)**
Applicant: **Avraham Raitzik**
Location: **southeast corner of Attaya Road and Gudz Road**

Block 11.04 Lots 5, 22
Minor Subdivision to create 3 lots

Project Description

The applicant seeks minor subdivision approval to subdivide two (2) existing lots totaling 0.84 acres in area known as Lots 5 and 22 in Block 11.04 into three (3) new residential lots, designated as proposed Lots 5.01, 5.02, and 5.03 on the subdivision plan. The two (2) existing lots contain existing two-story, split level frame dwellings which will remain. Public water and sewer is not currently available. Therefore, the two (2) existing dwellings are presently served by private individual septic disposal systems and potable wells. However, a proposed sanitary sewer main will be constructed in the future by others, at that time the existing dwelling units will be connected to the proposed sanitary sewer system. No construction is proposed at this time under this application. The site is situated in the western portion of the Township on the southeast corner of Gudz Road and Attaya Road. The properties are located at least one hundred fifty feet (150') from Freshwater Wetlands. The subdivision proposes to create three (3) lots of nearly equal size with proposed areas in excess of twelve thousand square feet (12,000 SF). Proposed Lot 5.01 will have an existing dwelling to remain and front Gudz Road. Proposed Lot 5.02 will be located at the intersection of Gudz Road and Attaya Road and shall be used for a future single-family residence. Proposed Lot 5.03 will also have an existing dwelling to remain and front Attaya Road. Curb exists along the Gudz Road frontage, but not along the Attaya Road frontage. Sidewalk does not exist along either street frontage. The proposed lots are situated within the R-12, Single Family Residential Zone. The site is surrounded by other residential lands. An accessory use rear yard variance is required to create this subdivision. We have the following comments and recommendations: (I) **Zoning** (1) The parcels are located in the R-12 Single Family Residential Zone. Single family detached housing is a permitted use in the zone. **Statements of fact.** (2) Per review of the Subdivision Map and the zone requirements, the following variance is required: (a) Minimum Accessory Rear Yard Setback (proposed Lot 5.01, 3.0 feet; 10 feet required) – proposed condition. **The Board shall take action on the proposed accessory rear yard setback variance requested.** (2) A waiver from constructing curb and sidewalk along the property frontage is necessary (if approved by the Board). **The revised plans indicate that curb will be constructed. Proposed sidewalk is not shown on the revised plans. A waiver remains necessary unless sidewalk is proposed.** (2) The applicant must address the positive and negative criteria in support of the requested variance and waivers. **At the discretion of the Planning Board, supporting documents may be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The existing property generally slopes away from the Gudz Road and Attaya Road intersection. Existing dwellings will remain on proposed Lots 5.01 and 5.03. Since no unit is depicted on proposed Lot 5.02 at this time, testimony is required to address proposed grading and drainage. Furthermore, we recommend that a resubmission of the plan be made prior to the Public Hearing using a conforming

building box to delineate proposed layout, grading, and drainage schemes. **Testimony is required to address the proposed layout, grading, and drainage of proposed Lot 5.02. The addition of a proposed conforming building box addressing layout, grading, and drainage schemes has not been provided.** (2) The General Notes indicate the boundary and topographic information was taken from a plan entitled "Boundary & Topographic Survey of Tax Lots 5 & 22 – Tax Block 11.04". A copy of the survey must be provided for the project. Also, no individual trees are shown on the subdivision and we observed large individual trees outside the wooded areas during our site investigation which are worth saving. **A copy of the survey has been provided for the project. No existing individual tree locations have been shown.** (3) The General Notes also state that topographic information shown is based on 1929 vertical datum. A bench mark should be included on the plan. **A bench mark should still be added.** (4) The General Notes state all encroachments caused by the proposed subdivision shall be removed from the proposed lots. The plan needs to clarify existing improvements that are to be removed and altered such as driveways and sheds. A driveway encroachment from adjoining existing Lot 17 onto proposed Lot 5.03 must be addressed for the Board's consideration of this subdivision. **The revised plan has clarified existing improvements that are to be removed such as the driveway and shed on existing Lot 5. The revised plan also shows an alteration to the driveway on existing Lot 22 such that it will not encroach upon proposed Lot 5.02. The driveway encroachment from adjoining existing Lot 17 onto proposed Lot 5.03 must still be addressed.** (5) The General Notes state that the proposed home for proposed Lot 5.02 shall comply with the RSIS parking requirements. No construction or dwelling unit is indicated for proposed Lot 5.02 at this time. Furthermore, the plan is silent on the RSIS requirements for the existing dwellings remaining on proposed Lots 5.01 and 5.03. A new driveway which is not indicated is required for proposed Lot 5.01 since the old driveway will be removed because it is located on proposed Lot 5.02. The extent of alteration to the existing driveway on proposed Lot 5.03 is not indicated, although the existing driveway services a side entry garage and currently has ample off-street parking. Parking shall be provided to the satisfaction of the Board. **The revised plan does not satisfactorily address parking requirements.** (6) **Public sewer and water are not available at this time.** A proposed sanitary sewer will be constructed in Gudz Road and Attaya Road from the approved Jule Estates Major Subdivision project. After construction of the sanitary sewer, the existing dwellings may be connected and the existing septic systems abandoned. The existing dwellings and future dwelling on proposed Lot 5.02 will continue to be serviced by private individual potable wells. Ocean County Board of Health approval will be required for the Minor Subdivision. **We recommend, at a minimum, this subdivision approval be conditioned that building permits for any of the proposed lots will not be requested until sewer service (public or private individual septic disposal systems) is approved and available.** (7) A proposed sight triangle easement is required on proposed Lot 5.02 because of the intersecting roads. **The ordinance requires a triangular area measured twenty-five feet (25') along the right-of-way lines, measured from their intersecting point.** (8) A correction is required to the proposed subdivision line between proposed Lots 5.02 and 5.03. The bearing for the proposed line is not

perpendicular to the front property line of Attaya Road. **The revised plan corrects the proposed subdivision line between proposed Lots 5.02 and 5.03. The bearing for the proposed line is now perpendicular to the front property line of Attaya Road.** (9) There is a discrepancy which must be rectified on the lot area for proposed Lot 5.02. The plan lists an area of 12,071 square feet, while the Schedule of Bulk Requirements shows an area of 12,246 square feet. **The revised plan corrects the lot area for proposed Lot 5.02 to 12,071 square feet in the Schedule of Bulk Requirements.** (10) The proposed lot widths must be corrected in the Schedule of Bulk Requirements. The lot width for proposed Lot 5.01 should be 127.30 feet, the lot width for proposed Lot 5.02 should be 101.36 feet, and the lot width for proposed Lot 5.03 should be greater than the ninety-seven foot (97') value indicated. **The revised plan corrects all the proposed lot widths in the Schedule of Bulk Requirements.** (11) A side yard dimension shall be added to the wood shed which will remain on proposed Lot 5.01. The dimension must also be added to the Schedule of Bulk Requirements. **The revised plan adds a proposed side yard dimension of twenty-seven feet (27') for the wood shed accessory structure remaining on proposed Lot 5.01.** (12) The lot coverage percentages for proposed Lots 5.01 and 5.03 require correction. **The revised plan corrects the lot coverage percentages.** (13) No site improvements are proposed along the frontage of the project. Attaya Road is a paved road with a varying existing pavement width. Should the Board require curb for the project, the proposed curb should be set ten feet (10') from the property line and the road widened to the proper half width. Curb exists along the Gudz Road frontage and is in fair condition, but the road is in poor condition. Survey spot shots must be provided to assist in determining the extent of improvements that should be provided along the Gudz Road and Attaya Road frontages of the project. **General Note #17 added to the revised plan is unacceptable. Attaya Road must be widened to the correct half width, consistent with other projects approved by the Board (e.g. Herzog SD# 1730). Road widening plans are required to review the entire project. Subsequently prepared individual plot plans shall follow the approved road widening design. Survey spot shots are necessary to determine the extent of improvements required for Gudz Road.** (14) A twenty foot (20') rear yard setback dimension should be added from the property line to the rear yard setback line on proposed Lot 5.02. **The setback dimension has been added to the revised plan.** (15) A proposed rear yard dimension should be added between the proposed rear property line and the existing dwelling on proposed Lot 5.03. Also, the side yard setback lines should be revised to ten feet (10') and fifteen feet (15') to comply with the zoning. **The revised plan adds a 39.3' rear yard setback dimension between the proposed property line and the existing dwelling on proposed Lot 5.03. An explanation is required as to why the proposed side yard setbacks for proposed Lot 5.03 are shown as eleven feet (11') and fourteen feet (14').** (16) Testimony should be provided as to whether a basement will be proposed for the future dwelling on proposed Lot 5.02. **Seasonal high water table information will be required should a basement be proposed.** (17) The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. **Approval from the Tax Assessor is required.** (18) Compliance with the Map Filing Law is required. **Statement of fact.** (19) Monuments to be set shall be shown. The

plat must be corrected, but the monuments must be in place prior to the Map being filed. **The plat still requires correction.** (20) A proposed six foot (6') wide shade tree and utility easement is depicted on the plan along the property frontage. Survey information for the easement should be provided and the easement areas provided on a per lot basis. **Survey information has been added to the revised plan. The proposed easement area for proposed Lot 5.02 should be checked.** (21) No shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. **General Note #19 added to the revised plan indicates that shade trees shall be provided on future plot plans. However, this will not allow for Board review.** (22) The Plan does not indicate any existing trees on the site. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans submitted for Township review should include tree protection measures to save mature vegetation where practicable. Should the Board require sidewalks, there are instances where consideration should be given for constructing sidewalks around existing trees and providing sidewalk easements on the individual proposed lots. **Sidewalk easements should be considered by the Board if sidewalks will be constructed around existing trees within the right-of-way.** (23) Due to no construction proposed at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future, especially since a sanitary sewer main is proposed by others. **We recommend the bonding of improvements since the construction of improvements should not be undertaken until the sanitary sewer is in place.** (24) Unless the Board waives the construction of curb and sidewalk, construction details are required for improvements required by the Board. **Construction details are required for this project.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District (if necessary); (c) Ocean County Board of Health (well & septic); (d) New Jersey American Water (sewer); and (e) All other required outside agency approvals. **Ocean County Planning Board approval was granted on June 16, 2010. All other outside agency approvals shall be obtained as a condition of approval.**

Mr. Graham Macfarlane P. E. on behalf of the Applicant. We are presenting this application this evening for minor subdivision. The first item I would like to refer to is and aerial map marked Exhibit A1. This is a display map that shows the subject parcel as well as the surrounding properties in the R12 zone in which the property is located. The map shows the two existing lots which are proposed to be subdivided to create a third lot resulting in three conforming lots. Referring to the minor subdivision plan submitted to the Board, again you can see that the two existing lots are triangular in shape. Referring to Mr. Vogt's letter regarding the sidewalks, we are submitting an improvement plan marked Exhibit A2 showing sidewalks along Gudz Road and Attaya Road. This plan also goes to the geometry and location of the

proposed driveway that we would like to reconfigure for the lot that fronts on Gudz Road. We are no longer requesting waivers on the curbs and sidewalks.

Mr. Vogt stated their recommendation of a fifteen foot half width curb for approval and if the applicant can prove supplemental information during compliance that would justify the twelve foot half wide curb.

There is one variance requested in connection with the application which relates to an existing shed on proposed lot 5.01 which fronts on Gudz Road there is an existing in the rear of the house and we are requesting variance relief for that accessory structure. In addition we would like to request one additional variance that proposed lot 5.01 does have an additional shed that sits north of the swelling we would like to locate that shed just inside of the side yard property line approximately half a foot off the side yard property line an 8 x 12 foot shed.

Mr. Vogt has no problem with the request but asked if the applicant advertised for any and all variances.

Mr. Macfarlane replied that yes, they advertised for any and all variances. Also due to the existing trees and grading on Gudz Road we would like to install the sidewalk adjacent to the curb to preserve the trees for approximately half the length of lot 5.01, south of the driveway, we are asking for a design waiver for this condition. For the rest of the comments we will agree to comply with all. We had a discussion as to when the bond would be required, we would request that for this minor subdivision any bonding be required at the time of plot plan prior to issuance of a building permit and not be a condition of map filing. We would like to defer layout grading to the time of plot plan, we have no idea as to what type of house will be constructed there.

A motion to approve with all that was discussed was made by Mr. Herzel and seconded by Mr. Percal.

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes.

7. PUBLIC PORTION

8. APPROVAL OF THE MINUTES

Minutes from July 6, 2010 Planning Board Meeting.

Motion was made by Mr. Herzl, and seconded by Mr. Fink to approve.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes.

9. APPROVAL OF BILLS

Motion was made by Mr. Herzl, and seconded by Mr. Fink to approve.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes.

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Margaret Stazko
Planning Board Recording Secretary