

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Neiman, Mrs. Koutsouris, Mr. Akerman, Mr. Banas, Mr. Schmuckler, Mr. Percal

3. SWEARING IN OF PROFESSIONAL

Mr. Vogt was sworn in.

4. PLAN REVIEW ITEMS

1. SP # 1924 (Variance Requested)
Applicant: Bais Chinuch L'bonos Bayis Rochel Inc.
Location: Carey & Twelfth Streets, between Monmouth & Lexington
Block 136 Lots 6 & 7
Preliminary & Final Site Plan- addition to school

Mr. Herzl recused himself from this application.

Mr. Vogt prepared a letter dated July 29, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval for an expansion to the existing Carey Street School located on Carey Street, 150 feet west of the intersection with Monmouth Avenue. A two-story addition is proposed, connecting to the west side of the existing two-story school building. Various interior parking and site improvements are also proposed within the property, including additional parking and a bus drop-off area proposed along 12th Street in the northern portion of the site. Zoning- The parcels are located in the R-10 Residential District. Schools are a permitted use in the zone. Per review of the Site Plan and the zone requirements, the following variances are required for proposed Lot 21.01: Front Yard setback (17.3 ft proposed,

30 ft required) – existing condition. Maximum Building Coverage (33.9% proposed, 25% required) – new condition. Parking (13 spaces proposed, 18 spaces required) – new condition. The applicant must address the positive and negative criteria in support of the requested variances. Review Comments- Site Plan/Circulation/Parking- As indicated previously, a variance is necessary and requested (18 spaces required for the existing school and proposed addition per the Code. Thirteen (13) spaces are proposed, including seven (7) spaces off of 12th street, and six (6) parallel spaces along the east side of the existing building. One (1) of the parallel spaces, at the southeast corner of the building, will be handicap accessible. A bus drop off area is proposed along 12th Street as well. The drop off area will be in front of the seven (7) parking spaces proposed in that area. Testimony is necessary from the applicant's professionals regarding how the bus drop off area will be used, including but not limited to times, and sizes and numbers of vehicles anticipated (i.e., buses, vans, cars, others). Testimony is also necessary regarding how the drop-off and proposed 12th Street parking spaces will function together (since the proposed drop off area is between the parking spaces and 12th Street). Testimony is necessary from the applicant's professionals regarding how the six (6) proposed parallel parking spaces will function, both ingress and egress from these spaces. These spaces are designated on the plans as "Proposed Overflow Parking Spaces". It appears that vehicles will enter this parking area a proposed concrete apron and depressed curb to be installed along Carey Street. It is unclear how these vehicles will exit the site. The area between the playground and the proposed 12th Street parking spaces is designated as "Bituminous Concrete Parking Area". Testimony is required from the applicant and/or its professionals regarding whether this area can or will be used as parking. Although it appears that adequate turning movements will be provided for the proposed bus drop off area, a vehicle circulation plan should be provided as confirmation. Summary testimony regarding future bus drop-offs and pickups, and general use of the proposed site should be provided to the Board's satisfaction (as well as deliveries to the buildings). Per our 7/24/09 site inspection, we note that sidewalk and curbing exist along Carey Street, and curbing along 12th Street, but are deteriorating. Replacement of sidewalk and/or curbing should be considered, particularly if some students walk to the school. A proposed refuse enclosure is depicted in the northeast corner of the property, off of 12th Street. Testimony is required from the applicant's professionals addressing how the enclosure will be accessed, and who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. A note on Plan Sheet 3 indicates that the existing Lot line between Lots 6 and 7 will be removed. The applicant's professionals must testify how this will be accomplished (i.e., Lot consolidation plan, other). Architectural- Per review of the architectural plans, they appear generally well-prepared. The proposed addition per the architectural plans is 42' by 92' in size, and accurately depicted on the site plans. However, we recommend that the site plans include the proposed building dimensions for clarity during construction. As noted on the architectural plans, an unfinished basement and a two-story building are included with the proposed addition. Testimony should be provided as to whether the proposed addition will include a sprinkler system. We recommend that the location of proposed air conditioning equipment should be shown. Said equipment should be adequately screened. We recommend that color renderings of the building be provided for the Board's use at the forthcoming public hearing for the application. Grading- Very limited grading information is provided on the current design plans, other than existing elevations and the finished floor elevations of the existing building and proposed addition. Per review of the existing elevations and per review of site conditions during our 7/24/09 site inspection, on-site grades are relatively flat. As a result, the proposed site plan appears feasible without major grade changes or retaining walls. However, a more detailed grading plan must be developed, at a minimum, as a condition of Planning Board approval if/when forthcoming for compliance review. Detailed grading information is required, at a minimum, for the proposed 12th Street parking area, the proposed bus drop-off area and proposed depressed concrete curb and parking apron at the Carey Street entrance to the

proposed parallel parking spaces. A final grading review will be performed during compliance review. The site plans reference a survey dated May 12, 2009 by Clearpoint Services. A signed sealed copy of this survey should be provided as part of this application. Stormwater Management- Per review of the design plans and "Drywell Design Calculations" report provided with the application, less than 0.25 acres of new impervious coverage is proposed for the addition and site improvements. Since site disturbance will be less than one (1) acre, the project will be exempt from the "major development" stormwater design regulations per NJAC 7:8 and contained within the Township Code. As noted on the Site Plan, a 900-gallon drywell is proposed to recharge stormwater from the proposed addition. Per hydrographs provided in summary report, one drywell appears capable of recharging the post-development increase for the 10-year storm event. More detailed drainage calculations, addressing pre-development and post-development conditions are necessary for the entire site. While the stormwater management concept for this project appears viable, additional design information must be provided during compliance review, including the following items at a minimum: Soils information, including depth to seasonal high ground water and percolation rate. Proposed dimensions and elevations of the drywell(s). Information regarding the proposed roof leaders and their discharge(s) into the existing and proposed stormwater collection systems must be provided. While we cannot confirm based on available grading information, it appears that the proposed 12th Street parking spaces and bus drop off area will drain directly into the 12th Street cartway. The applicant's engineer must provide an impact assessment for the project flow increase onto the roadway. Landscaping and Lighting- Although a dedicated landscaping plan is not provided with the submission, proposed landscaping is depicted on Sheet 3 of the plans. As proposed, eleven (11) Eastern Red Cedars are proposed along the westerly property line. Additionally, the plans note that the existing chain link fence along the westerly property line will be replaced with "Privacy Screening". Testimony must be provided from the applicant's professionals as to what this screening will consist of (i.e., board on board fence, other). Two (2) mature maple trees will be removed from Lot 7 to accommodate the proposed addition. Testimony should be provided as to whether compensatory landscaping is proposed (or necessary). It should be noted that tree protection details are provided on the plans for mature vegetation that is salvageable during construction. Landscaping should be provided to the satisfaction of the Board. Neither existing nor proposed lighting is illustrated on the current design plans. Testimony must be provided from the applicant's professionals to address existing and proposed conditions. Lighting should be provided to the satisfaction of the Board (and/or waivers sought). Utilities- The plans indicate the site is served by public water and sewer. Proposed (new) utility services to the addition from Carey Street are depicted on the plan. The applicant must receive necessary approvals (if any) for the increased demand resulting from the proposed addition. Construction Details- 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. A more detailed review of construction details will occur during compliance review; if/when this application is approved. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Environmental - No Environmental Impact Statement (EIS) was prepared for this project, nor is one required by Township Code. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested

wetlands, emergent wetlands, forest, grassland and wood turtle habitat areas. Per NJDEP mapping, the site and surroundings have no known environmentally-constrained areas (although an occurrence typical of an auto accident and/or fuel spill is recorded near the site's Carey Street drive entrance). Testimony should be provided by the applicant's professionals as to whether any known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) exist within the property. We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Service (if necessary); Ocean County Soil Conservation District; and all other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Abe Penzer Esq. appeared on behalf of the applicant. He said the application has a history with the board. There is a condition of employment that no teacher is allowed to drive to the school so the only people coming into the school are ICST or the Catapult people. They don't want parking but they are forced to have some and they have a maximum of 6 ICST & Catapult and they have 13 spaces and he would like to ask the board if they would dispense with them in favor of an extra playground if possible. Mr. Penzer said they are not increasing the enrollment and they bought this building because the 27 people who resided in the building were urinating on the property and the neighbors begged them to purchase it and they bought it to give their existing students more room-not to increase the amount of students. There will be a bigger library, an indoor playroom and a bigger lunchroom. What they see in the map will be for the ICST and then a total during the day of 8 buses in the morning at staggered times between 8:30-9:00am and in the afternoon they come 2 buses at 3:00 and 6 buses at 4:00 staggered. They have a drop off zone for the buses. They have 6 spaces for overflow but those are horrendous because you have to back up to get out and they requested permission to make that a 2nd playground as opposed to keeping the parking which they don't need nor will they ever need. They do not want to make it a concrete parking lot because there are some trees there. The trash will not increase in volume. The reason the basement is unfinished is because they want an indoor playground and the addition will have a sprinkler. They agree to the points about grading, stormwater management and lighting. With regard to the fence, the neighbors requested a higher fence along the existing fence (currently 3ft.) and would like to have one that is 6ft. and between lots 8 & 2 they would like it to be 8 ft. for privacy. Mr. Neiman asked what kind of fence and Mr. Penzer said wooden fence. Mr. Penzer said they are not putting in any compensatory landscaping because they are less than 10 trees. The lighting is going to be building mounted on the entrance.

Mr. Penzer asked Mr. Vogt is why they have to go to the Ocean County Planning Board- it is a private street and there is no county within 5 blocks. Mr. Vogt said he needed something from the county and Mr. Penzer said they would send a letter saying it doesn't affect them.

They agreed to meet the remainder of the comments.

Mr. Neiman asked if they have an issue with parking right now and Mr. Penzer said no. Mr. Neiman asked if there will be any additional students and Mr. Penzer said there will not be any additional students and they will be using the addition for library, lunchroom and indoor playroom but not any reason for more cars. Mr. Penzer said they would like to have only 7 spaces in the front and behind the trailer they would make that a playground instead of overflow parking.

Mr. Banas said he is concerned with the request for a variance for maximum building coverage 33.9% where 25% is required. He said he does not ever recall any building in Lakewood requesting that other than one synagogue which went to 27% and said this is a tremendous increase when they have a maximum required of 25% and thinks it is overbuilt. Mr. Penzer said they are consolidating the lots and adding the building because the neighbors asked them to get this building. They did that to alleviate a problem that was there. He said the yeshiva (the Baron Hall) is 46% and most of the schools exceed the 25%- they are in the high 30's and this is not unusual. The benefits of the children having more space is inherently beneficial and they will provide testimony at the public hearing.

Mr. Neiman asked Mr. Banas how he felt about the parking being used for an outdoor recreation and Mr. Banas said he had no problems with that. The other thing that disturb him is the fences –he does not think they should go up and down- he thinks that distracts and it should be uniformed. Mr. Penzer said they would have to go all 8 ft. to satisfy the neighbors so he needs a variance.

Mr. Schmuckler asked what is being changed from the current building and Mr. Hopkin said they are moving the 1 ½ story frame house and putting the addition there.

Mr. Percal asked if they currently have a library and Mr. Penzer said they do not have a big enough library nor a big enough indoor playroom. They are eating lunch in their classroom. Mr. Percal asked again if they plan on increasing enrollment and Mr. Penzer said no- and they can make that a condition of the resolution- there are 250 students now and that is what they will have.

Mr. Akerman said his testimony is they are not increasing any more students but they are proposing new classrooms and Mr. Penzer said the classrooms they have now are too small and the children are on top of each other. Mr. Hopkin said the existing building's classrooms are being made larger.

Mr. Neiman said the consensus of the board is they would rather see the outdoor playground than the 6 parking spaces. They would have to give testimony why this 33.9% maximum coverage is warranted at the public hearing. Mr. Franklin asked if they can keep the fence at 6 ft. and Mr. Penzer said the neighbor wants privacy and 6ft. is not high enough. Mr. Banas said sometime you have to go against the neighborhood simply because people coming into the area that are not familiar with all these little reasons look at it and create a different impression in their mind and aesthically it would look much better with a level fence. Mr. Franklin said an 8 ft. fence would make it look more like a prison and Mr. Neiman said he agrees and he would rather see a 6 ft. fence. The fences would be on 2 separate sides so it would not look at bad as one that changes height along the same line.

Mr. Penzer asked if it is possible to move this application to the meeting of September 1, 2009 and Mr. Kielt said the agenda is not too heavy for September 1st and thinks they can put a school on for September 1, 2009.

Mr. Percal asked if they had a consensus on the 6 parking spaces vs. the playground and said he would also be in favor of such a move. Mr. Neiman said there is enough on street parking here in case of emergency and you would always like to see more playground area for the kids.

Mr. Schmuckler suggested having testimony from the neighbors to see if it has ever been a problem.

Motion was made by Mr. Banas, seconded by Mrs. Koutsouris, to advance to the Plan Review Meeting of September 1, 2009

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

2. SD # 1684 (No Variance Requested)
Applicant: Levi Steiner
Location: corner of East Fifth Street & Manetta Avenue
Block 236 Lots 15 & 53
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated July 27, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to re-subdivide existing Lots 15 and 53, Block 236, by relocating the existing lot lines between the two (2) residential lots. Both lots are undeveloped at this time. Two (2) proposed two-family dwellings are proposed, one on each lot. Lot 15.02 has frontage on East Fifth Street, and Lot 15.01 has dual frontage on East Fifth Street and Manetta Avenue. The lots are situated within the R-7.5, Residential Zone. The surrounding land uses are predominantly residential. We have the following comments and recommendations: Zoning- The parcels are located in the R-7.5 Residential District. Two-family dwellings are a permitted use in the zone if a minimum lot size of 10,000 square feet is provided. No variances are requested or appear necessary for this application as proposed. The plan contains a note that "Architectural dimensions of proposed structures are not known at this time". However, the Area and Yard setbacks included in the schedule on the plan are based on the assumed footprints. We recommend that the setbacks listed on the plan schedule be consistent with the zoning setback requirements as (accurately) depicted on the plan. Review Comments- The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. Six (6) off-street parking spaces (driveways) are proposed for each lot. Three (3) of the spaces for Lot 15.01 will be directly across from Manetta Street's southerly intersection with East 5th Street. The applicant may want to consider relocating these spaces to be adjacent to the three (3) spaces already proposed along Manetta Court. Parking shall be provided to the satisfaction of the Board. Based on the assumed dwelling footprints indicated on the plan, and as indicated on the zoning schedule, both dwellings will be less than the 30% lot coverage maximum allowed in the R-7.5 zone. Sidewalk exists along the entire property frontage, and curbing appears to exist along the entire frontage (including depressed curbing as depicted on the plan for the intersection frontage along Lot 15.01. The plans include a detail indicating that sidewalk will be replaced at the driveway intersections with the streets. The detail should be revised to include replaced curbing as well. Per review of the subdivision plan, both dwelling units will be served by public water and sewer. Grading information is provided for the proposed aprons and driveways, as well as assumed finish floor elevations for the dwellings. This is satisfactory. Per review of the plans and our 7/24/09 site inspection, stormwater will continue to flow from these properties onto Lot 14 in the rear of the site. We recommend dry wells or similar measures for the proposed dwellings to offset the anticipated increase in runoff. A sight triangle easement is proposed at the intersection. A legal description should be provided upon approval (unless the subdivision is filed by plat). Three (3) Village Green Zelkova shade trees are proposed. A 6 foot shade tree/utility easement should be provided on the subdivision plan (unless waived by the Board). A handicap ramp must be provided at the intersection. Compliance with the Map Filing Law is required, including but not

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limited to setting monuments for the proposed lot line. Should approval be granted, the monuments shown to be set must be in place prior to signing the map for filing with the County. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals (prior to occupancy); Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. John Doyle Esq. appeared on behalf of the applicant and said they will conform with everything in the letter but asked Mr. Vogt to note that they looked at the comment about relocating the parking spaces and said there is a radius there and they might be too close to the corner so his engineer feels it is better where they are. Mr. Vogt asked if they will have testimony to that on the public hearing. Mr. Neiman said he agreed with Mr. Vogt's comment and said it is always dangerous to back out of spaces where 3 intersections come together.

Mr. Franklin also commented about the back out parking when that Clark Street School in going into session- it will be impossible. Mr. Neiman agreed.

Motion was made by Mr. Akerman, seconded by Mr. Schmuckler, to advance to the meeting of September 15, 2009

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

3. SD # 1666 (Variance Requested)
Applicant: Chaya Wohlender/Ridgeview Gardens
Location: Ridge Avenue, south of Hackett Street Block 238 Lots 15, 16, 17
Minor Subdivision from 3 lots to 4- 3 duplexes and 1 single family

Mr. Vogt prepared a letter dated July 30, 2009 and is entered in its entirety. The owners are Pinchas Wolhendler, 2 Negba Street, Lakewood, New Jersey, Aaron Franco, 20 Reid Street, Long Branch, New Jersey, and Chaya Wolhendler, 2 Negba Street, Lakewood, New Jersey. The applicant is Ridgeview Gardens, LLC, 2 Negba Street, Lakewood, New Jersey. The applicant is seeking minor subdivision and site plan approval. The applicant proposes to remove several single family and multifamily dwellings and construct three (3) duplexes and one (1) single-family dwelling. The existing three (3) lots are proposed to be subdivided into four (4) proposed lots. A Homeowners Association would be formed for the proposed access and utility easement which will contain a parking lot and site utilities. Thirty (30) parking spaces are proposed. Twenty-seven (27) spaces are located within an off-street parking lot and the other three (3) spaces are located along the frontage of the property perpendicular to Ridge Avenue. It appears the perpendicular spaces along Ridge Avenue will only serve one unit of the duplex building on proposed Lot 15.01. Ridge Avenue has a thirty-three foot (33') right-of-way and no right-of-way dedication is proposed. The tract totals 0.82 acres in area and consists of three (3) existing residential properties, Lots 15-17 in Block 238. Associated site improvements are proposed for the minor subdivision and site plan. These improvements include proposed sewer, water, and drainage; paved parking area with curb, sidewalk, landscaping, and lighting. The property is located in the northern portion of the Township on the north side of Ridge Avenue,

west of Hackett Street. Zoning- the site is situated within the R-7.5, Single-Family Residential Zone. Per Section 18-902 G. 1. a. & b., of the UDO, "Single Family Detached Housing" is listed as a permitted use, and "Two Family and Duplex Housing, with a minimum lot size of 10,000 square feet" is listed as a permitted use. A variance is required for minimum lot area of proposed Lot 15.04. A 7,500 square foot area for single family lots is required and 5,481.15 square feet is proposed. A variance is required for minimum lot frontage on proposed Lots 15.02-15.04. The proposed lots have no road frontage, where fifty feet (50') is required. Front yard setback variances are required. The duplex units on proposed Lots 15.01-15.03 are setback ten feet (10') from the proposed parking lot. The required setback of twenty-five feet (25') from Ridge Avenue on proposed Lot 15.01 is indicated, but review of the architectural plans shows the building access will violate the allowable setback. The single family unit on proposed Lot 15.04 is setback about twelve feet (12') from the proposed parking lot, an exact dimension must be proposed. The minimum side yard setback required is seven feet (7'). A minimum side yard setback variance of 6.5' is requested for all proposed lots. The minimum aggregate side yard setbacks required are fifteen feet (15'). Proposed Lots 15.02 and 15.03 request a minimum aggregate side yard setback variance of thirteen feet (13'). Proposed Lot 15.04 needs a minimum aggregate side yard setback variance of 13.4'. The applicant must address the positive and negative criteria in support of the requested variances. Review Comments- Site Plan/Circulation/Parking Off-street parking: It appears that each unit will have 5 bedrooms each. The Planning Board should decide if the proposed thirty (30) parking spaces are adequate for this residential development. We calculate a minimum of twenty-eight (28) spaces are required based on the Planning Board's and RSIS standards. The applicant should also provide testimony regarding basements since the elevations indicate that each unit will have a basement. The proposed twenty-seven (27) space off-street parking lot consists of twenty (20), 9' X 18' perpendicular parking spaces on the east side, a twenty-four foot (24') wide aisle, and seven (7), 10' X 23' parallel parking spaces on the west side. Curbing is proposed for the entire parking area. A concrete sidewalk is proposed along the east side of the lot for access to the dwelling units. We are concerned with the three (3) proposed perpendicular parking spaces along the Ridge Avenue property frontage. In addition to the fact they back out onto an existing road with a narrow pavement width, they appear to only serve one (1) of the duplex units on proposed Lot 15.01. Should this be the case, the three (3) proposed spaces are also less than the required four (4) spaces per unit. None of the units are handicapped accessible and no handicapped parking has been provided. Testimony should be provided to address this issue. The plan has not provided any sight triangle easements for the proposed project. The applicant must show the easements or provide testimony as to why they are not required. The plans should note that all existing improvements on the three (3) existing lots will be razed. Each unit shall have an area designated for the storage of trash and recycling containers. This matter is not addressed on either the site plans or architectural plans. In addition, no trash and recycling enclosure is proposed within the common area. Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. Sidewalk is proposed along the Ridge Avenue frontage. The existing curb is shown to remain. Architectural -Three (3) sets of architectural plans are provided. Building #1 is for the duplex unit on proposed Lot 15.01, Building #2 is for the duplex units on proposed Lots 15.02 and 15.03, and Building #3 is for the single family unit on proposed Lot 15.04. We recommend that color renderings be provided for the Board's review at the time of Public Hearing. We recommend that location of air conditioning equipment be shown. Said equipment should be adequately screened. Coordination is required between the architectural plans and site plans with respect to deck locations, dimensions, and access. Basement access is proposed on the sides of the duplex units. This is not shown on the site plans. Additional variances may be required. Grading- Existing spot grades from the survey plan should be carried over to the Grading & Drainage Plan to allow for proper review. Runoff is being directed around and behind the units with

swales. This runoff should be collected by a proposed inlet prior to leaving the site. An inlet and appropriate storm drainage should be added. Some proposed grading is directing runoff to adjacent properties, additional low points and storm drainage should be considered. There are proposed contour missing on the plans. Proposed spot elevations should be added, especially to the parking lot to insure runoff is directed to the proposed inlets. - Stormwater Management - The Stormwater Management Calculations submitted do not reflect the proposed stormwater management design. This issue must be addressed in revised calculations. The proposed roof drain conveyance piping should not cross proposed property lines prior to reaching the proposed access and utility easement. Proposed inverts and slopes must be added to the roof drain conveyance piping. No soil borings, estimation of seasonal high water table, or permeability testing has been completed on this project. This work is required in order to properly review the recharge system. The Stormwater Management Report will be reviewed in detail at a future time after the required revisions are submitted. A stormwater maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Landscaping- As noted on the Lighting and Landscaping Plan, four (4) Red Maples are proposed along the property frontage, thirteen (13) White Pines are proposed along the westerly property line and a mix of seven (7) Japanese Holly are proposed to be interspersed with twenty-three (23) Anthony Waterer Spirea in front of the proposed buildings. At the discretion of the Board, additional visual screening may be advisable along the easterly property boundary. The overall landscape design is subject to review and approval by the Board. Corrections are required to the planting details. A ten foot (10') wide shade tree and utility easement is proposed along the Ridge Avenue frontage. Lighting- Two (2) lighting fixtures are proposed on the west side of the proposed parking area. However, no detailed information for the proposed lights has been provided. Shielding must be provided to reduce spillover to adjacent Lot 18. Testimony shall be provided on the adequacy of site lighting. It does not appear the east side of the parking area is properly illuminated. Utilities-Potable water and sanitary sewer will be provided by New Jersey American Water Company. Fire protection and access for emergency vehicles should be addressed. A steeper slope is recommended for the sanitary sewer line since there are no cover issues. Locations of the individual utility connections conflict with the building access points. Signage -No signage information is provided within the current design submission. A full signage package for any signage requiring relief by the Board must be provided for review and approval as part of the application. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. Environmental- Site Description - Per review of the site plans, aerial photography and a site inspection of the property, the site is residentially developed and has no appreciable vegetation, habitat, or significant environmental value. An Environmental Impact Statement (EIS) report was not prepared and submitted for the project, nor does one appear necessary given the nature of the project. Our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, and forest, grassland and wood turtle habitat areas. No known environmental constraints exist within or adjacent to this site per NJDEP mapping. Tree Management -The applicant must comply with the requirements for tree protection and removal as applicable for this site. Construction Details- Construction details are provided on Sheet 4 of the plans. All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and

justification for relief). Details shall be site specific. The plans shall be amended to include handicapped ramp details from sheet 37 of the 2001 NJDOT Standard Details to account for the proposed ramps crossing the proposed parking area access. The detail for "Concrete Sidewalk" shall have construction joints of 1/2" depth. The sidewalk is not applicable to the "Warning and/or Regulatory Sign Detail" on this project. On the "Depressed Curb Detail" clarification is required for the 12-15 inch contraction joints. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Final Plat (Minor Subdivision) - The symbolism and legend for markers must be clarified. The plat must be signed by all three (3) owners. Dimensions of the easement areas on the individual proposed lots must be indicated. The corner markers set at the time of survey will have to be reset since the apparent area of overlap is being ceded. Furthermore, the apparent area of overlap between the survey and final plat do not match. A monument was found on a lot line to be removed. This monument shall be removed. The municipal clerk certification regarding streets shall be removed since no streets will be accepted by the Township. The zoning schedule requires multiple corrections to correspond with the site plan. The original date of the map needs to be corrected to 01-30-09. Compliance with the Map Filing Law is required. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Service (NJAW) prior to occupancy; Ocean County Soil Conservation District; and all other required outside agency approvals. Revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions. In addition, we highly recommend a meeting with our office prior to undertaking the project revisions.

Mr. Abe Penzer Esq. appeared on behalf of the applicant. He said they appeared before the board and this was an area that was a high crime area- they came in with 8 duplexes and the board suggested they come back with 7 and now they have downsized the plan to 3 duplexes and they have copies to show what the situation is and what they will be solving. He had a picture marked exhibit A1 showing the 3 houses and what the non conformities area. One house has the numbers 177 with a house in the front and a house in the back (2 houses on one lot). The houses are also less than 2 ft. from the lot line and the house to the extreme right has 3 gas meters so there is existing now approximately 6 families living there. He showed exhibit A2 and said that is what they are proposing to build there; it is an artist's rendering of the proposed buildings. Exhibit A3 is a photo of a home with 3 garbage cans.

Mr. Neiman said the photos show a lot of trees in the back and asked if they were going to cut them down and Mr. Penzer said they are trying to minimize taking down the trees but some of them will have to be taken down.

Mr. Penzer said the big issue is one of the houses they are proposing is only 5,400 sf and where Mr. Vogt states they need a variance for front yard setback and Mr. Penzer said they do not; these are houses facing a parking lot which is a common thing. It is common to have these townhouses and duplexes fronting on a parking lot. In order to make more livable area, they are asking for a variance by 1/2 ft. to make this as wide as possible. The other question is the basements that they are proposing; they are proposing them to be unfinished and leaving it to the homeowner to see if they can get an approval or not. If the inspection department does not give one, then they can't. Mr. Neiman said they are still going to calculate parking for the basements and Mr. Penzer said he understands. He said they can add a space if necessary to make 5 and said they don't need handicap parking because on duplexes they have never had before. A meeting has to be held with Mr. Franklin in regards to the trash enclosure. He said they agree to take care of the architectural, grading, stormwater management, landscaping, lighting and utilities. The issue about the fire protection is the province of the commissioner.

The issues before the board is the issue about parking and their position is they are taking an area in the neighborhood that is a difficult area and upgrading it.

Mr. Neiman asked how many families will be living here, not including the basements. Mr. Lines said there are 7 upstairs units, and Mr. Neiman said with basements they could go up to 14, and they have 31 spots.

Mr. Banas said the photos of the proposed building are wonderful and said he would be interested in know what kind of face they will use for the road at the public hearing and is interested to know how they will be able to keep the lines so nice and neat and clean. The rendering indicates that there is a window in the basement with 2 panes, so that will be about 16 inches and he doubts that is what it is going to be and said maybe he can revise his drawing for the meeting. He also said the drawing marked 3DL- there appears to be one entrance to the building on the right and asked what it is and Mr. Lines said one door is shown on the front that the board sees, and there is a second entrance that would face Ridge Avenue which is on the other architectural. There was confusion on the plans and Mr. Jackson suggested they mark that exhibit A4. Mr. Banas said that is also marked 3DL but it is different than what he has and it is worthless; if you have 2 pictures that are marked the same thing, it doesn't mean anything. They discussed the marking of the exhibits and what each one was. Mr. Penzer said 3DL is the name of the company and they added another exhibit to that page.

Mr. Banas said because you are improving the site he would not want him to jam everything in to that area. He said it appears that there are too many units involved in this area and he would suggest that maybe they want to look at that to see if a unit or 2 could be eliminated so that there would be more parking.

Mrs. Koutsouris asked if they could show on the plan the surrounding property and the other homes - specifically Lots 12 & 14, the ones that are behind the units. Mr. Lines agreed.

Mr. Neiman said when you come for a duplex there is usually parking driveways, there is no shared parking and Mr. Jackson's question was is this considered a multi-family complex as opposed to a more like a Coventry Square type multi complex where you share a parking lot as opposed to a simple duplex. Mr. Penzer said unfortunately the definition of a duplex does not say anything about parking so it is missing. Mr. Jackson said he wants to take a cautious approach to this because this is not a conventional duplex. He asked how they distinguish this from multi family; is there will be individual lot lines and individual lots and Mr. Lines said yes. Mr. Penzer said under the new rule, if you have any unit above another unit it is multi family; however, if you have a building with 2 units together, it comes into the area of duplex. Unfortunately it is not clarified so he cannot give an answer because it is missing.

Mr. Jackson said the planning board can make an interpretation and Mr. Penzer said the point is well taken. Mr. Jackson said this is the first time the board has seen this type of set up and maybe it is a good thing, but said Mr. Penzer should be prepared to address it.

Motion was made by Mr. Percal, seconded by Mr. Schmuckler, to advance to the meeting of September 15, 2009

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

4. **SP # 1923** (Variance Requested)
Applicant: SLG Partners LP
Location: northeast corner of Route 9 & Sixth Street
Block 95 Lot 8
Preliminary and Final Site Plan for proposed bank & office

Mr. Vogt prepared a letter dated July 28, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Major Site Plan approval in order to construct a first floor bank of 3,875 square feet and second floor offices of 2,600 square feet. The proposed two-story, 6,475-square foot building with parking areas is on a 30,000-square foot property at the northeast intersection of Madison Avenue (Route 9) and Sixth Street. The site is presently vacant. The applicant has proposed a total of twenty-three (23) parking spaces for the proposed bank and office use. The tract is located in the northern portion of the Township on the east side of Madison Avenue (Route 9) at the northeast intersection with Sixth Street. A two-story frame dwelling borders the site to the east. A school and dwellings borders the property to the north. Dwellings are on the west side of Route 9 opposite the site and a Sovereign Bank is on the south side of Sixth Street across from the property. The subject site is located within a developed area with residential and commercial uses. There is existing curbing and sidewalk along the property frontages. There are existing concrete aprons along both frontages which will be removed as part of the project. A proposed access driveway for each frontage has been designed far from the intersection. The intersection is signalized. Route 9 (Madison Avenue) is a State Highway. The parcel is located in the ROP Residential Office Park Zone District. Professional offices are permitted in the ROP Zone. Banks are not specifically listed as permitted uses in the ROP Zone. Zoning- the site is situated within the ROP, Office Residential Office Park Zone. Per Section 18-903l.1.a., professional offices are a permitted use in this zone. The zone allows for "other similar professional offices", however banks are not specifically listed. Testimony is required from the applicant's professionals documenting the proposed bank use as permitted within the ROP Zone. A waiver is required from Ordinance Section 18-803 E. 2.a., which summarizes: "A minimum twenty-five foot (25') buffer from the property line to the proposed use, up to fifty feet (50') from adjacent single family residential uses or zone areas". Review Comments- Site Plan/Circulation/Parking- The Existing Conditions Plan shows numerous encroachments on the property such as an air conditioning unit, fences, and roof drains. The disposition of these encroachments has not been addressed on the site plans. As indicated on the site plans, access is proposed via a twenty-five foot (25') wide, two-way driveway off of Route 9 and a twenty-four foot (24') wide, two-way driveway from Sixth Street. Aisle widths of twenty-four feet (24') are proposed throughout the parking areas with twenty-two (22), 9' X 18' parking spaces and one (1) van accessible handicapped parking space proposed. A twelve foot (12') wide, one-way driveway aisle is proposed around the rear of the building to access the covered drive-thru lanes. Additional dimensions are required on the site plan for the various site improvements. In particular, dimensions from curbs to property lines are necessary. In addition, curb radii should be checked. Tangent locations should be shown on the site plan since it appears many curb radii are compound curves. A Circulation Plan is required to insure proper vehicular access through the site for delivery, emergency, and trash pickup vehicles. Curb and sidewalk exists along the entire frontage of the property. Curb will be replaced where old driveway aprons are removed. Curb will be replaced with depressed curb where new driveways are proposed. New curbing is proposed along the proposed driveway limits within the right-of-ways between the property and the streets. Existing sidewalk is being removed at the proposed driveway locations. Handicap ramps are required where the proposed driveways cross the existing sidewalk within the right-of-ways. Pavement replacement must also be indicated where street curb is being replaced and for proposed utility trenches. The existing curb and sidewalk along both frontages of the site is old and deteriorated. We

recommend replacement of curb and sidewalk along both frontages. No sight triangles are shown on the site plan. A sight triangle is not required at the existing intersecting roads since the intersection is signalized. The General Notes cite boundary and topographic survey information taken from a map entitled "Boundary & Topographic Survey, Lot 8, Block 95" prepared by FWH Associates, P.A., dated 5/26/09. An Existing Conditions Plan has been provided. However, the actual survey must also be submitted. Handicapped parking shall be properly placed for accessibility to the building. The proposed ramp is too close to a proposed building access point to allow for a complying slope. Handicapped parking signage location must be shown. A new handicapped ramp is required at the intersection of Route 9 and Sixth Street. A 10' X 10' trash enclosure is proposed in the northeast corner of the property. A better orientation of the proposed trash enclosure will improve accessibility. Testimony should be provided as to who will pick up trash and/or recyclables from the site and on the adequacy of the proposed trash enclosure. The Site Plan (Sheet 3 of 8) shows a "Proposed Desired Typical Section" width of 57 feet from the centerline of Route 9 to the edge of the front parking spaces. The limit of paved parking proposed in the front of the site is located immediately outside of the section width limit. The applicant's professionals must provide information and testimony regarding any future widening plans and/or property acquisition along Route 9, and potential impacts (if any) to the proposed front parking area. No loading area has been identified on the plans. Testimony is required to address proposed loading and delivery operations for the facility. The site is in the incorrect location on the Zoning Map shown on the Title Sheet of the plans. The Title Sheet indicates the plans have been prepared for Diversified Capital. However, SJG Partners is listed as the applicant/owner. Architectural- An architectural plan was submitted for review. The architect shall address handicapped accessibility for the proposed building. Testimony shall be provided. The plans indicate a proposed top of roof height of 28'-2" and a top of pediment height of 30'-9". This complies with the allowable height of thirty-five feet (35'). Information should be provided for roof leaders and utility connections. Location of air conditioning equipment should be shown. Said equipment should be adequately screened. The architect should provide testimony regarding the proposed building, façade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing. Grading- A detailed grading plan is provided on Sheet 4. Revisions to the grading plan are required, particularly around the site perimeter, to match existing surrounding grades. Revisions to the grading plan are required to show all the proposed floor elevations and square footages. A retaining wall is proposed along the north side of the site. No details have been provided and no proposed railing or fencing indicated along the top. Additional proposed grades are required for the tangent points of all proposed curb. A proposed crown should be provided for the one-way driveway to direct runoff to the proposed low point inlets. Stormwater Management- An underground recharge field consisting of perforated twenty-four inch high density polyethylene (24" HDPE) pipe has been proposed to address stormwater management. Drainage structures and solid high density polyethylene (HDPE) pipe has also been proposed to convey runoff to the infiltration system. The proposed underground recharge field designed is too shallow. Stormwater will overflow from the proposed slotted drain designed across the proposed Route 9 access driveway before the proposed recharge system will be totally effective. The permeability tests indicate infiltration rates of less than twenty inches per hour (20 in/hr) for all soil logs taken. The design must be revised to use a more conservative value. The location of the soil logs must be indicated on the site plans. Information regarding the proposed roof leaders and their discharge(s) into the stormwater collection system must be provided. The profile of the proposed storm drain system run from the proposed Duraslot structure to the proposed recharge field is missing. A proposed emergency overflow from the infiltration system has been incorrectly designed. The proposed inverts are lower than the existing invert of the structure to be connected to. The existing head and grate for the inlet on Sixth Street must be upgraded to the required environmentally approved casting. A stormwater

maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Confirming testimony should be provided that the applicant will maintain the proposed stormwater management system. Traffic - A Traffic Report has not been submitted for review assessing impacts of this project. Professional testimony should be provided as to whether any of the local Route 9 intersections or cross-streets will be impacted by this proposal, and whether any directional restrictions to the proposed access drive are warranted for safety purposes. NJDOT Access approval is necessary. Landscaping- The applicant has provided a landscape plan as part of this submission. Landscaping has been proposed to screen the eastern side of the site. The overall landscape design is subject to review and approval by the Board. The applicant has not provided a six (6) foot shade tree and utility easement for the proposed project. Should the Board require any easements, the applicant must show the easements and should provide legal descriptions and easement language for review. The easements shall be filed as a condition of approval. The proposed landscaping within the NJDOT Desired Typical Section is subject to NJDOT approval. An Existing Conditions Plan/Woodlands Management Plan has been included in the submission. Testimony should be provided as to whether compensatory landscaping is proposed. Lighting- Site lighting is being provided by five (5) proposed pole mounted fixtures and four (4) proposed building mounted fixtures. Testimony should be provided relative to the hours that the facility will be lit, and whether timers are proposed. A point to point diagram is required to evaluate light spillage on adjoining properties. Utilities- Public water and sewer services will be provided by New Jersey American Water Company. New services connecting from Sixth Street are proposed for the site. Fire protection should be addressed by the applicant's professionals. All proposed utilities must be installed in accordance with Township requirements. Signage- No signage information is provided other than traffic signage. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Environmental- Site Description- per review of the site plans, aerial photography and a site inspection of the property, the site is vacant and clear of any buildings with little vegetation. Per our 7/24/09 inspection of the site, the lot is adjacent a high point in Route 9 and slopes to the north. Environmental Impact Statement -An Environmental Impact Statement (EIS) was submitted for the project. As indicated in the EIS, no significant vegetation or wildlife species were observed during site inspections of the property. In addition, habitat assessments of potential mapped areas as identified in NJDEP databases were performed, including assessment for Cooper's hawk habitat. No significant habitats for any species were found to exist on-site. As determined within the context of the report, the proposed development should have a minimal adverse impact on the natural environment due to the existing condition of the site. We concur we the report summary. Tree Management Plan -The Existing Conditions Plan/ Woodlands Management Plan only notes a few cedars and a couple of spruce as significant. The applicant must also comply with the requirements for tree protection and removal as applicable on the site. Phase I/AOC's - A Phase I study was not performed on-site. While conducting a site investigation to complete the Environmental Impact Statement, Trident found no areas of environmental concern located on the subject site. Minimal amounts of existing garbage and debris were noted throughout the subject property. Construction Details- Construction details are provided on Sheets 7 and 8 of the plans. All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. The size for the Trash Enclosure Detail does not match the plan. A Depressed Curb Detail must be added. A Trench Repair Detail must be added. Details for improvements along Township and State Road frontages must be added. Details for drainage improvements must be revised in accordance

with the design revisions required. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Water and sewer utilities, prior to occupancy permits; New Jersey Department of Transportation; and all other required outside agency approvals. A meeting between the professionals is recommended prior to providing a revised submission addressing the above-referenced comments.

Mr. Abe Penzer Esq. appeared on behalf of the applicant. He said every bank in Lakewood is located on Madison Avenue and has been approved with the same zone. Fran Siegel noted that the word "bank" is missing from the R-OP zone. They had a meeting with Jan Wouters, the Township Attorney, and he agreed that it was a mistake and they worked up an ordinance to rectify the mistake and it will be introduced this Thursday at the Township Committee meeting and should be in effect by the public hearing. If not, they will table the application from September until the ordinance is passed.

Mr. Neiman asked about the waiver for the buffer and what it is buffering up against and Mr. Flannery said there is a single family residence to the east, multi family residences in the back corner and a shul to the north. Mr. Flannery said they would address the technical issues in the report and will come back at the public hearing to address the issues.

Mr. Percal asked if this is a brand new bank entering Lakewood or a new branch of an existing bank and Mr. Penzer said at this point, they do not have anybody specifically, they are just proposing a bank site.

Mr. Banas said he thinks it is important to maintain the buffers that are stipulated in the ordinance and Mr. Flannery said at the public hearing they will address the issue.

Mr. Percal said even though this is a spec situation, he would be opposed to the possibility of a brand new bank entering the town and Mr. Neiman asked why. Mr. Percal said it is because if it is a brand new bank, it brings a lot of action to the area and in times like these where we have an economic downturn he thinks it is very important. Mr. Neiman said when TD opened it, it was busy and then it calmed down- he said that is the nature of a new bank.

Motion was made by Mrs. Koutsouris, seconded by Mr. Herzl, to advance to the meeting of September 15, 2009

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

5. SD # 1685 (Variance Requested)
Applicant: Dan Reich
Location: westerly terminus of Brittany Court with frontage on Co.Ln.Rd.West
Block 27 Lots 9.05 & 47.01
Minor Subdivision for 2 lots

Mr. Vogt prepared a letter dated July 27, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to amend an existing lot line between existing Lot 9.05 and Lot 47.01, in Block 27, two existing (2) residential lots. Existing Lot 47.01 is occupied by a one-story residential dwelling. A portion of this dwelling is proposed to be removed in accordance with a

previous subdivision approval (SD 1575, filed December, 2007). Existing Lot 9.05 is occupied by a two-story residential dwelling as well as a detention basin. As indicated per Note #5 on the plan, *"The purpose of this subdivision is (to) provide New Lot 47.01 with sole access to Brittany Court. This will alleviate the existing dangerous access to County Line Road West"*. As part of this approval, an existing shed within the lot line adjustment will be removed, and a new concrete apron will be provided for the dwelling on Lot 47.01 to access Brittany Court. The existing driveway onto County Line Road will be eliminated. Both lots have frontage along Brittany Court, as well as dual frontage on County Line Road (to the rear). The proposed lots are situated within the R-12, Single Family Residential Zone. The surrounding land uses are predominantly residential. We have the following comments and recommendations: Zoning- The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use in the zone. Per review of the Subdivision Map and the zone requirements, the following variances are required for the proposed (amended) lots: Front Yard setback (Lot 9.05, 20.3 feet proposed, 30 feet required) – existing condition, granted by previous subdivision. Lot Area (Lot 47.01, 10,344.9 sf, Lot 9.05, 11,584.9 sf) – proposed conditions (It should be noted both existing lots are undersized). Rear Yard setback (Lot 47.01, 10 proposed, 20 ft required) – proposed condition (granted by previous subdivision and an improvement over the existing condition). Off-street parking (Lot 9.05, two (2) spaces proposed – existing condition). The applicant must address the positive and negative criteria in support of the requested variances. Review Comments- The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. No specific parking data for the existing and proposed lots is provided. Therefore, the zoning table rounds up to three (3) off-street parking spaces being required. As noted above, a variance for a pre-existing parking condition is requested for Lot 9.01. The zoning requirement depicts three (3) spaces proposed for Lot 47.01. A proposed driveway configuration must be shown. Parking shall be provided to the satisfaction of the Board. We note that sidewalk and curbing exist along the property's Brittany Court frontage. Curbing exists along County Line Road West. Sidewalk is proposed along County Line Road West across the frontage of new Lot 47.01, but not new Lot 9.05. Per review of the existing subdivision plan, we note that the dwelling on Lot 9.05 is served by public water and sewer. The existing dwelling on Lot 47.01 appears to be served by an existing septic system. Testimony should be provided by the applicant's professionals as to whether the dwelling on Lot 47.01 is serviced by public water or a potable well, and whether new utility service is proposed. As indicated previously, a driveway apron is proposed for access for the Lot 47.01 dwelling onto Brittany Court. A construction detail (and supporting grading information) must be provided on the plan. The location of the proposed driveway for Lot 47.01 (and supporting grading and construction information) must be provided on the plan. The lot numbers should be consistent with the numbers assigned by the Tax Assessor. No shade trees are shown within the existing 6 foot shade tree/utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board (or waiver sought). Descriptions shall be provided for the proposed lots (unless the subdivision is filed by plat). Compliance with the Map Filing Law is required. Should approval be granted, the necessary monuments to be set (for the lot line adjustment) must be in place prior to signing the map for filing with the County. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Board of Health (if necessary); Water and Sewer Approvals (if necessary); Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mrs. Miriam Weinstein Esq. appeared on behalf of the applicant. Mr. Flannery said the purpose of this application is to allow access, take it off County Line Road to Brittany Court. Both of the lots and homes are existing and they will address the technical comments with revised plans.

Motion was made by Mr. Akerman, seconded by Mr. Schmuckler, to advance to the meeting of September 15, 2009

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

Mr. Neiman said before they hear item #6, he wanted to do correspondence because it should be quick. Mr. Kiert said it should take less than 5 minutes.

6. Review/Adoption of Housing Element and Fair Share Plan of the Lakewood Master Plan

Mr. Marty Truscott and Mrs. Vanessa Morin Melis from T&M Associates were sworn in. He has been working with Stan Slachetka and Vanessa Morin Melis on the housing plan. Mr. Truscott said this is a public hearing that has been duly noticed and they filed a copy of this plan to the Ocean County Planning Board and copies are on file with the Township Clerk and the Planning Board office copies have been sent out to all the board members. The public hearing is to discuss the housing plan which is a required element of the Master Plan.

Mr. Truscott said he wanted to highlight and explain the plan and answer any questions and hear comments from the public. The town has engaged special housing counsel, Mr. Russo, and he is working with the Township Committee on filing a housing plan. They filed an order with the court and said there are 2 ways of doing this; through COAH (Council on Affordable Housing) or through the court and the Township decided to go through a court process and through that process they have a deadline of getting the plan filed and Mr. Slachetka and Vanessa Morin Melis have been working with the Township Committee and Mr. Russo's office and the township attorney's office to get that plan together and address comments. There is also a court master who is like a expert planner who worked with the judge to make sure the plan meets all the affordable housing guidelines; so it has already been reviewed in a draft form by the court master and been discussed at meetings and with the Township Committee. The next step in this process, assuming the board adopts it tonight, is for the plan to be endorsed by the Township Committee and then they would file the plan with the court.

Mr. Truscott said the cover letter that went out with the plan itself is a good summary of the plan and the plan is straight forward. In any housing plan you have to go through an inventory of housing stock, population and employment because that all has an effect for housing and that is the first part of this plan. Then you have to talk about the obligation; through the process, and this is cycle 3 of the affordable housing process. COAH has a set number for obligation and Lakewood has not gone through the process before because as an urban aid municipality the obligation was 0 in the first 2 rounds. In round 3 they said you can't do that anymore and urban aid municipalities must comply with affordable housing even though most urban aid municipalities have already addressed a lot of affordable housing through different processes and Lakewood is very proactive in affordable housing.

Mr. Truscott said there are 2 parts of the obligation; one is the rehabilitation obligation which is existing housing that COAH has determined is 350 units and Lakewood has to, over a 14 year time period, which cycle 3 is from 2004 – 2018, and after 2018 Lakewood would have to adopt cycle 4 which is the next round. So there are 350 units that Lakewood will have to rehab through its own processes or funding. The prior obligation is 0 and then there is growth share obligation which is new units based on the growth of employment and COAH sets that number through its own calculations and Lakewood has an obligation 1,396 units which is a very substantial obligation. All the planning is to address those numbers. Part of this plan also has some discussion on how the town can meet its' municipal obligation in terms of zoning, plan endorsement, infrastructure and demographics characteristics and any other constraints that there may be.

In terms of the rehabilitation, the 350 units, that is going to be done as the town has been doing through its' rehabilitation program, the community development program where they are using HUD funds and have been rehabilitating units, and they will continue to do that to meet their obligation. Mr. Neiman asked how it is determined which units to rehab and Mr. Truscott said they have an application process and it has to be persons who meet the affordable income guidelines (low and moderate income) and that is based on family size and income, then they have to meet COAH guidelines such as they have to invest a minimum of \$10,000.00 per unit, has to address major systems to bring the house up to code, etc. and Lakewood would then document those cases for the court that it did meet its 350 units.

In terms of the fulfillment of the growth share obligation, the town has documented the existing credits, and in the report and the plan (page 24), there is a list of existing properties in Lakewood that they are proposing the town can take credit for; these are existing affordable housing projects or developments that the town will ask for credit towards its obligation, and they total 796 units towards that 1,396 units and there are 3 different projects which are discussed: Lakewood Affordable Housing, STEPS project and NJ Hand, and they total 530 units which is not yet built and then COAH allows you certain bonus credits if you go over and Lakewood has a number of rental units and so they qualify for almost 350 bonus credits which goes toward the obligation. What is comes out to is they are proposing, as part of this plan, a total of 1,675 units which is a surplus, so they have over what is required for the application, but during this process they may loose some credits along the way if certain developments don't meet all COAH's very stringent criteria as far as qualification.

Mr. Neiman asked what branch of government oversees this and Mr. Truscott said DCA oversees COAH, but they are actually dealing with a court and a court master and he will actually review Lakewood's process and he has to follow those guidelines. Mr. Truscott said every town has affordable housing obligation but not every town files an affordable housing plan and if they don't then they are subject to possibly a builders remedy. Mr. Neiman asked why a developer would want to build affordable housing as opposed to regular development and Mr. Truscott said it has to be a lower price and the town gives the land for them to build affordable housing. Mr. Jackson said many times a builder will also get a density bonus to help them fulfill their Mt. Laurel and that is the benefit that they get as a trade off for doing this. Mr. Neiman questioned the numbers and Mr. Truscott said the 796 units are existing and people are living in them; the 530 are yet to be built although some of the NJ Hand units are available and there are bonus credits (350) so that would make a surplus.

Mr. Schmuckler asked how many more would have to be improved in the future and Mr. Truscott said none: the 530 units are the 3 approved developments (NJ Hand, STEPS and Lakewood Affordable Housing) some are for sale and some are for rent. 72 units were in the first phase for

NJ Hand but he is not sure how many were built. In terms of this plan, Mr. Truscott said they are not proposing anything new than what has already been approved.

Mr. Truscott said this plan is a living document and if anything changes occur such as population and what their obligations are, they would have to come back to revisit it and make some changes.

Mr. Schmuckler asked when they calculated the number of current houses, did they include basements that are finished and Mr. Truscott said the information was based on census information (the 2000 census) but then updated with the American Community Survey.

Mr. Neiman opened the microphone to the public.

Noreen Gill, 193 Coventry Drive, Lakewood. She wanted to know how the other credits from the other towns that Lakewood has accepted will figure into this and also if the builder is allowed a profit. Mr. Truscott said what she is talking about is RCA's which is regional credit agreements and said those are not counted in terms of the numbers here and that program is ended by the cycle 3 rules so it would have brought millions of dollars into the township to provide for NJ Hand or the other projects that have been approved but that was not counted because it would be double counting or crediting. Mr. Truscott said a non profit builder would not have any profit at the end of the day and Mr. Jackson said a builder is not prohibited from making a profit it is just difficult based upon the limitations.

Bill Hobday said he noticed that the statistics were taken from the last census in 2000 and he asked how they would adjust that for the 9 years since then and is this just looking at normal progression and population size or is there a different system. Mr. Truscott said the figures in the plan are from 2007 American Communities Survey.

Chris Abrams said of the 530 units that are pre approved, are they completely pre approved, not only by the township but by all state agencies such as DEP etc. and Mr. Truscott said he did not believe they were all approved, only by the township. He knows that phase 1 of the NJ Hand was for the first 72 units, the rest of the project still needs CAFRA approval and the other 2 projects he does not think they have received CAFRA approvals.

Gerry Ballwanz said it sounds like many people from the Planning Board did not get to really read the 34 page report and Mr. Neiman said he did read it, he has questions, but he did read it. She said she heard Mr. Neiman question the rehabbing of units and tonight she said they heard about 3 houses being demolished and said they seem to be in the need for rehabbing so how would that fit into these 350 rehabilitation units because now they are gone and we are going to have duplexes and a single family so does that add anything to minus those 350 units or because they are adding new units it does not really matter, they now have to find some other houses that need to be rehabilitated. Mr. Truscott said they are not really related, the 350 units are an estimate or obligation that COAH has come up with based on census information and building permits and demolition in the past. Mr. Jackson said what COAH is a response to the Supreme Court ruling in Mt. Laurel regarding exclusionary zoning- some towns were using zoning to prevent affordable housing and as a result they have an agency that has come up with regulations to create affordable housing because the court determined that people had the right to affordable housing. It is based on the amount of construction that is going on and starts with the premise that zoning is exclusionary. The new houses that are being built on the open market has nothing to do what the affordable housing obligation is except that it helps drive the number up. Mrs. Ballwanz said this is from a period of 2004 – 2018 and this is a data base that

is 5 years old and Mr. Neiman said 5 years is pretty quick for New Jersey. She said in the industrial park it talks about the economic base, the development, yet she said they know that in the industrial park there are a lot of vacant buildings and vacant buildings are becoming schools so how accurate is that number of square footage of industrial park space fitting into the criteria or is this something that is going to be argued before the courts. Mr. Jackson said that is why the court reviews it to make determine if Lakewood is meeting its obligations.

Mrs. Ballwanz continued and said on the list they have certain properties and looking at it she sees there are properties that are missing such as all of the Lakewood Housing Authority units; the Lulu Duffy apartments, the John Curry, Peter War towers, the Kennedy, they are all not included and those were our affordable units. Mr. Neiman said he thinks that anything more than 10 years old will not be found on that and Mr. Truscott said they went through a screening process and Mrs. Morin Melis said the date is April 1, 1980 and that is why all the housing authority projects are not included because they were constructed prior to 1980. Mrs. Ballwanz said LTRAP and Lakewood Housing Authority have Section 8 vouchers and certificates and asked if they should be included in as part of making housing affordable and Mrs. Morin Melis said Section 8 is not eligible because they are not a project based they are people based. Mrs. Ballwanz said many of the multi family units that are going to have basement apartments which will be affordable units cannot also be included in this whole base of existing and potentially future affordable housing and Mr. Truscott said yes because COAH requires the units have to be deed restricted and have affordability controls based on the size of the units and the household income- there is a whole set of criteria on what is eligible. Mrs. Ballwanz said on that chart where they list the different units, there is one that does not actually exist in Lakewood-it is actually found in Little Egg Harbor, and it is taken part here in Lakewood. It is under family rental Royal Timber, 104 units; that is in Little Egg Harbor at Radio and Center Streets and said that goes back to a mistake in 2004 to a list of affordable housing units and it lists Royal Timbers as Radio & Center Streets in Lakewood, American Shelter Corporation, and the deed of certificate it shows Royal Timbers Assoc. at 500 West Kennedy Boulevard, so the American Shelter Corporation has a Lakewood address where the corporation is located but the actual physical apartments are in Little Egg Harbor and Little Egg Harbor has taken credit for those 104 units. She wanted to know how this impacts Lakewood and Mr. Truscott said he will have to look into it but he knows they based their information off DCA data bases and maybe there is some sort of error and Mr. Neiman said he thinks that other towns can ask if they can take some of their affordable housing and build it in their town and Mr. Truscott said he does not think that is the case here, it might be an error in the data base and luckily there is a surplus if they lose those 104 units and any bonus credits but they will look into it.

Pat DeFilipis, asked how they arrived at the figure for the rental properties, the 350 units, and Mr. Truscott said that is what COAH has determined what is required by Lakewood. He said he thinks it is based on the housing stock, new units built, and based on census information. Mrs. DeFilipis said there are more than 350 units and Mr. Truscott agreed but said that is the number they have to rehabilitate. Mrs. DeFilipis asked if you could rehab a house and turn it into a rental and Mr. Truscott said that is not really a part of this program and it depends on what Lakewood has as a program. She asked if the new census will affect the affordable housing and Mr. Truscott said no because this obligation is through 2018. Mrs. DeFilipis asked if illegal aliens qualify for affordable housing and Mr. Truscott said it depends if their eligibility requirements are met, but he does not know. He is not a part of a program that builds affordable housing or the eligibility is.

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

Motion was made by Mr. Herzl, seconded by Mr. Percal, to recommend the adoption of the Housing Element and Fair Share Plan of the Lakewood Master Plan.

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

Mr. Kielt said Mr. Edwards requested a letter from the Planning Board Attorney for the Township Committee meeting on Thursday and Mr. Jackson agreed.

5. CORRESPONDENCE

**Request of W&M LLC for amended Final Major Subdivision to correct
typographical error on Final Map**

Mr. Kielt said the typographical error is causing a problem with title companies and they just need permission to resign the map so it can be filed in the courthouse.

Bill Stevens appeared on behalf of the applicant and said this map for County Line Manor was approved by the board many years ago and the project has been constructed. There was a requirement for a condition of resolution that one of the lots be deed restricted to access the internal roadway and not County Line Road. During the course of filing this map, the lot numbers changed but the note was never changed, so the lot that was supposed to be deed restricted used to be 70.24 is not 70.23 so they need to change one number in one note and have this map resigned and refilled. The only thing that Mr. Stevens is not sure of is whether they need a new resolution for this or just direction from the board that the professionals can sign the map.

Mr. Jackson said he does not think they need a resolution, just a roll call.

Motion was made by Mrs. Koutsouris, seconded by Mr. Akerman, to amend the typographical error to reflect the correct lot number

Mr. Banas asked for the 2 lots numbers that will be changed and Mr. Stevens said the lot number in the resolution to be deed restricted is Lot 70.24 (the corner of the new roadway that was built and County Line Road) and the intention of the deed restriction was to prohibit that lot from accessing County Line Road. The lot numbers changed and that lot is now Lot 70.23 so he wants permission to change .24 to .23 on a job that has already been constructed.

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

6. PUBLIC PORTION

- No one at this time

7. APPROVAL OF MINUTES

- Minutes from July 21, 2009 Planning Board Meeting

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

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

8. APPROVAL OF BILLS

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

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

9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted
Johnson
Board Recording Secretary

Respectfully

Chris
Planning