

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. Herzel, Mrs. Koutsouris, Mr. Neiman, Mr. Banas, Mr. Follman, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1936 (No Variance Requested)

Applicant: Yeshiva Chemdat Hatorah

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

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

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

Roll Call Mr. Herzel, abstain, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, abstain, Mr. Follman, Mr. Schmuckler, yes.

2. SD # 1727 (Variance Requested)

Applicant: Yeshoshua Frenkel

Location: Northeast Corner of Towers Street & Albert Ave.
Block 826 Lot 3,4

Minor Subdivision to create 2 lots.

Motion to approve by Mr. Schmuckler, seconded by Mrs. Koutsouris.

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, abstain, Mr. Follman, Mr. Schmuckler, yes.

3. SD # 1739 (Variance Requested)
Applicant: Mathias Deutsch
Location: Apple Street and Harvard Street
Block 170 Lot 13, 14 & 15
Minor Subdivision – 3 lots to 2 duplex lots

Motion to approve by Mr. Follman, seconded by Mr. Koutsouris.

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, abstain,
Mr, Follman, Mr. Schmuckler, yes.

4. SP # 1489
Applicant: Jacob Solomon

Prior project – resolution approving a request from Abraham Penzer's office regarding an addition to existing building.

Motion to approve by Mrs. Koutsouris, seconded by Mr. Follman.

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, abstain,
Mr, Follman, Mr. Schmuckler, abstain.

5. SD # 1613
Applicant: John Brown
Location: Pine Street and Arlington Ave
Block 774.03 Lot
Amended Site Plan & Subdivision

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

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, abstain,
Mr, Follman, Mr. Schmuckler, yes.

6. SD # 1543
Applicant: Batim Management
Location: Sixth Street
Block 130 Lot 2.03

Applicant requests prior condition of approval concerning use of basements be modified.

Motion to approve by Mrs. Koutsouris, seconded by Mr. Schmuckler.

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, abstain,
Mr, Follman, Mr. Schmuckler, yes.

7. SD # 1635
Applicant: Batim Management
Location: Sixth Street
Block 117 Lots 2 & 14

Applicant requests prior condition of approval concerning use of basements be modified.

Motion to approve by Mrs. Koutsouris, seconded by Mr. Schmuckler.

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, abstain, Mr. Follman, Mr. Schmuckler, yes.

8. SD # 1744 (Variance Requested)
Applicant: Abraham Raitzik
Location: Pine Street
Block 830.01-830.07 Lots All
Amended Site Plan & Subdivision

Motion to approve by Mrs. Koutsouris, seconded by Mr. Schmuckler.

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, abstain, Mr. Follman, Mr. Schmuckler, yes.

5. NEW BUSINESS

4. SD # 1753 (No Variance Requested)

Applicant: Picardy LLC
Location: Chestnut Street, between Caldwell & Rockaway Avenues
Block 1097 Lots 1-5, 7
Minor Subdivision to create 2 lots

Carried to the October 19, 2010 Review Meeting this room 6:00pm.

Mr. Jackson, Esq. for the Township. Please be advised that applicant SD #1753 has been moved to the October 19, 2010 meeting this room at 6:00 pm. No further notice is required.

1. SD # 1916A (No Variance Requested)

Applicant: Chateau Equities LLC
Location: 943-945 River Avenue – former Chateau Grande
Block 1040 Lot 1.01

Amended Preliminary and Final Site Plan

The applicant is seeking Amended Preliminary and Final Major Site Plan approval. This amended site plan is for Lot 1.01 which was created from previous Minor Subdivision and Major Site Plan approvals for the same applicant. The prior applications granted the applicant approvals to convert an existing unutilized restaurant site (formerly Chateau Grand) into office and retail use. A 1,448 SF addition was approved for construction upon the northeast corner of the building.

The approved square footage for the retail portion of the building was 33,931 SF. The approved square footage for the office portion of the building was 11,789 SF. The total approved building area was 45,720 square feet. A total of two hundred twelve (212) parking spaces were approved at the above-referenced location. Access to the approved development was provided by a driveway from River Avenue (Route 9) and by a driveway from Broadway, which intersects Route 9. The applicant is requesting to amend the approval to remove the office use from the site. The office use granted in the previous approval only developed a portion of the second floor of the building. The amended proposal expands the second floor area and virtually develops the entire second floor of the proposed building. The amended application requests approval for 35,857.5 square feet of floor area on the first floor and 34,019.3 square feet of floor area on the second floor for a total of 69,876.8 square feet. Included in the retail uses proposed for the first floor is a Food Court Seating Area. Included in the retail uses proposed for the second floor is a Commercial Kitchen along with an Outdoor Simchah and a Simchah Hall. Lot 1.01 consists of 3.475 acres in area, and contains a vacant restaurant building formerly known as The Chateau Grand. The adjacent property, Lot 1.02, consists of 4.772 acres and is also owned by the applicant. The adjoining tract consists primarily of asphalt parking areas and curb infrastructure as well as a detention basin in the north of the site. The vegetation on site consists of ornamental species and sporadic native species around the site periphery. This amended site plan is for Lot 1.01. A proposed infiltration basin on Lot 1.02 will be used for Lot 1.01. The amended site plan shows most of the existing pavement on Lot 1.02 will remain, but it will not be used for overflow parking. There will be an elevation difference between the two (2) sites. A Blanket Drainage Easement on Lot 1.02 was previously proposed to facilitate the storm water management use from Lot 1.01. A Blanket Cross Access Easement for Lots 1.01 and 1.02 was also previously proposed. The project is located in the southern portion of the Township on the east side of River Avenue (Route 9), between Finchley Boulevard and Oak Street. The site is mainly bordered by forested lands. The opposite side of Route 9 is developed with mostly commercial uses. The project is within the HD-7, Highway Development Zone. ***We have the following comments and recommendations per testimony provided at the 07/06/10 Planning Board Workshop Hearing and comments from our initial review letter dated July 1, 2010.*** (I) ***Waivers*** (A) ***The following waivers were granted with the Original Site Plan Approval from the Land Development Checklist:*** (1) B2 -- Topography within 200 feet thereof. (2) B4 -- Contours of the area within 200 feet of the site boundaries. (3) B10 -- Man-made features within 200 feet thereof (4) C14 -- Tree Protection Management Plan. We support the continuance of the previously granted waivers for this amended site plan application. The waivers are appropriate since the plans filed contain sufficient detail and information to allow an informed judgment on the application despite the failure to comply with the plans details checklist of the ordinance. ***The Board granted the above referenced waivers at the July 6, 2010 Technical Meeting. The list of waivers from the Land Development Checklist has been added to the plans.*** (II) ***Zoning*** (1) The site is situated within the HD-7, Highway Development Zone. Per Section 18-903H.1.b of the UDO, under "permitted uses" in the HD-7 zone cites various retail uses. Per Section 18-903H.1.d of the UDO, under "permitted uses" in

the HD-7 zone cites restaurants and lunchrooms. Confirming testimony is required from the applicant's professionals documenting the proposed uses as permitted within the HD-7 zone, including a brief description of how and when the facility will operate. ***The applicant's professionals have indicated that testimony will be provided.*** (2) A variance is required for the proposed number of parking spaces. Two hundred twelve (212) parking spaces will be provided on Lot 1.01. The Amended Site Plan lists that two hundred thirty (230) parking spaces are required. The applicant has based this figure on a shared parking concept where use of the Simchah Hall and Outdoor Simchah would be used during the early morning or evening hours when the retail space is not in use. According to Section 18-807B.1 of the UDO, "Retail trade or personal service establishments other than in a shopping center of one-hundred thousand (100,000) square feet or more: one (1) space for each two hundred (200) square feet of gross floor area". In addition, according to Section 18-807B.7 of the UDO, "Restaurants: one (1) space per fifty (50) square feet of floor area devoted to patron use". Per communications with the applicant's professionals, we are aware that the applicant calculated the actual proposed retail areas. All common areas, such as hallways, storage rooms, and bathrooms were left out of the retail floor area calculations. Furthermore, the Simchah Hall and Outdoor Simchah were left out of the calculations because their times of usage would not occur during the hours of operation of the retail use. Therefore, the proposed retail space on the first floor would be 25,448 square feet, while the proposed retail space on the second floor would be 20,542 square feet. The proposed total of 45,990 square feet would require the two hundred thirty (230) spaces listed, thereby requiring relief for a deficit of eighteen (18) spaces. We generally agree with this interpretation. The applicant's professionals have not accounted for the Food Court Seating Area proposed on the first floor. It is our interpretation that this 785.5 square foot area should be added to the parking calculation at a rate of one (1) space for every fifty square feet (50 SF) of floor area devoted to patron use. An additional sixteen (16) spaces should be added to the required parking count. Therefore, it is our interpretation the project should require a total of at least two hundred forty-six (246) spaces and relief is required for a deficit of thirty-four (34) spaces. ***The applicant's professionals have indicated that testimony will be provided regarding the number of parking spaces. The Board shall take action on the variance requested for the number of parking spaces.*** The same conforming free-standing sign approved with the original site plan is proposed for the amended site plan. Variances are required for the number and area of proposed wall mounted signage. The architectural plans indicate a total of five hundred ninety-five square feet (595 SF) of proposed wall mounted signage for numerous proposed signs on three (3) sides of the building. Testimony is required on the proposed wall mounted signage variances requested since the only request noted on the amended site plan is for area. ***The revised plans propose seven (7) wall mounted signs on three (3) sides of the building. A proposed LCD screen sign of 91.6 square feet is located on the front (west) side. A 176 square foot identification sign and two (2) LCD screen signs of 98 and 91.6 square feet are located on the north side. A 128 square foot identification sign, a 50 square foot sign, and an LCD screen sign of 98 square feet are located on the rear (east) side. Three (3) wall signs are permitted, one (1) for each building face.***

Sign area is limited to 60 square feet per sign. Testimony shall be provided for the requested sign variances. The Board shall take action on the requested sign variances. The following design waivers were granted with the initial site plan approval: (a) Minimum 25 foot buffer from the property line to the proposed use (Subsection 18-803.E.2.a.). (b) Minimum 100 foot buffer from the State Highway (Subsection 18-803.E.2.f.). (c) Providing curb and sidewalk along frontage (Subsection 18-814.M.). It should be noted that Broadway and Parkview Avenue are unimproved. Curb exists along Route 9 and sidewalk is proposed along the frontage of Lot 1.01, but not Lot 1.02. (d) Parking within the front yard setback for a nonresidential development where the principal building is not setback 150 feet (subsection 18-903.H.6.). It should be noted this is an existing condition. **The Board shall take action on the continuance of the design waivers granted with the initial site plan approval. The list of design waivers has been added to the plans.** (III) **Review Comments (A) Site Plan/Circulation/Parking** (1) The Schedule of Bulk Requirements needs numerous corrections. The UDO Section for the Highway Development, HD-7 Zone is 18-903H. The existing front yard setback should be 45.1 feet, the dimension shown on the plans. There is no proposed rear yard for the project, only a proposed single side yard since Lot 1.01 has frontage on three (3) right-of-ways. The existing side yard setback should be 119.8 feet, the dimension shown on the plans. The provided building coverage should be increased to twenty-four percent (24%) since the minimum floor area should be upped to 35,857.5 square feet. Corrections are also required to the proposed parking and sign data. **Corrections have been made to the Schedule of Bulk Requirements, except for the parking. The proposed Food Court Seating Area needs to be accounted for.** (2) The fifty foot (50') rear yard setback line shown for Lot 1.01 should be corrected to a thirty foot (30') side yard setback line. **The setback line has been corrected.** (3) As indicated in the site plans, access is provided via an access drive off of Route 9 and from Broadway. Broadway is unimproved except for an approximately one hundred foot (100') stretch between Route 9 and the site access. A total of two hundred twelve (212) parking spaces are proposed for the site, eight (8) of which are handicapped. We calculate two hundred forty-six (246) parking spaces are required by the applicant's shared parking concept. The existing pavement is shown to remain on adjoining Lot 1.02. However, the existing parking lot on Lot 1.02 will not be used for overflow parking. There will be an elevation difference between the two (2) adjoining sites. **The applicant's professionals have indicated that testimony will be provided as to why the pavement on adjoining Lot 1.02 will remain even though no overflow parking is proposed.** (4) A 15' X 18' refuse area was previously approved at the southeast corner of the site next to proposed parking spaces. Testimony is required regarding the adequacy of the dumpster since the intensity for the use of the site is being increased with this amended site plan application. **The applicant's professionals have indicated that testimony will be provided on the adequacy of the refuse area.** (5) An infiltration basin was previously approved directly north of the site on the southwesterly portion of adjoining Lot 1.02. An existing detention basin will remain on the northeasterly portion of Lot 1.02. The existing basin is enclosed by chain link fencing with barbed wire and has no vehicular access. No design revisions were being undertaken to this basin since all the impervious area on Lot 1.02 was being removed. The existing

storm sewer and pavement on Lot 1.02 is now remaining on the amended site plan. Therefore, upgrading of this existing detention basin should be done. **The poor condition of the existing detention basin must be addressed; an increase in volume is not required.** (6) Coordination is required between the amended site plan and the architectural plans. The width of the perimeter sidewalk for the building is inadequate now that pedestrian access to the facility is channeled to three (3) main doors. **The width of the sidewalk should be increased to allow pedestrians to pass each other without stepping into the drive aisles; even at the expense of proposed landscaping.** (7) Striping is proposed along the east side of the building. The proposed striping limits should be dimensioned. Though it is not listed, we believe the proposed striping is to bring attention to an existing electric service pad protected by bollards and to designate a delivery zone. Testimony is required to document the adequacy of the proposed loading area for facility operations. **The striping has been removed, except around the electrical service pad where it is dimensioned. The applicant's engineer has indicated the proposed sidewalk on the east side of the building is being expanded, but this is not clearly shown. The applicant's engineer will provide testimony regarding the loading being on the south side of the building. This should be reviewed by the Fire Commissioners because of the narrowness of the one-way drive.** (8) Vehicular circulation plans were previously approved to confirm accessibility for delivery, emergency, and trash pickup vehicles that will need to access the site. **A copy of a revised vehicular circulation plan has been submitted confirming accessibility.** (9) The applicant has indicated the thirty foot (30') wide drive connecting the main access drive of the proposed project to the adjacent property to the north is not for overflow parking, but for future use. Testimony shall be provided on the future connection. **The applicant's professionals indicate that testimony will be provided on the future connection.** (10) Proposed pedestrian access points to the renovated building must be revised on the amended site plan. The previous configuration is still shown. The sidewalk proposed to connect the building access points with existing sidewalk and impervious surfaces must also be revised. It is not clear whether the protected building access points along the fire lane on the south side of the building will still exist. Clarification is required on the architectural plans. **The proposed pedestrian access points to the renovated building have been revised on the amended site plan. Bollards have been provided on the south side of the building to protect building access points only where necessary.** (11) Proposed "No Parking Fire Lane" signs should be added to the amended site plan. Pavement markings are already proposed. **The proposed "No Parking Fire Lane" signs have been added to the amended site plan and should be approved by the Fire Commissioners.** (12) Proposed handicapped ramp locations should be revised around the building now that access points are being amended on the site plan. **Proposed handicapped ramp locations have been revised around the building.** (13) The proposed building footprint on the amended site plan requires some minor adjustments to match the architectural plans. **Adjustments have been made to the building footprint on the amended site plan to match the architectural plans.** (B) **Architectural** (1) Basic architectural floor plans and elevations were submitted for review. Per review of the submitted plans, the building will be fifty feet, ten inches

(50'-10") in height, which is less than the allowable sixty-five foot (65') height. The structure will house predominantly retail floor space. However, a Food Court Seating Area is proposed on the first floor. In addition, a Commercial Kitchen with an Outdoor Simchah and a Simchah Hall are proposed for the second floor. Unlike the original approval where the second floor area only covered roughly the front third of the total building area, the amended site plan application proposes a second floor area for the entire structure. **The new architectural plans submitted for the building show more detail than the basic plans originally submitted.** (2) An elevation should be added for the south side of the renovated building, even though only a one-way drive/fire lane exists on that side of the structure. **The south side elevation has been added to the new architectural plan set.** (3) The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. **The applicant's professionals indicate they will provide testimony regarding the proposed building façade and treatments.** (4) Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. **The applicant's professionals indicated they will provide testimony regarding proposed roof-mounted HVAC equipment.** (5) Roof drains should be depicted and coordinated with the engineering drawings since the storm water design indicates the entire building runoff being collected in a roof drainage system and piped to the storm sewer collection system. **The applicant's professionals indicate they will provide testimony regarding proposed roof drains.** (C) **Grading** (1) A detailed grading plan is provided on Sheet 4. Consistent with existing topography, proposed grading will generally slope from south to north. A storm sewer collection system is proposed to collect runoff along the northerly property line of Lot 1.01. Proposed elevations along the northerly property line of Lot 1.01 will be higher than the existing elevations of Lot 1.02. **Statements of fact.** (2) An infiltration basin to be used by Lot 1.01 is proposed on the southwesterly portion of adjoining Lot 1.02 just north of the amended project site. The basin will be six and a half feet (6.5') deep with a flat bottom. An existing detention basin on the northerly portion of adjacent Lot 1.02 will remain. The existing basin depth is just over five feet (5') deep at the emergency spillway. The existing basin area on the site has chain link fence with barbed wire on top. **Upgrading of the existing basin condition is recommended, such as new fencing, vehicular access, fine grading, and stabilization.** (3) Better contrast between existing and proposed conditions is required on the amended site plans. It is difficult to determine the limits of work. This is crucial since much of the existing site improvements will be retained. An increase in contrast can be obtained by "further graying (screening)" the existing information. **The existing contours have been lightened. The existing site improvements should also be lightened.** (D) **Storm Water Management** (1) A proposed storm sewer collection system has been designed utilizing reinforced concrete pipe to convey stormwater runoff into a proposed infiltration basin. The proposed infiltration basin is located on the southwesterly portion of an adjoining lot (Lot 1.02) owned by the same entity. Furthermore, many proposed improvements such as storm sewer pipe, structures, and curb straddle the property line of Lots 1.01 and 1.02. The previous site plan approval provided for "A Blanket Drainage Easement on Lot 1.02, Block 1040, in

favor of Lot 1.01, Block 1040” and “A Blanket Cross Access Easement on Lots 1.01 and 1.02, Block 1040”. The Board Attorney must review these documents and determine whether the proposed blanket easements will serve the intended purposes now that an amended site plan approval has been requested. **Review and action is required by the Board Attorney.** (2) The existing detention basin in the northerly portion of Lot 1.02 will remain in place and operate for the remaining impervious parking area which is being left in place with the amended site plan on Lot 1.01. This existing detention basin contains a pipe which discharges storm water onto an adjoining property and existing swale to the north. We recommend the applicant’s engineer redesign this basin so only an emergency outflow (in excess of the 100 year storm event) is discharged off-site. Our office should be contacted regarding these design considerations. **The poor condition of the existing basin must be addressed. Additional volume will not be required since the proposed drainage area will be reduced.** (3) The previous site plan approval approved side slopes for the infiltration basin of 3:1, subject to stabilization measures required by the Township Engineer. **A note regarding stabilization measures has been added to the Grading Plan.** (4) The overflow connection from the existing bubbler inlet at a low point in the fire lane to the proposed roof drain system should be added as shown on the previously approved site plans that received Resolution Compliance. **The overflow connection has been provided.** (E) **Landscaping** (1) Proposed landscaping around the perimeter of the building must be revised and coordinated with the proposed building access points of the amended site plan. No landscaping associated with the existing pavement to remain on adjoining Lot 2 is proposed. **The proposed landscaping has been revised. Overwrites must be eliminated. The Pink Azalea key does not match between the plan and planting schedule. The Rhododendron quantity is eight (8) and the English Yew quantity is one hundred eight (108). Further revisions will be necessary to widen the perimeter sidewalk around the building.** (2) The overall landscape design is subject to review and approval by the Board. **The Board should provide the applicant with their recommendations, if any.** (F) **Lighting** (1) A detailed lighting design is provided on the Landscape and Lighting Plan. The proposed wall mounted lights shown on the renovated building are not shown on the architectural plans. Therefore, lighting revisions may be required. **Proposed wall mounted lights need to be added to the architectural plans to determine whether lighting revisions are required.** (2) Existing site lights on adjoining Lot 1.02 are shown to be removed. No proposed site lighting for the existing pavement to remain on Lot 1.02 has been shown. **The existing site lights on adjoining Lot 1.02 will now remain. Testimony should be given as to whether these lights will be operational.** (G) **Utilities** (1) General Note #8 on the Amended Site Plan indicates that public water and sewer services will be provided by the NJ American Water Company. **Statement of fact.** (2) Testimony should be provided regarding proposed fire protection measures for the amended site plan. **The applicant’s professionals indicate that testimony will be provided regarding proposed fire protection measures.** (H) **Signage** (1) Signage information is provided for building-mounted signage on Sheet A-3 of the architectural plans. Variances are required for the building-mounted signs identified with this amended site plan application. **Signage information is provided for building-mounted signage on Sheets A-4**

& A-5 of the new architectural plans. The proposed wall signage area of 828.2 square feet should be 733.2 square feet. The applicant's professionals have indicated that testimony will be provided on the proposed building-mounted sign variances. (2) All signage proposed that is not reviewed and approved as part of this amended site plan application, if any, shall comply with the Township Ordinance. **Statement of fact. (I) Environmental (1) Environmental Impact Statement** The applicant had submitted an Environmental Impact Statement with the original site plan application. The document was prepared by Trident Environmental Consultants to comply with Section 18-820 of the UDO. The report was a result of an Environmental Assessment and Inventory conducted on the site. Field studies were completed between July and October of 2005. To assess the site for environmental concerns, natural resources search of the property and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following highlights some of the documents and field inventories which were reviewed to evaluate potential environmental issues associated with development of this property: (a) The New Jersey State Development and Redevelopment Plan. The site lies within the Suburban Planning Zone. It also lies within the CAFRA Coastal Suburban Planning Area. (b) Site investigation for wetlands and wetland buffers. (c) The Natural Heritage Program for any threatened and endangered species. Barred Owl, Northern Pine Snake, and Eastern Box Turtle habitat areas were evaluated. (d) NJDEP Landscape Project Areas.

The author of the Environmental Impact Statement concluded the original proposed project will have both adverse and beneficial impacts to the project site and surrounding area. These impacts would be both long and short term. Careful planning and best management practices of the project can limit the adverse impacts associated with the development. Our office concludes that the amended site plan would not significantly alter the author's original findings. **Statements of fact. (2) Tree Management Plan** This application had received a waiver from submission of a Tree Management Plan with the original site plan approval. It should be noted that virtually no trees will be removed as part of this amended site plan. **The Board granted a waiver from submission of a Tree Management Plan at the July 6, 2010 Technical Meeting. (J) Construction Details (1) Construction details** are provided on Sheet 8 of the plans. **Statement of fact. (2) All proposed construction details** must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. **Construction details will be checked during compliance review should amended site plan approval be granted. (3) Performance guarantees** should be posted for any required improvements in accordance with Ordinance provisions. **Statement of fact. (IV) Regulatory Agency Approvals** Amended outside agency approvals for this project may include, but are not limited to the following: (a) Water and Sewer service (NJAW); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District; (d) NJDOT (access permit); and (e) All other required outside

agency approvals. ***Evidence of all outside agency approvals must be submitted when they are obtained.***

Sworn in were Brian Flannery, P.E., Craig Brearley, Architect, John Rea, Engineer on behalf of the applicant.

Mr. Flannery entered Exhibits A-1, A2 and A3 exterior and A4 and A5 interior, to the record.

Mr. Flannery explained that the application started as retail and office space and is now being presented solely as retail space.

Mr. Shea Esq. introduced a two minute video showing a virtual tour of the site.

The video was shown.

Mr. Neiman asked if there was going to be any additional space being built.

Mr. Flannery explained that the existing building has a corner that will be squared off but will remain on the same footprint. Some of the changes in the architecture include the food court area restaurant space will be slightly smaller while the seating area will be made bigger, the restrooms will be larger as well as the mechanical area will become larger. The project is now 45,000 sq. ft. The Smart Growth Plan particularly points to this kind of development, on page 18 of the SGP "Lakewood envisions that these highways will be transformed through improved site design as well as infill development and redevelopment that promote Smart Growth sustainability", and certainly this is a Smart Growth Development. As per Mr. Vogt's report on page 3 variances are requested for parking. We have provided 212 parking spaces, originally due to the mercantile area 240 spaces were required. Since we have made changes to the open areas the space needed is now down to 224 spaced at 1 per 200 sq. ft., we are providing 1 per 211 sq. ft. It is my testimony that the parking we are providing is more than adequate. There is a Simchah Hall that will be used for smaller events and not weddings. On page 4 of the report there is a change in the square feet on the first floor 25,448 dropped to 24,331, the second floor went from 20,542 dropped to 20,526, the proposed total of 44,860 feet would require 257 parking spots we are asking for 212 spots to be adequate. On page 6 the design waivers are the same waivers that were granted on the original application, also the adjoining parking lot will be developed at a later time we have connected a driveway to the adjoining lot. The detention basin has been there for many years and is on the lot that we are not developing at this time so we are not going to do anything with it now. We are providing our own drainage which is the enhancement in the front of the building, we are reducing the impervious coverage on site, the pavement on the adjoining site ran all the way out to within 25 feet of the property line, we are reducing that and putting in landscaping and storm water management in there. When the adjoining property is developed part of it's development will be to improve the basin.

Mr. Vogt mentioned that the comments were meant to have them look at the basin and maybe stabilize it for the time being. Mr. Flannery agreed that it would be in the

best interest of the applicant to look at the basin and stabilize it. Number 6 comment they are agreeing to widen the sidewalks, #7 the loading dock is on the south side of the building and any other deliveries will be done before or after hours of operation and that will be stipulated in the lease to the tenants. The parking lot will be sealed and striped prior to opening. Item #9 pertains to the adjacent lot that will be done in the future. There are two points of egress and ingress for this property on Broadway which will be widened but the predominant entrance and exit is on Route 9. The applicant has received a DOT permit allowing right and left turns off of and on to Route 9. There will be no turning lane off of Route 9 and Broadway will be extended to the end of the building. Number 9 deals with fencing that we feel is not necessary at this time and grading and stabilization that we will do. The building is fully sprinklered for fire safety. The rest of the comments in the report we will address.

Mr. Schmuckler inquired about the size of the garbage area. Mr. Flannery stated that there will be private carting and it will be done more than once a week. There will also be a compactor there.

Mr. Banas asked when the access to the rear off of Vine Ave may be opened. Mr. Flannery stated that he would expect it to happen with in five years.

Mr. Rae spoke about the ratio of 212 spaces for the approximate 47,000 square feet of retail space that comes out to approximately 4.5 spaces per 1000 sq feet and in comparing that to the national standards that have been published by the Institute of Transportation Engineers we are actually over greater than what they recommend, so I am confident that we have adequate parking. As far as the access from Route 9 is concerned we feel that the permit is applicable and the access will remain the same.

Mr. Banas asked if Mr. Rae could explain the traffic flow around the building, Mr. Rae explained that there will be full circulation of the building the isles are adequate in size. Mr. Schmuckler asked about crosswalks and Mr. Rae said they would be provided.

Motion to approve the application with the condition that the parking lot be repair as needed and striped prior to the issuance of a certificate of occupancy before opening was made by Mr. Banas and seconded by Mr. Herzel.

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

2. SD # 1741 (Variance Requested)

Applicant: First Hartford Realty Group/CVS

Location: Northwest corner of Route 9 and Prospect Street
Block 420 Lots 16 & 17

Minor Subdivision to realign lot lines

3. SP # 1933 (Variance Requested)

Applicant: First Hartford Realty Group/CVS

Location: Northwest corner of Route 9 and Prospect Street
Block 420 Lots 16 & 17

Minor Subdivision to realign lot lines

Mr. York Esq. for the applicant of both SD#1741 and SP#1933, opened up by explaining that the experts that he needed to testify tonight were not present and could the Board move the application to a future meeting.

Mr. Banas made a motion to carry both applications to the November 23, 2010 Public Meeting this room 6:00pm. Seconded by Mr. Koutsouris.

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

Mr. Jackson, Esq. for the Township. Please be advised that applicant SD #1741 and SP #1933 have been moved to the November 23, 2010 meeting this room at 6:00 pm. No further notice is required.

5. SD # 1717 (No Variance Requested)

Applicant: Nissam Sankary

Location: Whitesville Road, opposite Gudz Road
Block 252 Lot 3,8

Preliminary & Final Major Subdivision – 4 lots

Project Description

The owner/applicant is Nissim Sankary, 398 Dr. Martin Luther King Drive, Lakewood, New Jersey 08701. The applicant is seeking Preliminary and Final Major Subdivision approval. The applicant proposes to subdivide the existing two (2) lots into four (4) proposed lots. The existing two (2) lots known as Lots 3 and 8 in Block 252 are proposed to be subdivided into four (4) lots shown as proposed Lots 3.01-3.03 and 8.01 on the Major Subdivision Plan. Existing Lot 3 has frontage on Lafayette Boulevard, an unimproved right-of-way. Existing Lot 8 has frontage on Whitesville Road, with a variable width right-of-way. A subdivision is being proposed by requesting a road vacation of Lafayette Boulevard in front of existing Lot 3 and using the area along with a sliver of land from existing Lot 8 to create three (3) new

properties Lots 3.01-3.03, with a remainder tract Lot 8.01. A proposed right-of-way easement connecting to Third Avenue near its intersection with Whitesville Road would provide access to the three (3) new lots which used to front Lafayette Boulevard. The remainder of existing Lot 8 would become new Lot 8.01 and still front Whitesville Road. **Therefore, this application is contingent upon Lakewood Township vacating a portion of Lafayette Boulevard and providing an access easement.** Public sewer and water is not available for the major subdivision. The approximate locations of existing and proposed septic systems and potable wells are shown on the plans. No improvements are proposed for new Lot 8.01 which contains an existing dwelling. No improvements to new Lots 3.01-3.03 are shown at this time. The proposed access to the lots would be from a twenty foot (20') wide paved cart way within a twenty-five foot (25') wide right-of-way owned by the Township. The cart way is proposed to terminate at a hammerhead turnaround in the right-of-way of Second Avenue just past proposed Lot 3.03, the last lot in the sequence. Curb, sidewalk, and shade trees are proposed across the frontage of proposed Lot 8.01. Shade trees are proposed across the frontage of proposed Lots 3.01-3.03. Otherwise, no other improvements are proposed across proposed Lot 3.01-3.03 such as curb and sidewalk. A Freshwater Wetlands/Waters Boundary Line with NJDEP File No. 1514-09-0012.1 is indicated off-site to the east. The fifty foot (50') buffer associated with this line is shown to cross the northeast corner of proposed Lot 3.03. ***We have the following comments and recommendations per testimony provided at the 8/3/10 Planning Board Workshop Meeting, and comments from our most recent review letter dated July 28, 2010:*** (I) **Waivers** (A) **The following waivers have been requested from the Land Development Checklist:** (1) C14 - Tree Protection Management Plan. (2) C16- Soil Erosion and Sediment Control Plan. (3) C17 - Design calculations showing proposed drainage facilities to be in accordance with the appropriate drainage runoff requirements. ***The Board denied the above referenced waiver requests at the June 1, 2010 Workshop. A Soil Erosion and Sediment Control Plan has been provided. The applicant's professionals have determined that there are less than ten (10) trees of twelve inch (12") caliper on the site and no specimen trees. Therefore, in accordance with Section 18-803H.3.b of the UDO, a Tree Protection Management Plan is not required. By our site investigation our office can concur with applicants professional's determination. The applicant's professionals acknowledge that the project proposes more than a quarter acre of new impervious surface. Therefore, water quality standards must be addressed.*** (II) **Zoning** (1) The site is situated within the R-12, Single-Family Residential Zone District. Single-Family residences are permitted in the R-12 Zone. **Statements of fact.** (2) No bulk variances are being requested for the proposed lots in the subdivision. ***A front yard setback variance for proposed Lot 8.01 will be required with the proper right-of-way dedication along Whitesville Road. The subdivision plan indicates the centerline alignment of Whitesville Road was held per Ocean County Engineering Plan #15-005-104 (a copy of the plan should be provided). However, a variable width right-of-way easement is proposed to the Township of Lakewood. Unless this portion of Whitesville Road has reverted to the Township, a right-of-way dedication to Ocean County is required.*** (30) The plans note that the access roadway for proposed Lots

3.01-3.03 is to be an eighteen foot (18') wide Rural Lane with no on-street parking, no sidewalk, and no curbing in accordance with RSIS 5:21-4.2(c) and Table 4.3. It should be noted that the roadway being proposed by the applicant is gravel. It should also be noted that Table 4.2 in RSIS describes a Rural Lane as a street that serves dwellings on lots that are two (2) acres or greater. The subdivision being proposed consists of twelve thousand square foot (12,000 SF) lots. Lot to street access should also be designed so vehicles do not have to back out of lots onto the street. ***The plans have been revised to provide a twenty foot (20') wide Rural Street with no curb, sidewalk, or on-street parking. A de minimus exception is requested to allow three (3) twelve thousand square foot (12,000 SF) lots access by the street, where Table 4.2 defines a Rural Street as accessing lots of one (1) acre or more. Our office has requested an interpretation from the Department of Community Affairs as to whether the municipality can issue a de minimus exception to classify a proposed street as a Rural Street if it does not meet the conditions of RSIS. Based on the response received (copy enclosed), the NJDCA has determined that the proposed road for this projects does not fit the "Rural Street" definition in RSIS. Per review of the recommended RSIS widths, and due to the potential future development of property on the other side of the street, we recommend a minimum cartway width of 28 feet (based on the "Residential Access" RSIS classification, and one parking lane) for this project. (4) A de minimus exception is requested for a right-of-way width of twenty-five feet (25'), where forty feet (40') is recommended by RSIS Table 4.3 for Rural Streets. Testimony justifying this request is necessary. Based on our recommendation (above), additional right of way easement, at a minimum, is necessary.*** (5) The applicant must address the positive and negative criteria in support of the required variances and requested de minimus exception. ***At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.*** (III) **Review Comments** (A) **General/Layout/Parking** (1) The subdivision references a Topographic and Outbound Survey, dated 5/20/09, prepared by Anthony T. Romeo, PLS, NJ License #12674 of Clearpoint Services, LLC. A copy of this survey must be submitted. ***A copy of the Survey has been submitted. Additional off-site topography is required for the off-site improvements proposed. The applicant's professionals have indicated the additional off-site topography will be provided upon completion.*** (2) On the adjoining properties immediately to the west of proposed Lot 8.01, the half right-of-way width of Whitesville Road scales twenty-five feet (25'). The Planning Board should require a dedication from proposed Lot 8.01 to provide a half right-of-way width of twenty-five feet (25'), consistent with the neighboring lands to the west. ***A right-of-way easement is being proposed to circumvent a front yard setback variance and from the existing septic field from being too close to the right-of-way. The Subdivision should be conditioned upon the Board granting a front yard setback variance as well as approvals by the Ocean County Planning Board and Ocean County Board of Health, even if existing septic system and potable well facilities have to be relocated for conformance with the current requirements.*** (3) Off-street parking:

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 proposed lots is provided. Therefore, the zoning table rounds up to three (3) off-street parking spaces being required. The location of an existing dwelling is shown on proposed Lot 8.01, but no driveway, garage, basement, or number of bedrooms is indicated to confirm off-street parking compliance. No dwellings are proposed for new Lots 3.01-3.03 at this time. Testimony on the existing and proposed dwellings should be provided.

Parking shall be provided to the satisfaction of the Board. The applicant's engineer has indicated that adequate parking will be provided when the grading plans are provided for each lot. The applicant's engineer has also indicated that the existing dwelling on proposed Lot 8.01 has three (3) bedrooms and three (3) parking spaces. The existing driveway dimensions indicate that two (2) parking spaces can be accommodated within the driveway even after considering the proper right-of-way dedication. Another space is available in the garage. (4) Since a dwelling exists on proposed Lot 8.01, the actual zoning data shall be provided to insure no variances are being created. The existing building dimensions are required on the plans and survey for completeness. Zoning data has been provided for the existing house on proposed Lot 8.01. The proposed lot area must be corrected because of the required right-of-way dedication. The front yard setback dimension must be corrected because of the required right-of-way dedication and a variance will be necessary. A side yard setback dimension of 21.0' has been added from the southwest house corner to the side property line. Accordingly, the proposed aggregate side yard setback has been corrected to 36.4'. The existing wood deck has been added to the existing house and the building coverage must be recalculated. The rear yard setback dimension has been calculated from the corner of the deck based on the deck elevation shown on the plan. (5) Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. Should the Township be responsible for collection, the proposed scheme must be reviewed and approved by the Department of Public Works. Street side collection by the Township is proposed. The applicant's professionals have indicated the hammerhead turnaround has been dimensioned based on the turning template for a single unit truck. Testimony and a graphic display should be presented at the Public Hearing. (6) The plans indicate a portion of Lafayette Boulevard was vacated by Ordinance 2008-34. However, the current configuration of the existing lots and right-of-ways is not correctly depicted. The correct configuration appears on the latest Tax Map. The lots and right-of-ways configuration has been corrected. An area and dimensions for the small section of Lafayette Boulevard proposed to be vacated in front of existing Lot 4.01 have been added. (7) A line that appears to be an old centerline extension of Lafayette Boulevard is shown to intersect Whitesville Road. This line shall be eliminated from the drawing since old Lafayette Boulevard intersects with Third Avenue. The centerline of Lafayette Boulevard has been corrected to intersect with Third Avenue. (8) To create the proposed subdivision, the right-of-way of Lafayette Boulevard across the frontage of the site from Second Avenue to the previous vacation of Lafayette Boulevard needs to be vacated by the Township. The limits for the proposed vacation are not correctly shown. The proposed right-of-way vacation has

included the area in front of existing Lot 4.01 to reach the limit of the prior vacation. (9) A Freshwater Wetlands/Waters Boundary Line with NJDEP File No. 1514-09-0012.1 is indicated off-site to the east. The fifty foot (50') buffer associated with this line is shown to cross the northeast corner of proposed Lot 3.03. A copy of the Letter of Interpretation along with the stamped plan shall be provided. A copy of the Letter of Interpretation dated November 4, 2009 was submitted. The applicant's professionals have agreed to provide a copy of the approved plan. (10) Since vertical datum is assumed, a bench mark must be provided. A bench mark has been provided on the Grading & Drainage Plan. (B) Architectural (1) No architectural plans are provided. There is an existing dwelling on proposed Lot 8.01, but no units are shown for proposed Lots 3.01-3.03 at this time. The Zoning Schedule indicates the proposed dwellings will be conforming on the new lots. Statements of fact. (C) Grading (1) The only proposed grading shown on the Grading & Drainage Plan is the crowning of the gravel driveway to direct surface runoff from the proposed drive. In some instances the crown is reversed and directs runoff to the center of the drive. No drainage is provided. The proposed paved road has been graded with a crown. No drainage is proposed and runoff will collect at a low point being created on the south side of the road. Runoff from the proposed north side of the road will flow overland through existing and proposed lots. Proposed storm drainage must be addressed. A profile is required for the design of the proposed road. The applicant's professionals have indicated that the profile and drainage will be addressed after the off-site topography is completed. (2) No proposed grading is provided for the new lots. Grading for the proposed lots has been added to the plans. Revisions are necessary to direct more runoff away from the rear yards and to avoid trapping runoff on adjacent Lot 4.01. (3) The applicant should indicate whether basements will be proposed; in which case minimum basement elevations must be added to the plans and soil borings provided to determine whether a two foot (2') separation from the seasonal high water table is maintained. The applicant's engineer indicates there are no proposed house plans have been prepared at this time. The applicant's engineer indicates that seasonal high water table will be determined for any dwellings with basements proposed. (D) Storm Water Management (1) No proposed storm water management measures are proposed and a waiver has been requested. Testimony shall be provided on current and future storm water management matters. A waiver from providing storm water management measures was denied by the Board. Recharge is proposed for each house and sample calculations are on the revised plans. The applicant's professionals must still address storm water management measures for the paved access to the proposed lots. (D) Landscaping (1) Nine (9) October Glory Maples are proposed along the property frontages of proposed Lots 3.01-3.03. No shade trees are proposed along the property frontage of proposed Lot 8.01. Three (3) proposed shade trees have been added to the proposed Lot 8.01 frontage. (2) The five foot (5') radius should be removed from the tree protection detail. The tree protection detail has been corrected. (3) A six foot (6') wide shade tree and utility easement is proposed along all property frontages, except for Second Avenue which is unimproved. No sight triangle easements are proposed, however Second Avenue which intersects the remaining Lafayette Boulevard right-of-way is unimproved. Proposed areas for the shade tree and utility easements have been provided on a per lot basis. The area must be corrected on proposed Lot 3.03. (F)

Lighting (1) Testimony shall be provided on street lighting. No street lighting has been provided for the twenty-five foot (25') right-of-way. The applicant's engineer has indicated that testimony will be provided. (G) Utilities (1) New structures are to be serviced by septic and well approved by the Ocean County Health Department. The approximate locations of the existing septic system and potable well for the dwelling on proposed Lot 8.01 is shown on the plans. Ocean County Health Department approval is required for the Subdivision.(2) Testimony should be provided regarding other proposed utilities. No information is provided for electric, gas, telephone, and cable television. The applicant's engineer has indicated that electric, cable, and telephone will be provided underground. Furthermore, there is a natural gas main on Whitesville Road that will be extended to the new lots. (H) Environmental (1) Site Description Per review of the subdivision plans, aerial photography, and a site inspection of the property, existing Lot 3 is undeveloped and wooded. Existing Lot 8 is residentially developed. Statements of fact. (2) Environmental Impact Statement 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: (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. A Freshwater Wetlands/Waters Boundary Line with NJDEP File No. 1514-09-0012.1 is indicated off-site to the east. The fifty foot (50') buffer associated with this line is shown to cross the northeast corner of proposed Lot 3.03. Confirmation of the location for the Wetlands Boundary Line is required by a bearing since there is only a survey tie distance to the proposed subdivision project. (1) Tree Management A waiver has been requested from providing a Tree Protection Management Plan. The Board denied the waiver from providing a Tree Protection Management Plan. The applicant's professionals have determined that there are less than ten (10) trees of twelve inch (12") caliper on the site and no specimen trees. Therefore, in accordance with Section 18-803H.3.b of the UDO, a Tree Protection Management Plan is not required. By our site investigation our office can concur with applicants professional's determination. (I) Construction Details (1) Limited construction details are provided due to the lack of improvements proposed. Construction details have been provided for the improvements proposed. A detailed review will be undertaken by our office during resolution compliance should subdivision approval be granted. (2) All proposed construction details must be prepared 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. No relief is requested from the details that have been provided. (3) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Statement of fact. (J) Final Plat (Major Subdivision) (1) A legend is required. The legend provided requires corrections. The monuments to be set

should be differentiated from the monuments set. (2) The Blocks and Lots indicated for the surrounding properties must be completed. The Blocks and Lots numbers of adjacent properties have been added. (3) Survey information and areas of the easements on the individual proposed lots must be indicated. Some additional survey information has been completed for some of the proposed easements. A correction is required for proposed Lot 3.03. (4) The location for the tie distance is not clear. The existing lots and right-of-ways configuration also needs to be corrected. The location for the tie distance to the Whitesville Road and Third Avenue intersection has been clarified. The existing lots and right-of-ways configuration has been corrected. (5) Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. The plat must still be signed by the Tax Assessor. (6) Building setback lines must be added for proposed Lot 8.01. The front yard building setback line should be corrected because of the required right-of-way dedication. (7) The date must be corrected for the Notary Public signature block. The Notary Public date has been corrected. (8) Compliance with the Map Filing Law is required. The applicant's professionals have indicated that the Final Plat will comply with the Map Filing Law prior to filing at the Ocean County Clerk's Office. (IV) Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: (a) Township Committee (Street Vacation, road acceptance);(b) Ocean County Planning Board; Ocean County Soil Conservation District;(c) Ocean County Board of Health (Well and Septic); (d) NJDEP (Freshwater Wetlands); and (e) All other required outside agency approvals. ***NJDEP Freshwater Wetlands Letter of Interpretation – Line Verification was issued on November 4, 2009. Evidence of all other outside agency approvals must be submitted when they are obtained.***

Mr. Lines P.E. for the applicant he stated that he felt this Board had the power to grant an easement on Lafayette Blvd to widen the access road to these properties under the RSIS "reasonable and unduly burdensome reasons" that which is that the Township would need to un-vacate a part of Lafayette Ave that was vacated before and is the rear of existing properties, to widen the road.

A discussion ensued between Mr. Vogt and several Board members as to how the applicant can handle their situation. There were questions as to whether the Township Committee had seen this application the way it is now, Mr. Lions was unsure. Also, Mr. Vogt stated that this could be taken care of if there was an easement granted by the Township. Mr. Lions stated that the applicant would just go along with the lawsuit to have the vacation done. Mr. Vogt spoke about the width of the access road would not be acceptable to the Township to become a Township road. Mr. Lions explained that there is the Crystal Lake Preserve behind and to the east of the property blocking access from either direction. Mrs. Koutsouris stated that this could not be considered a flagship development because they are no longer allowed. Mr. Vogt explained that the NJDCA determined that the access road does not fit the "Rural Street" definition in the RSIS because they do not have one acre lots. Mr. Lines stated that the next type of road classification could be "Minor Collector Low Intensity" with no parking and a limit of 3500 cars per day is within the standards.

Ms. Alexis Gadzarowski, Esq. for the applicant stated that at the last meeting Mr. Gadzarowski spoke on the access road situation and thought at that time that there would be waivers granted. Mr. Kielt stated that at that time they did not have the letter from the NJDCA stating that the road did not meet the standards in RSIS. Ms. Gadzarowski asked that this application be put to another date so that the applicant can get together with the Township to see what direction they should precede with this access road and compliance. Chairman Neiman said he thought that was the best recommendation because the Planning Board had certain standards that they must go by.

A motion to move this application to the November 23, 2010 meeting was made by Mrs. Koutsouris and seconded by Mr. Herzel.

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

7. CORRESPONDENCE

8. PUBLIC PORTION

9. APPROVAL OF THE MINUTES

Minutes from August 31, 2010 Planning Board Meeting.

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

Roll Call Mr. Herzel, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, abstain, Mr, Follman, Mr. Schmuckler, yes.

10. APPROVAL OF BILLS

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

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

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Margaret Stazko
Planning Board Recording Secretary