

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Fink, Mr. Neiman, Mrs. Koutsouris, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1678 (Variance Requested)
Applicant: David & Robin Sneddon
Location: 120 Pawnee Road-between Iroquois Pace and Seminole Drive
Block 2.08 Lot 4
Minor Subdivision to create 2 lots

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

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

2. SD # 1660 (Variance Requested)
Applicant: Yeshoshua Frankel
Location: 339 Laurel Avenue-west of Clover Street
Block 538 Lot 25
Minor Subdivision to create 2 lots

**PLANNING BOARD MEETING
SEPTEMBER 15, 2009
MEETING**

**TOWNSHIP OF LAKEWOOD
REGULAR REVIEW**

Motion was made by Mrs. Koutsouris, seconded by Mr. Miller, to approve

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

3. **SD # 1680** (Variance Requested)
Applicant: Jacob Lipschitz
Location: Brook Road, south of Howell Township
Block 175 Lots 99 & 8
Preliminary & Final Major Subdivision for 11 lots

Motion was made by Mrs. Koutsouris, seconded by Mr. Miller, to approve

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

4. **SD # 1681** (Variance Requested)
Applicant: Ralph Clayton & Sons/Oak Glen Estates
Location: White Street & Lakewood New Egypt Road
Block 251 Lots 1, 2, 3, 10, 12, 13, 13.01, and 15
Preliminary & Final Major Subdivision for 21 lots

Motion was made by Mrs. Koutsouris, seconded by Mr. Miller, to approve

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

5. **SP # 1921** (Variance Requested)
Applicant: Klarr Transportation Services
Location: Lehigh Avenue, west of Swarthmore Avenue
Block 1606 Lot 2.01
Preliminary & Final Site Plan for proposed office/school bus terminal

Motion was made by Mrs. Koutsouris, seconded by Mr. Miller, to approve

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

6. **SD # 1682** (Variance Requested)
Applicant: Pat Brown
Location: intersection of Georgian Terrace & Arboretum Parkway
Block 25.08 Lots 65 & 67
Minor Subdivision to realign existing lot lines

Motion was made by Mrs. Koutsouris, seconded by Mr. Miller, to approve

**PLANNING BOARD MEETING
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**TOWNSHIP OF LAKEWOOD
REGULAR REVIEW**

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

- 7. SD # 1683 (Variance Requested)**
Applicant: Shmuel Friedman
Location: Route 9 north of Cushman Street
Block 430 Lots 9 & 54
Preliminary & Final Major Subdivision

Motion was made by Mrs. Koutsouris, seconded by Mr. Miller, to approve

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

- 8. SP # 1922 (Variance Requested)**
Applicant: Shmuel Friedman
Location: Route 9 north of Cushman Street
Block 430 Lot 9.01
Preliminary & Final Site Plan for proposed auto service building and display area

Motion was made by Mrs. Koutsouris, seconded by Mr. Miller, to approve

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

9. Resolution adopting Housing Element of Fair Share Plan

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

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

**10. Resolution memorializing action taken regarding request for a waiver
of Site Plan requirement for the former Jamesway site.**

Mr. Penzer asked that the resolution be changed to take out “non profit” entity (it is for profit)

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

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

Mr. Kielt said there is one change to the agenda. Item #4-SD 1685 Dan Reich. A letter was received from the attorney for the applicant requesting this be carried to the October 27, 2009 without further notice.

Mr. Jan Wouters Esq. was present to discuss the 2 ordinances that are on the agenda and Mr. Neiman recommended they be heard first. Item # 5 & #6 were heard and then the remaining items were heard in order.

5. NEW BUSINESS

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

Mr. Vogt prepared a letter dated September 1, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to re-subdivide existing Lots 15 and 53, Block 236, by relocating the existing lot lines between the two (2) residential lots. Both lots are undeveloped at this time. Two (2) proposed two-family dwellings are proposed, one on each lot. Lot 15.02 has frontage on East Fifth Street, and Lot 15.01 has dual frontage on East Fifth Street and Manetta Avenue. The lots are situated within the R-7.5, Residential Zone. The surrounding land uses are predominantly residential. *We have the following comments and recommendations per testimony provided at the 8/4/09 Planning Board workshop hearing, and comments from our initial review letter dated July 27, 2009.* Zoning - The parcels are located in the R-7.5 Residential District. Two-family dwellings are a permitted use in the zone if a minimum lot size of 10,000 square feet is provided. *Statements of fact.* No variances are requested or appear necessary for this application as proposed. *Statement of fact.* The plan contains a note that "Architectural dimensions of proposed structures are not known at this time". However, the Area and Yard setbacks included in the schedule on the plan are based on the assumed footprints. We recommend that the setbacks listed on the plan schedule be consistent with the zoning setback requirements as (accurately) depicted on the plan. *The building dimensions described in the note shall be added to the plans and the proposed zoning schedule requirements corrected accordingly.* Review Comments- The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. Six (6) off-street parking spaces (driveways) are proposed for each lot. Three (3) of the spaces for Lot 15.01 will be directly across from Manetta Street's southerly intersection with East 5th Street. The applicant may want to consider relocating these spaces to be adjacent to the three (3) spaces already proposed along Manetta Court. *The parking spaces for proposed Lot 15.01 have been reconfigured.* Parking shall be provided to the satisfaction of the Board. *The revised parking configuration should be reviewed by the Board.* Based on the assumed dwelling footprints indicated on the plan, and as indicated on the zoning schedule, both dwellings will be less than the 30% lot coverage maximum allowed in the R-7.5 zone. *Statement of fact.* Sidewalk exists along the entire property frontage, and curbing appears to exist along the entire frontage (including depressed curbing as depicted on the plan for the intersection frontage along Lot 15.01). The plans include a detail indicating that sidewalk will be replaced at the driveway intersections with the streets. The detail should be revised to include replaced curbing as well.

Curb details have been added to the plan. The expansion joint on the face of the proposed curb detail shall be removed since the adjoining road is asphalt. Per review of the subdivision plan, both dwelling units will be served by public water and sewer. Statement of fact. Grading information is provided for the proposed aprons and driveways, as well as assumed finish floor elevations for the dwellings. This is satisfactory. Minor grading corrections are required as a result of the plan revisions. Per review of the plans and our 7/24/09 site inspection, stormwater will continue to flow from these properties onto Lot 14 in the rear of the site. We recommend dry wells or similar measures for the proposed dwellings to offset the anticipated increase in runoff. Proposed dry wells have been added to the plan to collect the increased runoff. Calculations and details are required to determine the adequacy of the proposed dry wells. A sight triangle easement is proposed at the intersection. A legal description should be provided upon approval (unless the subdivision is filed by plat). The bearings, distances, and area of the proposed sight triangle easement have been added to the plat. Three (3) Village Green Zelkova shade trees are proposed. A 6 foot shade tree/utility easement should be provided on the subdivision plan (unless waived by the Board). Four (4) shade trees are proposed for new Lot 15.01, no shade trees are proposed for new Lot 15.02. Six foot (6') wide shade tree/utility easements are proposed for new Lot 15.01, but not new Lot 15.02. Bearings, distances, and areas are required for the proposed easements. A handicap ramp must be provided at the intersection. The existing handicapped ramp must be replaced to meet the current requirements. Construction details shall be in accordance with the 2007 NJDOT Standard Details. Compliance with the Map Filing Law is required, including but not limited to setting monuments for the proposed lot line. Statement of fact. Should approval be granted, the monuments shown to be set must be in place prior to signing the map for filing with the County. Statement of fact. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals (prior to occupancy); Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals.

Mr. John Doyle Esq. appeared on behalf of the applicant. He said they have responded to the comments in Mr. Vogt's report; most important was the reconfiguration of the parking stalls so there were no stalls that would cause people to back out. The only other comment is there is mention made that they have added shade trees. The configuration of the lot, the need for appropriate parking and the fact that they are a corner lot does not allow them to put as many shade trees as they would have liked but they have put as many as they believe they can. Since this process began with this application the ordinance has been adopted that would allow zero lot lines so that duplexes can be on their own lot and they would like to take advantage of this new ordinance and provide for lot lines that would separate each unit. For the left most 2 units, that runs very neatly through the units to the street and puts the required number of parking spaces on each side of the lot. On the other 2 lots, because of the configuration of this being a corner lot-to run the lot line through the 2 units and out to the street would cut parking spaces so they would have to provide an easement for the one lot to the other so the parking spaces are appropriate. He said they moved the parking spaces from Manetta so that person would not be parked on East 5th St. and have to back out as people were coming out of Manetta so all required spaces would be off the other leg of Manetta Ave. Mr. Doyle said they will provide a site triangle and will provide a new handicap ramp.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

PLANNING BOARD MEETING
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TOWNSHIP OF LAKEWOOD
REGULAR REVIEW

Mr. Neiman asked where the garbage will be picked up and they are usually picked up where the driveways are so there will be one on E.5th and the other on Manetta and Mr. Franklin agreed

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

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

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

Mr. Vogt prepared a letter dated September 8, 2009 and is entered in its entirety. The owners are Pinchas Wolhendler, 2 Negba Street, Lakewood, New Jersey, Aaron Franco, 20 Reid Street, Long Branch, New Jersey, and Chaya Wolhendler, 2 Negba Street, Lakewood, New Jersey. The applicant is Ridgeview Gardens, LLC, of 2 Negba Street, Lakewood, New Jersey. The applicant is seeking minor subdivision and site plan approval. The applicant proposes to remove several single family and multifamily dwellings and construct three (3) duplexes and one (1) single-family dwelling. The existing three (3) lots are proposed to be subdivided into four (4) proposed lots. A Homeowners Association would be formed for the proposed access and utility easement which will contain a parking lot and site utilities. Thirty-two (32) parking spaces are proposed on the revised plans. Twenty-eight (28) spaces are located within an off-street parking lot and the other four (4) spaces are located along the frontage of the property perpendicular to Ridge Avenue with two (2) of the spaces stacked. It appears the perpendicular spaces along Ridge Avenue will only serve one unit of the duplex building on proposed Lot 15.01. Ridge Avenue has a thirty-three foot (33') right-of-way and no right-of-way dedication is proposed. The tract totals 0.82 acres in area and consists of three (3) existing residential properties, Lots 15-17 in Block 238. Associated site improvements are proposed for the minor subdivision and site plan. These improvements include proposed sewer, water, and drainage; paved parking area with curb, sidewalk, landscaping, and lighting. The property is located in the northern portion of the Township on the north side of Ridge Avenue, west of Hackett Street. *We have the following comments and recommendations per testimony provided at the 8/4/09 Planning Board workshop hearing, and comments from our initial review letter dated July 30, 2009.* Zoning- the site is situated within the R-7.5, Single-Family Residential Zone. Per Section 18-902 G. 1. a. & b., of the UDO, "Single Family Detached Housing" is listed as a permitted use, and "Two Family and Duplex Housing, with a minimum lot size of 10,000 square feet" is listed as a permitted use. *Statement of fact.* A variance is required for minimum lot area of proposed Lot 15.04. A 7,500 square foot area for single family lots is required and 5,481.15 square feet is proposed. *Statements of fact.* A variance is required for minimum lot frontage on proposed Lots 15.02-15.04. The proposed lots have no road frontage, where fifty feet (50') is required. *Statements of fact.* Front yard setback variances are required. The duplex units on proposed Lots 15.01-15.03 are setback ten feet (10') from the proposed parking lot. The required setback of twenty-five feet (25') from Ridge Avenue on proposed Lot 15.01 is indicated, but review of the architectural plans shows the building access will violate the allowable setback. The single family unit on proposed Lot 15.04 is setback about twelve feet (12') from the proposed parking lot, an exact dimension must be proposed. *The covered portion of the porch for the proposed building on proposed Lot 15.01 has been removed. The uncovered porch will be less than three*

feet (3') high. Therefore, it appears the violation of the twenty-five foot (25') required setback from Ridge Avenue has been eliminated. Proposed dimensions from the right-of-way to the two (2) nearest building jogs must be provided to confirm the proposed minimum setback. The revised plans require front yard setback variances of ten feet (10') from the proposed common area easement on proposed Lots 15.02 and 15.03. A fifteen foot (15') front yard setback variance from the proposed common area easement is required on proposed Lot 15.04. The minimum side yard setback required is seven feet (7'). A minimum side yard setback variance of 6.5' is requested for all proposed lots. Statements of fact. The minimum aggregate side yard setbacks required are fifteen feet (15'). Proposed Lots 15.02 and 15.03 request a minimum aggregate side yard setback variance of thirteen feet (13'). Proposed Lot 15.04 needs a minimum aggregate side yard setback variance of 13.4'. Statements of fact. The applicant must address the positive and negative criteria in support of the requested variances. Testimony shall be provided.

Review Comments - Site Plan/Circulation/Parking- Off-street parking: It appears that each unit will have 5 bedrooms each. The Planning Board should decide if the proposed thirty (30) parking spaces are adequate for this residential development. We calculate a minimum of twenty-eight (28) spaces are required based on the Planning Board's and RSIS standards. The applicant should also provide testimony regarding basements since the elevations indicate that each unit will have a basement. *The revised plans propose thirty-two (32) off-street parking spaces, as discussed at the 8/4/09 workshop hearing, in the event that future homeowners seek approvals for developing the (unfinished) basements for future occupation. The revised parking schedule indicates that each of the proposed units will have a five (5) bedroom main unit and a two (2) bedroom accessory apartment in the basement, for a total parking demand of 4.5 spaces per unit. 31.5 off-street parking spaces are required (4.5 per duplex unit X 6 = 27 and 4.5 per single family dwelling X 1 = 4.5). Therefore, proposed parking appears to be adequate if these basements are developed and occupied at a future date. The proposed twenty-seven (27) space off-street parking lot consists of twenty (20), 9' X 18' perpendicular parking spaces on the east side, a twenty-four foot (24') wide aisle, and seven (7), 10' X 23' parallel parking spaces on the west side. Curbing is proposed for the entire parking area. A concrete sidewalk is proposed along the east side of the lot for access to the dwelling units. The revised plans move and extend the parking lot to propose a twenty-eight (28) space off-street parking lot with twenty-one (21) perpendicular spaces on the east side. Setback dimensions from the proposed parking lot to the property boundaries must be provided. We are concerned with the three (3) proposed perpendicular parking spaces along the Ridge Avenue property frontage. In addition to the fact they back out onto an existing road with a narrow pavement width, they appear to only serve one (1) of the duplex units on proposed Lot 15.01. Should this be the case, the three (3) proposed spaces are also less than the required four (4) spaces per unit. The revised plans add a fourth space along the Ridge Avenue property frontage by double stacking the northeastern space. None of the units are handicapped accessible and no handicapped parking has been provided. Testimony should be provided to address this issue. Testimony was provided at the workshop and should be reiterated at the public hearing. The plan has not provided any sight triangle easements for the proposed project. The applicant must show the easements or provide testimony as to why they are not required. A proposed sight triangle in compliance with AASHTO has been provided. Dimensioning of the proposed sight triangle must be corrected on the Final Plat. The plans should note that all existing improvements on the three (3) existing lots will be razed. A note has been added that all existing improvements onsite are to be demolished and removed. Each unit shall have an area designated for the storage of trash and recycling containers. This matter is not addressed on either the site plans or architectural plans. In addition, no trash and recycling enclosure is proposed within the common area. Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. A trash enclosure has been added to the plan with access from Ridge Avenue.*

Construction details must be provided and the enclosure designed in accordance with the ordinance. Testimony shall be provided on the adequacy and screening of the enclosure. Sidewalk is proposed along the Ridge Avenue frontage. The existing curb is shown to remain. Statements of fact. Architectural - Three (3) sets of architectural plans are provided. Building #1 is for the duplex unit on proposed Lot 15.01, Building #2 is for the duplex units on proposed Lots 15.02 and 15.03, and Building #3 is for the single family unit on proposed Lot 15.04. We recommend that color renderings be provided for the Board's review at the time of Public Hearing. The applicant's professionals have indicated that color renderings have been prepared for the Public Hearing. We recommend that location of air conditioning equipment be shown. Said equipment should be adequately screened. Air conditioning equipment locations are proposed to the rear of the units. Screening has not been provided. The air conditioning equipment locations should be added to the site plan. Coordination is required between the architectural plans and site plans with respect to deck locations, dimensions, and access. Basement access is proposed on the sides of the duplex units. This is not shown on the site plans. Additional variances may be required. The architectural and engineering plans have been coordinated. No additional variances are required. The piping for proposed drains at the basement access points must be addressed. Grading- Existing spot grades from the survey plan should be carried over to the Grading & Drainage Plan to allow for proper review. Only the existing contours are indicated. Runoff is being directed around and behind the units with swales. This runoff should be collected by a proposed inlet prior to leaving the site. An inlet and appropriate storm drainage should be added. An additional inlet has been provided to collect runoff from behind the buildings before it leaves the site. Some proposed grading is directing runoff to adjacent properties, additional low points and storm drainage should be considered. The grading has been revised to eliminate directing runoff to adjacent properties. There are proposed contours missing on the plans. Proposed spot elevations should be added, especially to the parking lot to insure runoff is directed to the proposed inlets. The proposed missing contours and additional proposed spot elevations have been added to the plans. Proposed spot grades to the hundredth of a foot must be provided for the parking lot. In addition, proposed spot elevations are required at all curb returns and corners. Stormwater Management- The Stormwater Management Calculations submitted do not reflect the proposed stormwater management design. This issue must be addressed in revised calculations. A Stormwater Management Report revised through September 1, 2009 has been submitted. We recommend larger storms than the water quality storm be routed through the proposed recharge system. The proposed roof drain conveyance piping should not cross proposed property lines prior to reaching the proposed access and utility easement. The roof drain collection system has been revised so conveyance piping does not cross onto adjacent lots outside of the access and utility easement. Proposed inverts and slopes must be added to the roof drain conveyance piping. Profiles are required since the adding of inverts and slopes indicate the roof drain conveyance piping will conflict with other proposed utilities for the site. No soil borings, estimation of seasonal high water table, or permeability testing has been completed on this project. This work is required in order to properly review the recharge system. Soil borings, seasonal high water table estimation, and permeability testing have been included in the revised Stormwater Management Report. Soil boring locations have been added to the revised plans. The Stormwater Management Report will be reviewed in detail at a future time after the required revisions are submitted. Corrections are required to the revised report. We will review the design in detail with the applicant's engineer. An underground recharge system appears to be the best management practice for stormwater. A stormwater maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. The manual shall be prepared after design revisions are accepted. Landscaping- As noted on the Lighting and Landscaping Plan, four (4) Red Maples are proposed along the property frontage, thirteen (13) White Pines are proposed along the westerly property line and a

mix of seven (7) Japanese Holly are proposed to be interspersed with twenty-three (23) Anthony Waterer Spirea in front of the proposed buildings. *The revised plans propose four (4) Red Maples along the property frontage, some of which are located within the proposed sight triangle easement. The revised plans also propose twenty-eight (28) American Arborvitae to be planted along the westerly property line since there is no longer enough space for White Pines. A mix of seven (7) Japanese Holly is proposed to be interspersed with twenty-one (21) Anthony Waterer Spirea in front of the proposed buildings.* At the discretion of the Board, additional visual screening may be advisable along the easterly property boundary. The overall landscape design is subject to review and approval by the Board. *The applicant's professionals indicate that testimony will be provided regarding screening along the easterly property boundary.* Corrections are required to the planting details. *The planting details have been corrected.* A ten foot (10') wide shade tree and utility easement is proposed along the Ridge Avenue frontage. *The proposed Shade Tree and Utility Easement has been reduced to a six foot (6') width on the revised plans. The wider easement originally proposed should be considered to allow shade trees to be planted near the back of the proposed shade tree and utility easement behind the proposed sight triangle easement. Planting trees further from the street will also improve visibility for the proposed perpendicular parking driveway along Ridge Avenue.* Lighting- Two (2) lighting fixtures are proposed on the west side of the proposed parking area. However, no detailed information for the proposed lights has been provided. *The lighting fixtures have been changed and three (3) lights are proposed on the west side of the proposed parking area.* Shielding must be provided to reduce spillover to adjacent Lot 18. *Also shielding is necessary to reduce spillover to the adjacent properties at the rear of the site.* Testimony shall be provided on the adequacy of site lighting. It does not appear the east side of the parking area is properly illuminated. *The applicant's professionals will provide testimony on the new lighting scheme.* Utilities- Potable water and sanitary sewer will be provided by New Jersey American Water Company. *Statement of fact.* Fire protection and access for emergency vehicles should be addressed. *The applicant's professionals indicate that testimony will be provided.* A steeper slope is recommended for the sanitary sewer line since there are no cover issues. *The slope of the sanitary sewer line has not been revised. The current slope and depth for the sanitary sewer will allow for the possibility of providing sanitary sewer service by gravity to the basements of the units.* Locations of the individual utility connections conflict with the building access points. *Service locations have been revised to avoid conflicts with the proposed building access points.* Signage- No signage information is provided within the current design submission. A full signage package for any signage requiring relief by the Board must be provided for review and approval as part of the application. *No site signage is proposed.* All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. *Statement of fact.* Environmental- Site Description- Per review of the site plans, aerial photography and a site inspection of the property, the site is residentially developed and has no appreciable vegetation, habitat, or significant environmental value. *Statement of fact.* 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: Known contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, and forest, grassland and wood turtle habitat areas. No known environmental constraints exist within or adjacent to this site per NJDEP mapping. *Statements of fact.* Tree Management - The applicant must comply with the

requirements for tree protection and removal as applicable for this site. *Statement of fact.* - Construction Details- Construction details are provided on Sheet 4 of the plans. *Statement of fact.* All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific. *All proposed concrete in the construction details shall be Class B, except for inverts which may be Class S.* The plans shall be amended to include handicapped ramp details from sheet 37 of the 2001 NJDOT Standard Details to account for the proposed ramps crossing the proposed parking area access. *The latest handicapped ramp details with detectable warning surfaces using truncated domes are required.* The detail for "Concrete Sidewalk" shall have construction joints of 1/2" depth. *The detail must be corrected from "1/2 depth" to "1/2" depth".* The sidewalk is not applicable to the "Warning and/or Regulatory Sign Detail" on this project. *The sidewalk has been removed from the detail.* On the "Depressed Curb Detail" clarification is required for the 12-15 inch contraction joints. *The Depressed Curb Detail has been corrected.* Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. *Statement of fact.* *The footing for the Board on Board Fence should be increased to a depth of three feet (3').* Final Plat (Minor Subdivision) - The symbolism and legend for markers must be clarified. *Corner marker symbolism has been clarified.* The plat must be signed by all three (3) owners. *All three (3) owners' signatures are on the plat.* Dimensions of the easement areas on the individual proposed lots must be indicated. *Additional dimensions are required for the easement areas.* The corner markers set at the time of survey will have to be reset since the apparent area of overlap is being ceded. Furthermore, the apparent area of overlap between the survey and final plat do not match. *The survey has been revised. However, the boundary shown on the survey does not match the boundary shown on the subdivision. Additional variances may be required.* A monument was found on a lot line to be removed. This monument shall be removed. *The monument found on a lot line to be removed will remain.* The municipal clerk certification regarding streets shall be removed since no streets will be accepted by the Township. *The municipal clerk certification has been removed.* The zoning schedule requires multiple corrections to correspond with the site plan. *The front yard of proposed Lot 15.04 must be corrected to fifteen feet (15').* The original date of the map needs to be corrected to 01-30-09. *The original date of the subdivision map is shown as 01-30-08; this is prior to the initial survey date of 11-03-08. The original date of the subdivision map needs to be corrected.* Compliance with the Map Filing Law is required. *Statement of fact.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Service (NJAW) prior to occupancy; Ocean County Soil Conservation District; and all other required outside agency approvals.

Mr. Abe Penzer Esq. appeared on behalf of the applicant with Mr. Lines as the engineer for the applicant. Mr. Penzer said initially the application came in with more duplexes and there were comments from the board. Mr. Penzer said they are trying to improve the area because this is a high crime area and they were asked by people to try to make this a bridgework against the problems in the area. Mr. Penzer had asked the police to show the crime statistics for the area but they no longer do that but Mr. Penzer said they have to do something about it and this is an improvement. He marked exhibit A1 which is a colored rendering depicting the townhouses; A2 depicts the units on a side angle with a street view and A3 which is sheet 1 of 5 of the site plan. Mr. Neiman said at the tech meeting they asked what was behind the lots and if there were other homes back there and Mr. Penzer said they will get testimony on that. Mr. Flannery was also testifying for the application. Mr. Lines said to the east are 2 homes and the side of one of those homes face this development; towards the back of the property there is an older home that fronts on Hackett Street so the back of that house is facing their property. There are a few trees but it is not heavily wooded like the rendering. Mr. Penzer mentioned more exhibits but was not

near the microphone but brought up Mr. Wohlender to testify and authenticate the pictures. Mr. Wohlender said he took the pictures and they accurately depict the area.

Mr. Neiman asked where are they putting the garbage cans for pick up and Mr. Lines said he met with Mr. Franklin and they are proposing one trash enclosure located in front of the property near Ridge Avenue and will provide room for 2 dumpsters per Mr. Franklin's request. Mr. Franklin said the 1st of the year he hopes to purchase 95 gal. recycling pails that will be picked up with the automatic trucks.

Mr. Flannery said the duplex units are on 10,000 sf lots conforming to the ordinance and they are asking for an area variance for the single family lot-7500 is required and they have 5481. Because of the unique nature of this application, the lots do not have frontage on the roadway, they have reasonable access through the parking lot. They have provided 4.5 parking spaces per unit so there is 9 per duplex. Mr. Penzer said even if the basements were developed there would still be enough. Mr. Flannery continued and said there are front setbacks to the parking area and it is his opinion that what is there meets all the good planning requirements and the board can grant that without any detriment to the zone plan or zoning ordinance. Mr. Schmuckler said they were discussing eliminating one spot-the double spot facing Ridge, maybe grass would look a little nicer and Mr. Flannery said they will do that. Mr. Flannery said they are requesting 6.5 ft. side yard setbacks, and it is consistent with the area-7.5 ft is required. The combined side setbacks are 13 ft. proposed and 15 ft. is required by ordinance so it substantially meets the intent of the ordinance and said he thinks the plan speaks for itself and the rendering does also in terms of redevelopment of the area.

With regard to the review comments, Mr. Flannery said the trash enclosures will be screened according to Mr. Franklin's requirements. As far as the screening along the easterly property line by Hackett Street there are some trees there now and in his opinion that it is good planning and consistent with the intent of the ordinance. They agree to satisfy the remaining comments in the professional's report. Mr. Vogt said they could make the one space a designated space for the future if they need it.

Mr. Schmuckler asked if there is going to be an association for the parking lot and Mr. Penzer said he has been asked to subdivide the duplexes into separate units per the new ordinance and be used for this application. Mr. Neiman asked how that will work with parking and Mr. Flannery said cross access easements will be required. Mr. Neiman asked if the parking will be on a separate lot and Mr. Flannery said no; there will be an easement on each lot for that parking.

Mr. Neiman opened the microphone to the public

Hector Salguero, 165 Ridge Avenue, Lakewood. He is next door for the past 24 years and he believes this block has improved since the new construction and thinks this is an excellent project but the only thing he is concerned with is that this is a small street and for the safety of the kids he would like them to put some speed bumps. Mr. Neiman responded and said that is why they proposed the off street parking lot so there is no parking on the street itself.

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

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

PLANNING BOARD MEETING
SEPTEMBER 15, 2009
MEETING

TOWNSHIP OF LAKEWOOD
REGULAR REVIEW

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

Mr. Percal said he has consistently requested in cases where variances are a requested of area that an aerial map be provided so they can compare the lot to what is around it. He asked Mr. Vogt as which point are they supposed to get that aerial and it was not at the technical meeting so they should have gotten one for this meeting. Mr. Neiman said they have asked for a tax map to show and Mr. Percal said they have not been getting it so he would like to make a point here that every application requesting a variance as a result of size or setback, etc. provide them with a tax map so they can compare to what is around it. Mr. Neiman said they ask for a tax map when an applicant comes to subdivide a parcel and asks for a variance of lot size, but on an application like this and Mr. Percal said he was not referring to this application. His point is on area variances they should be provided with aerials and it should be at the public hearing. Mr. Vogt said what they could do is ask the applicant at the workshop meeting to provide one for the public hearing. Mr. Neiman said they will be more diligent.

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

Mr. Vogt prepared a letter dated September 8, 2009 and is entered in its entirety. The applicant has revised the application and is seeking Preliminary and Final Major Site Plan approval in order to construct a first floor bank of 3,875 square feet. The second floor offices of 2,600 square feet have been removed from the project. The proposed one-story, 3,875-square foot building with parking areas is on a 30,000-square foot property at the northeast intersection of Madison Avenue (Route 9) and Sixth Street. The site is presently vacant. The applicant has proposed a total of seventeen (17) parking spaces for the proposed bank. The tract is located in the northern portion of the Township on the east side of Madison Avenue (Route 9) at the northeast intersection with Sixth Street. A two-story frame dwelling borders the site to the east. A school and dwellings borders the property to the north. Dwellings are on the west side of Route 9 opposite the site and a Sovereign Bank is on the south side of Sixth Street across from the property. The subject site is located within a developed area with residential and commercial uses. There is existing curbing and sidewalk along the property frontages. There are existing concrete aprons along both frontages which will be removed as part of the project. A proposed access driveway for each frontage has been designed far from the intersection. The intersection is signalized. Route 9 (Madison Avenue) is a State Highway. The parcel is located in the ROP Residential Office Park Zone District. A revised Ordinance lists "Banks, including drive-in facilities" as permitted uses in the ROP Zone. *We have the following comments and recommendations per testimony provided at the 8/4/09 Planning Board workshop hearing, and comments from our initial review letter dated July 28, 2009.* Zoning - The site is situated within the ROP, Office Residential Office Park Zone. Per Section 18-903I.1.a., professional offices are a permitted use in this zone. The zone allows for "other similar professional offices", however banks are not specifically listed. Testimony is required from the applicant's professionals documenting the proposed bank use as permitted within the ROP Zone. *The revised submission has eliminated the professional office use. A revised Ordinance, Section 18-903I.1.g., lists "Banks, including drive-in facilities" as a permitted use within the ROP Zone.* A waiver is required from Ordinance Section 18-803 E.2.a., which summarizes: "A minimum twenty-five foot

(25') buffer from the property line to the proposed use, up to fifty feet (50') from adjacent single family residential uses or zone areas". *Statement of fact. No variances are requested nor appear necessary for this project.* Review Comments -Site Plan/Circulation/Parking-The Existing Conditions Plan shows numerous encroachments on the property such as an air conditioning unit, fences, and roof drains. The disposition of these encroachments has not been addressed on the site plans. *The applicant's professionals indicate that testimony shall be provided to address the encroachments on the property.* As indicated on the site plans, access is proposed via a twenty-five foot (25') wide, two-way driveway off of Route 9 and a twenty-four foot (24') wide, two-way driveway from Sixth Street. Aisle widths of twenty-four feet (24') are proposed throughout the parking areas with twenty-two (22), 9' X 18' parking spaces and one (1) van accessible handicapped parking space proposed. A twelve foot (12') wide, one-way driveway aisle is proposed around the rear of the building to access the covered drive-thru lanes. *The revised plans propose sixteen (16), 9' x 18' parking spaces and one (1) van accessible handicapped parking space.* Additional dimensions are required on the site plan for the various site improvements. In particular, dimensions from curbs to property lines are necessary. In addition, curb radii should be checked. Tangent locations should be shown on the site plan since it appears many curb radii are compound curves. *Additional dimensions have been provided on the site plans, including dimensions from the curbs to the property lines. Also, tangent locations have been identified on the site development plan.* A Circulation Plan is required to insure proper vehicular access through the site for delivery, emergency, and trash pickup vehicles. *A Circulation Plan has been submitted detailing the circulation of passenger vehicles and single unit vehicles. Vehicular circulation appears adequate.* Curb and sidewalk exists along the entire frontage of the property. Curb will be replaced where old driveway aprons are removed. Curb will be replaced with depressed curb where new driveways are proposed. New curbing is proposed along the proposed driveway limits within the right-of-ways between the property and the streets. Existing sidewalk is being removed at the proposed driveway locations. Handicap ramps are required where the proposed driveways cross the existing sidewalk within the right-of-ways. Pavement replacement must also be indicated where street curb is being replaced and for proposed utility trenches. *Pavement replacement has been identified at the locations of the proposed utility connections. Pavement replacement must also be shown where street curb is being replaced.* The existing curb and sidewalk along both frontages of the site is old and deteriorated. We recommend replacement of curb and sidewalk along both frontages. *A note has been added to the site plan stating curb and sidewalk shall be replaced along street frontages as directed by the Township Engineer.* No sight triangles are shown on the site plan. A sight triangle is not required at the existing intersecting roads since the intersection is signalized. *Testimony should be provided on the necessity for sight triangle easements at the access driveways.* The General Notes cite boundary and topographic survey information taken from a map entitled "Boundary & Topographic Survey, Lot 8, Block 95" prepared by FWH Associates, P.A., dated 5/26/09. An Existing Conditions Plan has been provided. However, the actual survey must also be submitted. *A copy of the Survey has been submitted.* Handicapped parking shall be properly placed for accessibility to the building. The proposed ramp is too close to a proposed building access point to allow for a complying slope. Handicapped parking signage location must be shown. A new handicapped ramp is required at the intersection of Route 9 and Sixth Street. *The location of the proposed handicapped parking and ramp has been revised to allow for a complying slope. The location of proposed handicapped parking signage has been properly shown. In addition, new handicapped ramps have been proposed at the intersection of Route 9 and Sixth Street, as well as the sidewalk crossings with the proposed access driveways.* A 10' X 10' trash enclosure is proposed in the northeast corner of the property. A better orientation of the proposed trash enclosure will improve accessibility. Testimony should be provided as to who will pick up trash and/or recyclables from the site and on the adequacy of the proposed trash enclosure. *A 10' X 14' trash*

enclosure has been proposed in the northeast corner of the property on the revised plan. The location and orientation improves accessibility. The limits of the concrete pad should be shown and the construction detail revised. Testimony should still be provided regarding pick up and proposed pickup times. The Site Plan (Sheet 3 of 8) shows a “Proposed Desired Typical Section” width of 57 feet from the centerline of Route 9 to the edge of the front parking spaces. The limit of paved parking proposed in the front of the site is located immediately outside of the section width limit. The applicant’s professionals must provide information and testimony regarding any future widening plans and/or property acquisition along Route 9, and potential impacts (if any) to the proposed front parking area. *Statements of fact.* No loading area has been identified on the plans. Testimony is required to address proposed loading and delivery operations for the facility. *Statements of fact.* The site is in the incorrect location on the Zoning Map shown on the Title Sheet of the plans. *The site location has been corrected on the Zoning Map shown on the Title Sheet of the plans.* The Title Sheet indicates the plans have been prepared for Diversified Capital. However, SJG Partners is listed as the applicant/owner. *The Title Sheet has been revised to identify SJG Partners as the applicant/owner.* Architectural-An architectural plan was submitted for review. The architect shall address handicapped accessibility for the proposed building. Testimony shall be provided. *The proposed building has been reduced to a one-story structure. It appears the proposed building is handicapped accessible.* The plans indicate a proposed top of roof height of 28’-2” and a top of pediment height of 30’-9”. This complies with the allowable height of thirty-five feet (35’). *The revised submission reduces the proposed top of roof height to 22’-0”.* This complies with the allowable height of thirty-five feet (35’). Information should be provided for roof leaders and utility connections. Location of air conditioning equipment should be shown. Said equipment should be adequately screened. *The location of roof leaders and air conditioning equipment must still be shown. The proposed utility locations shown on the site plan are reasonably located with respect to the architectural floor plan.* The architect should provide testimony regarding the proposed building, façade, and treatments. We recommend that renderings be provided for the Board’s review and use prior to the public hearing. *Statements of fact.* *The proposed drive-thru lanes on the architectural plans are wider than the lanes indicated on the site plan. As a result, circulation of a vehicle outside of the drive-thru lanes may not be possible. The elimination of the proposed outer drive-thru lane appears necessary. Also, a secondary access on the east side of the proposed building requires coordination between the architectural plan and site plan.* Grading- A detailed grading plan is provided on Sheet 4. Revisions to the grading plan are required, particularly around the site perimeter, to match existing surrounding grades. *The site layout has been revised. As a result, grading corrections are required.* Revisions to the grading plan are required to show all the proposed floor elevations and square footages. *The grading plan has been revised to show the proposed floor elevation and square footage.* A retaining wall is proposed along the north side of the site. No details have been provided and no proposed railing or fencing indicated along the top. *The revised plans propose an Allan Block retaining wall along the north side of the site with a proposed guardrail behind the top of wall. Construction details have been provided on Sheet 9. Corrections to the proposed top and bottom of wall elevations are required.* Additional proposed grades are required for the tangent points of all proposed curb. *As a result of the revised layout, proposed grades are missing from many of the tangent points on the proposed curb.* A proposed crown should be provided for the one-way driveway to direct runoff to the proposed low point inlets. *The proposed one-way drive has been revised to show a uniform cross slope which is acceptable.* Stormwater Management- An underground recharge field consisting of perforated twenty-four inch high density polyethylene (24” HDPE) pipe has been proposed to address stormwater management. Drainage structures and solid high density polyethylene (HDPE) pipe has also been proposed to convey runoff to the infiltration system. *Statements of fact.* The proposed underground recharge field designed is too shallow. Stormwater will overflow from the proposed slotted

drain designed across the proposed Route 9 access driveway before the proposed recharge system will be totally effective. *The proposed underground recharge field has been re-designed to be deeper. The applicant's engineer proposes a bubbler inlet in the Route 9 right-of-way to the northwest of the proposed slotted drain as an emergency outlet for the proposed underground recharge field. However, the elevation of the proposed pipe connection at the proposed slotted drain is too low to allow for the facility to reach the design capacity. Revisions are necessary.* The permeability tests indicate infiltration rates of less than twenty inches per hour (20 in/hr) for all soil logs taken. The design must be revised to use a more conservative value. *The revised Stormwater Management Report uses an exfiltration rate of 7.4 inches per hour which is acceptable. The narrative section of the report shall be corrected.* The location of the soil logs must be indicated on the site plans. *The soil log locations must still be added.* Information regarding the proposed roof leaders and their discharge(s) into the stormwater collection system must be provided. *A detail has been provided showing the proposed roof leaders and their discharge into the stormwater collection system. The detail is acceptable only where the roof leaders adjoin grass areas. An alternate type detail is required where roof leaders abut sidewalk.* The profile of the proposed storm drain system run from the proposed Duraslot structure to the proposed recharge field is missing. *The profile has been added. The slope of the proposed twelve inch high density polyethylene (12" HDPE) pipe shown on the plan sheet shall be corrected to two percent (2.00 %).* A proposed emergency overflow from the infiltration system has been incorrectly designed. The proposed inverts are lower than the existing invert of the structure to be connected to. *The proposed emergency overflow for the infiltration system has been revised to direct excess stormwater through a proposed bubbler basin. However, the proposed overflow pipe has been designed at an elevation too low to allow the recharge system to properly store and recharge the larger design storms.* The existing head and grate for the inlet on Sixth Street must be upgraded to the required environmentally approved casting. *The existing head and grate for the existing inlet on Sixth Street is being upgraded to the required environmentally approved casting. The proper details must be added to the plans. The depth of the existing storm sewer will not allow the Lakewood Storm Inlet Design Detail currently shown on the plans to be used.* A stormwater maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Confirming testimony should be provided that the applicant will maintain the proposed stormwater management system. *A Stormwater Maintenance Manual has been submitted for review. The Manual must be revised to be site specific for an underground recharge facility.* Traffic - A Traffic Report has not been submitted for review assessing impacts of this project. Professional testimony should be provided as to whether any of the local Route 9 intersections or cross-streets will be impacted by this proposal, and whether any directional restrictions to the proposed access drive are warranted for safety purposes. NJDOT Access approval is necessary. *A Traffic Report has been submitted for a proposed Ocean First Bank. The traffic distribution diagram in the Traffic Report indicates only proposed "right in and right out" movements for the proposed Route 9 access driveway. However, the site plan shows no restrictions to the turning movements, this must be clarified. The Report also indicates the proposed access driveways will operate at acceptable levels of service. We recommend consideration of right-in, right-out movements (only) for the proposed Route 9 access. An Alternate Site Plan layout has been included with this revised submission. The Alternate Site Plan proposes twenty-two (22) parking spaces with no access driveway to Route 9. NJDOT approval is necessary for the proposed Route 9 access.* Landscaping- The applicant has provided a landscape plan as part of this submission. Landscaping has been proposed to screen the eastern side of the site. *A revised landscape plan has been provided. Minor corrections to symbols and quantities are required.* The overall landscape design is subject to review and approval by the Board. *Statement of fact.* The applicant has not provided a six (6) foot shade tree and utility easement for the proposed project. Should the Board require any

easements, the applicant must show the easements and should provide legal descriptions and easement language for review. The easements shall be filed as a condition of approval. *Statements of fact.* The proposed landscaping within the NJDOT Desired Typical Section is subject to NJDOT approval. *Statement of fact.* An Existing Conditions Plan/Woodlands Management Plan has been included in the submission. Testimony should be provided as to whether compensatory landscaping is proposed. *Testimony should be provided.* Lighting- Site lighting is being provided by five (5) proposed pole mounted fixtures and four (4) proposed building mounted fixtures. *The revised plans provide five (5) proposed pole mounted fixtures and five (5) proposed building mounted fixtures. The quantity and symbol for building mounted fixtures must be corrected in the Lighting Schedule table.* Testimony should be provided relative to the hours that the facility will be lit, and whether timers are proposed. *Testimony should be provided.* A point to point diagram is required to evaluate light spillage on adjoining properties. *A point to point diagram has been included with the revised plans to evaluate light spillage on adjoining properties. It appears shielding should be provided for the proposed pole mounted fixture on the north side of the property.* Utilities- Public water and sewer services will be provided by New Jersey American Water Company. New services connecting from Sixth Street are proposed for the site. *Statements of fact.* Fire protection should be addressed by the applicant's professionals. *Testimony should be provided.* All proposed utilities must be installed in accordance with Township requirements. *Statement of fact.* Signage- No signage information is provided other than traffic signage. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. *Statements of fact.* 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.* Environmental- Site Description- Per review of the site plans, aerial photography and a site inspection of the property, the site is vacant and clear of any buildings with little vegetation. Per our 7/24/09 inspection of the site, the lot is adjacent a high point in Route 9 and slopes to the north. *Statements of fact.* Environmental Impact Statement- An Environmental Impact Statement (EIS) was submitted for the project. As indicated in the EIS, no significant vegetation or wildlife species were observed during site inspections of the property. In addition, habitat assessments of potential mapped areas as identified in NJDEP databases were performed. No significant habitats for any species were found to exist on-site. As determined within the context of the report, the proposed development should have a minimal adverse impact on the natural environment due to the existing condition of the site. We concur with the report summary. *Statements of fact.* Tree Management Plan- The Existing Conditions Plan/Woodlands Management Plan only notes a few cedars and a couple of spruce trees as significant. The applicant must also comply with the requirements for tree protection and removal as applicable on the site. *Statements of fact.* Phase I/AOC's- A Phase I study was not performed on-site. While conducting a site investigation to complete the Environmental Impact Statement, Trident found no areas of environmental concern located on the subject site. Minimal amounts of existing garbage and debris were noted throughout the subject property. *Statements of fact.* Construction Details- Construction details are provided on Sheets 7 and 8 of the plans. *Construction details are provided on Sheets 7 through 9 of the revised plans.* All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. *Inlet Details must be corrected to use Class B concrete.* The size for the Trash Enclosure Detail does not match the plan. *The size for the Trash Enclosure has been revised to match the plans. The dimension of the gate must be corrected.* A Depressed Curb Detail must be added. *The sizes and dimensions on the Depressed Curb Detail provided must be corrected.* A Trench Repair Detail must be added. *The Trench Repair Detail added to the plans is incomplete.* Details for improvements along

Township and State Road frontages must be added. *Details for improvements along Township and State Road frontages have been added to the plans. The Quarry Process is in conflict with the I-5 Mix on the Township Curb & Pavement Detail. Details for drainage improvements must be revised in accordance with the design revisions required. Details for drainage improvements have been revised. Sizes for reducers connecting header and lateral pipes are required, as well as details for cleanouts.* Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. *Statement of fact.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Water and sewer utilities, prior to occupancy permits; New Jersey Department of Transportation; and all other required outside agency approvals. *Ocean County Planning Board approval was granted on August 5, 2009. The remaining outside agencies approvals are currently pending. Evidence of regulatory approvals shall be provided once they are obtained.*

Mr. Abe Penzer Esq. appeared on behalf of the applicant. He said they modified the application so there are no variances. Mr. Flannery said they reduced the application from a 2 story building with offices upstairs to a one story bank with 3,875sf and 17 parking spaces. They need a waiver for a buffer when it is adjacent to a residential use. They do have a residential use to the east but said the Master Plan, on page 67, indicates that Section 803E2 should be changed consistent with the way it is with the townhouses- to say non residential development proposed next to existing single family residential be allowed to reduce the buffer to 25 ft. from 50 ft. if the developer agrees to provide dense landscaping. Mr. Flannery said they are providing dense landscaping and they do have 25 ft. from the property line to the adjoining single family residence with the exception of one place where it juts in towards the back and that will be fenced in and is heavily landscaped so it is his testimony that it meets the intent of the ordinance as far as buffering. Mr. Vogt notes there are numerous encroachments in circulation that are shown on the survey and said the applicant will work those out with the property owners and by they time they construct the encroachments would be eliminated. The number of parking has been reduced from the prior application and that is how they were able to provide the large buffer-by eliminating the second floor. It is his testimony that a right in and right out would eliminate the site triangle because they have provided 18 ft. for the desired typical section. Mr. Penzer said they have a traffic engineer present who did the study based on Mr. Vogt's suggestion.

Mr. Neiman asked where the driveway is to get into this bank and Mr. Flannery said they have a right in, right out from Madison Avenue and a two way in and out on 6th but the Madison Avenue is subject to NJDOT approval. They have also submitted an alternative plan if the DOT said they are not getting access they get 5 extra parking spaces. They have provided a 10x14 trash enclosure and it is his testimony that it works. They will comply with the comments about the architectural and have shown a brick and stucco building and it will be a first class bank at that location. They agree to comply with all the remaining comments in the professional's report such as the grading and stormwater management along with landscaping, lighting

Mr. Vogt asked if there is a drive through and Mr. Flannery said they would slide the building towards 6th Street to make room for it because they want to have the 3rd drive through and the pass through. Mr. Flannery said there is not a definitive bank as this point so the signage would be particular to the bank, it will either conform to the ordinance or they would have to come back to the board to ask for a variance. Mr. Penzer took a moment and asked Mr. Flannery if they could pick a site for the sign without a variance so they don't have to come back to the board.

Mr. Schmuckler asked where the dumpster was going to be located and Mr. Flannery said it was shown on the site plan and it is on the easterly side of the site where the drive through is.

Mr. Flannery said they would like to ask for a generic sign along Route 9 with a maximum height of 20 ft. and it will be a 4x6 sign and they would provide the details to the engineer and it would not be in the site triangle or need a variance.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

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

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

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

Tabled to October 27, 2009

5. Discussion/Recommendation of proposed Planned Educational Campus Ordinance

Mr. Wouters said this ordinance allows for Planned Educational Campus and the first paragraph of the ordinance summarizes it. It deals with concerns about how the community has been developing and the intent is to set up criteria for the growing number of college educational institutions in Lakewood so that there can be an establishment of these facilities which include housing, classrooms, etc. and requiring a minimum of 3 acres and also has the type of housing and units that can be located on the property so that there is some control for the growth of these schools over time. Everything that is new is **BLACK BOLD** on the copy.

Mr. Neiman asked why this wasn't written 20 years ago. Mr. Wouters said he thinks this ordinance is a good start at addressing this situation.

Mr. Schmuckler asked if they would still have to come to the Planning Board and Mr. Wouters said yes. Mr. Schmuckler also said he wants to make sure a private developer couldn't license himself as a school and then go ahead and build like in other applications where there are houses and a synagogue is an accessory to the houses; he does not want the school to be an accessory to the houses and asked if there was some type of language that could be put in that wouldn't penalize schools that are not accredited. Mr. Wouters said they can take a look at the language in the ordinance and tighten it up to define what an educational facility is for the purpose of this ordinance. Mr. Fink said he would also like to see that as part of the ordinance.

Mr. Neiman opened the microphone to the public

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Mr. Bill Hobday, 30 Schoolhouse Lane, Lakewood. He said there are pages missing in his copy and asked if this was just in the RM zone and Mr. Fink said there are some exclusions. Mr. Wouters said currently schools are permitted in all zones. This ordinance would affect all zones except A1, M1, M2, PS and CP zone where the campus will not be permitted.

Mr. Neiman asked where a person could find 3 acres if not in the A1 zone and Mr. Miller said a person could acquire houses and land together.

Mr. Hobday said he believes that the Planning Board has an obligation to protect residents, especially in an R40 zone, where if it is adult communities, there are restrictions. When schools border an adult community, in many cases, children and retired adults, who are old and grumpy don't always get along that well. In most of the adult communities in Lakewood, when they bought their homes it was 1 home per acre or an adult community with restriction, as long as you had a portion of that for common property, you could cluster. Now the township comes in and changes that ruling to allow schools and/or educational campuses in every zone and he is suggesting that what is done is done but it is his humble opinion that planning takes into account where a school should not be. When you say that a school can be in every zone, you are protecting no one including the students and he thinks that 3 acres is not enough property for an educational campus and he would think the township would want to consider more acres than that to have a proper campus; 3 acres would yield one building and a couple of houses. He suggests the planning board really look at this hard and try to determine where in Lakewood Township is there larger parcels of land that could be used for this and it is not always the best to put that right against an adult community. Why here, and not in an area that is more self contained- because if they play the radio late at night, you get a complaint, and in many cases, boys will be boys- why not put this in an area that is more conducive to an educational facility.

Mr. Schmuckler asked if this was to be used for college aged children or is it aimed for younger children and asked if they could put in language that is was strictly for college and Mr. Wouters said he would be happy to carry back any recommendations the board has but that was not the original intent. Mr. Neiman asked about buffering and if there was any language that protects neighbors and Mr. Wouters said there was no language in there. Mr. Vogt said there is something on page 7 but it is not specific. Mr. Fink said they should have something in the ordinance stating a fence is required where it borders or is close to an active adult community. Mr. Wouters said he would bring that recommendation to the Committee.

Mr. Brian Flannery, 590 Atlantic Avenue, Lakewood. He said he thinks this ordinance is a step in the right direction and thinks the comments the board made are good. As far as buffers, the ordinance for educational facilities does includes buffers and his reading of the ordinance doesn't say they don't have to do them, so they still have those buffers. He said it is a good idea to look at additional buffers. This is a good idea because it gives the schools an option to have a campus and gives motivation to get additional property. As far as the comment of if it is college level, there are a lot of private high schools in New Jersey and they have campuses at the high school level. Unfortunately a lot of the land is gone so the 3 acres is probably a number that is a minimum-if they find more than that God bless them.

Mr. Vogt said what they are looking at is an overlap that deals with use and there still is the existing code which will govern all the design issues.

Mr. Leemond, 506 Bennington Lane, Lakewood. He said in G4 they talk about 1 parking spot per residential facility, whether townhouse or multi dwelling unit. He said if you have a family living in one of these houses, you are going to have multiple cars and asked if they were going to

have enough parking. Mr. Schmuckler asked if in addition to the 1 space per house, will there be additional spaces available at the study hall and Mr. Wouters said the 1 space is for the residential and Mr. Neiman asked about the school and Mr. Wouters said he thinks it is 1 per classroom. Mr. Leemond asked if that was sufficient for the family facilities; i.e. if he lives there and he has a wife-there is probably 2 cars and they are going to run out of room. Mr. Neiman asked why there is only 1 per multifamily unit.

Mr. Flannery said when he read it he recalled that most of the campuses are student housing so if you have 1 for each unit, a majority of them will be students and that is well more than you need for cars. Mr. Neiman said if you have 5 students living in one house, they might each have a car and it would be even more than 1 per family. Mr. Flannery said his knowledge of other college campus, where there is recreational facilities, they provide parking for that and it would provide additional overflow. He said anyone doing a campus is going to try to do something nice and this is a minimum that they have. Mr. Neiman said he thinks he would rather have the minimum a little higher than 1 per unit and Mr. Fink said they need to make sure if they are doing this right there has to be ample parking in the complex; if it is not in front of the house it has to be a selected area put aside for the parking. Mr. Wouters said they will take a look at the parking.

Bill Hobday thanked Mr. Fink for his great suggestion. He said they are not opposed to schools but "good fences make good neighbors" and if that was adopted as part of this ordinance everyone would be comfortable with the idea that they are good neighbors, they will want to be good neighbors and he is sure the students will want to be good neighbors and this is a great compromise. Mr. Neiman said he knows exactly what he is saying.

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

Motion was made by Mr. Fink, seconded by Mr. Herzl, to recommend the ordinance with the suggestions

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

6.Discussion/Recommendation of Ordinance repealing Flag Lots

Mr. Wouters said this ordinance deleting the reference to flag lots and making them no longer permissible. This does not affect existing flag lots but will prohibit the creation of flag lots in the future. He said they have become problematic and are difficult to develop and prone to abuses and it is not good planning. Mr. Neiman said he did not think he will have any opposition on this one.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Fink, seconded by Mr. Herzl, to recommend the ordinance.

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

6. CORRESPONDENCE

- None at this time

7. PUBLIC PORTION

Mrs. Gerry Ballwanz said she looked on the agenda and said it must not have been heard but it was item #5 regarding the educational campus and she has some comments and possibly topographical errors. She has a copy of the ordinance from the Township and said under H1 multi family G- she asked where is the CP zone and Mr. Kielt said it should be CLP. She said she thought it might LP because of the way it appears in the ordinance of going according to order. Mr. Kielt said his unofficial answer is that it is the CLP and Mrs. Ballwanz wanted to know the official answer. Mr. Neiman said what she should do, because the board has already moved this to the Township Committee and she said she is very unhappy that they took it out of order because she has a lot of comments to make. Mr. Neiman said she should take the comments to the Township Committee when they vote on it. She tried to continue and Mr. Neiman said all the comments should go there because at this point there is nothing they can do- they already moved this. Mrs. Ballwanz said she missed what they changed or recommended and said she has already read and highlighted some comments and hoped the board would endure her comments because this is the public portion.

She continued and said under Planned Educational Campus, dwelling units, she asked if they were all going to have basements and Mr. Neiman said he did not know. Under number 8 it says that it shall be a requirement that the land and all buildings and structures shall be owned by the educational institution but when you go to the definition later on at the end of the ordinance, it misses the word "land", so she thinks it needs to be added under the general definition found at the end of the ordinance. Under bulk requirements under townhouses, it says minimum rear yards on 15 ft. and she does not think that is adequate. Under G, under townhouse, maximum building height 65 ft.- she asked if that was a typo because townhouses are generally only 35 ft. and asked if it is adequate for the residents and the public of Lakewood like it says in the ordinance? Under duplex, under D again, it has only a 15 ft. for minimum rear yard and said they need 20 ft. and it says maximum building height for a duplex is 65 ft. and asked if that was a typographical error as well. Under single family lots, G-where everything else has maximum building heights, there is no maximum height listed and it should be added. Under 6-multi family, that it should be 65 ft. she agrees that a multi family should be 65 ft. which would be what you expect for a dorm. Under the RSIS and minimum parking, it says they are supposed to be exempt because it is going to be a campus, educational setting, and they don't apply under RSIS, she cannot understand how you cannot say you need to have more parking- 1 parking space per townhouse, 1 parking space per multi family, and maybe the dormitories will be for the students who aren't going to have cars, and that is 1 parking space per every 4 dwelling units. But to say you are going to exempt them from the requirements for parking, she does not think that is serving for the adequate protection of the students, the public and everybody else. She says it also says rental apartments with other wording and it also implies that maybe a townhouse might be bought by someone other than the educational institution because then it goes rental apartments, but it does not say townhouses and the duplexes and the single family will also be rental and she thinks the wording is muddly as to whether or not some units are going to be owned by people other than the educational institution. Near the

end of #4 where it says “in the interest that the terms and conditions intended to protect the interest of the public and the residents occupants and owners of the proposed development” – she said she thought it was only one owner, the educational institution, so she thinks “owners” should be “owner”. Then at the end where the definition is “all structures including dwelling units shall be owned by the educational institution” that word “land” is missing from that definition. Under Section 4, where this is permitted, it should list all the zones, is should not say that this is an overlay. She said that is her comments and she is upset that she was not able to add this one at the beginning part and she will bring these matter to the Township Committee. Mr. Neiman said he thinks she should get in touch with Mr. Wouters and speak to him and tell him you came late and give him your recommendations and maybe the typos could be fixed before the Thursday session.

Mr. Fink told her that she has been to many, many planning board meeting and they have always taken the ordinances first. The last few meetings, they have taken the ordinances first to move it along, so in the future if she sees an ordinance and she said then they should list it appropriately in the agenda.

Seeing no one, this portion was closed to the public

8. APPROVAL OF MINUTES

- Minutes from August 18, 2009 Planning Board Meeting
- Minutes from September 1, 2009 Plan Review Meeting

Motion was made by Mrs. Koutsouris, seconded by Mr. Herzl, to approve the minutes of August 18, 2009 and September 1, 2009

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

9. APPROVAL OF BILLS

Motion was made by Mrs. Koutsouris, seconded by Mr. Herzl, to approve

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

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted

Respectfully

Chris

**PLANNING BOARD MEETING
SEPTEMBER 15, 2009
MEETING**

**Johnson
Board Recording Secretary**

**TOWNSHIP OF LAKEWOOD
REGULAR REVIEW**

Planning