

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. Fink, Mr. Neiman, Mr. Follman, Mr. Percal, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

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

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

Roll Call Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes Mr. Schmuckler, yes.

- 2. SP # 1934** (No Variance Requested)
Applicant: Congregation Tiferes Avrohom
Location: East County Line Road – west of Tuscany Terrace
Block 190 Lot 70.24
Preliminary & Final Site Plan for proposed synagogue

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

Roll Call 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 Mill Road – across from Alamitos
Block 187.15 Lots 14
Preliminary & Final Major Subdivision – 8 lots

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

Roll Call 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 Avenue – west of Ridge Avenue
Block 235 Lots 18 & 19
Minor Subdivision –realign lot lines

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

Roll Call Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes Mr. Schmuckler, yes.

5. SD # 1743 (Variance Requested)
Applicant: Isaac Bistrizky
Location: Stirling Avenue – east of Holly Street
Block 189.02 Lots 178
Minor Subdivision for 3 lots (1 single family and 2 duplex)

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

Roll Call Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes Mr. Schmuckler, yes.

6. SD # 1744 (Variance Requested)
Applicant: Abraham Raitzik
Location: southeast corner of Attaya Road and Gudz Road
Block 11.04 Lots 5, 22
Minor Subdivision to create 3 lots

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

Roll Call Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes Mr. Schmuckler, abstained.

7. SD # 1931
Applicant: Gem Ambulance
Location: Northeast corner of Cedarbridge Ave, & Oberlin Ave. North
Block 1605 Lot 1
Revised parking layout for previously approved Site Plan

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

Roll Call Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes Mr. Schmuckler, yes.

5. NEW BUSINESS

Changes:

Under #1 Ordinance for Discussion – Protection of Trees (19-1) has been tabled

#2 will become #3 and #3 will become #2

6. SD # 1916A (No Variance Requested)

Applicant: Chateau Equities LLC

Location: 943-945 River Ave. – former Chateau Grande
Block 1040 Lot 1.01

Amended Preliminary and Final Site Plan

This application has been carried to the September 14, 2010 meeting. No further notice will be given.

1. Ordinances for discussion

Section 18-601.02B – Site Plan Exceptions

Mr. Jan Waters Esq. stated the site plan exception currently exempts any change of use to any other change of use, is allowed unless a variance is required for parking. The Township Committee believes that that operates to the detriment of good planning and so the suggestion is now that we have move from a change of use from a residential to a non-residential then the applicant must present a site plan check list to the engineers whom will go through the check list to determine the extent to which there are changes. If it is insubstantial than basically it is an administrative review by the Planning Board but still will require notice to property owners and give property owners a chance to come to a meeting and voice their comments. If on the other hand they decide it is more substantial they may require a full site plan application and everything that is involved in that. I have presented a site plan and the development check list.

Chairman Neiman opened the discussion to the public.

Sworn in was Mr. Hobday stating that if it is a n educational facility it should certainly be a site plan.

Mr. Kielt explained that any request would come before the engineer and himself and they would decide if the changes were substantial enough to require an administrative review or a full site plan.

A motion to approve was mad by Mr. Percal and seconded by Mr. Follman

Roll Call Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Section 18-807 – Offstreet Parking

This ordinance pertains to modification to offstreet parking requirements, the ordinance currently refers you to the Residential Site Improvement Standards for the nimer of parking spots required at a residence, unfortunately this RSIS only goes up to five bedrooms. The intent of this is to deal with residences with more than five bedrooms .

Chairman Neiman stated that this board always asks for four parking spots for a residence with more than five bedrooms. He suggested that a home with a basement should be considered two additional bedrooms and should require four bedrooms . If a residence has four bedrooms up stairs and a basement it should be considered a six bedroom house and require four parking spots.

Mr. Penzer inquired if a residence has five bedrooms and a basement does that mean it needs six spots.

Mr. Waters answered that no a home with a basement and five bedrooms only requires four parking spots.

A motion to approve with recommendations discussed was made by Mr. Percal and seconded by Mr. Schmuckler.

Roll Call Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Section 18-807 – Conditional Use Requirements - Duplexes

Previously the ordinance involving duplexes was amended to make duplexes a permitted use in the HD6, HD7 zone, however the parameters and design requirements were not included. There are conditional uses in both of these zones therefore this is to establish design criteria for a conditional use in both zones. It meets the same design criteria for duplexes in the R75 and other zones.

A motion to approve was made by Mr. Schmuckler and seconded by Mr. Percal.

Roll Call Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Section 18-824 – Site Disturbance

Limited Site Disturbance – currently the ordinance does not put any limit on site disturbance, this would now put a top end on the ability to disturb a site to ninety percent of the site. The engineers feel this is a good percentage at Mr. Vogt's suggestion. We are also going to include a right for the Board to grant a waiver in the event an applicant can demonstrate a particular need.

Chairman Neiman asked who would decide which ten percent left undisturbed.

Mr. Vogt explained that is decided upon by the application, where the building is located where the impervious locations are and the topography of the site plan, this is an addition of any wet lands.

Mr. Percal made a motion to approve. The motion was seconded by Mr. Schulman.

Roll Call Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

3. SP # 1944 (No Variance Requested)

Applicant: Yeshiva of Brick c/o Simcha Gellerman

Location: Route 88 (Ocean Ave.) between Holly and Linden Streets
Block 189.02 Lot 159

Site Plan for proposed dormitory

Project Description

The applicant is seeking Site Plan approval for the construction of a two-story dormitory, which includes an improved basement, within an approximately four thousand four hundred square foot (4,400 SF) footprint. The site plan proposes to

construct the dormitory on Lot 159 for a building to be renovated into a school on Lot 168. The one-story school building will contain four (4) classrooms and two (2) offices. An interior parking area on Lot 168 for the school building and dormitory will consist of eleven (11) parking spaces, one (1) being handicapped accessible. The school requires six (6) spaces while the dormitory requires no on-site parking. Site improvements are also proposed within the properties. Students will not be permitted personal vehicles and no bus traffic is proposed. Access to the site is provided from Ocean Avenue (Route 88), a State Highway. An existing one-story dwelling at 513 Ocean Avenue is proposed to be removed and replaced with a two-story dormitory, which includes an improved basement. The architectural plans indicate the proposed structure would be designed for occupancy by seventy-five (75) students. Dormitory rooms are proposed for the first floor and second floor areas. The basement floor would contain a lecture room, cafeteria, kitchen, laundry, restrooms, storage, and utility rooms. An elevator is proposed on the rear of the structure. It appears all floors will be handicap accessible because of the elevator and exterior access to the elevator will be from an at grade doorway. The site is located in the north central portion of the Township on the north side of Ocean Avenue (Route 88), east of the intersection with Holly Avenue. The tract consists of a rectangular 131.95' X 150', 19,792.5 square foot lot that totals 0.454 acres in area. Existing Lot 159 contains an existing one-story dwelling which will be replaced with a dormitory. Existing Lot 168 to the west contains an existing building which will be renovated into a school that the proposed dormitory will serve. Existing Lot 168 has an existing parking lot which will serve both properties. An existing shed on Lot 168 is shown to be removed. Residential lands border the project. **We have the following comments and recommendations per testimony provided at the 08/02/10 Planning Board Workshop Hearing and comments from our initial review letter dated July 29, 2010.** (I) **Zoning** (1) The parcel is located in the R-10 Residential District. Private Schools are a permitted use in the zone, subject to the requirements of Section 18-906 of the UDO. **The proposed dormitory use is associated with a private school.** (2) Per review of the Site Plan and the zone requirements, the following variance is required for proposed project: (a) In accordance with Section 18-906A.2., of the UDO, a twenty foot (20') buffer is required from a residential use or district. A 6' foot high board on board fence is proposed for buffering purposes. **A variance is necessary.** (3) The applicant must address the positive and negative criteria in support of the required variance. **The applicant's professionals have indicated that testimony supporting the required variance will be provided at the public hearing.** (II) **Review Comments** (A) **Site Plan/Circulation/Parking** (1) Consideration should be given to adding Lot 168 to the Site Plan Application and possibly consolidating Lots 159 and 168. The proposed dormitory on Lot 159 is for the school on Lot 168. As currently proposed a cross access easement is required between the lots for pedestrian and vehicular access, as well as site improvements. **Per our review of the plans, it appears that the lots will not be consolidated since there is a separate approval for the school on Lot 168. The proposed cross access easement shall be reviewed by the Board Attorney and Engineer prior to filing.** (2) The General Notes indicate the Boundary and Topographic information has been taken from a Survey by Mager and Associates, dated 6/4/10. A copy of this survey must be provided. Boundary

and Topographic information should also be provided for Lot 168 because of the overlapping of site improvements. **The date of the survey has been corrected to 12/10/09 in the General Notes. Lot 168 will not be part of this application, therefore it is no longer necessary to provide the boundary and topographic information for Lot 168.** (3) As indicated previously, an eleven (11) space parking lot with one (1) handicapped space is being provided for the school on Lot 168. Since a total of six (6) classrooms and offices are proposed, six (6) off-street parking spaces are required. No parking requirements are associated with the dormitory, However, as noted on the plans, the five (5) remaining spaces will be used for the dormitory and staff. **The number of parking spaces in the eastern row shall be corrected to five (5) on the site plan.** (4) No bus drop off area is associated with the school. The parking area associated with the school will also serve the proposed dormitory. Although it appears that adequate turning movements will be provided for the proposed refuse collection and deliveries, a vehicle circulation plan should be provided as confirmation. Also, the existing driveways and parking lot should be dimensioned. The existing driveways only appear wide enough to allow for one-way circulation. **Dimensions have been provided and the circulation pattern changed to be one-way in and one-way out in a counterclockwise direction. A vehicular circulation plan should still be provided for turning movement confirmation. This item can be addressed during compliance review if approval is forthcoming.** (5) Per our 7/22/10 site inspection, we note that new sidewalk, driveway aprons, and curbing have been recently installed by NJDOT in front of the site and adjacent lots. We also noted the existing improvements shown on Lots 159 and 168 are not accurately depicted on the site plan. An existing overhead electric service to the school building which passes over the parking lot must be shown and relocated. **The applicant's professionals have indicated the existing overhead services will be removed and underground services will be provided to the buildings.** (6) A proposed refuse enclosure is depicted on Lot 159 which will be accessed from the parking area on Lot 168. General Note #11 indicates solid waste and recycling to be collected by the Township. Approval from the DPW Director is necessary. **The applicant's professionals have indicated they will request that the DPW Director review and approve the plan.** (7) The General Notes require some minor corrections which we can review with the applicant's engineer. **The corrections to the General Notes have been made as requested.** (8) The limits of proposed interior sidewalk are not clear. There is an access point on the east side of the proposed dormitory with no connecting sidewalk. **The limits of the proposed sidewalks have been clarified. A concrete pad is proposed at the base of the stairs for the access point on the east side of the proposed dormitory. This access point is a tertiary access and not part of the normal pedestrian circulation. This item has been addressed.** (9) Sight triangle easements should be provided for the exit driveway. **The exit driveway is on adjoining Lot 168 which will not be added to this site plan. This item has been addressed.** (10) An existing 8.5' Sidewalk Easement is shown along Route 88. Information on the dedicated party must be added. **The plan has been revised to indicate the existing 8.5' sidewalk easement has been dedicated to the Township of Lakewood. We question the party of the dedication since it is along a State Highway. An updated Survey must be provided since the DOT**

has constructed curb and sidewalk after the last property survey was completed. This item can be addressed during compliance (if approval is granted). (11) The plans require clarity with respect to existing and proposed improvements. **The revised plans clarify the existing and proposed improvements. The proposed sidewalk pattern must be added to the proposed sidewalk for the main dormitory access.** (B) **Architectural** (1) Floor plans and elevations have been provided for the proposed dormitory. Review of the architectural plans indicates that the site plans and architectural plan do not match and require coordination. The proposed average building height is thirty-one feet (31') which is less than the thirty-five foot (35') permitted height. **Coordination is required between the architectural plans and site plans to insure the proposed building does not violate the side yard setbacks.** (2) As noted on the architectural plans, dorm rooms are proposed on the first floor and second floor levels. It appears the entire structure will be handicapped accessible. Confirming testimony is required from the architect. **The applicant's professionals have indicated that the entire building is handicapped accessible.** (3) Testimony should be provided as to whether the proposed dormitory will include a sprinkler system. **The applicant's professionals have indicated that testimony will be provided at the public hearing.** (4) It is not clear whether the location of proposed air conditioning equipment is behind the proposed dormitory adjacent the proposed elevator. Said equipment will be adequately screened. **The revised site plans locate the proposed air conditioning equipment in the rear of the building. The proposed locations conflict with proposed landscaping and revisions are necessary. The applicant's professionals have indicated they do not intend to provide screening for the equipment. We recommend that screening be provided to the Board's satisfaction.** (5) We recommend that color renderings of the dormitory be provided for the Board's use at the forthcoming public hearing for the application. **The applicant's professionals have indicated they intend to provide a rendering for the public hearing.** (C) **Grading** (1) Grading information provided on the current design plans is incomplete. Additional existing elevations are required to evaluate the grading. **Additional existing elevations have been provided. The proposed grading for the backyard of the proposed dormitory appears too flat to properly drain. Proposed drainage is recommended. Plastic grate yard drains should be proposed since the backyard will probably be used for recreation by the students. This item can be addressed during compliance review.** (2) Per review of the existing site conditions during our 7/22/10 site inspection, on-site grades generally slope to the south towards Ocean Avenue (Route 88). **We recommend yard drains and roof leaders to convey proposed roof drainage into the proposed recharge system. This item can be addressed during compliance if approval is granted.** (3) Two (2) soil boring locations are indicated on the drawings. Results of the soil boring information must be submitted. General Note #7 states that estimated seasonal high ground water elevation is at a depth of 8.75 feet as determined by Lines Engineering, LLC on May 10, 2010. **The applicant's engineer has indicated the borings will be provided. Based on the information in the General Note, the proposed basement floor elevation is two feet (2') above the seasonal high ground water elevation.** (D) **Storm Water Management** (1) General Note #12 states that in accordance with

UDO Section 18-815 no storm water management is required as total new impervious surface is less than a quarter acre. **Statement of fact.** (2) A proposed recharge system for the roof leaders of the proposed dormitory building is recommended. **See comment C(2), above.** (E) **Landscaping and Lighting** (1) A dedicated landscaping plan is provided with the submission; proposed landscaping is depicted on Sheet 2 of the plans. **Statement of fact.** (2) The proposed planting list does not match the proposed landscaping plan. **Revisions to the proposed landscaping plan and plant list have been made and the quantities match.** (3) A six foot (6') wide shade tree and utility easement is proposed across the frontage of Lot 159. The easement shall be dedicated to the Township of Lakewood and include bearings, distances, and an area. **Bearings, distances, and an area for the proposed easement have been provided. A description is required and the proposed easement must be reviewed by the Board Attorney and Engineer prior to filing. This matter can be completed during compliance review.** (4) Landscaping should be provided to the satisfaction of the Board. **The Board should provide the applicant with their recommendations, if any.** (5) Corrections are required to the Planting Details. Specifications are referenced, but not provided. **Corrections have been made to the details. The references to the specifications have been deleted.** (6) A dedicated lighting plan is provided with the submission; proposed lighting is depicted on Sheet 2 of the plans. **Statement of fact.** (7) The Lighting Plan shows two (2) sixteen foot (16') high pole mounted lights and ten (10) wall mounted lights. The proposed pole mounted lights illuminate the eastern side of the school parking lot. Revisions are required to address the lighting on the west side of the parking lot and around the proposed dormitory, including details, photometric data, and a point to point diagram. **Since the parking lot is on the adjoining property, information is only required on the proposed wall mounted lights for the building.** (8) Lighting should be provided to the satisfaction of the Board. **The Board should provide the applicant with their recommendations on lighting, if any.** (F) **Utilities** (1) The plans indicate the existing public water and sewer laterals are to be reused. An existing sewer lateral and an existing water line to the proposed dormitory building from Route 88 are depicted on the plan. **Statements of fact.** (2) The applicant must receive necessary approvals for the increased demands resulting from replacing the existing structure with the proposed dormitory building. **The applicant's professionals have indicated the necessary approvals will be acquired from New Jersey American Water Company.** (G) **Signage** (1) No signage information is provided on the Site Plan. The Architectural Elevations show a sign will be proposed at the main access of the dormitory. 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. **Proposed signage information must be provided on the Site Plan. Testimony should be provided by the applicant's professionals.** (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 was required. **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); (b) 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.

The applicant's professionals have indicated that testimony will be provided on environmental matters. (3) We recommend that all on-site materials from the proposed

demolition and construction activities be removed and disposed in

accordance with applicable local and state regulations. **The applicant's**

professionals have agreed that demolition will be undertaken in accordance

with all rules and regulations. (I) **Construction Details** (1) 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. **A detailed review of**

construction details will occur during compliance review if/when this

application is approved. (2) The concrete pad for the Trash Enclosure detail must

be six inch (6") thick, reinforced concrete. **The six inch (6") thick, reinforced**

concrete slab must be shown for all views in the detail. Currently, the

information is in conflict. (3) Handicapped ramp details must be provided to the

current NJDOT standards. **All proposed sidewalk is level with existing and**

proposed asphalt since there are no curbs in the existing parking lot on the

adjoining property. Therefore, the details will not be required. (4) 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) New Jersey American Water Company (water and sewer service); (d)

New Jersey Department of Transportation (if required); and (e) All other required

outside agency approvals. **Evidence of all outside agency approvals must be**

submitted when they are obtained.

Mr. Abe Penzer Esq. on behalf of the applicant this is the first dormitory under the new ordinance. We are in agreement with most of Mr. Vogt's letter, Mr. Lines will go over the pertinent information.

Mr. Glen Lines P.E. The variance we are asking for is on the east side of the building a twenty foot buffer is required in a residential use we are requesting fifteen feet. We feel that Ocean Ave. will become switching over to commercial use. Therefore we do not think this is a big variance to ask for. The dorm is a two

story dormitory with an eating facility. The building next door is the school it is an approved site plan. Pertaining to Comment #1 we will provide a cross access easement so the children can walk from site to site and the parents and garbage collection can access the dormitory from the school site. On site Storm Water Recharge we are under the requirements for the ordinance. We will re-grade the site to the Boards satisfaction ass to not have to do a Storm Water Recharge. Pertaining to Signage we will comply with the Boards request, it will be code compliant.

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

Roll Call, Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Jackson put forth a resolution stating that the façade sign will be code compliant, will comply with all terms of Mr. Vogt's letter, to be variance compliant a six foot high fence will be put up in the twenty foot buffer zone, the applicant's engineer shall comply with all additional directives from the Board engineer.

A motion to approve the resolution as the Board attorney has written it was made by Mr. Schmuckler and seconded by Mr. fink.

Roll Call, Mr. Fink, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

3. SP # 1936 (No Variance Requested)

Applicant: Yeshiva Chemdat Hatorah

Location: 950 Massachusetts Avenue, north of Cross Street
Block 440 Lot 44

Change of Use "Conceptual Site Plan" from existing residence to proposed school and dormitory.

Project Description:

The applicant is seeking Conceptual Site Plan/Change of Use approval for the construction and addition of a two-story school and dormitory, to an existing 1-story dwelling, within an approximately four thousand nine hundred square foot (4,900 SF) footprint. In addition, a 19-space off-street parking lot is proposed, extending from a U-shaped access drive with two (2) accesses off of the property's Massachusetts Avenue frontage. The site is located on the west side of Massachusetts Avenue, approximately 250 feet north of its intersection with Cross Street. Developed areas south and east of the site are predominantly residential. The proposed facility is under construction, with building improvements approximately 75% complete. Site improvements are ongoing, including but not the above referenced parking and access drive(s), two (2) potable wells, a septic system and a 6' high foot board on

board fence proposed around the majority of the property (except the front yard). Sidewalk will be constructed along the property frontage. It should be noted that the applicant has been in contact with the Township, including but not limited to the Engineering and Planning Departments in regard to this project. The applicant was directed to the Planning Board for concept plan and change of use approval prior to consideration of a Temporary Certificate of Occupancy (TCO) necessary for the project. We offer the following comments and recommendations regarding this project: (1) As previously noted, this property is located in the R-20 zone. Private schools are specifically referenced in the UDO as a permitted use in this zone. Testimony should be provided from the applicant's professionals regarding the proposed dormitory use as permitted. (2) Per review of the site plans and inspection of the existing building, the front porch under construction appears to be located several feet within the 30-foot front yard setback. Therefore, a bulk variance may be necessary. Testimony is required from the applicant's professionals. (3) Handicap accessible ramps are required on both sides of each proposed driveway accesses for sidewalk accessibility. (4) The northerly access drive is two-way at the entrance, which is problematic given the adjacent bus drop-off area. We recommend that this entrance be revised to prohibit an exit directly onto Massachusetts Avenue via a curbed island and striping. Vehicles exiting the off-street parking area should be directed to make a right-hand turn and exit the site using the southerly Massachusetts Avenue access. If this (change of use) request is approved by the Planning Board, the applicant can contact our office for further direction regarding this recommendation. (5) Similarly, due to concerns with traffic existing the site, we recommend appropriate signs and markings to restrict exiting traffic from the southerly access to be right-turn only (i.e., prohibit left-hand turns exiting the site). If this request is approved by the Planning Board, the applicant can contact our office for further direction regarding this recommendation. (6) The applicant's professionals must address vehicular (bus, other) circulation through the site. Per cursory review of the concept plans, widening of the southerly access onto Massachusetts Avenue, at a minimum, may be necessary. If this request is approved by the Planning Board, the applicant can contact our office for further direction regarding this recommendation. (7) A bus parking and loading area appears necessary along the U-shaped driveway access in front of the addition. This area should be striped and addressed as part of addressing site circulation (comment #5, above). (8) An existing utility pole is shown within the northerly access drive. Testimony should be provided as to when this pole will be relocated. If the change of use is approved by the Board, the applicant should recognize that no TCO will be considered until the pole is relocated and the access drive is completed as approved. It is our understanding that Ocean County does not allow on-street parking on Massachusetts Avenue. (9) The existing driveway aprons are proposed to directly abut the existing edge of paving on Massachusetts, which has a very narrow shoulder (and a posted 45 MPH speed limit). We recommend that each apron (and proposed sidewalk) be shifted back further towards the right of way line. If this request is approved by the Planning Board, the applicant can contact our office for further direction regarding this recommendation. (10) Per communications between the Township and the Ocean County inspections office, it is our understanding that the existing Massachusetts Avenue access permit granted for the property was for the previously-existing

residence including the proposed addition, but as a single-family residence only. While we recognize that Ocean County approval is outside of the purview of the Planning Board, we recommend that the change of use approval, if forthcoming, include review of the proposed addition by the County to ensure that the county is satisfied with proposed ingress and egress off of Massachusetts Avenue. (11) Per review of the architectural drawings (and recent site visits), there is a double door entrance/exit proposed on the northerly side of the addition that would directly lead into the two-lane parking access aisle as proposed. This entrance/exit would pose a safety hazard as proposed. If this request is approved by the Planning Board, the applicant can contact our office for further direction regarding addressing this issue. (12) A proposed four-foot high block retaining wall "by others" is depicted to be constructed between the proposed addition and the bus access drive and sidewalk. Additional details and calculations addressing this wall are necessary. If this request is approved by the Planning Board, the applicant can contact our office for further direction regarding this recommendation. (13) Per review of the proposed front entrance, adjacent to the U-shaped driveway, depressed curb and a ramp appear necessary for access to and from the bus drop-off area. If this request is approved by the Planning Board, the applicant can contact our office for further direction regarding this recommendation. (14) Two (2) wells are shown on the plans near the property's Massachusetts avenue frontage. Testimony should be provided by the applicant's professionals whether one or both of these wells is for potable use (and have been permitted accordingly by the County Health Department or appropriate agency). At a minimum, there appears to be a potential conflict between one of the wells and the curbing proposed with the U-shaped driveway. Necessary approvals for potable water service must be obtained prior to consideration of a TCO for the project (if approved by the Board). (15) Similarly, there is an existing septic disposal field 'by others' depicted on the plans in the northerly portion of the site. Testimony should be provided by the applicant's professionals whether this field has or will be permitted accordingly by the County Health Department or appropriate agency. Necessary approvals must be obtained prior to consideration of a TCO for the project (if approved by the Board). (16) A proposed 10'x 10' trash enclosure is depicted in the northwest corner of the off-street parking area. Testimony should be provided regarding proposed trash pickup (by whom and when). We recommend widening of the proposed 10 foot wide access lane. If public collection is proposed, DPW review and approval of the proposed dumpster, its location and access are necessary. (17) Per review of the plans, stormwater management via some form of an underground recharge system appears to be proposed, but is not clear per the current plans. The applicant's engineer must calculate the proposed increase in impervious cover (including building) proposed for the project. If new impervious cover exceeds 10,000 square feet (sf), the proposed stormwater improvements must be designed and maintained in accordance with the NJ Stormwater Rule (NJAC 7:8). If this request is approved by the Planning Board, the applicant can contact our office for further direction regarding this recommendation. (18) Proposed landscaping and lighting are depicted on Sheet 2 of the plans. Proposed lighting will spill over onto Massachusetts Avenue and adjacent properties as designed. If desired by the Board, the proposed light intensity in the front can be reduced via lower wattage lights in this area. (19) Proposal landscaping is subject to review and approval by the

Planning Board. (20) Final construction details must be revised as necessary to comply with applicable Township and County standards. At a minimum, a detail appears necessary for the proposed wall mounted light fixtures. (21) Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board (site access); (b) Ocean County Soil Conservation District; (c) Ocean County Health (water and sewer service); (d) Lakewood Township (Building Code, Fire, Engineering); and (e) All other required outside agency approvals.

Chairman Neiman spoke to the assembly stating that the ordinance before tonight was vague and changes have been introduced to change the Ordinance. If a person buys a house and wants to make it a school all they need do is to go to the Building Dept. and it will be a permitted use. If the applicant wants to make improvements they need to come to the Planning Board for the changes. We are looking at this application tonight for administrative issues. This is a school and should be looked at as such.

Mr. Vogt explained that most of the issues we have with this application is about safety. Whatever the Board administratively approves tonight the applicant must comply with the recommendations in order to get a C of O. Once they do that the C of O is signed off on and they can move into the building.

Mr. Kielt explained that they must do an abbreviated resolution compliance and they send it to the Planning Board who then makes a recommendation for a C of O. The Board does not issue the C of O.

Mr. Samuel Brown Esq. appearing on behalf of the applicant. It is our position this is an inherently beneficial use, it is permitted in the zone. I would like the Board and the public to understand why we are here altogether. As the Chairman has commented, this application is here for administrative review. When we sent out a notice to the surrounding home owners we implied that we were applying for approval. Out of an abundance of caution it was my advise to the applicant that we bring the public into the fray such that they may comment, that they may express concerns, objections or positive issues that they would like to raise before the Board to help the Board craft what would be an application, such that the applicant can not merely walk into an office and say sign here on the dotted line and now it is changed from a single family home into a school. There is now a different type of ordinance that is trying to streamline the process, trying to bring the process in front of the Board similar to what we are doing tonight. What we are trying to do is to come before the Board's engineer, Mr. Vogt and the applicant's engineer Mr. Lines and work out the questions of safety, work out the questions of aesthetics, work out the questions of what really and actually works here from a planning and engineering stand point.

Mr. Glenn Lines P.E. stated that currently on the property there is a one story house with an addition that is a dormitory. The septic System shown on the plan has been constructed; because there is no water and sewer on Mass. Ave two wells were drilled several weeks ago. Other than that the remainder of the property in the back is vacant as is the front. Mr. Neiman inquired what the vacant space will be for and asked Mr. Lines to explain a little about the school. The space will be for recreation because nothing can be built on it because of the septic.

Mr. Aaron Prezansky of 6 Sharon Ct. explained that the school is for high school age boys 14 to 18 years old. Currently it is a day school and most of the boys board at home, there is room for about 8 boarders at this time. The students arrive at 7:40am and leave at 9:00, 9:30, and 10:00pm most by bus. There are 19 parking spaces to alleviate any parking on Mass. Ave. There are usually four Rabbis there at a time.

Mr. Lines stated that he would address the comments in Mr. Vogt's letter. Comment #1 location is in the R20 Zone and it is a permitted use. Comment #2The face of the actual building is 30 feet from the front yard setback but the covered porch is within the setback range. Therefore we are requesting a waiver for this setback. Comment #3We will add handicapped ramps on both sides of the driveway. Comment #4We are proposing two driveways the driveway y on the north is an in and out driveway the driveway on the south is an egress only. MR. Vogt expressed concern with two way traffic on the north side, if a bus where coming in and a car was trying to get out it would be a dangerous situation. He suggested a traffic pattern were the north side was for entrance only and that south side was for exit only, with a stop bar on the south side, with only a right turn at the exit. Comment #5 Mr. Vogt suggested an island or a "Lamb Chop" and striping to force all traffic to the right at the exit. Comment #6Mr. Vogt asked for a map with a template showing how a school bus would fit in the driveways. Comment #7Mr. Lines said they would stripe the bus drop off zone. Comment #8 JCP & L has been requested to move the utility pole. Mr. Vogt mentioned that a Temp. C of O would not be issues by the Township if the pole was in the way of the driveway. Mr. Kielt reminded them that they are not allowed to load or unload busses on Mass. Ave. Mr. Lines stated that his client is aware that they will have to deal with JCP & L in reference to the pole moving, that they can not load or unload buses on Mass Ave, and that they are aware that the Board does not grant TCO's. They are also aware that they will have to deal with the County on the moving of utility poles on Mass Ave. Comment #9 they will move the sidewalks back towards the right of way. Comment #10 Mr. Kielt wanted the applicant to be aware that the County has rescinded there road opening application because it was filed for a single family home not a school. The applicant would have to reapply by the Sept 1 meeting, they need to get the application there a week ahead of time for conditional approval.

Comment #11 the double door on the north side of the building id for emergency exit only. Comment #12 rather than having individual window wells there will be one continuous wall that will only stick up out of the ground about a foot and will have a fence on top of it for safety. The applicant has authorized the developer to inform Mr. Vogt of the wall structure. Comment #13 Any handicapped students will be dropped off in the rear of the building where there will be handicapped ramps and curbs. Comment #14 there were two wells drilled installed on the property. The well driller obtained permits to drill the wells. It is potable water and the applicant is aware he needs health department approval of the wells. Comment #15 the septic system was permitted and approval is being sought at this time. The applicant knows the Board must see this approval. Comment #16 trash will be picked up privately so the access will not be blocked. Comment #17 Mr. Lines stated that they are asking for a waiver for the Storm Water Management System because the property grades fro\m Mass Ave towards the back of the property and there is a paper street there and undeveloped land also to the south. Mr. Vogt explained that if it is more than 10,000 feet and is impervious, it is a major development and they can not waive it by state law. Mr. Lines said that they understood and would comply. Comment #18 Mr. Vogt stated that the Board would make recommendations to JCP & L to put a light closer to the southerly exit. Also there are trees in the sight line on Mass. Ave. that would need to be cleared or cut back. Comment # 19 the applicant has a few shrubs planned and one shade tree and will give a better explanation. A suggestion was made to not put any shrubbery on the exit island as to not block the sight line. Comment #20 Mr. Lines will add lighting to the plan.

Chairman Neiman inquired why they were proposing a 6 foot high fence around the property. Mr. Lines explained that they were doing the fence in lieu of the 20 foot buffer and if they could have a waiver for the buffer they would not need the fence.

Mr. Lines asked if they could use curb stops on the other side of the parking lot rather than a curb. Mr. Vogt explained that the curb stops would have to be replaced in a timely matter if they were destroyed or missing, to prevent cars from going onto the field where the septic and pipes would be underground.

Mr. Schmuckler inquired if they could reduce the impervious space by making some of the parking gravel with curb stops would that alleviate the Storm Water Management System obligation. Mr. Vogt said he would work with Mr. Lines to determine if this could be done while keeping the number of spaces.

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

Sworn in was Mr. Larry Everin of 148 Enclave Blvd. stating that there should not be a left turn in allowed on Mass. Ave to alleviate traffic congestion . MR. Neiman

said that they would revisit this suggestion and that the applicant would have to also deal with the County on this matter.

Sworn in was Mrs. Carol Supno of 59 Foxwood Road stated that if there were 70 students they could not all be bussed by one bus in the morning. She feels this application was put in dishonestly because it was put in as an addition to a single family house and not a school. She also wanted to know where the student would play and if they would be leaving the school to walk to the stores on Mass Ave they would pose a hazard to themselves and the automobile traffic on Mass. Ave.

Sworn in was Mr. Bill Hobday 30 Schoolhouse Lane he feels that schools should be placed in interior zones and not on major roads. The school is too close to Mass. Ave. and the students will pose a hazard if they are walking on Mass. Ave. He feels that the application has gone beyond what it was supposed to be just an addition to an existing single family home.

Sworn in was Howard Septno 59 Foxwood Road stated that since a school is a permitted use in the zone why did the applicant put the application as an expansion of a single family home and not a school. He feels there is nothing being done to protect the taxpayers. Mr. Neiman explained that the Board is here to protect all the neighborhood in Lakewood and that an ordinance change was introduced tonight that will change things in the future but this application must be judged on how it stands tonight. Mr. Jackson agreed saying that we can not look at the past but only deal with the application before the Board tonight. Mr. Septno then inquired why no one asked about the growth of the school in the future. Mr. Neiman stated that all questions and concerns would be addressed with the applicant.

Sworn in was Mr. Nissim Yankelowitz 930 Morris Ave. stated that he is looking forward to the school being built and that the students are good students and will not be leaving the property.

Sworn in was Mr. Gabriel Levine 1000 Waldorf Terr. Stated that when he first moved to this neighborhood there was crime in the area but now that more young families are moving in the crime element is disappearing. He feels this school would be an asset to the neighborhood.

Sworn in was Mr. Yitschok Tannenbaum 958 Claire DR. he too feels that the face of the neighborhood has been changing and that the school would be a tremendous asset to the community.

Sworn in was Mr. Raymond Montenary 10 Skylark La stating that the County may be widening Mass. Ave in the future and is the school set back from the road enough for a shoulder lane. Mr. Vogt and Mr. Lines stated that between the

edge of the property and the road it is 12 foot wide. The applicant also is aware that they will have to seek approval from the County on this property and the County can address the issue of road widening with the applicant.

Sworn in was Mr. Yakov Nussbaum 124 5th Street stated that his son was a student at this school and he knows the dean and the teachers are well known around town and are men of impeccable character with a sense of responsibility. They may have acted on bad advice but they will run a well run financially responsible facility. He believes that the Rabbi will enforce the rule that the students not leave the campus .

Sworn in was Mr. Jim Lynut, 24 skyline Dr stated he uses well water to water his lawn and he feels that the wells at the school should inspect the wells. Mr. Neiman stated that the Health Dept does inspect the wells prior to use.

Sworn in was Mr. Meir Berl 423 Central Ave stated that this school was a neighbor of his and he is acquainted with the Rabbi and knows that the boys are well behaved and that the rules are enforced. He feels that Board should approve this application.

Sworn in was Mr. James Campbell 70 Ivy Hill Rd, he stated that if the utility pole is moved on Mass Ave. there may be dark spots at night and another light pole should be requested.

Sworn in was Mr. Jack Webber 104 Foxwood Rd He feels that in Lakewood we are reactive and do not plan ahead. Ther are students already walking on Mass Ave from the school located at 1365 Mass ave. and the school on Cross Street. There have been several accidents including one with a fatality. This is a safety issue although it is to late for this school we should think before we build.

Sworn in was Mr. Shlomo Steinberg 950 Princewood Ave. stated that safety is a large concern but that an accident can happen anywhere and he feels this school will be an asset to the area.

Sworn in was Mr. Yaakov Stern 100 Bradshaw Rd. He stated that he had a son graduate from this school and has two son attending the school at present. He feels the school is very proactive in the students safety and will enforce the rules at the campus. He feels that at this school more than other schools the students do listen to the teachers .

Mrs Carol Septno, still under oath, reiterated that she feels that if the rabbi had integrity and honesty he would not have applied as a one family home but as a school.

Chairman Neiman then asked the applicant to explain about the bussing of the students and the growth of the school.

Mr. Prezansky stated that there will be two busses this year in the morning to transport the students to school they will arrive 10 minutes apart. They do envision the school growing but there are only four grades and the max in each grade should be 25 students. He also stated that the students will not be leaving the campus at all during the school day.

Chairman Neiman then asked Mr. Prezansky to reach out to the senior community in the future to keep up the relationship.

MR. Brown stated that the applicant acted on bad advice but the ordinance that was in place, the applicant was working with in this ordinance. We are working with this Board to help this applicant be the best and safest it can be on the site that it currently exists. It is not a question of whether to approve this application it is a question of how to do it in the safest most prudent manor possible.

Mr. Fink would like the applicant to not have a left turn in off of Mass Ave. only right in right out. Mr. Brown stated that for the purpose of bussing the applicant will only have a right in right out policy.

Mr. Schmuckler made a motion to recommend to the governing body a change of use based on the following conditions, design info on the retaining window well wall, approval letter for the wells and septic, two depressed handicapped curbs, private trash removal in the rear, keep the impervious space under 10,000 feet but still keep the number of parking spots by not paving five spots and putting in gravel with curb stops as to not have to provide a Storm Water Management System, a six foot variance for the porch on the front of the building, buffer waiver variance for no fencing around that site, street light poles moved, a stop bar or line at the egress and all other plans discussed. Mr. Follman seconded the motion.

Roll Call Mr. Fink, yes, Mr. Neiman, no, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

4. SD # 1727 (Variance Requested)

Applicant: Yeshoshua Frenkel

Location: northwest corner of Towers Street & Albert Ave.

Block 826 Lot s 3, 4

Minor Subdivision to create 2 lots

Project Discription

The applicant seeks minor subdivision approval to subdivide an existing 200' X 200' property totaling 40,000 square feet (0.918 acres) in area known as Lots 3 and 4 in Block 826 into two (2) new residential lots, designated as proposed Lots 3.01 and

3.02 on the subdivision plan. The site contains an existing one-story dwelling which will remain on proposed Lot 3.01. Proposed Lot 3.02 will become a new residential building lot. Public water and sewer is not available. Therefore, private individual septic disposal systems and potable wells will be required. The site is situated in the southern portion of the Township on the west side of Albert Avenue, the north side of Towers Street, and the east side of Charity Tull Avenue. An existing dwelling neighbors the property to the north on existing Lot 1. Albert Avenue is a well traveled paved road in good condition, the paving of Towers Street ends at the southwest corner of the site, and Charity Tull Avenue is unimproved. All three (3) streets have existing right-of-way widths of fifty feet (50'). Proposed Lot 3.01 would be larger than proposed Lot 3.02. The proposed lot line is being created based on a minimum distance of ten feet (10') being held behind the existing one-story dwelling. Curb and sidewalk does not exist along any of the street frontages. The lots are situated within the R-20 Single Family Residential Zone. Variances are required to create this subdivision. **We have the following comments and recommendations per testimony provided at the 5/4/10 Planning Board workshop hearing, and comments from our initial review letter dated March 24, 2010:**

(I) Zoning (1) The parcels are located in the R-20 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 requested: (a) Minimum Lot Area (proposed Lot 3.02, 17,282 SF, 20,000 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lot 3.02, 86.41 feet, 100 feet required) – proposed condition. (c) Minimum Rear Yard (proposed Lot 3.01, 10.00 feet, 20 feet required) – proposed condition. **The plan has been corrected to request a lot area variance and a lot width variance for proposed Lot 3.02. The proposed subdivision line is being set based on establishing a ten foot (10') side yard setback for the existing dwelling on proposed Lot 3.01.** (3) Waivers are being requested from providing curb and sidewalk. **Curb and sidewalk are being proposed along the frontages of Albert Avenue and Towers Street. No curb and sidewalk is proposed along the frontage of Charity Tull Avenue which is unimproved.** (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 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 proposed setback lines indicate the proposed side yards and rear yards are based on the Towers Street frontage. However, a rear yard setback variance is being requested for proposed Lot 3.01, which is shown as a side yard on the map. It should be noted the front of the existing dwelling does face Albert Avenue which may be the reason for the variance request. A proposed rear yard variance will not be required should the proposed setback lines remain as shown. **The zoning table has been corrected and the reference to a required rear yard variance has been removed.** (2) The Zoning Data indicates a side yard setback of 16.41 feet for proposed Lot 3.02. However, no proposed dwelling unit is indicated. Clarifying testimony should be provided. **The Zoning Data has been corrected to**

indicate a minimum side yard setback of 10.00 feet for proposed Lot 3.02 since no proposed dwelling unit is shown. (3) The Zoning Data also indicates maximum building coverage of nine percent (9%) and twelve percent (12%) for proposed Lots 3.01 and 3.02, respectively. However, no dimensions are shown for the existing dwelling to remain on proposed Lot 3.01 and no dwelling is indicated for proposed Lot 3.02. Testimony for the basis of the proposed building coverage should be provided. **The existing dimensions have been added to the existing dwelling on proposed Lot 3.01. Based on the size of the existing dwelling, the nine percent (9%) building coverage for proposed Lot 3.01 is accurate. Since no dwelling is indicated for proposed Lot 3.02, the Zoning Data has been revised to show compliance with the twenty-five percent (25%) allowable coverage will be met. This item has been addressed. (4)** The Minor Subdivision is based on a Survey dated 2/25/10. Based on our field observations the Survey must be corrected and/or updated to show the following: **(a)** Dimensions of the existing one-story dwelling. **Dimensions of the existing dwelling have been added. (b)** Existing spot shots and elevations, particularly along the roadways. The existing edge of pavement along Towers Street is not straight as sketched. **The applicant's professionals indicate that existing spot shots and elevations will be provided. The existing spot shots and elevations will be necessary in order to design the proposed road frontage improvements. (c)** The two (2) monuments shown as "set" were not found. Furthermore, there was no evidence of disturbance of vegetation in these areas. **The two (2) monuments have been correctly shown as "to be set". The Legend must be corrected accordingly.(5)** No site improvements are proposed along the frontages of the project. Albert Avenue is a paved road in good condition across the eastern frontage of the property. Towers Street is paved across the southern frontage of the site and is in poor condition. The existing edge of pavement is irregular and instances of pavement failure were observed. Charity Tull Avenue is a wooded right-of-way on the western frontage of the tract. At a minimum, we recommend improvements be undertaken to Towers Street. **Curb and sidewalk have been proposed along the Albert Avenue and Towers Street frontages. The proposed curb will be set fifteen feet (15') from the centerlines which is acceptable. The proposed curb radius at the intersection and the proposed sidewalk location within the right-of-way must be dimensioned. Proposed design elevations are required along with road widening details. Towers Street requires a half width reconstruction because of its poor condition. Edge reconstruction for the curb installation is all that is necessary along Albert Avenue because of its good condition. (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 does not address off-street parking. The existing driveway on proposed Lot 3.01 must be dimensioned to confirm that the driveway is large enough to accommodate the proper number of spaces. Some of the driveway is being removed as to not encroach on proposed Lot 3.02. Testimony should be provided regarding the number of bedrooms in the existing dwelling to remain in order to determine whether additional off-street parking is required. Furthermore, testimony should be provided regarding the future plans for proposed Lot 3.02. **The Site Plan for the Minor Subdivision shows the modified driveway on proposed Lot 3.01 has a minimum capacity to park four (4) vehicles. The**

applicant's professionals indicate parking on proposed Lot 3.02 will be in accordance with RSIS. The Schedule of Bulk Requirements must still address off-street parking. (7) Testimony should be provided as to whether a basement is proposed for the future dwelling on proposed Lot 3.02. If a basement is proposed, we recommend a minimum of four (4) spaces be provided. Parking shall be provided to the satisfaction of the Board. **Testimony should be provided as to whether a basement is proposed for the future dwelling on proposed Lot 3.02.** (8) The certifications on the plan should be corrected to conform to Section 18-604B. 1., of the UDO. **The certifications are still not correct.** (9) There is not enough separation between the approximate locations shown for the existing septic system and well on proposed Lot 3.01. Proposed well and septic disposal field locations are indicated for proposed Lot 3.02. Ocean County Board of Health approval will be required for the Minor Subdivision. **Ocean County Board of Health approval is required. Alterations to the existing septic system on proposed Lot 3.01 may be required.** (10) Proposed lot and block numbers must be approved by the tax assessor's office. **The Minor Subdivision Map must also be signed.** (11) Shade tree and utility easements are proposed along the property's frontage. Dimensions for the proposed easements must be completed. The proposed shade tree and utility easement area fronting Towers Street for proposed Lot 3.02 must be corrected to 386.46 square feet. **The dimensions have been completed and the area of the proposed easement fronting Towers Street on proposed Lot 3.02 has been corrected.** (12) No shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. **The Site Plan for the Minor Subdivision proposes six (6) October Glory Maples and five (5) Pin Oaks.** (13) 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 plan for proposed Lot 3.02 submitted for Township review should include tree protective measures to save mature vegetation where practicable. **The applicant's professionals indicate that prior to issuance of a building permit tree locations will be added to the grading plan for proposed Lot 3.02 that will be submitted to the Township Engineer, if subdivision approval is granted. A tree protection detail has been added to the Site Plan for the Minor Subdivision as required.** (14) Due to no construction of the new dwelling on proposed Lot 3.02 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. **The existing improvements must be shown. The proposed ten foot (10') dimension between the corner of the existing dwelling and the proposed property line must be to the hundredth of a foot since this is the basis for the proposed subdivision line location. Typical dimensions shall be added for the proposed setback lines.** (16) Construction details are required for improvements required by the Board. **Construction details have been provided on the Site Plan for the Minor Subdivision. The following corrections are required: (a) The width of the Concrete Sidewalk shall be four feet (4'). (b) A Concrete Curb**

detail is required. (c) Road Widening details are required. (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); and **(d)** All other required outside agency approvals. **All outside agency approvals shall be obtained as a condition of approval.**

Mr. Abe Penzer Esq. on behalf of the applicant. The existing house is three feet over the property line, the purpose of this application is to bring this into compliance, these variances are created so we don't have a house on someone else's property.

Mr. Glen Lines P. E. stated that the applicant can agree to everything in Mr. Vogt's letter except number five. Mr. Vogt has asked for half with road reconstruction, he would like to recommend a two inch overlay of the whole roadway. Mr. Vogt asked if they can review this with the Township engineer and Mr. Lines agreed.

Mr. Penzer stated that there would be a basement on lot 3.02 and they will provide four parking spots.

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

Roll Call Mr. Fink, yes, Mr. Neiman, no, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

5. SD # 1739 (Variance Requested)

Applicant: Mathias Deutsch

Location: Apple Street and Harvard Street
Block 170 Lot s 13,14 & 15

Minor Subdivision – 3 lots to 2 duplex lots

Project Description

The applicant seeks minor subdivision approval to subdivide three (3) existing properties to create two (2) new duplex lots. The three (3) existing lots, totaling 21,703 square feet (0.498 acres) in area, are known as Lots 13, 14, and 15 in Block 170. Existing Lot 13 fronts the southerly side of Harvard Street and contains a one-story dwelling. This existing tract is slightly undersized, containing 7,440 square feet. This existing lot also has frontage on the north side of an existing unnamed, unimproved forty foot (40') wide right-of-way. Existing Lot 14 is at the outside corner of Harvard Street (southerly side) and Apple Street (easterly side). This existing property is vacant and contains 5,920 square feet. Existing Lot 15 has frontage on the easterly side of Apple Street and contains a one and one half story dwelling. This existing parcel is conforming in area, containing 8,343 square feet. The two (2) proposed residential lots are designated as proposed Lots 13.01 and 13.02 on the

subdivision plan. Both proposed lots are designed to conform in area for lots with proposed duplex structures. Proposed Lot 13.01 has been designed to meet the minimum required ten thousand square foot (10,000 SF) area (0.230 acres). Proposed Lot 13.02 will be 11,703 square feet (0.269 acres) in area. The site is situated in the northern portion of the Township on the south side of Harvard Street and east side of Apple Street where the roads intersect. The site also borders the west side of Conrail's New Jersey Southern Branch Main Line and the north side of an unnamed, unimproved right-of-way. The properties contain an existing one-story and an existing one and a half story frame dwelling, both of which will be removed. Harvard Street has an existing forty foot (40') wide right-of-way, Apple Street has an existing thirty foot (30') wide right-of-way, and the unnamed, unimproved right-of-way is also forty foot (40') wide. Five foot (5') wide road widening easements are proposed for the unnamed, unimproved right-of-way and Harvard Street. A ten foot (10') wide road widening easement is proposed for Apple Street. Public water and sewer is available. Curb exists along the street frontage, but sidewalk does not. Four foot (4') wide sidewalk is proposed one and a half feet (1.5') behind the existing curb face. No other construction is proposed under this application. The proposed lots are situated within the R-7.5, Single Family Residential Zone. The site is mostly surrounded by other residential lands. Front and rear yard setback variances are requested on proposed Lot 13.02 to provide a useable building area. ***We have the following comments and recommendations per testimony provided at the 7/6/10 Planning Board Technical Meeting and comments from our initial review letter dated June 16, 2010:*** (I) **Zoning** (1) The parcels are located in the R-7.5 Single Family Residential Zone. Duplex housing with a minimum lot size of ten thousand square feet (10,000 SF) 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 Front Yard Setback (proposed Lot 13.02, 20 feet; 25 feet required) – proposed condition. (b) Minimum Rear Yard Setback (proposed Lot 13.02, 10 feet; 15 feet required) – proposed condition. ***The Board shall take action on the proposed front and rear yard setback variances requested for proposed Lot 13.02.*** (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) Provided that the minimum lot area for proposed Lot 13.01 is maintained, we recommend the proposed subdivision line be the extension of the easterly right-of-way line of Apple Street. If approved, the configuration of the two (2) proposed lots for this minor subdivision will be improved. ***A revised subdivision line has been set parallel to the opposite side lot line of proposed Lot 13.01 to provide the required minimum lot area. We still recommend the proposed subdivision line be extended from the intersecting right-of-way lines of Apple Street and Harvard Street to provide a better building envelope for proposed Lot 13.01.*** (2) The existing property is generally flat and slopes slightly toward the unnamed, unimproved right-of-way and the railroad tracks. 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. **A Conceptual Improvement Plan has been provided. Dimensioning should be completed to check zoning compliance. Proposed grading such as proposed spot shots and contours should be improved on the plan. Testimony is required to address proposed drainage schemes since nothing is indicated.** (3) The General Notes indicate the outbound information was obtained from a map entitled "Plan of Survey for Rafael Deutsch" prepared by Clearpoint Services, LLC, consisting of one (1) sheet dated 11/29/05. This survey is old and requires updating. In addition, the source of the topography must be provided. Also, no individual trees are shown on the survey. **An updated outbound survey has been submitted. The topography has been completed by FWH and accordingly a separate map shall be submitted.** (4) General Note #10 states "proposed sidewalk to be 1.5' from existing curb and to be 4' wide". Otherwise, no other site improvements are proposed along the frontage of the project. Harvard Street and Apple Street are paved and have existing curb. However, the existing pavement and curb is in poor condition and in need of replacement. Therefore, we recommend a half width pavement reconstruction with curb replacement along the property frontage. The existing streets are narrow and will undergo disturbance anyhow for new utility connections and driveways. **A design along with construction details is required for the half width pavement reconstruction.** (5) No construction or dwelling units are proposed at this time. The plan indicates the number of proposed bedrooms for the duplex dwelling units is unknown. The NJ R.S.I.S. requires 2.5 off-street parking spaces for an unknown number of bedrooms per unit. Since duplex housing is proposed, five (5) off-street parking spaces per lot are required. The plans indicate that four (4) off-street parking spaces will be provided for each unit. Therefore, eight (8) off-street parking spaces will be provided for each lot. The plan should be revised to indicate the configuration of the proposed off-street parking for the proposed lots. **The configuration of the parking spaces is shown on the Conceptual Improvement Plan. Dimensioning shall be added.** (6) Testimony should be provided as to whether basements are proposed for the future dwellings on proposed Lots 13.01 & 13.02. Based on the four (4) spaces per unit being provided, it appears basements are contemplated. Parking shall be provided to the satisfaction of the Board. **Basement floor elevations are proposed on the Conceptual Improvement Plan. Confirming testimony regarding basement construction should be provided. Seasonal high ground water table information must be provided if basements are proposed.** (7) The proposed lot widths must be corrected in the Schedule of Bulk Requirements. The proposed lot widths are conforming. **The proposed lot widths have been corrected in the Schedule of Bulk Requirements.** (8) Zone lines must be added to the Minor Subdivision Plan. **Zone lines have been added to the Minor Subdivision Plan.** (9) The proposed lot numbers have been assigned by the Assistant Tax Assessor and the plat signed by the Assistant Tax Assessor. **Statement of fact.** (10) Testimony should be provided on storm water management and the disposition of storm water from roof leaders. **The applicant's professionals have indicated that testimony will be provided at the Public Hearing.** (11) No proposed shade tree and utility easement is depicted on the plan along the property frontage. **Testimony is required for the exclusion of a shade tree and utility**

easement. (12) No shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. **Four (4) proposed shade tree locations are shown on the Conceptual Improvement Plan. The types of trees and planting details have not been included.** (13) The Plan does not indicate any existing individual trees on the site. Testimony should be provided regarding whether there are any specimen trees located on the property. **The applicant's professionals indicate that specimen trees will be located during Resolution Compliance should subdivision approval be granted.** 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 compensatory plantings and tree protection measures will be addressed during the submission of plot plans.** (14) 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. **Statement of fact. (15)** Additional construction details will be necessary and include any improvements required by the Board. **At a minimum, road reconstruction and curb details will be required.** (16) The right-of-way dimensioning on the sidewalk detail shall be revised to show two feet (2') from the face of curb to the edge of proposed sidewalk and a four foot (4') width for the proposed sidewalk. **The sidewalk detail has been revised to show a one foot six inch (1'-6") dimension from the face of curb to the proposed edge of sidewalk. The word "variable" shall be dropped from the plan view of the detail. Notes 3 and 4 shall be eliminated since they don't apply.** (17) 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 applicant's professionals have indicated that testimony will be provided on existing utilities at the public hearing.** (18) The Legend on the Minor Subdivision Plan should be revised to change "monuments set" to "monuments to be set". **The monuments have not yet been set, either the plan should be revised or the monuments set.** (19) 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 (if necessary); and (c) All other required outside agency approvals. **The applicant's professionals have indicated that Ocean County Planning Board approval is pending and Ocean County Soil Conservation District certification will be sought if necessary.**

Mr. Brian Flannery P. E. on behalf of the applicant stated that this property is two lots that conform in size and width but the lot on Apple Street is a strange shape. The average set back in the area is twelve feet and the rear is fifteen feet. We are asking to push the building back to twenty feet and asking for a rear yard set back of ten feet where fifteen is required. There is a railroad behind the property. As per Mr. Vogt's comments he asked for Storm Water at time of building permits.

We would do drywells consistent with what's been done on other minor subdivisions. We are requesting a waiver from the shade tree easement because we are providing a road widening easement and shade trees would be in the road easement area therefore there is no need for the trees. We will comply with all the other comments and at the time of building permit we will supply all other seasonal high water table and any other requests.

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

Roll Call Mr. Fink, yes, Mr. Neiman, no, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

6. CORRESPONDENCE

SP 1489A (Jacob Solomon) prior project – discussion of a request from Abraham Penzer's office regarding an addition to existing building

Mr Abe Penzer stated that it is his legal opinion that for the building that is Gesh and Beigelisen Accounting offices asking for 400 feet expansion would require 2 more parking spots. Ther is parking within 1000 feet away in the form of a public lot. These spaces can be considered even if there where and additional expansion of 700 feet. We are asking for administrative approval weather it be two or four spaces required that because of the Municipal lot this would not be a problem. Mr. Schmuckler stated that if the basement is being used for a rental that the patrons be told to park in the lot.

Mr. Vogt stated that the Board is comfortable with the request.

A motion was made by Mr. Fink to approve even if there is an additional 700 feet approval will stand. Seconded by Mr. Schmuckler.

Roll Call Mr. Fink, yes, Mr. Neiman, no, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

7. PUBLIC PORTION

8. APPROVAL OF THE MINUTES

Minutes from July 27, 2010 Planning Board Meeting.

Minutes from August 3, 2010 Planning Board Meeting.

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

Roll Call Mr. Fink, yes, Mr. Neiman, no, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

9. APPROVAL OF BILLS

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

Roll Call Mr. Fink, yes, Mr. Neiman, no, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Margaret Stazko
Planning Board Recording Secretary