

**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**

In the absence of Mr. Neiman, Mr. Fink will be the acting Chairman.

Roll Call Mr. Herzel, Mr. Franklin, Mrs. Koutsouris, Mr. Fink, Mr. Banas, Mr. Follman, Mr. Schmuckler

**3. SWEARING IN OF PROFESSIONALS**

Mr. Vogt was sworn in.

**4. MEMORIALIZATION OF RESOLUTIONS**

**1. SP# 1586C**

Applicant: Thompson Grove Associates

Location: Drake Road – opposite Neiman  
Block 251.01 Lots 32, 88

Amended Preliminary & Final Major Subdivision – eliminate sanitary sewer

Mr. Jackson stated that they add a paragraph to the memorialization. No building permit will be issued on any lot unless the septic system has been issued by the Board of Health or appropriate governmental agency.

Motion to move to proceed with the memorialization was made by Mr. Schmuckler and seconded by Mrs. Koutsouris.

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

**5. OLD BUSINESS**

**1. SP #1856**

Applicant: Yeshiva Toras Emes

Location: Block 370 Lots 1 & 3

Revisit a condition of a prior resolution for Site Plan approval.

Mr. Samuel Brown, appearing on behalf of the applicant. The short story is that part of the conditions in the approval for this site was a strip of sidewalk on Ridgeway Place which is a wooded rural road, and which is not being accessed or used by the students of the school or anyone else. The letter from the principal of the school is requesting relief from that condition; this is a condition that the neighbors adjacent to the site asked that it not be imposed. As the site was developed it became more and more apparent that putting improvements on that side of the property would be a deterrent rather than a benefit, it would be an invitation for the children to play there it would be best to keep the children off of that area. We are not trying to waive something that would be otherwise required, it is not that we are looking to minimize or compromise the safety of the passerby's or students it is simply that we are trying to pull the use from that side of the property and concentrate it more toward the side of James Street which is being improved as we speak and is near completion.

Mr. Banas stated that the basic policy of the Board has always been to put sidewalks in front of all new or remodeled property, why should we consider this as an exception. What is across the street from this property?

Mr. Brian Flannery was sworn in and stated that it is wetlands and would never be developed. Mr. Banas asked how deep in is the water line. Mr. Flannery stated that it is probably 50 feet in. There is no other sidewalk in the area and there would be no reason for the children to walk there. Mr. Banas asked about lot 1 368 the property to the east. Mr. Flannery stated that lot 1 and block 368 has some wetlands on it but you could get another house there. Mr. Banas stated that the sidewalk now makes sense as far as he is concerned. If it was coming up for development the sidewalk would continue.

Mr. Brown stated that this lot is an exception because it is different in the sense that the traffic and the weight of the property is up on James Street where it is fully developed. The back part of this application which is on Ridgeway Road, which if you recall was the whole purpose of this application to move it away from Ridgeway Pl which is a rural road and dangerous to have the kids on James Street side have the people come in and out on the James Street Side and so forth. Ridgeway place is rural and will not be developed and sidewalks would be dangerous because the children will go to this sidewalk and it is not a safe place for them to be. The bottom line is that it is an enhancement not to have sidewalks here as opposed to having them here.

Mr. Banas stated just to continue with the thoughts that I have, we have been putting sidewalks in all over Lakewood, they are necessary and they do provide safety. If this sidewalk that you are asking for to be not included, the children might get the idea that it is safe and the road would come up closer, people utilizing Ridgeway place with an automobile might be driving and might injure and it gives these students a false safety impression with out the sidewalk. Again the lot that I questioned has the possibility to be developed which means immediately to me that that could be developed and sidewalks would be necessary.

Mr. Brown stated that he understands Mr. Banas's position and in most instances he would agree with Mr. Banas .

Mr. Banas stated that until he asked about the possible development he was ready to accept.

Mr. Banas made a motion that the request be denied. It was seconded by Mr. Schmuckler.

Mr. Jackson the motion is to deny Mr. Brown's request on behalf of his client. That would mean that the condition would remain as is with no change. The standard for the removal of a condition is that weather it is a material condition, if the Board votes to remove a material condition of the resolution then that has to be on notice to the adjoining property owners. In this instance even weather the Board has jurisdiction would have to make the decision that this not a material amendment, weather a sidewalk is a material amendment, it is a threshold issue.

Mr. Brown stated that it is the applicants position that this is not a material amendment in as much as it is questionable weather or not this belongs here In the first place I understand that it is the Boards policy to ask for sidewalks but asking that it be omitted as a condition shouldn't be considered a material change to the plans.

Mr. Jackson stated that he thought weather sidewalks are a material condition to an application is on a case by case basis. If the sidewalk is in the middle of the woods it may not be considered, but if it is in front of the building it is.

Mr. Brown stated that that is the issue , his clients argument is that it is in the middle of the woods and some people are treating it as if it is the front of the property.

Roll Call on the motion Mr. Herzel, no, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Banas, yes, Mr. Follman, no, Mr. Schmuckler, no.

Three no's and four yes's. The motion carries it has the majority of the Board.

**2. SD # 1628**

Applicant: Park Avenue Development

Location:

Block 232

Lots 10.01 – 10.07

Revisit a condition of a prior resolution for Major Subdivision approval.

Mr. Chiam Abadi, 245 Miller Road, Manager of the development.

Mr. Abadai stated there are three simple issues that have to be resolved. We originally had drainage going across the whole back of the property we changed the drainage and Mr. Vogt went over it with Mr. Carpenter and the change is that each lot has it's own drainage system so that we do not need a homeowners Assoc, with an easement across the back of the whole property. It is called a seepage pit and each homeowner will maintain these systems.

Mr. Vogt stated that if the Board approves this change it will be specified in the deed and you are going to specify in the documents what is entailed in the maintenance.

Mr. Abadi stated that yes that will happen.

Mr. Jackson asked if Mr. Vogt as an engineer thought that this was a material change or just a site condition that the engineers would normally just amend as they went along.

Mr. Vogt stated he did not know legally if it is material versus non-material.

Mr. Jackson stated that material means, that is a subjective term, it means weather it is important. It is consequential.

Mr. Vogt stated that what they are doing has significance in the sense that we need to make sure that this alternate system can provide the adequate drainage. The second question is the final maintenance of these units is going to switch from what was approved as an HOA where they would form a body that part of the responsibility is going to be the maintenance. Now the understanding is without the HOA's that each of these units, two per townhome. Rays testimony I believe is going to be the design of these is going to provide equivalent drainage to the original system.

Mr. Ray Carpenter, Engineer stated that is correct. We do this on single family homes all the time. This is just a matter of a series of single homes.

Mr. Vogt stated that part two of the issue is that there is a change in the maintenance proposed from what was approved which was an HOA which was going to take care of these systems in part, now with individual systems the homeowners will take care of the maintenance. My recommendation is that if the Board approves this change, two conditions at a minimum are going to be you would have that in the documents and secondly there would be a maintenance plan provided to the homeowner as to what the maintenance entails.

Mr. Jackson asked why the applicant wants to make this change.

Mr. Abadi stated that his experience with HOA's end up with no money and nothing gets maintained, this way each homeowner takes care of their own drainage and if they get flooded it is because they have not taken care of their own system.

Mr. Jackson asked what happens when the person gets flooded from the neighbor because the neighbor did not take care of his system. He is powerless to make him fix it.

Mr. Carpenter stated that the homeowner is not powerless; he can go to court and make the neighbor maintain the system. It is no different from a single family development that has individual drainage systems. If a homeowner does not maintain his system and it damages a neighbor's property then he can go to court. Just because these are townhouses it really is the same as a single family situation.

Mr. Jackson asked Mr. Franklin for his expertise on the matter of drainage.

Mr. Franklin stated that looking at the plan there is a one yard drain at the bottom of the plan, who will maintain that.

Mr. Carpenter stated that the homeowner has the responsibility to maintain the drain.

Mr. Franklin stated that if one homeowner does not take care of his drain there will be flooding in the surrounding basements. If there is one bad apple in the bunch it can be devastating.

Mr. Carpenter stated if you have a HOA with no money then if the system fails there is an even greater problem.

Mr. Franklin stated that if you have a HOA there should be money in it.

Mr. Fink asked Mr. Vogt what his professional opinion is on this change.

Mr. Vogt stated that professionally speaking both systems work it comes down to which is better in terms of maintenance. It was approved as an HOA in a perfect world and an HOA has money it is probably preferable. It is equally valid to say if the HOA doesn't have money not only can it not do this it can't do anything.

Mr. Schmuckler asked how much maintenance is involved on one of these system on a yearly basis.

Mr. Vogt stated that you want to make sure these systems are clean both during and after the construction phase after that the individual drywells if they are recharged with roof drainage only, other than managing leaves and other items they are probably not going to get much siltation the pipe is more of an issue, if it is not maintained someone will be tearing it up.

Mr. Carpenter stated that to maintain the pipe you would need to get a vac-truck in there on a regular basis to drain out the siltation. With a drywell the amount of siltation and debris that you will get with these drywells is relatively small. There is an access lid for each of these drywells, you can take a bucket down there and pick up the leaves and you're done.

Mr. Franklin stated that the leaves are not the problem. The problem is that people don't spend that money needed for fertilizer for the lawns and Lakewood the topsoil is sand and what happens is the drainage goes into the basin and it takes the fine sand with it and it fills up with sand over the course of a few years.

Mr. Carpenter asked if Mr. Franklin would not agree with him that it is easier to maintain a five by ten drywell than to maintain four 36 inch perforated HDPE pipes across the whole back of the building.

Mr. Franklin answered certainly, but it is something a homeowner wouldn't normally do they would have to have a contractor do it.

Mr. Carpenter stated that it is more expensive and harder to maintain the pipes than the dry well.

Mr. Schmuckler stated that he might have a compromise. The Township set up an ordinance about six months ago about homeowner agreements, where the developer has to create a homeowners agreement so that it is very clear up front what the homeowner is responsible to do and what the home owner is getting from the developer, it is called a developer's agreement. If we were to go with this I would like to see on paper that the homeowner is being told up front this is what he needs to do and this is how they maintain the system. This way five years down the line there is a developer's agreement on file that shows they were told exactly what they had to do as the homeowner.

Mr. Abadi stated that the other issue is the tree buffer in the back of the properties. You have a copy of a letter signed by all seven buyers that this tree buffer be removed, that there not be a landscape buffer behind the property. The railroad is behind the property with a fence.

Mr. Jackson asked if the tree buffer was being asked for the benefit of the homeowners.

Mr. Carpenter stated that yes this was for the benefit of the homeowners the railroad property is 100 feet wide and there are two homes on the other side of the railroad.

Mr. Vogt stated that there shows a fence on the plans.

Mr. Carpenter stated that it is a 6 foot chain link fence with privacy straps in it.

Mr. Banas asked how many trees are going to be removed from the property?

Mr. Abadi answered that there are seven or eight trees there now and one of them is going to be removed.

Mr. Fink asked if any of the neighbors are here to be heard.

Mr. Abadi stated that there is only one buyer there.

Mr. Banas stated that there are two issues and before we settle the first one about the owners taking possession or doing the HOA we came in to cloud the issue with the other.

Mr. Schmuckler made a motion to approve the homeowners taking the responsibility for their own drainage system with the condition there is a developers agreement stating exactly what the maintenance will be and that the owner signs off on the maint plan. Mr. Herzel seconded the motion.

Mr. Banas asked are you going to have this in the deed itself, because a homeowners association is entirely different. How will it be enforced?

Mr. Schmuckler stated that having it in the deed is fine.

Mr. Banas stated that he wanted it to be in a legal documents that are easily adjusted and the engineer suggested a deed writing of the statement in here

Mr. Vogt stated that the maintenance has to be dealt with in two forms, one is making it the individuals responsibility, the only way I know how to do this is by the deed. Part two is identifying what the maintenance responsibilities are as Mr. Franklin said the individual homeowner has no idea, it is going to have to be spelt out for them that if you are going to buy this property this is what is required of you as far as maintaining this system.

Mr. Jackson stated that that could be put in the master deed, you can also have provisions that will empower and authorize the homeowners association to do it on behalf of an individual homeowner and then bill the homeowner.

Mr. Fink stated that there was not going to be an HOA. MR. Abadi stated that the HOA is not needed if the homeowner were to maintain the drainage system. This is not a condo development but single family townhomes. Mr. Jackson asked where was the map with the lot lines on it.

Mr. Vogt stated that sheet 6 of 6 had the lot lines on it.

Mr. Abadi stated that this application is an old approved application.

Mr. Jackson stated that there be some overriding document stating who is responsible for maintaining the common wall and other shared areas. The deed would take care of this. He then asked if Mr. Abadi hadn't conveyed the properties out yet. Mr. Abadi answered no. Mr. Jackson stated that he was going to have to submit language satisfactory to Mr. Vogt and myself that will disclose to the other people that each lot is responsible for it's individual drainage pit in it's backyard. So you are alerted that you have your own that you have to take care of and your neighbor has to take care of his too.

Mrs. Koutsouris asked if there is another concern to be brought up that maybe we should know about it now because with these concern are we coming to the point where , we are talking about taking away an HOA and making deed restrictions, shared backyards and drainage issues. What at \re we talking about.

Mr. Jackson state that that is a valid point, material is a subjective term that the Board will have to decide on, it is a case by case, and I think that is up to the Board to decide upon. I gave the example as a sidewalk in the middle of the woods I don't know if that is material or not. A buffer could be very material but this does not seem to be the case because this is for the protection of this development. Is one thing not material or are three things not material. It is a slippery slope.

Mrs. Koutsouris asked if the Chairman could find out what the third condition is.

Mr. Fink stated he would ask that.

Mr. Abadi stated that the third change is that they have approval for six parking spots, since they are not going to be two family and are going to one family they would ask that the parking sports be reduced to four spots per unit which are required for a single family unit.

Mr. Banas stated that he thinks that the first concern was one little problem, the second one on the chain link fence is another problem and now you want to reduce parking. I feel that you need a review of the entire project. He would move that these are major changes.

Mr. Abadi stated that four spots are the norm all over Lakewood.

Mrs. Koutsouris asked if they had already made the change of use to single family homes.

MR. Abadi stated that yes they changed it to single family, there are no sprinklers, they are sheetrocked, tiled almost finished. It was just to expensive to do it as a two family.

Mr. Vogt stated that there has been no change to the site plan as of yet. They are requesting a change.

Mr. Jackson stated that the statute says "Public notice of hearing shall be given ... for modification or elimination of a significant condition or conditions in a memorializing resolution in any situation where in the application for development for which the memorializing resolution is proposed for adoption required public hearing in the first place" so the standard is a change in a significant condition or conditions. These lots were created at a subdivision that this Planning Board did, how did you get all individual lots. Mr. Abadi stated that this is the planning board application. This was for a subdivision and each unit was a two family, that was the original approval.

Mr. Fink stated that his opinion is that the applicant really needs a complete new hearing on this applicant.

Mr. Jackson stated that this is a matter of policy for the Board, you have to look at the specific application material significant, it depends on the context. Weather it was noticed and weather it makes sense to do it. The thing is will somebody cry foul, would a reasonable person anticipate that the person next door or an interested party in the town say wait a minute I would have gone and objected to that if I knew it was going to not have this or would have that. I think that is what you have to look at.

Mrs. Koutsouris stated that it is her opinion that the changes in the petition are material. There are dwellings adjacent to the property and we have situations before this board where a homeowner a block away were effected by drainage and if these homeowners are not taking care of their drains it could effect other people. I feel that all three of these requests are issues that are material to an application. We take parking very seriously on this Board and I think that MR. Banas would say that parking is very serious.

Mrs. Koutsouris would like to make a motion that this application has to be noticed and brought before the board for full consideration. Mr, Banas seconded it.

Mr. Schmuckler withdrew his motion from earlier.

Roll Call on the motion Mr. Herzel, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

Mr. Jackson stated that this does not have to be a full application, when they come back they can effectively ask for the same relief they just have to notify neighbors within 200 feet and publish in the paper.

Mr. Kielt asked if we are asking for an amended site plan or is this just an administrative change.

Mr. Fink stated that he would make it an administrative plan. Mr. Kielt stated that he would need a letter and ten sets of plans. The notice would have to list what you are looking to modify.

Mr. Kielt stated that this administrative change would be at the January 4, 2010 meeting.

Mr. Vogt asked if the plans that we have now are they showing the changes you wanted. For the Boards consideration can we have a copy of the original site plan only so we can compare the changes.

**3. SD # 1525A**

Applicant: Levy Isaccson

Location:

Block 223

Lot 95.02

Revisit a condition of a prior resolution for Minor Subdivision approval.

Mr. Walt Hopkins, Engineer for the applicant. What we are here for tonight is a request for a modification some of the proposed landscaping. Mr. Isaccson purchased this lot and he is currently occupying it and he asked , there are a lot of trees a double row of evergreens that were being proposed and if this is something that could be adjusted. The rear of the property is very



wooded and I have some pictures for the Board what the adjacent property looks like. The plan that was prepared and originally approved showed these plants at a much smaller scale than would normally be shown. It is my opinion and the landscaper's opinion that if the plants were planted that close they may look good the day they were planted but would eventually grow together and choke each other out. You will see a reduction in the number of plants originally proposed but it would provide an adequate buffer there. We did eliminate a double row because it is unusual to see an evergreen tree with an evergreen shrub backing it up. There are arborvitaes along the driveway as was originally proposed, we adjusted one of the plant types along one of the property lines because when we walked it it seemed a little bit shady and the plants that were being proposed the Norway spruce probably would not do well there so we have proposed eastern hemlocks. We are really not buffering anything and the surrounding homes are at least 1000 feet away.

Mr. Vogt stated that they are proposing another type of buffer.

Mr. Hopkins stated that they are asking for no buffer in the rear, there is no development at this time. It is a flag lot.

Mr. Banas stated that it is important to put on the record what was required when we had flag lots, when they were approved. Flag lots were approved with a buffer around the second property the flag itself portion of that property it was generally planted in a dense buffer so that there would be no intrusions on the neighboring properties and if there were any kinds of intrusion that buffer would take away and eliminate that I don't know what else this property could be used for it was granted I am presuming as a flag lot property to build the second home.

Mr. Kielt stated that it was approved under the flag lot ordinance.

Mr. Hopkins stated that both homes are occupied, the subdivision has been created . There are 72 plants required on this lot.

Mr. Banas stated that what they were doing in the rear where you were indicating a double planting that was done, weather it is a pine or any other type of evergreen doesn't have any real bearing as long as it is going to offer that buffer for the neighboring properties.

Mr. Schmuckler asked could they put in a thinner tree or something that would give you more of a backyard.

Mr. Banas stated that he doesn't think that that is overpopulated for the purpose for which it was issued.

Mr. Hopkins stated that if you look at the pictures it is very dense, if this wasn't a flag lot and there was only one house here they would still be looking at the rear of the house.

Mr. Banas stated that the ordinance was in force at the time of issuing approval and this is what was required in the ordinance.

Mr. Hopkins stated that he believes the buffers were a policy, the ordinance allowed the flag lot, again we're proposing landscaping all along the property line except the rear which the rear would look the same weather it was a single family or a flaglot.

Mr. Banas stated that he doesn't see what is in the rear in lot 91.

Mr. Hopkins stated that it is a vacant wooded lot.

Mr. Banas stated that the ordinance was written and that was approved at that time in that fashion.

Mr. Hopkins stated that it was originally approved as two duplexes and it is now single family homes.

Mr. Banas stated that it was approved as a flag lot.

Mr. Hopkins stated that it is his professional opinion that buffering would not be required in the back because it would look the same whether it is residential single lot or flag lot.

Mr. Banas made a motion that the request be denied. Mr. Franklin seconded the motion.

Roll Call Mr. Herzel, no, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Banas, yes, Mr. Schmuckler, no.

Mr. Follman has left the meeting .

Mr. Kielt stated that the motion carries to deny four to two.

Mr. Jackson marked the photos as Exhibits A-1, 2 & 3

## 6. PLAN REVIEW ITEMS

### 1. SP # 1943 (Variance Requested)

Applicant: Congregation Chasidei Skulen DeLakewood

Location: Northeast corner of County Line Road East & Princeton Ave.  
Block 142 Lots 1 & 4

Preliminary and Final Site Plan for proposed synagogue & associated site

### Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a two-story synagogue, which includes a first floor Main Sanctuary of approximately 2,310 square feet (sf) of gross floor area, a library, a Rabbi's Room and various amenities. A second floor including a 1,742 sf Mezzanine and supporting facilities is also proposed. Finally, an unimproved basement is depicted, all within a 4,875 square foot footprint (per the site plans). An interior parking area consisting of fourteen (14) parking spaces and other site improvements are proposed within the property. Additionally, a 5-foot wide concrete walk/ramp is proposed from Princeton, extending along the north side of the building to the northeast corner of the building. A 4 foot-wide sidewalk is also proposed for access at the rear of the building (adjacent to Lot 6), leading to descending stairs to the basement. Access to the site is provided from Princeton Avenue. The tract consists of a rectangular shaped lot that totals 12,500 square feet. The site contains two (2) existing residences, driveways and other appurtenances which will be removed. The site is located in the northern portion of the Township on the northeast corner of Princeton Avenue and County Line Road East. Both property frontages have existing curb and sidewalk. New sidewalk is proposed along the Princeton Avenue frontage, associated with the proposed parking access to the site. The surrounding properties are mostly developed with residential uses. Although an existing 1-story dwelling is depicted on Lot 8 immediately north of the site, the plans note this property as "vacant", as well as adjacent Lot 15. The property is located in the OT (Office Transitional Use) Zone District. Places of worship are permitted uses. (1) **Zoning** (1) The parcel is located in the OT (Office Transitional Use) Zone District. Places of worship are a permitted use in the zone, subject to the provisions of Section 18-905. (2) The applicant shall comply with recently adopted Ordinance 2010-28 which adds new Section 18-403

Developers Agreements to the UDO. (3) Variances have been requested for Minimum Side Yard Setback (12 feet required, 10 feet proposed), Minimum Rear Yard Setback (15 feet required, 10 feet proposed), Maximum Building Coverage (25% allowed, 39% proposed), and the number of parking spaces (14 spaces proposed). Per our review of the lot layout, we recommend that the setback to adjacent Lot 6 be treated as a second side yard (not rear yard) due to the property's dual frontage on County Line Road. The Bulk Requirements Table should be revised accordingly. (4) The applicant must address the positive and negative criteria in support of the required variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (5) According to Section 18-905 B. 3. Perimeter Buffer: Since a 20-foot wide undisturbed buffer to residential properties cannot be provided, grading, the applicant shall provide an adequate screen of at least six (6) feet height so as to continually restrict the view (to existing adjacent residential properties). A (partial) waiver has been requested. Similarly, a buffer design waiver from 18-803E2a has been requested. In consideration of this waiver, the UDO states that the "Board *may* require landscaping, fences or walls to ensure privacy". (6) Submission waivers are requested for topography and contours within two-hundred feet of the site. We support these waivers since sufficient topography is provided to evaluate the proposed design. (7) The applicant shall comply with recently adopted Ordinance 2010-28 which adds new Section 18-403 Developers Agreements to the UDO. (II) **Review Comments (A) Site Plan/Circulation/Parking** (1) As indicated previously, a fourteen (14) space parking lot is proposed. For Places of Worship (Section 18-905 A 1), parking for such uses is only required for sanctuary space above 800 square feet (sf) in floor area, unless a catering facility is proposed on-site. The architectural floor plan and the civil/site plans depict a sanctuary space exceeding 2,300 sf, which requires (at least) seventeen (17) spaces in accordance with the schedule contained within this section of the UDO. A variance has been requested. (2) Confirming testimony must be provided that an on-site catering facility is not proposed. Otherwise, additional spaces may be required as defined in the UDO. (3) A design waiver is necessary relative to the function of the (stacked) parking spaces. Parking shall be provided to the satisfaction of the Board. (4) No refuse enclosures are depicted on the plans. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. (5) Curb radii for the proposed parking access driveway (and handicap ramps) are necessary. (7) A "Road Widening Easement" is proposed along the County's County Line Road frontage, and must be dimensioned. Metes and bounds will be required during compliance review if/when this project is approved. (8) No shade tree and utility easements are depicted in existing or proposed conditions. We note that it is impractical to provide shade tree easements along Princeton Avenue or within the site triangle depicted within County Line Road East due to the proposed parking and access. A utility easement(s) is recommended along the Princeton Avenue frontage, at a minimum. (9) A site triangle is depicted on the site plans for the proposed parking area access. Metes and bounds will be required during compliance review if/when this project is approved. Per review of the site plan, we note a de-minimus encroachment of the

corner of one proposed parking space with the northerly corner of the site triangle. Otherwise, the site triangle will function as proposed. Site distance along County Line Road relative to this project is ultimately subject to County review and approval.

(B) **Architectural** (1) Per review of the architectural plans and the site plans, the proposed building will be two stories with an unfinished basement. The maximum building height (at the proposed parapet) is approximately 35 feet, the maximum allowed in the OT Zone. Testimony should be provided that the building height will not exceed 35 feet (or a variance requested). (2) Per review of the architectural and site plans, there are some discrepancies in layout and access. The primary discrepancy is the location and access to the rear door as depicted at the northeast corner of the building. These discrepancies appear easily resolvable. (3) Testimony should be provided regarding ADA accessibility. It appears only the first floor is accessible. (4) Testimony should be provided as to whether the proposed synagogue will include a sprinkler system. (5) We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. (6) We recommend that color renderings of the building be provided for the Board's use at the forthcoming public hearing for the application.

(C) **Grading** (1) Grading information is provided on the current Grading, Drainage and Utility Plan (Sheet 4 of 6). As depicted, existing and proposed site grades are relatively flat. The proposed first floor of the synagogue will be approximately six (6) feet above existing grade. (2) Per review of proposed grading, the design is feasible as proposed. Additional grading around the building and parking/pedestrian areas is necessary, and can be provided in a revised submission and/or during compliance review (if/when approval is granted). (3) Soil data are necessary to identify the seasonal high water table as well as permeability rates of on-site soils, and can be provided in a revised submission and/or during compliance review (if/when approval is granted).

(D) **Storm Water Management** (1) A recharge system including a 3' wide, 75' long stone trench and perforated pipe is proposed along the southern side of the building. Building roof leaders are depicted as connecting to the trench system. As noted in the stormwater report, a very minor increase in impervious coverage (0.05 acres) is proposed as a result of the removal of existing homes, structures and driveways proposed with redevelopment of this site. Although the final stormwater design must be revised based on site-specific soils data, it is clearly feasible as proposed. (2) The applicant must confirm that the proposed stormwater system will be maintained by the applicant. Since the project is exempt from the NJ Stormwater Rule, a maintenance plan is not required. (3) Per review of the existing/proposed gutter grades at the parking area's Princeton Avenue curb cut entrance, the grades are insufficient for adequate gutter flow. We recommend that as a condition of Board approval, if/when forthcoming, that the gutter in this area be reworked to provide a more positive grade to the existing inlet depicted near the intersection with County Line Road.

(E) **Landscaping and Lighting** (1) No new landscaping is currently proposed as depicted on the site plans. As depicted on Sheet 3 of the site plans, a six-foot high board on board fence is proposed along the easterly property line, adjacent to existing Lot 6. An existing chain link fence is depicted along existing Lots 8 and 15 at the northern property line. (2) As indicated previously, no shade trees are proposed along the property frontages, presumably due to the proposed parking access on Princeton Avenue and the proposed site

triangle along the majority of the property's dual County Line Road frontage. (3) Landscaping should be provided to the satisfaction of the Board. (4) No lighting information is provided on the plans. Testimony must be provided whether lighting (security, parking areas, other) is proposed. If lighting is proposed (other than security), we recommend that timers be provided. Lighting (if any) should be provided to the satisfaction of the Board. (F) **Utilities** (1) Sheet 4 of the site plans shows public water and sewer present within County Line Road, and proposed utility connections. (2) The applicant must receive necessary approvals from the local agency (NJAW). (G) **Signage** (1) No signage information is provided (other than handicap signage on the Construction Details Sheet). If signage is proposed, a full signage package should be provided for review and approval as part of the site plan application. (2) All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. (H) **Environmental** (1) No Environmental Impact Statement (EIS) was prepared for this project or required due to the project size. (2) To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmentally-sensitive areas exist per available mapping. Testimony should be provided by the applicant's professionals as to whether there are any known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property. (3) We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. (I) **Construction Details** (1) Additional construction details will be required for any additional improvements required by the Board. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. (2) A detailed review of construction details will be provided during compliance review, if/when approved by the Board. (3) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) NJAW (Public Water and Sewer); and (d) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Abe Penzer for the applicant. One of our neighbors was kind enough to come forward and voice his thoughts and spend a great deal of time and I would like to thank Mrs. Weinstein, we spent till very late last night to work out an agreement, we have changed a little bit of the application we are now purchasing immediately next door to this property another property we have entered into a contract as of five o'clock this afternoon I have the signed contract right here. We will have at least ten

to maybe twenty parking spaces next door, so based on that we can change the configuration that in stead of having stacking of 14 parking spaces we will have only 7 although Mr. Vogt has come up with a new idea where you would have 3 and 3 and wings so that you wouldn't be backing up and you would have enough room there would have the same amount of pavement there but there would be the room on the street so you wouldn't have to back out you could turn out. So in our new plan over here, the worst case scenario we would approximately a minimum of 24 and a maximum of 35 parking spaces, more than an excess than any would be necessary. Neighbors were a little bit concerned, we have hears that, we want to be a good neighbor, and this is a change. If the Board would grant this I will send out a new notice stating that the property next door would be used for parking because that property was not included in the beginning. We also worked out an agreement further that there would be no catering hall whatsoever; the only thing is that the basement would be a mikva. Cong. Chasidei Skulen is led by the holy Rabbi of Skulen and being hassidem we use the mikva before prayer, and so mikva is very important to us. This property is the only property that is up and down County Line Road where we where able to put in a mikva with out hitting a very high water table. Squavare which is a bout a half a mile away has to have pumps, because it has water in it. My good friend Mr. Fromowitz who drew this beautiful building, he is our Architect said that you will never get a mikva there. Well guess what, my rabbi has power that God listens to him, we are the only place that has 110 inches down below to put a full mikva down in the basement so it would really be incongruent to have a catering hall there, if there are men going into the mikva it would not work. That would be used for a kiddish hall, the first floor would be the rabbi's offices a library and a sanctuary, the second floor would be a woman's gallery because we want to have height. The height of this would be approximately 21 feet we would be under the 35 feet. Although this building looks large the idea is to give breath and majesty to our prayers to God. That is the hope and prayers over here as well. I would like to thank Mr. Vogt and Mr. Kielt for all their hard work. My rabbi stated that he blessed all of you for all of your hard work weather you approve this or not. WE have been waiting three years to find a place like this. We do not want to come and be an impact and I say if there is any neighbor here that wants to talk to me please come, we want to be a good neighbor; we want to be here and be a happy neighbor. Everything that is in Mr., Vogt's report we can live with and we can also do. The only thing now is that we will have much more parking and no stacking, that is our application.

Mr. Banas asked what is your coverage at this point with the new addition that you have made.

Mr. Penzer stated much less.

Mr. Flannery stated to clarify what Mr. Penzer has stated, the building remains the same the parking area remains virtually the same but instead of double stacking there will be an entrance isle and three cars parked facing northerly and three cares facing southerly. Lot 6 to the east of us is where the double loaded access isle with

parking on each side will be so that we will have at least 40 or 40 parking spaces. All the other comments we will address.

Mr. Vogt stated that there is actually one thing he likes better is that you now have no cars that would have to back out on either road.

Mr. Franklin asked if the handicapped parking would be in the front of the building.

Mr. Flannery answered they would go over with the architect, it seems that the best place for it would be in the new lot and have handicapped access from that side of the building, but they would square that all away before they come back again. The coverage now will be 24.4%.

Mr. Penzer stated that they would need a variance for that but they no longer need a variance for parking they no longer need a variance for lot coverage at all. We just need some minor variances for encroaching on a side yard.

Mr. Banas stated there is nothing like a minor variance, a variance is a variance.

Motion to move this application to December 14, 2010 was made by Mr. Herzel and seconded by Mr. Schmuckler.

Roll Call Mr. Herzel, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Banas, yes, Mr. Schmuckler, yes.

Mr. Jackson stated this application has been moved to December 14, 2010 no further notice is required.

**2. SD # 1767 (Variance Requested)**

Applicant: Eli Schwab

Location: Joe Parker Road, north of Long Beach Ave  
Block 189.16 Lot 157

Minor Subdivision to create 2 lots

**Project Description**

The applicant seeks minor subdivision approval to subdivide an existing irregular property totaling just under thirty-nine thousand square feet (39,000 SF) in area known as Lot 157 in Block 189.16 into two (2) new residential lots, designated as proposed Lots 157.01 and 157.02 on the subdivision plan. The site contains an existing one-story frame dwelling, shed, concrete block garage, above ground pool, and paved driveway with turnaround. Public water and sewer is available. The site is situated in the northeastern portion of the Township on the east side of Joe Parker Road, between Brookfield Drive and Long Beach Avenue. Existing dwellings surround the property. Joe Parker Road is a well traveled paved County Road in good condition. A sixteen and a half foot (16.5') Road Widening Easement is proposed to the County of Ocean. Curb and sidewalk does not exist along the street frontage. The lots are situated within the R-20 Single Family Residential Zone.

Variances are required to create this subdivision. We have the following comments and recommendations: (I) **Zoning** (1) The parcels are located in the R-20 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. (2) Variances are requested for Minimum Lot Area. Minimum lot areas of twenty thousand square feet (20,000 SF) are required. Minimum lots areas of 19,788.38 square feet and 19,112.04 square feet are proposed for Lots 157.01 and 157.02, respectfully. (3) A Minimum Lot Width variance is required for proposed Lot 157.02. One hundred feet (100') is required and the proposed lot width is less than or equal to one hundred feet (100'). (4) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) A North Arrow shall be added to check the bearings. (2) The property line adjoining existing Lot 159 shall be designated as non-radial. (3) Except for the concrete block garage, all other structures are labeled to be removed. Proposed setbacks must be shown to the corners of the existing garage if it is intended to remain. (4) The Minor Subdivision is based on a Survey dated 8-27-10 and revised 10-4-10. A copy of the Survey must be provided showing the overlaps which are being ceded as part of the Minor Subdivision Map. (5) Curb and sidewalk are proposed along the frontage of the project. Proposed dimensions and elevations are required for these improvements. The existing pavement must be widened and pavement transitions proposed on both sides of the project. (6) The Schedule of Bulk Requirements does not address off-street parking. (7) Testimony should be provided as to whether basements are proposed for the future dwellings on proposed Lots 157.01 and 157.02. If basements are proposed, we recommend a minimum of four (4) spaces be provided. Per communications with the applicant, they will provide the four (4) space minimum. (8) The certifications on the plan should be corrected to conform to Section 18-604B.1., of the UDO. (9) Proposed lot and block numbers must be approved by the tax assessor's office. (10) Shade tree and utility easements are proposed along the property's frontage. Dimensions and areas for the proposed easements have been completed. (11) Seven (7) October Glory Maple shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. (12) The Plan does not indicate any existing trees on the site. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. (13) The front property corners will be located in the pavement associated with the widening of Joe Parker Road. The front property corners should be set at the dedication or easement limit for the proposed road widening. (14) Corrections are required to the Legend. (15) Due to no construction of the new dwellings on proposed Lots 157.01 and 157.02 at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. (16) Compliance with the Map Filing Law is required. (17) Construction details are required for improvements required by the Board. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil



Conservation District (if necessary); (c) Lakewood Township Municipal Utilities Authority (water & sewer); and (d) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Penzer appearing on behalf of the applicant. We agree with all of the items in Mr. Vogts letter and we can meet all of them. The only question is we say if it is 100 feet or 99.5 feet if we are 4/10 of a foot off and we need a variance of 4/10 of a foot. There is some question about the surveyor on that. That is the only issue.

Mr. Schmuckler asked if there are going to be four spots. Mr. Penzer stated yes.

Mr. Schmuckler moved that the application go to a public hearing January 18, 2010 Mr. Herzal seconded it. Mr. Follman returned to the meeting.

Roll Call Mr. Herzal, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Banas, yes, Mr. Follman, abstaining, Mr. Schmuckler, yes.

Mr. Jackson stated this application has been moved to January 18, 2011 no further notice is required.

**3. SD #1770** (No Variance Requested)  
Applicant: North Lake Realty  
Location: Frontage on Lafayette Blvd, Thorndike Ave. & Cedar Drive  
Block 265 Lot 1  
Minor Subdivision to create 3 lots

### **Project Description**

The applicant seeks minor subdivision approval to subdivide an existing 36,956 square foot lot into three (3) proposed residential lots. The existing property, Lot 1.02, is a vacant, wooded tract created from the minor subdivision of Lot 1 under Application # SD-1694. The tract has frontages on three (3) streets. Cedar Drive is an unimproved street on the south side of the property and connects the right-of-ways of Thorndike Avenue and Carlton Avenue South. Thorndike Avenue borders the site to the west, is unimproved, and connects the right-of-ways of Cedar Drive and Lafayette Boulevard. Lafayette Boulevard is an unimproved street on the north side of the lot and connects the right-of-ways of Thorndike Avenue and Carlton Avenue South. The right-of-ways of all three (3) streets are sixty feet (60') wide. The applicant proposes to subdivide the property into three (3) residential lots. Proposed Lot 1.03 will be irregular, contain 12,956 square feet, and have frontages on Lafayette Boulevard and Thorndike Avenue. Proposed Lot 1.04 will be 100' X 120', contain 12,000 square feet, and have frontages on Thorndike Avenue and Cedar Drive. Proposed Lot 1.05 will be irregular, contain 12,000 square feet, and have frontage on Cedar Drive. Roadway improvements are proposed for Thorndike Avenue and Cedar Drive. Water and sewer are available. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are predominantly residential. We have the following comments and recommendations: (I) **Zoning** (1) The parcels are located in the R-12 Single-Family

Residential Zone District. Single-family detached dwellings are a permitted use in the zone. (2) A variance for lot width is required for proposed Lot 1.03. Even though the proposed lot width at the front setback line is more than ninety feet (90'), the average lot width as defined in the UDO is less than ninety feet (90'). The proposed corner lot fronts Thorndike Avenue. (3) The applicant must address the positive and negative criteria in support of the required variance. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Minor Subdivision Review Comments** (1) The General Notes reference a Survey which must be provided for our office to complete our review the Minor Subdivision Map. (2) The proposed area for Lot 1.03 shall be corrected to 12,956 square feet. (3) The following corrections are required to the Schedule of Bulk Requirements: (a) Proposed Lot 1.03, lot width. (b) Proposed Lot 1.04, lot width and both side yards. (4) 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. The Schedule proposes four (4) off-street parking spaces per dwelling unit. In order to comply, two-car garages are required since the proposed driveways only have enough room for two (2) vehicles. (5) The Notes indicate basements are proposed for the new dwellings. Test pit logs provided on the Site Improvement Plans indicate the minimum two foot (2') separation from seasonal high water table has been maintained. Testimony should be provided on whether the basements will be unfinished. In any event, parking shall be provided in accordance with new parking ordinance 2010-62. (6) The area for the existing use in the notes shall be corrected to 36,956 square feet and 0.848 acres. (7) Improvements are proposed for Thorndike Avenue and Cedar Drive. A separate set of Site Improvement Plans have been submitted. (8) No improvements are proposed for Lafayette Boulevard. On the south side of Lafayette Boulevard, proposed Lot 1.03 accesses Thorndike Avenue and existing Lot 4 accesses Carlton Avenue South. On the north side of Lafayette Boulevard, opposite this project, another Minor Subdivision Application (SD# 1687) was approved by the Board. Proposed Lot 4.01 accesses Thorndike Avenue and proposed Lot 4.02 accesses Carlton Avenue South. Being all proposed lots with frontage on Lafayette Boulevard will access other streets, we recommend Lafayette Boulevard be left unimproved. (9) Should Lafayette Boulevard be left unimproved, we recommend the applicant be required to extend the proposed curb and sidewalk ending at the edge of proposed Lot 1.03 to the centerline of Lafayette Boulevard. The proposed pavement should be transitioned back to the existing pavement at a 15:1 ratio. (10) Drywells are proposed for the roof leaders on the single-family residential lots to be created. Some of the proposed drywells abut the proposed property lines. We recommend a minimum distance of five foot (5') be provided between the proposed property lines and drywells. (11) Proposed lot grading should be revised to direct additional runoff to the proposed surrounding roads and minimize runoff directed towards adjoining properties. (12) An unidentified twelve foot (12') wide improvement on Thorndike Avenue shall be removed from the plans. (13) The proposed construction details shall be removed from the Minor Subdivision Map since Site Improvement Plans for the roads with details have been approved. (14) The Plan Note that states "the properties will be served by public water and existing and/or proposed by others

sanitary sewer facilities” shall be revised. The Site Improvement Plans show existing and proposed sanitary sewer and potable water facilities. The project is located within the New Jersey American Water Company franchise area. (15) The lot numbers should be consistent with the numbers assigned by the Tax Assessor. (16) Proposed six foot (6’) wide shade tree and utility easements are shown along all the property frontages. Bearings, distances, and areas have been provided for the proposed easements on the individual proposed lots. No shade trees are shown within the proposed six foot (6’) wide shade tree/utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board (or waiver sought). (17) No sight triangle easements are indicated. The applicant’s professionals shall provide testimony as to whether the easements are necessary. (18) Compliance with the Map Filing Law is required. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) New Jersey American Water (sewer and water); and (d) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Penzer stated that they agree to all of the comments in Mr. Vogt’s letter and can comply with all. This is an easy sub-division.

Mr. Vogt stated that he had determined that a variance for lot width was required.

Mr. Flannery stated that the ordinance really did not describe how to calculate lot width. As you can see from the plan where we are putting the building the lot meets the width but I know your lawyer always tells you to be conservative and request any variance that is questionable, since there is no definition we don’t know if we comply or not. We certainly comply with the intent and we would request that variance.

Mr. Vogt stated that you can advertise accordingly that if the Board determines that they want to grant the variance then you would have that opportunity.

Mr. Banas made a motion to move this application to the January 18, 2011 meeting. Mr. Schmuckler seconded it.

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

Mr. Jackson stated this application has been moved to January 18, 2011 no further notice is required.

**4. SP #1941** (Variance Requested)  
Applicant: Congregation Torah Utefilah  
Location: Miller Road, North of Carasaljo Drive  
Block 12.02 Lot 8  
Preliminary & Final Site Plan for proposed synagogue

### **Project Description**

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a one-story synagogue, which includes an unimproved basement, within a 3,528 square foot footprint. The architectural plans indicate the proposed synagogue will contain 1,702 square feet of main sanctuary area. An interior parking area consisting of seventeen (17) parking spaces, one (1) being handicapped accessible, and site improvements are also proposed within the property. Access to the site is provided from Miller Road, a county road.

The tract consists of an irregular shaped lot that totals 18,302 square feet (0.42 acres) in area. The site contains a small existing residence which will be removed.

The site is located in the northwest portion of the Township on the east side of Miller Road, north of the intersection with Carasaljo Avenue. The property frontage has new existing curb and sidewalk. The pavement on Miller Road is in good condition. The land immediately to the north is vacant. Otherwise, the surrounding properties are mostly developed with residential uses. The property is located in the R-12 Zone District. Places of worship are permitted uses. (I) **Zoning** (1) The parcel is located in the R-12 Single-Family Residential District. Places of worship are a permitted use in the zone, subject to the provisions of Section 18-905. (2) The property is nonconforming with respect to lot width. The minimum lot width required is ninety feet (90') and the existing lot is 75.14 feet wide. (3) The applicant shall comply with recently adopted Ordinance 2010-28 which adds new Section 18-403 Developers Agreements to the UDO. (4) According to Section 18-905 B. 1. Perimeter Buffer: For properties adjacent to residential properties, if the site leaves a twenty foot (20') undisturbed area then there is no requirements for buffering. If the twenty foot (20') buffer is invaded or disturbed than requirements indicated in Section 18-905 B. 3 shall be put in place along the invaded area. A waiver is necessary from the twenty foot (20') buffer requirement. (5) The applicant must address the positive and negative criteria in support of the required waiver. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (A) **Site Plan/Circulation/Parking** (1) As indicated previously, a seventeen (17) space parking lot with one (1) handicapped space is being provided for the proposed synagogue. Since 1,702 SF of sanctuary area is proposed, seventeen (17) off-street parking spaces are required. (2) The dimension for the aisle of the proposed parking lot and driveway shall be indicated. It appears the access aisle through the site will be twenty-four feet (24'). The applicant shall provide testimony on vehicular circulation. (3) Per our 11/12/10 site inspection, we note that new sidewalk and curbing exist along Miller Road in front of the site. Depressed curbing is proposed in the front of the site where the access drive is proposed. Existing sidewalk will be removed for the proposed driveway area and handicapped ramps will be installed to cross the proposed pavement. A driveway apron which is

not shown exists in the vicinity of the northern property line. This apron should be removed and the depressed curb replaced with full height curb. (4) No refuse enclosures are depicted on the plans. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. (5) The General Notes reference an outbound and topographic survey. A signed and sealed copy of the referenced survey must be provided as a separate document. (6) Many corrections are required to the General Notes which we can review with the applicant's engineer. Some of these corrections are because the proposed building does not agree between the site plans and architectural plans. The layout and dimensions must be coordinated between the drawings. (7) The correct lot and block numbers need to be shown on the Area Map and in the General Notes. (8) All proposed curb radii have been shown for accuracy of the layout. In addition, the proposed curb return points should be added. (9) A proposed six foot (6') high solid vinyl fence encompasses the rear portion of the property from the front yard setback limits on the side property lines. (10) A five foot (5') wide right-of-way dedication is being proposed to the County of Ocean. Lines of sight are shown within the proposed right-of-way at the exit drive. Therefore, a sight triangle easement is not proposed. (11) The proposed rear yard setback line shall be corrected from thirty feet (30') to twenty feet (20'). (12) Proposed stop and handicapped parking sign locations shall be added to the site plan. (13) The proposed six foot (6') wide shade tree and utility easement shall be labeled along with providing bearings, distances, and an area. (B) **Architectural** (1) The proposed building is a proposed one-story structure. The distance between the proposed roof truss and first floor is twelve feet (12'). Furthermore, the first floor is proposed to be no more than four feet (4') above proposed grade. The building does not exceed the allowable height of thirty-five feet (35'). (2) Testimony is required on ADA accessibility. It appears only the first floor is accessible. (3) Testimony should be provided as to whether the proposed synagogue will include a sprinkler system. (4) We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. (5) We recommend that color renderings of the building be provided for the Board's use at the forthcoming public hearing for the application. (C) **Grading** (1) Grading information is provided on the current Improvement Plan. Coordination of proposed elevations is required between the architectural drawings and site plans to evaluate the grading. Proposed elevations should be provided at control points, such as building corners and building access points. (2) Per review of the existing elevations and per review of site conditions during our 11/12/10 site inspection, on-site grades generally slope north to south towards the existing dwellings to the south of the property. (3) The architectural plans generally indicate a three to four foot (3'-4') elevation difference between the proposed first floor and finished grade. This elevation difference is not reflected on the site plans. Revisions are required and the plans must be coordinated. (4) A soil boring location is indicated on the drawings. Based on the soil log provided, the proposed main basement floor elevation of 46.67 shown on the site plan is greater than two feet (2') above the seasonal high water table elevation of 42.9. (5) As presently graded, proposed grading is required on the adjoining property to the north of the site to preclude creating a low point on the north side of the proposed building. (D) **Storm Water Management** (1) A recharge system is

proposed beneath the proposed parking lot consisting of a manifold of twenty-four inch (24") perforated ADS pipe encompassed in stone. The proposed parking lot and roof runoff will be collected and piped into the system where it will be recharged into the soil. Storm Water Management calculations justify the size of the system. However, revisions will be necessary once the site plans and architectural plans are coordinated. (2) Additional design information such as slopes and inverts must be provided regarding the proposed roof leaders and their discharge(s) into the proposed storm water recharge system. (3) Total impervious coverage has been calculated at less than a quarter acre to determine that the project is not major development per NJAC 7:8. However, additional building area and impervious areas to access the proposed building are shown on the architectural plans. Therefore, the site plans require revision and the total impervious coverage may exceed a quarter acre. (E) **Landscaping and Lighting** (1) A dedicated Landscaping Plan is provided with the submission; proposed landscaping is depicted on Sheet 3 of the plans. (2) Two (2) proposed shade trees are shown in the shade tree and utility easement across the frontage of the property. The proposed trees should be labeled and indicated in the plant list. (3) Three (3) existing trees of at least ten inches (10") in diameter tree are shown to be retained with the landscaping design. There are few existing trees on the site which are salvageable. (4) Corrections are required to the count on the plant list for the Japanese Holly. The total count should be corrected to seven (7). (5) Landscaping should be provided to the satisfaction of the Board. (6) Corrections are required to the Planting Details. Specifications for proposed backfill are referenced but not provided. (7) A dedicated Lighting Plan is provided with the submission; proposed lighting is depicted on Sheet 4 of the plans. (8) The Lighting design shows four (4) twelve foot (12') high pole mounted lights in the front parking lot of the proposed building. A point to point diagram has been provided to show the adequacy of the proposed site lighting. (9) Shielding shall be provided to prevent light spillage onto adjoining properties. (10) Lighting should be provided to the satisfaction of the Board. (F) **Utilities** (1) A proposed disposal field is shown in the rear yard behind the proposed synagogue building. A sanitary sewer manhole is shown at the intersection of Miller Road and Carasaljo Road. Testimony is required on the proposed sewer facilities. (2) The plans indicate the site is served by public water. A proposed water service to the proposed building is shown from an existing water meter adjacent Miller Road as depicted on the plan. (3) The applicant must receive necessary approvals from New Jersey American Water since the project is within their franchise area. (G) **Signage** (1) No signage information is provided. 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. (2) All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. (H) **Environmental** (1) No Environmental Impact Statement (EIS) was prepared for this project or required due to the project size. (2) To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The data layers were reviewed to evaluate potential

environmental issues associated with development of this property. No environmentally-sensitive areas exist per available mapping. Testimony should be provided by the applicant's professionals as to whether there are any known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property.

(3) We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations.

(I) **Construction Details (1)** Additional construction details will be required for any additional improvements required by the Board. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi.

(2) A storm manhole detail must be added for the storm water management system.

(3) The 6-1/2" dimension for the depressed curb detail must be corrected to 4-1/2".

(4) The expansion joint between the curb and pavement should be removed since the pavement is bituminous. (5) Striping details should be added. (6) Handicapped ramp details to the current NJDOT standards must be added. (7) Other minor construction detail corrections can be reviewed with the applicant's engineer. (8)

Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) Ocean County Board of Health (septic); (d) Water Service (NJAW) prior to occupancy; and (e) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Ms. Miriam Weinstein on behalf of this applicant. In this case the applicant is proposing more parking than they are required to. The actual usable sanctuary space is only 1500 sq feet and the applicant is proposing 17 parking spaces. The applicant is recognizing that parking for a synagogue is a very important facet of the application.

Mr. Charles Surmonte, P.E. stated that he has reviewed every item in Mr. Vogt's report there is no problem complying with any of these comments.

Mr. Banas made a motion to move this application to the January 18, 2011 meeting. Mr. Hersel seconded it.

Roll Call Mr. Herzel, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr, Banas, yes, Mr. Follman, yes,  
Mr. Schmuckler, had stepped out of the meeting, not voting.

Mr. Jackson stated this application has been moved to January 18, 2011 no further notice is required.

- 5. SP #1772** (No Variance Requested)  
Applicant: Sarah Flam  
Location: Southwest corner of Bergen Avenue & Linden Avenue  
Block 189.02 Lots 173 & 174  
Minor Subdivision to create 3 lots

### Project Description

The applicant seeks minor subdivision approval to subdivide two (2) existing 10,470 square foot lots known as Lots 173 and 174 in Block 189.02 into three (3) new residential lots consisting of an existing single-family dwelling and a duplex unit on two (2) zero lot line parcels. The proposed properties are designated as proposed Lots 173.01, 174.01, and 174.02 on the subdivision plan. Existing Lot 173 contains an existing one-story dwelling which will remain. New Lot 173.01 would be created from part of old Lot 173. Existing Lot 174 is vacant. New Lot 174.01 would be created from part of old Lot 174 and part of old Lot 173. New Lot 174.02 would be created from part of old Lot 174. Proposed Lots 174.01 and 174.02 will be developed with a new duplex home. Public water and sewer is available. The site is situated in the north central portion of the Township on the southwest corner of the intersection of Bergen Avenue and Linden Avenue. Proposed Lots 174.01 and 174.02 will be equal 68.19' X 88' zero lot line tracts of just over six thousand square feet (6,000 SF) each in area. Proposed Lot 173.01 will be a larger single-family lot of 101.58' X 88', for an area of just over 8,939 square feet. Curb exists along the street frontages; sidewalk exists only along the Linden Avenue frontage. Sidewalk is proposed across the Bergen Avenue frontage of the proposed lots. The lots are situated within the R-10 Single Family Residential Zone. A lot area variance for the proposed single-family lot is required to create this subdivision. We have the following comments and recommendations: (I) **Zoning** (1) The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings and duplex housing on zero lot line properties are permitted uses in the zone. (2) Per review of the Subdivision Map and the zone requirements, a Minimum Lot Area variance is required for proposed Lot 173.01. A lot area of 8,939.04 square feet is proposed and ten thousand square feet (10,000 SF) is required. (3) Building coverage calculations are required for proposed Lots 174.01 and 174.02. Our estimates indicate the twenty-five percent (25%) allowable coverage will be exceeded. (4) Testimony is required on the height of the deck for the existing home on Lot 173.01 to determine whether a rear yard setback variance is being created. (5) The applicant must address the positive and negative criteria in support of the requested variance. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The zoning requirement table requires minor corrections. The plan should be revised accordingly. (2) The General Notes reference a survey prepared by Gerald J. Scarlato, P.L.S. A signed and sealed copy of this survey must be submitted. (3) The NJ R.S.I.S. requires 2.5 off-street parking spaces for four (4) bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that three (3) off-street parking spaces will be provided for the existing home on Lot 173.02. Four (4) off-street parking spaces per dwelling unit will be provided for the future duplex on proposed Lots 174.01 and 174.02. Testimony should be provided regarding the proposed number of bedrooms in the proposed duplex units order to determine whether additional off-street parking is required. (4) Testimony should be provided on whether basements are proposed on Lots 174.01 and 174.02. If so, seasonal high water table information is required. Parking shall be provided to the satisfaction of the Board. (5) The proposed driveway



and off-street parking for the existing dwelling on Lot 173.01 is proposed to be stone and is virtually on the property line. Revisions are required. (6) A Sight Triangle Easement is proposed on new Lot 173.01 at the intersection of Bergen Avenue and Linden Avenue. The proposed easement data must be completed. (7) Six foot (6') wide shade tree and utility easements are proposed for the Bergen Avenue and Linden Avenue frontages of the project. The proposed easement data must be completed on an individual lot basis. (8) Shade trees and landscaping are proposed along the proposed lot frontages. Landscaping should be provided to the satisfaction of the Board. (9) Our site investigation on 11/12/10 indicates several mature trees exist on the proposed lots. Some of these trees may be salvageable. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans for proposed Lots 174.01 and 174.02 submitted for Township review should include tree protective measures to save mature vegetation where practicable. (10) Sidewalk is proposed along the Bergen Avenue frontage of the project. Sidewalk exists along the Linden Avenue frontage of the project. A handicapped ramp is required the intersection of Bergen Avenue and Linden Avenue. (11) Testimony should be provided on storm water management and the disposition of storm water from roof leaders for Lots 174.01 and 174.02. (12) The existing curb across the frontage of this project is in fair condition. However, the existing grades along the Bergen Avenue frontage indicate that runoff will not properly drain. Therefore, the proposed gutter should be graded even if the existing curb can remain. (13) A Legend is required on the plan. (14) The nearby Zone Lines should be added to the Area Map. (15) Due to no construction of a new duplex on proposed Lots 174.01 and 174.02 at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. (16) Proposed lot and block numbers must be approved by the tax assessor's office. (17) The certifications on the plan should be corrected to conform to Section 18-604B.1 of the UDO. (18) Compliance with the Map Filing Law is required. (19) Construction details are necessary for improvements required by the Board and will be reviewed during Compliance if/when Board approval is granted. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) New Jersey American Water (water & sewer); and (d) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. John Doyle on behalf of the applicant. The agenda suggests that there are no variances to be cleared, this sub-division of moving a lot line will leave an existing house with 9,000 sq feet where 10,000 sq feet is required. That is the only variance. There is mention in Mr. Vogt's report that there are two possible variances, one for a setback from a deck that is less than 4 feet and one that the building envelope shows a 25.3% coverage and the two duplex lots will shrink that so it will meet the 25% needed, leaving the only variance the lot size for the existing house.

Mr. Vogt stated that the applicant is going to make a revised submission which is only going to require the lot area variance. The existing setbacks on the existing house all meet the ordinance. With that being said I think we will do everything necessary in the report. If there is any need to call Mr. Carpenter for any particular

items more specifically, we will satisfy landscaping, we will satisfy the drainage at the time of lot plan and the balance are all administrative that we will do.

Mr. Herzel made a motion to move this application to the January 18, 2011 meeting. Mr. Follman seconded it.

Roll Call Mr. Herzel, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Schmuckler, abstained.

Mr. Jackson stated this application has been moved to January 18, 2011 no further notice is required.

**6. SP #1773** (Variance Requested)  
Applicant: Chiam Schepansky  
Location: Manetta Avenue, west of Ridge Avenue  
Block 236 Lots 8, 10.01 & 49.01  
Minor Subdivision to create 4 zero line lots & lot line realignment

### **Project Description**

The applicant seeks minor subdivision approval to subdivide three (3) existing irregular shaped lots totaling 36,763.42 square feet (0.84 acres) known as Lots 8, 10.01, and 49.01 in Block 236 into five (5) new residential lots consisting of a single-family dwelling under construction and two (2) proposed duplexes on four (4) zero lot line parcels. The proposed properties are designated as proposed Lots 10.02-10.05 and 49.03 on the subdivision plan. Existing Lots 8 and 10.01 which front Manetta Avenue contain existing dwellings which will be removed. Existing Lot 49.01 which fronts Ridge Avenue contains a single-family dwelling under construction. Public water and sewer is available. The site is "L-shaped" and is situated in the north central portion of the Township. Proposed Lots 10.02-10.05 will be zero lot line properties designed to conform to minimum lot area requirements. Proposed Lot 49.03 will be a larger single-family lot of 12,761.22 square feet in area. Curb and sidewalk exists along the street frontages. The lots are situated within the R-10 Single Family Residential Zone. Variances are required to create this subdivision. We have the following comments and recommendations: (1) **Zoning** (1) The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings and duplex housing on zero lot line properties are permitted uses in the zone. (2) The plan indicates a lot width variance of fifty feet (50') was granted on existing Lot 49.01 from Subdivision Application #1606. A Minimum Lot Width variance is required for proposed Lot 49.03 since the average lot width would be reduced below fifty feet (50'). The applicant's surveyor shall calculate the average lot width for proposed Lot 49.03. (3) The plan indicates side yard variances of 9.86 feet (one side) and 19.86 feet (both sides) were granted on existing Lot 49.01 from Subdivision Application #1606. The side yards on proposed Lot 49.03 are shown as 9.8 feet and 10.6 feet, respectively. Therefore, a Minimum Side Yard variance is required for proposed Lot 49.03. The applicant's surveyor shall calculate the side

yards to the hundredth of a foot. (4) A variable width right-of-way easement is proposed twenty-five feet (25') from the centerline of Manetta Avenue across the frontages of proposed Lots 10.04 and 10.05. The Board shall take action on whether to accept the proposed right-of-way easement or require a road widening dedication. The proposed lot areas and setbacks will be impacted if a dedication is required. (5) Minimum Side Yard variances are required for all proposed duplex lots. A side yard of 6.1 feet is proposed for Lot 10.04 and 7.5 feet is proposed for Lots 10.02, 10.03, and 10.05. (6) Maximum Building Coverage variances are required for all proposed duplex lots. Our calculations indicate building coverage of 28%, 28%, 31%, and 26% for proposed Lots 10.02-10.05, respectively. The allowable coverage is twenty-five percent (25%). (7) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) Encroachments are indicated on the plan. Testimony is required on how the encroachments will be eliminated. (2) The zoning requirement table requires major corrections. The single-family requirements should not be mixed with the duplex requirements. The plan should be revised accordingly. (3) The General Notes reference a survey prepared by Gerald J. Scarlato, P.L.S. A signed and sealed copy of this survey must be submitted. (4) The General Notes list the existing use as residential and multifamily. Testimony should be provided on the existing multifamily use. (5) The NJ R.S.I.S. requires 2.5 off-street parking spaces for four (4) bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be provided for the home under construction on proposed Lot 49.03. Four (4) off-street parking spaces per dwelling unit will be provided for the future duplex units on proposed Lots 10.02-10.05. The architectural plans provided propose five (5) bedrooms and unfinished basements in the proposed duplex units. Therefore, the proper number of off-street parking spaces is proposed. (6) Basements are proposed on Lots 10.02-10.05. Therefore, seasonal high water table information is required. (7) The proposed off-street parking for the unit on Lot 10.02 is over the property line and must be relocated. The proposed off-street parking for the unit on Lot 10.05 is within the proposed right-of-way easement and must be redesigned. (8) The proposed setback lines must be corrected on the plan. (9) Minimum proposed setbacks shall be dimensioned for each proposed lot to assist in determining zoning compliance. (10) The proposed six foot (6') wide shade tree easement shown along Manetta Avenue shall be corrected to six foot (6') wide shade tree and utility easements. The proposed easement data must be completed on an individual lot basis. A six foot (6') wide shade tree easement already exists across the frontage of proposed Lot 49.03 on Ridge Avenue from a previous subdivision. (11) No landscaping is proposed along the lot frontages. Landscaping should be provided to the satisfaction of the Board. (12) Our site investigation on 11/12/10 indicates few mature trees exist on the proposed lots. None of these trees may be salvageable. Compensatory plantings, if required, should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. (13) Curb and sidewalk exist along the frontages of the project and is

in good condition. However, the disturbance required for construction will necessitate the removal of virtually all the curb and sidewalk along the Manetta Avenue frontage. Therefore, we recommend the replacement of all curb and sidewalk along the Manetta Avenue frontage of the project. (14) Testimony should be provided on storm water management and the disposition of storm water from roof leaders for Lots 10.02-10.05. (15) The status of the "wood shed" shown on the plan has not been indicated. (16) A Legend is required on the plan. (17) The nearby Zone Lines should be added to the Area Map. (18) Proposed lot and block numbers must be approved by the tax assessor's office. (19) Four (4) owner signature lines should be provided since the General Notes indicate four (4) owners. (20) Compliance with the Map Filing Law is required.

(21) Construction details are necessary for improvements required by the Board and will be reviewed during Compliance if/when Board approval is granted. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) New Jersey American Water (water & sewer); and (d) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Brian Flannery for the applicant. On this application we have read Mr. Vogts report and we will address his comments and provide the testimony at the public hearing.

Mr. Schmuckler asked if there will be 4 parking spots at each house. Mr. Flannery answered yes.

Mr. Schmuckler made a motion to move this application to the January 18, 2011 meeting. Mr. Herzel seconded it.

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

Mr. Jackson stated this application has been moved to January 18, 2011 no further notice is required.

**7. SP #1871A** (No Variance Requested)

Applicant: Fourth Street Properties

Location: Northwest corner of Monmouth Ave & Fourth Street  
Block 128 Lots 7 & 8.07

Amended Site Plan to add lot 8.07

**Project Description**

The applicant is seeking Amended Preliminary and Final Major Site Plan approval. This amended site plan is for adding Lot 8.07 to the project which proposes fifty-nine

(59) off-street parking spaces to be utilized by the tenants and costumers of the building being constructed on Lot 7. The prior application granted the applicant approval to construct a sixty-five foot (65') high, five-story office/retail building. Retail stores were approved for the first floor and office space approved for floors two (2) through five (5). The approved square footage for the building was thirty thousand one hundred square feet (30,100 SF) within a six thousand twenty square foot (6,020 SF) footprint. No off-street parking spaces were required since non-residential uses within the zone are exempt from parking requirements. The subject 50' X 150' property was located at the northwest corner of Fourth Street and Monmouth Avenue and contained seven thousand five hundred square feet (7,500 SF).

Lot 8.07 adds a 120' X 150' rectangular lot to the west of the site consisting of 0.41 acres in area. The land is currently being used as a staging area for the construction of the building on Lot 7. This amended site plan proposes a parking lot accessible from Fourth Street for Lot 8.07. An infiltration recharge system has been proposed beneath the parking lot. The project is located in the northern portion of the Township and is generally surrounded by developed land. The project is within the B-2, Central Business Zone. We offer the following comments and recommendations: (I) **Zoning** (1) The site is situated within the B-2, Central Business Zone. Per the initial approval, retail trade and offices are permitted uses within the zoning district. (2) No variances are being sought in connection with this amended application and none appear required. (II) **Review Comments** (A) **Site Plan/Circulation/Parking** (1) Corrections are required to the General Notes to reflect the proposed amended site plan conditions. Neither the Existing Conditions Plan nor the survey referenced in the General Notes provides any information on Lot 8.07 which must have been created by a recent subdivision. No information is shown for the new project which borders the site to the north and will impact the grading of the proposed parking lot. The existing building on the site immediately to the west is also not shown and could impact the grading of the proposed parking lot as well. (2) The Schedule of Bulk Requirements needs numerous corrections to reflect the proposed amended site plan conditions. However, it appears no variances will be required. (3) The amended site plan states that a waiver was granted for screening and/or buffering to shield adjacent properties. The initial resolution stated that the applicant shall work with the board's professional planning consultant to determine appropriate and acceptable landscaping and buffering. Testimony should be provided on proposed landscaping and buffering for this amended site plan application.(4) The amended site plan proposes either a six foot (6') high white vinyl or chain link fence with green privacy slats to be constructed along the adjoining property lines. (5) The proposed back of curb for the parking lot is only a half foot from the adjoining property lines. This does not leave enough room for grading or the fence construction without easements from adjoining property owners. The proposed parking lot may be shifted closer to the building under construction and away from adjoining properties with minimal loss of spaces. (6) As indicated in the amended site plans, access to the proposed parking lot is provided via a looped access drive from Fourth Street. A total of fifty-nine (59) off-street parking spaces are proposed for the site, none of which are handicapped. Provisions for handicapped parking must be addressed.

(7) The proposed setback lines should be added to the plans. The ten foot (10') rear yard setback line should be shown perpendicular to Fourth Street. The seven foot (7') side yard setback line should be shown perpendicular to Monmouth Avenue. (8) A trash compactor area was previously approved on the north side of the site next to the building under construction. The previous proposal will be unaffected with this amended site plan application. (9) The proposed parking lot does not designate a delivery zone. Testimony is required on deliveries to the site for proposed facility operations. (10) Proposed pedestrian access points to the proposed building must be added on the amended site plan. No sidewalk is proposed to connect with the building access points on the rear of the building. Based on our 11/12/10 site investigation, the locations of the rear access doors require revision. (11) Proposed handicapped ramp locations should be shown on the amended site plan. (12) The proposed dimensioning of the parking lot should be completed on the amended site plan. (13) The Board should determine whether to require a shade tree and utility easement along the Fourth Street frontage of the project. An easement may not be considered along the Monmouth Avenue frontage since the building under construction is located on the front property line which is allowed in the B-2 Zone. (14) Sight triangles have not been provided for the access drives and may not be required since Fourth Street has an approximately thirty foot (30') pavement width within a sixty foot (60') right-of-way. Confirming testimony should be provided. (15) New sidewalk is required along the Fourth Street frontage. Virtually the entire existing sidewalk has been broken due to construction activities. The existing curb and existing roadway along the Fourth Street frontage is in decent condition. (B) **Architectural** (1) The building under construction is not impacted by this amended site plan application. Therefore, architectural floor plans and elevations were not submitted for review. The building under construction will continue to comply with the allowable sixty-five foot (65') height. (C) **Grading** (1) A detailed grading plan is provided on Sheet 4. Consistent with existing topography, proposed grading will generally slope from northwest to southeast. A storm sewer collection system is proposed to collect runoff from the parking lot. (2) The neighboring new project to the north and the existing building to the west need to be shown in order to evaluate the grading. As noted previously, the proposed parking lot is too close to adjoining properties to permit proposed grading without construction easements. Review of the current grading scheme indicates proposed elevations cannot be attained without off-site disturbance. (3) The proposed grading will be reviewed in detail after plan revisions are submitted. (D) **Storm Water Management** (1) A proposed storm sewer management system has been designed. The proposed underground recharge system is located beneath the parking lot. Collection of runoff will be from proposed Type E Inlets at the corners of the recharge system, except for a Type B Inlet proposed at the low point in the southeast corner of the parking lot. (2) Permeability testing is required to justify the infiltration rates proposed by the design. (3) The volume of the recharge system is being exceeded for the 100 Year Storm. An increase to the system's size is required. (4) The submission of a Storm Water Management Operation & Maintenance Manual has been included. Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. The Manual will be reviewed in detail after project revisions are submitted. (E)

**Landscaping** (1) The only proposed landscaping consists of shade trees being provided in front of the building under construction. Three (3) Red Sunset Maples are proposed along Monmouth Avenue. One (1) Patmore Green Ash is proposed along Fourth Street. No landscaping on Lot 8.07 is proposed. (2) The overall landscape design is subject to review and approval by the Board. (F) **Lighting** (1) The only proposed lighting consists of six (6) wall mounted lights shown on the building under construction. This lighting will not be adequate for the proposed parking lot on Lot 8.07. We recommend pole mounted lighting be designed for the additional lot added to the amended site plan. (2) The overall lighting design is subject to review and approval by the Board. (G) **Utilities** (1) General Note #4 on the Amended Site Plan indicates that public water and sewer services will be provided by the NJ American Water Company. Connections to the building under construction are from the Monmouth Avenue frontage. (H) **Signage** (!) Signage information is not provided for this amended site plan application since the proposal is to add a parking lot on Lot 8.07 for the project. (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. (I) **Environmental** (1) No Environmental Impact Statement (EIS) was prepared for this project or required due to the project size. (2) To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmentally-sensitive areas exist per available mapping. (3) We recommend that all on-site materials from the proposed construction activities be removed and disposed in accordance with applicable local and state regulations. (J) **Construction Details** (1) Construction details are provided on Sheets 8 and 9 of the plans. (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. Construction details will be reviewed after plan revisions are submitted. (3) Pavement restoration should be revised to a two inch (2") surface course and a three inch (3") base course as recommended in the original approval. (4) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. (III) **Regulatory Agency Approvals** Amended outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; and (c) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Moshe Klein for the applicant. As you know this lot is adjacent to a retail and office building under construction and nearing completion on the corner of Monmouth Ave. and 4<sup>th</sup> Street and this lot which is next to it is being done because the applicant wanted to provide additional 60 parking spaces off the street. This lot was originally approved for townhouses. There are no variances required.

Mr. Flannery stated that they have read Mr. Vogt's report and they will address the comments at the public hearing.

Mr. Vogt stated that that was fine and part of the comments will be regarding the issue of screening and buffering.

Mr. Klein asked if there was any way that this application can be approved tonight or moved to the next meeting to expedite it faster because the building is nearing completion.

Mr. Schmuckler asked why this applicant has to come before the Board if they are only putting in a parking lot. There is no structure being put up.

Mr. Jackson stated that a parking lot is an operation it is an improvement to property and is basically a site plan issue. Mr. Schmuckler asked why can't a zoning officer sign off on this lot. Mr. Jackson stated the zoning officer would have to answer that if it is fully conforming maybe he can.

Mr. Flannery stated that the ordinance says if you are going to build anything in town you need to come to one of the boards unless you are exempt under one of the provisions, and there are no provisions that we are exempt under. I certainly agree with Mr. Schmuckler with what we are proposing here seems like it should have some other procedure, but in the ordinance we don't see another procedure.

A discussion ensued as to whether this application can be put on tonight's public hearing portion of the agenda.

Mr. Vogt stated that he is requiring design information in addition to what they have given already. It is not unusual for an application at this stage of approval if the Board is comfortable with the concept we will typically address that at compliance.

Mr. Flannery stated that for this application the applicant was not required to do parking but for a practical matter it will save a whole lot of problems by having this parking there.

Mr. Herzel made a motion to move this application to the December 14, 2011 meeting. Mr. Follman seconded it.

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

Mr. Jackson stated this application has been moved to December 14, 2010 no further notice is required.

**Mr. Kiert stated that application #8 and #9 will be heard together**



**8. SP #1774** (Variance Requested)  
Applicant: Park & Second Acquisition, LLC  
Location: East Second Street, east of Railroad Street  
Block 248.01 Lots 63.02 & 78  
Minor Subdivision to create 3 lots

### **Project Description**

The applicant seeks minor subdivision approval to subdivide two (2) existing lots totaling 2.99 acres in area known as Lots 63.02 and 78 in Block 248.01 into two (2) new lots, designated as proposed Lots 78.01 and 78.02 on the subdivision plan. One (1) of the two (2) existing lots contains existing buildings. An existing one-story building will be removed from proposed Lot 78.02. An existing one-story masonry building for Modern Gas Service will remain on proposed Lot 78.01. Proposed Lot 78.02 is being created for a proposed townhouse development which will be the subject of a separate Major Subdivision and Site Plan application. Proposed Lot 78.01 would be a narrow lot fronting Ocean Avenue, also known as Route 88, which is a State Highway. The Minor Subdivision would make the proposed area of Lot 1.01 13,951 square feet (0.32 acres). Proposed Lot 78.02 would front East Second Street, just east of the New Jersey Southern Railroad Branch Main Line. The Minor Subdivision would make the proposed area of Lot 78.02 116,152 square feet (2.67 acres). No construction is proposed at this time under this application. The site is situated in the northern portion of the Township. Curb and sidewalk exists along the Ocean Avenue (Route 88) frontage. Sidewalk exists along most of the East Second Street frontage, but curb does not. The proposed lots are entirely situated within the B-4, Wholesale Services Zone. The site is in a developed section of the Township. The surrounding area contains a mixture of various uses. Public water and sewer is available. We have the following comments and recommendations: (1) **Zoning** (1) The proposed lots are located in the B-4 Wholesale Service Zone. The Minor Subdivision Application lists the existing use as commercial and the proposed use as residential. Testimony should be provided by the applicant's professionals regarding the uses to confirm compliance with the UDO for this Zone. The existing structure on proposed Lot 78.01 is a Modern Gas Service building which is a commercial use. The use for proposed Lot 78.02 has not been indicated and must be added to the plans. It is our understanding the proposed use will be townhouses which are a Conditional Use. (2) Per review of the Minor Subdivision Map, the application, and the zone requirements, the following variances are requested: (a) Minimum Lot Area (proposed Lot 78.01, 13,951 SF; 20,000 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lot 78.01, 45 feet; 100 feet required) – proposed condition. (c) Minimum Front Yard Setback (proposed Lot 78.01, 7.4 feet; 25 feet required) – existing condition. (d) Minimum Side Yard Setback (proposed Lot 78.01, 0.9 feet; 10 feet required) – existing condition. (e) Minimum Aggregate Side Yard Setback (proposed Lot 78.01, 8.6 feet; 20 feet required) – existing condition. (3) Per review of the Minor Subdivision Application, a variance is requested for the number of parking spaces. The application indicates that eleven (11) parking spaces are proposed and thirty (30) parking spaces are required. We assume this variance request is for proposed Lot 78.01. A site plan is needed for proposed Lot 78.01. (4)

The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The minor subdivision plan shows no construction is proposed at this time. A separate major subdivision and site plan application has been submitted for a proposed townhouse project on proposed Lot 78.02. The application is being reviewed by our office under separate cover. (2) The existing and proposed uses of the existing and proposed lots should be added to the plan. (3) The schedule of bulk requirements requires revisions. Provided data must be supplied for both proposed Lots 78.01 and 78.02. The provided front yard setback for proposed Lot 78.01 shall be corrected to 7.4 feet, the distance from the existing southwesterly building corner to the right-of-way of Route 88. The provided aggregate side yard setback for proposed Lot 78.01 shall be corrected to 8.4 feet, the total distance from the southwest and northeast corners of the existing building to the side lot lines. (4) A proposed dimension shall be added for the provided rear yard setback of proposed Lot 78.01. (5) The General Notes indicate the boundary information and some existing conditions were taken from a plan entitled "Survey Plan of Lots 63.02 and 78, Block 248.01", prepared by Mager Associates. A copy of the survey must be provided for the project. (6) The General Notes state all encroachments caused by the proposed subdivision shall be removed from the proposed lots. The plan needs to clarify existing improvements that are to be removed and altered such as paved parking lots. (7) The application requested a parking variance. However, no plan information associated with this request has been provided. (8) A paved drive is shown between the existing one-story masonry building to remain on proposed Lot 78.01 and a new three-story building on existing Lot 64. A fifteen foot (15') wide ingress – egress easement is shown between the buildings which overlaps existing Lot 64, proposed Lot 78.01, and proposed Lot 78.02. The easement must exist since it is referenced to the Mager Survey which has not been provided. Testimony is required on the operational nature of the easement. (9) No sight triangle easement has been proposed for the existing paved drive accessing Route 88 which overlaps existing Lot 64 and proposed Lot 78.01. (10) Proposed six foot (6') wide shade tree and utility easements should be depicted on the plan along the property frontages unless waived by the Board. Survey information for the easements should be provided and the easement areas provided on a per lot basis. (11) No site improvements are proposed along the frontage of the project. Curb and sidewalk exist along the Route 88 frontage. Curb and sidewalk are proposed along the East Second Street frontage of the project as part of the Major Subdivision and Site Plan for proposed Lot 78.02. The Minor Subdivision Plan should note the proposed site plan improvements. (12) The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. (13) Compliance with the Map Filing Law is required. (14) Construction details must be provided for any improvements required by the Board. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District (if necessary); (c) New Jersey Department of Transportation (if necessary); and (d) All other required outside agency approvals. **A revised**

**submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

**9. SP #1942** (No Variance Requested)

Applicant: Park & Second Acquisition, LLC

Location: East Second Street, east of Railroad Street  
Block 248.01                      Lots 63.02 & p/o 78

Preliminary & Final Major Subdivision & Site Plan for 21 Townhouse units

**Project Description**

The owners are Solomon & Chava Wanouno of 1758 East 18<sup>th</sup> Street, Brooklyn, New York 11229 and 137 Ocean Avenue, LLC of 1 University Plaza, Suite 407, Hackensack, New Jersey 07610. The applicant is Park and Second Acquisition, LLC, 40 Airport Road, Lakewood, New Jersey 08701. The applicant is seeking preliminary and final major site plan and subdivision approval. The applicant proposes to construct twenty-one (21) five-bedroom townhouses with unfinished basements on fee simple lots. A common space lot is also proposed on which the site parking, utilities, and improvements are contained. Eighty-four (84) off-street parking spaces are proposed. All spaces are located within an off-street parking lot with access to East Second Street. The tract totals approximately 2.67 acres in area and is being created by a minor subdivision of existing Lots 63.02 and 78. The existing use is commercial and the proposed use will be townhouses. Associated site improvements are proposed for the new use. These improvements include proposed sewer, water, and drainage; paved parking areas with curb, sidewalk, landscaping, and lighting. The property is located in the northern portion of the Township on the south side of East Second Street just east of the railroad tracks. We have the following comments and recommendations: (I) **Zoning** (1) The site is situated within the B-4, Wholesale Service Zone. Per Section 18-903 D. 2. b of the UDO, "townhouses" is listed as a conditional use. Therefore, the provisions of Section 18-1010 apply. (2) No variances have been requested for the project. (3) A fifteen foot (15') wide Landscape Buffer is proposed around the perimeter of the site, except for the boundary of the tract adjacent to part of existing Lot 65. The buffering section of the UDO requires thirty feet (30') which the Board may reduce to fifteen feet (15') if dense landscape screening is provided. Testimony is required on the perimeter Landscape Buffer. Proposed improvements such as a trash enclosure and storm water management facilities are encroaching upon the Landscape Buffer as currently shown. (4) Ocean Avenue (Route 88) is the closest State Highway to the project. The required distance and actual distance of the tract from Route 88 shall be added to the Zoning Requirements Schedule. (5) According to Section 18-1010 B. 6 of the UDO, each unit shall have an area designated for the storage of trash and recycling containers. A trash and recycling enclosure is proposed within the common area. (6) According to Section 18-1010 B. 9 of the UDO, all areas put into common ownership for common [use](#) by all residents shall be owned by a non-profit homeowners association in accordance with the requirements of the [Department](#) of Community Affairs and deed restrictions, covenants, and documents as stipulated in Subsections (a-g) of this portion of the Code. (7) The applicant shall comply with recently adopted Ordinance 2010-28 which adds new Section 18-403 Developers

Agreements to the UDO. (8) The applicant must address the positive and negative criteria in support of any required variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (A) **General/Layout/Parking** (1) The proposed sidewalk should extend to the proposed curb at the railroad crossing. (2) Corrections are required to the Schedule of Bulk Requirements which we can review with the applicant's professionals. We do not believe any variances are required for the proposed project. (3) Off-street parking: According to the architectural plans provided, each townhouse will be a five (5) bedroom unit with an unfinished basement. The applicant is proposing four (4) off-street parking spaces per unit which is enough to be in compliance with the RSIS standards and new parking ordinance 2010-62. Based on the twenty-one (21) single-family townhouses proposed, eighty-four (84) off-street parking spaces are required and eighty-four (84) off-street parking spaces are being proposed. (4) The proposed off-street parking consists of a minimum of 9' X 18' parking spaces. The proposed parking configuration consists of perpendicular spaces on an "L-shaped" access drive with a turnaround at the intersection of the "L". The access drive consists of a two-way, twenty-four foot (24') wide aisle with spaces on both sides. Eighty-four (84) off-street parking spaces are proposed, two (2) of which are van accessible handicapped spaces. Testimony should be provided on handicap accessibility since additional handicapped spaces are required. (5) Interior sidewalk is proposed throughout the development. A connection to the proposed playground is required. (6) A proposed refuse enclosure is depicted on the end of the proposed parking lot. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. The waste receptacle area shall be dimensioned, screened on three (3) sides, and designed in accordance with Section 18-809.E of the UDO. (7) Sight Triangle Easements should be shown at the proposed access drive intersection with East Second Street. (8) Proposed six foot (6') wide shade tree and utility easements are shown along East Second Street across the frontage of the proposed project. Survey data should be completed for the easements which shall be dedicated to the Township of Lakewood. (9) The General Notes state that existing utility poles and overhead electric located on or crossing the site are to be relocated. Based on our 11/12/10 site investigation, the overhead electric appears to be significant. Testimony should be provided on the proposed relocation. (10) Proposed access to the storm water management basin is from the adjoining railroad property. An easement is required from the railroad insuring access from East Second Street to the proposed access gate. (B) **Architectural** (1) Architectural plans have been provided for the three (3) proposed buildings. The proposed townhouse types are all two-story units with unfinished basements. The proposed floor plans indicate the widths of the units in Building 1 are thirty-two feet (32') and the widths of the units in Buildings 2 and 3 are twenty-six feet (26'). Based on the elevations provided for all three (3) proposed buildings, it appears the heights may exceed thirty-five feet (35'). Corrections to the proposed building elevations should be provided. The architectural elevations must be dimensioned to confirm the allowable thirty-five foot (35') maximum building height is

not violated. We recommend that color renderings be provided for the Board's review at the time of Public Hearing. (2) According to the architectural plans for proposed Buildings 2 & 3, the dining rooms are encroaching into the side yard setback. Unless the plans are revised to show a two foot (2') protrusion for a bay window, a variance will be required. (3) Unfinished basements are proposed with exterior access from stairwells. The site plans indicate the basement floor elevations to be ten feet four inches (10'-4") below the first floor elevations. (4) We recommend that locations of air conditioning equipment be shown. Said equipment should be adequately screened. (C) **Grading** (1) A detailed Grading and Drainage Plan is provided on Sheet 3 of 17. A storm sewer collection system is proposed to collect runoff and convey it to a storm water management facility. (2) The grading scheme for the proposed parking lot is feasible but requires revisions. The applicant's engineer shall contact our office. (3) Revisions are required to eliminate runoff being concentrated across the proposed playground. (4) Proposed building breaks should be in eight inch (8") increments (0.67'). (5) Three (3) soil test pit logs and locations have been provided to determine whether a two foot (2') separation from the seasonal high water table to the proposed basement elevations and bottom of storm water management basin is maintained. We question the location of Test Pit #3 since it is depicted within an existing building. Furthermore, based on our review of the logs, we question how the seasonal high water table elevations have been estimated for TP#2 and TP#3. Corrections may be necessary. (6) A detailed review of the Grading Plan can be completed during compliance if/when approved. (D) **Storm Water Management** (1) In order to mitigate the additional runoff created by the increase in impervious area due to the proposed development, a storm water management system is proposed to manage increased runoff qualitatively and quantitatively. A water quality basin is proposed for pretreatment. A storm water management basin is proposed for volume and rate. (2) Proposed storm sewer collection has been designed utilizing high density polyethylene (HDPE) conveyance pipe. (3) Most of the storm sewer is proposed on the common area lot. Drainage easements have been proposed on the affected residential lots to be created by the subdivision. Confirming testimony shall be provided that the Homeowners Association will own and maintain the entire storm sewer system whether it is located on the open space or privately owned lots. Testimony shall also be provided on the accessibility of the system for future maintenance and replacement purposes. (4) Permeability testing is required to justify the infiltration rate of the soil beneath the proposed storm water management basin. (5) The proposed piped outflow from the storm water management basin will connect to an existing storm sewer collection system on neighboring Lot 64. Permission is required from the owner of Lot 64 to allow the proposed connection. (6) The proposed on-site storm water collection system requires corrections. Top of pipes should be matched when designing the corrections. (7) The existing inlet at the proposed East Second Street access must be converted to a flat grate. (8) A Storm Water Management Operation & Maintenance Manual will be required per the NJ Storm Water Rule (NJAC 7:8) and Township Code. (E) **Landscaping** (1) A comprehensive Landscape Plan has been provided on Sheet 6 of 17. Shade trees, screening, and ornamental plantings are proposed throughout the project site. (2) The overall landscape design is subject to review and approval by the Board. Per our site inspection of the property and review

of the plans, there are virtually no existing trees worth saving. The Tree Protection Plan indicates no historic extraordinary or specimen trees located within the project area. (3) The proposed landscaping will be reviewed during compliance if/when approved. (F) **Lighting** (1) A Lighting Plan has been provided on Sheet 7 of 17. Proposed lighting has been provided for the interior parking area. Eleven (11), fourteen foot (14') high "town and country" pole mounted fixtures are proposed. (2) A point to point diagram has been provided to verify the adequacy of the proposed lighting. Review of the illumination patterns provided indicates the required minimum and average foot candle values will be met. (3) Confirming testimony shall be provided that the proposed site lighting will be privately owned and maintained by the Homeowners Association. (G) **Utilities** (1) Potable water and sanitary sewer service will be provided by New Jersey American Water Company. The project is within the franchise area of New Jersey American Water Company. (2) The proposed sanitary sewer will connect to an existing system in East Second Street.(3) Potable water is proposed to be extended from an existing main on the south side of East Second Street just east of the project site. We recommend a proposed fire hydrant be installed within the project site. (4) Testimony should be provided regarding other proposed utilities. Additional underground connections will be required if gas is proposed. (H) **Signage** (1) A development identification sign is proposed at the required minimum setback of fifteen feet (15') from East Second Street. Except for a construction detail, no other signage information is provided within the current design submission. Zoning information is required for the proposed sign to determine whether any relief by the Board must be approved as part of the application. (2) All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. (I) **Environmental** (1) **Site Description** Per review of the site plans, aerial photography, and a site inspection of the property, the site is predominantly cleared and has no appreciable mature vegetation, habitat, or significant environmental value. (2) **Environmental Impact Statement** An Environmental Impact Statement (EIS) report was prepared and submitted for the project, and addresses environmental concerns as applicable. (J) **Construction Details** (1) Construction details are provided with the current design submission. We will review the construction details during compliance if/when approved. (K) **Final Plat (Major Subdivision)** (1) The Zoning Schedule requires corrections with respect to coverage and setbacks. (2) Dedications and survey data must be provided for all existing and proposed easement areas. (3) The owner's signature blocks shall be changed from "I" to "we" since there are no individual owners. (4) The "Monument Set (Typical)" shall be corrected to agree with the Legend. (5) Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. (6) Compliance with the Map Filing Law is required. (7) The Final Plat will be reviewed in detail after design revisions are undertaken for the project. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; and (c) All other required outside agency approvals. New Jersey American Water will be responsible for constructing potable water and sanitary sewer facilities. **A revised submission should address the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Samuel Brown on behalf of the applicant, this is a fully conforming sub division application and attendant to it is a minor subdivision of the property as it currently exists I have the applicants engineer Mr. Graham Macfarlane to address any issues. Otherwise we are prepared to address anything in these letters, and I recommend that this application move forward.

Mr. Graham Macfarlane P.E. stated that he will agree with the comments in Mr. Vogt's letter. There is one comment on a minor sub-division requesting a site plan application which I don't think is necessary because there are no improvements proposed as part of the minor sub-division application. I think your comment related to the need for parking spaces and we will simply show the parking spaces that we provide on the minor sub-division plan.

Mr. Vogt stated that you are going to address that information in the revised submission. Mr. Brown stated that everything will be addressed during the revised submissions or at the public hearing so that the board and the professionals will be satisfied.

Mr. Schmuckler asked if there are 4 parking spots per house. Mr. Macfarlane stated that on the site plan application there are 21 townhouses proposed and we have a total of 84 parking spaces. We do satisfy the criteria, We have sidewalks and a play area. We are proposing dumpster pickup for garbage, we have to work out with the Township.

Mr. Schmuckler asked why there is a three foot fence around the tot lot not a four foot fence. Mr. Macfarlane stated that he feels a tree foot fence is adequate for the age of the children that this lot is intended for.

Mr. Fink asked will the garbage truck have to back up in this development. Mr. Mcfarlane stated that if it is front load there is plenty of maneuverability, we believe the move will be safe and we will have no problem with that.

Mr. Franklin asked why there is a circle in the middle, the turn will be tough for the trucks without more room.

Mr. Mcfarlane stated that he would show the maneuverability of the trucks on the revised submission.

Mr. Schmuckler made a motion to move this application to the January 18, 2011 meeting. Mr.Follman seconded it.

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

Mr. Jackson stated this application has been moved to January 18, 2011 no further notice is required.

Mr. Schmuckler stated that he would like to add a meeting to January 25<sup>th</sup> to alleviate the backlog of applications. Mr. Follman seconded it.

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

## 7. PUBLIC HEARING ITEMS

### 1. SP #1750 (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

**Mr. Kielt stated that #1 application # SP 1750 is off the agenda at this time.**

### 2. SP #1752 (No Variance Requested)

Applicant: 1275 River Avenue LLC

Location: River Avenue, south of Chestnut Street  
Block 1077 Lot 39.02

Preliminary & Final Major Subdivision – 46 Lots (43 Townhouses)

## Project Description

The applicant proposes to subdivide an existing lot into forty-six (46) lots. The proposed subdivision would create sixteen (16) lots for eight (8) duplex buildings, twenty-seven (27) lots for nine (9) townhouse buildings, one (1) playground lot, one (1) community center lot, and one (1) access road lot. The applicant is seeking Preliminary and Final Major Subdivision approval with all required improvements. The applicant proposes to remove all existing improvements and construct a new subdivision with duplexes in the front and townhouses in the rear. The existing lot known as Lot 39.02 in Block 1077 is proposed to be subdivided into forty-six (46) lots shown as proposed Lots 39.03-39.48 on the Major Subdivision Plan. Four (4) parking spaces are required for each duplex and townhouse unit. A total of one hundred seventy-two (172) off-street parking spaces are proposed. All of the off-street spaces proposed will access a privately owned street. The proposed street creates a long cul-de-sac through the subdivision with a turnaround bulb at the terminus. The project will not have vehicular access from any other streets, except for Route 9. Associated site improvements are proposed for the major subdivision plan. These improvements include a proposed community building, a tot lot, parking areas, an access road with curb and sidewalk, drainage, sewer, water, and utility connections. ***We have the following comments and recommendations per testimony provided at the 8/31/10 Planning Board Plan Review Meeting, and comments from our latest review letter dated October 7, 2010:*** (1) **Zoning** (1) The site is situated within the HD-7, Highway Development Zone District. "Townhouses" (i.e., triplexes in the rear of the site) and "Duplexes" (i.e., in the front of the site) are both listed as a conditional uses. Therefore, the provisions of Section 18-1010 apply for "townhouses" and Section 18-1014 apply for "duplexes". ***Statements of fact.*** (2) ***No variances have been requested for the project. However, complete Zoning Requirements Schedules for both townhouses and***



**duplexes have not been provided. These schedules are required to insure variances are not required.** (3) River Avenue (Route 9) is the bordering State Highway to the project. Two (2) Duplex lots are proposed on each side of the project access right-of-way showing building setbacks of seventy-five feet (75') to comply with the front yard setback of seventy-five feet (75') from a State Highway. **Statements of fact.** (4) A fifteen foot (15') wide Conservation Easement dedicated to the Homeowner's Association is proposed around the perimeter of the site, except for the southern boundary of the tract adjacent existing Lot 49. The buffering section of the UDO requires thirty feet (30') which the Board may reduce to fifteen feet (15') if dense landscape screening is provided. Testimony is required on the perimeter Conservation Easement. A fence and screening are proposed. The proposed access road is encroaching upon the Conservation Easement behind existing Lot 39.01. The proposed access road should be relocated in this area or a design waiver granted. **The Board shall take action on the design waiver.** (5) A right-of-way of varying width is proposed through the project. Testimony is required that the right-of-way will be privately owned and maintained. **Testimony shall be provided on ownership.** (6) Section 18-1010B.7., of the UDO requires all residential development shall provide a useable rear yard depth of at least twenty feet (20'). The UDO states "decks shall be permitted within the useable yard area, but detention/retention facilities, drainage swales, or any easements which would inhibit the use of the rear yard are prohibited". Only fifteen feet (15') is proposed behind the duplexes on proposed Lots 39.13-39.18 to the Conservation Easement and only five feet (5') is proposed from the decks to the Conservation Easement. Furthermore, drainage swales and drainage easements are proposed for all rear yards. Therefore, a design waiver is necessary. **The Board shall take action on the design waiver.** (7) Except for the decks behind proposed Duplex Buildings #6-8 which are five feet (5') from the Conservation Easement instead of ten feet (10'), the proposed location of decks are satisfactory for zoning compliance. HVAC equipment has not been addressed for zoning compliance. **HVAC equipment is proposed directly behind the units and is being screened with landscaping. The Board shall take action on the deck locations behind proposed Duplex Buildings #6-8.** (8) According to Section 18-1010B.9., of the UDO, all areas put into common ownership for common [use](#) by all residents shall be owned by a non-profit homeowners association in accordance with the requirements of the [Department](#) of Community Affairs and deed restrictions, covenants, and documents as stipulated in Subsections (a-g) of this portion of the Code. **Statement of fact.** (9) The applicant shall comply with recently adopted Ordinance 2010-28 which adds new Section 18-403 Developers Agreements to the UDO. **Statement of fact.** (10) The applicant must address the positive and negative criteria in support of any required variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments (A) General/Layout/Parking** (1) The limits of proposed sidewalk are not clear on the plan. Therefore, the applicant should provide testimony on whether a waiver will be required from the construction of sidewalk. **Proposed sidewalk limits have been clarified. The only section of the proposed project void of sidewalk is on the west side of the access drive**

**between the parking spaces for Duplex Building #8 and the Community Center.** (2) Off-street parking: According to the plans provided, each duplex and townhouse unit can provide up to five (5) bedrooms with an unfinished attic and a basement. According to New Ordinance 2010-62 four (4) off-street parking spaces per unit would be required. Based on the forty-three (43) units proposed, one hundred seventy-two (172) off-street parking spaces are required and one hundred seventy-two (172) off-street parking spaces are being proposed. The applicant should also provide confirming testimony regarding the potential number of proposed bedrooms. Regardless, the proposed parking provided shall comply with New Ordinance 2010-62 unless relief is requested. **Testimony is required on the potential number of proposed bedrooms.** (3) The proposed off-street parking consists of a minimum of 9' X 18' parking spaces. The proposed parking configuration consists of mainly perpendicular spaces on a long access drive through the development. The access drive consists of a two-way, thirty-one foot (31') wide street with spaces on both sides. One hundred seventy-two (172) off-street parking spaces are proposed, none of which are handicapped spaces. Testimony should be provided on handicap accessibility. **A van accessible handicapped parking space is proposed in front of the Community Center.** (4) Interior sidewalk and off-street parking is proposed through portions of the development. In many instances the proposed sidewalks and off-street parking spaces will be located on individual lots. Therefore, parking and sidewalk easements are required. Off-street parking proposed in front of the respective units frequently crosses onto neighboring lots. **Sidewalk easements have been proposed and require some minor location corrections. We recommend blanket easements be provided for the parking since we are assuming the spaces will be maintained by the HOA. Confirming testimony should be provided.** (5) Proposed individual trash enclosures are depicted for the proposed units. Access to the enclosures shall be proposed. The Typical Front Yard Detail shown is not indicative of the site plan layout. No trash enclosure is proposed for the Community Center. Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables (i.e., public versus private pickup). **The Typical Front Yard Detail has been partially corrected. At the Plan Review Meeting the applicant's attorney testified that trash and recycling pickup will be private.** (6) Sight Triangle Easements to Township standards are shown at the proposed access road intersection with River Avenue. Since River Avenue (Route 9) is a State Highway, the easements shall be revised to NJDOT standards and dedicated to the State of New Jersey. **Sight Triangle Easements dedicated to the State of New Jersey shall be provided for the access road intersection with Route 9, if required by the NJDOT.** (7) Proposed six foot (6') wide shade tree and sidewalk easements dedicated to the Township of Lakewood are shown across the frontages of the proposed lots. The proposed easements shall be separated with the proposed shade tree easement behind the proposed sidewalk easement. **The proposed shade tree and sidewalk easements have been separated. Some minor location corrections are required.** (8) Access to the Community Center has not been provided on the Site Plan. **The proposed access must be coordinated between the Site Plans and Architectural Plans.** (9) The proposed right-of-way is not consistent between the Site Plan and the Final Map. **Corrections to the proposed right-of-way are required at the intersection with Route 9.** (B)

**Architectural** (1) The architectural elevations for the proposed units must be dimensioned to confirm the allowable thirty-five foot (35') maximum building height is not violated. Also, it is not clear whether finished or unfinished basements will be provided. We recommend that color renderings be provided for the Board's review at the time of Public Hearing. **Testimony on basements and revised architectural plans are required.** (2) The proposed front detail shown on the architectural plans is in conflict with the site plans. Coordination of the plan sets is required. **Revised architectural plans are required.** (3) The proposed Community Center floor plans have access points on all four (4) sides of the building. However, the proposed building abuts a proposed townhouse unit in Building #6. Therefore, revisions are required. **Revised architectural plans are required.** (C ) **Grading** (1) Most of the proposed access road is lined with depressed curb. The proposed parking spaces are located behind the depressed curb and abut flush with proposed sidewalk. Therefore, driveway aprons should be provided to account for the proposed grade difference. **The design can be reviewed during compliance if/when the project is approved.** (2) Proposed grading needs to be revised to direct proposed runoff to the proposed inlets. **The design can be reviewed during compliance if/when the project is approved.** (3) A retaining wall is needed on the east side of the project. **A modular block retaining wall is proposed. A construction detail is required.** (4) A detailed review of the Grading Plan will occur during compliance review if/when approval is granted. **The grading scheme design can be reviewed during compliance if/when the project is approved.** (D) **Storm Water Management** (1) Much of the storm sewer is proposed on individual lots. Drainage Easements have been proposed on all the residential lots to be created by the subdivision. Confirming testimony shall be provided that the Homeowners Association will own and maintain the entire storm sewer system whether it is located on the access road or privately owned lots. Testimony shall also be provided on the accessibility of the system for future maintenance and replacement purposes. If privately owned and maintained, we recommend a professional engineer inspect the system on a biannual basis to insure its adequacy. **Testimony should be provided on the proposed storm water management system.** (2) The individual proposed recharge systems behind the proposed buildings should be designed to infiltrate the entire 100-year storm because of the proximity of surrounding development. **Revised calculations must be submitted as a condition of approval.** (3) The Storm Water Management Report and Post-Development Drainage Area Map must be revised. The documents provided were from a previous design. **Revised documents must be submitted as a condition of approval.** (4) A Storm Water Management Operation & Maintenance Manual has been submitted per the NJ Storm Water Rule (NJAC 7:8) and Township Code. The Manual will be reviewed after a revised Storm Water Management Report and design revisions have been submitted. **The Manual can be reviewed during compliance if/when the project is approved.** (5) A revised Soil Erosion Plan is required since the plans provided were from a previous design. **The revised Soil Erosion Plans can be submitted during compliance if/when the project is approved.** (E) **Landscaping** (1) The overall landscape design is subject to review and approval by the Board. Per our site inspection of the property and review of the plans, virtually no existing trees will be saved. The Tree Protection Plan indicates no specimen trees exist on site. The plan states planting of

the buffer area justifies all tree removal. **The Board should provide landscaping recommendations, if any.** (2) Typical Building Planting Details are required for the current design. **Typical individual details must be submitted for the duplex and triplex units as a condition of approval.** (3) The proposed landscaping will be reviewed in detail after design revisions are undertaken for the project. **Final landscaping review may be a condition of approval.** (F) **Lighting** (1) A Lighting Plan has been provided on Sheet 5 of 9. Proposed lighting has been provided for the interior access road. One (1) thirty foot (30') high "cobra head" and twenty-five (25) twelve foot (12') high "colonial" pole mounted fixtures are proposed. **Adjustments must be made where proposed lighting fixtures conflict with proposed parking.** (2) The lighting notes are consistent with the plan. Testimony should be provided on the supplying of the fixtures. Being that all the lighting is proposed within the project common area, this issue must be addressed. **Testimony shall be provided on JCP&L supplying the cobra head fixture for the common area.** (3) Confirming testimony shall be provided as to whether the proposed site lighting will be privately owned and maintained by the Homeowners Association. **Testimony is required on the ownership of the site lighting.** (G) **Utilities** (1) Potable water and sanitary sewer service will be provided by New Jersey American Water Company. The project is within the franchise area of New Jersey American Water Company. Should there be existing on site septic systems, they must be excavated and disposed of in accordance with all applicable municipal, county, and state standards. **Testimony should be provided on the location and removal of existing septic systems.** (H) **Traffic** (1) A traffic report has been provided for review. The traffic report concludes that separate left and right turn lanes are required for the exiting approach to Route 9. **One of the exiting turn lanes should include a through movement to cross the highway. Approval will be required from NJDOT.** (2) The traffic impact analysis considered the previous forty-eight (48) unit townhouse design which was slightly more intense than the forty-three (43) unit design presently proposed. **Therefore, the analysis is conservative.** (3) The proposed site access to Route 9 will operate at an overall level of service "C" during the AM peak street hour and a level of service "D" during the PM peak street hour. Testimony should be provided on the levels of service for the exiting turning movements from the site. **Testimony on other levels of service shall be provided.** (4) Traffic testimony shall be provided at the forthcoming Public Hearing. **Traffic testimony is anticipated.** (I) **Signage** (1) 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. **Testimony should be provided as to whether any project signage will be proposed.** (J) **Environmental** (1) **Environmental Impact Statement** The applicant has submitted a revised Environmental Impact Statement. The document has been prepared by R.C. Associates Consulting, Inc. to comply with Section 18-820 of the UDO. Although the report contains several inconsistencies, NJDEP mapping appears to depict potential Barred Owl habitat. However, as noted in the report, the current level of development makes it highly unlikely that any local species exist on-site. Therefore, we agree with the author's conclusions. **Statement of fact** (K) **Construction Details** (1) Construction details are provided with the current design submission. **Review of construction details will be**

**undertaken during compliance if/when approval is granted. (L) Final Plat (Major Subdivision) (!) The Zoning Schedule requires corrections with respect to duplex requirements and parking. *Minimum duplex requirements shall be added and parking shall be corrected to four (4) spaces per unit.***

(2) Shade tree easements must be provided separate from sidewalk easements. ***Shade tree and sidewalk easements have been separated. Minor corrections are required to the locations of the easements.*** (3) Easements are required for parking since proposed spaces cross lot lines. ***We recommend blanket easements be proposed for parking since we anticipate the spaces to be maintained by the HOA.*** (4) Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. ***Statement of fact.*** (5) Compliance with the Map Filing Law is required. ***Statement of fact.*** (6) The Final Plat will be reviewed in detail after design revisions are undertaken for the project. ***Final review of the Final Plat may be undertaken during compliance if/when approval is granted.*** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) Ocean County Board of Health (septic removal if required); (d) New Jersey Department of Transportation Permits (Route 9); and (e) All other required outside agency approvals. New Jersey American Water will be responsible for constructing potable water and sanitary sewer facilities.

Ms. Miriam Weinstein for the applicant. There are actually 46 lots with 43 units at this time. The Board provided us at the tech meeting with very valuable feed back for which we thank you. The board advised us at that point, that they felt that the application presented at that time was too dense and contained insufficient parking at that point in time we had 48 units which would have been permissible but the applicant went back to the drawing board and completely redesigned the project to only include duplexes and triplexes rather than townhouse buildings containing seven and eight units. In so doing the applicant has developed what we believe the board will find a far superior plan from planning perspective. The applicant has also addressed the board's concern in regard to parking we are now providing 4 parking spaces per unit. At this time there is a total of 43 units, 16 contained in 8 duplex structures, and 27 units contained in 9 triplex buildings and there are 3 additional lots just to clarify which consist of the community center lot, the tot lot, and the access road lot. The applicant is simply seeking preliminary and final major sub-division and site plan approval and this application has no variances.

Mr. Ray Carpenter, P.E. stated that this is somewhat of an odd configuration the property fronts on River Ave, Route 9 and forms a z pattern with part of the site on Route 9 with the other part behind lot 39.01. It is all in the same Zone its forage and farming as far as the use is concerned. As the result of the plan and review meeting we have reduced the number of units on the site to provide additional parking and as you can see you have townhouse units on the back portion and in the front portion you have duplex units. Per the new ordinance duplex units are a permitted use in

this zone. We lowered the density we increased the parking and we actually produced a more green area overall by going with this design.

Mr. Vogt stated that in his letter page 3, items 4 thru 7 are requesting waivers.

Mr. Carpenter stated that #4 it says the board shall take action on the design waiver regarding the encroachment into the conservation easement behind lot 39.01, in order to provide a tot lot we moved the street closed to the lot line of 39.01 feeling that the street really doesn't need to be buffered from a commercial use, we felt that this really had no negative impact on either property, there is still landscaping along the property if you look at the existing site, there is quite a bit of vegetation on lot 39.01 to screen the site. We are proposing landscaping along the street and also a fence. We feel there is no negative impact to the encroachment.

Mr. Fink stated on Route 9 how far are you going to put a sidewalk from where to where.

Mr. Carpenter stated that on the plans there is sidewalk all along the frontage of Route 9 and down the site to building #8, at building #8 it ends and people would have to cross the street. If we extended the sidewalk all the way down to connect with the other side walk you would still have people crossing the street to use the sidewalk, it really doesn't serve any real purpose to bring the sidewalk down along that side. You have sidewalk along the other side of the property with no residential units on this side we feel that the one sidewalk on the easterly side is more than adequate.

Mr. Schmuckler stated that a child or a wheel chair going to the community center from duplex # 6, 7 or 8 would be forced to cross the street.

Mr. Banas asked if I read this correctly you have a side walk on the western side as you make the southern turn and then you expect the people to walk across the street to join the side walk on the easterly side. Continue to the end you expect the people to walk on the westerly side to get to the community building. That seems rather crazy, why aren't you proposing a sidewalk continually all the way through.

Mr. Carpenter stated that they thought that the board would want landscaping along that entire strip, we could put a sidewalk in there.

Mr. Schmuckler suggested that they leave the fence there and put in a sidewalk. Ms. Weinstein stated that that will be done.

Mr. Carpenter the right of way will be privately owned and we will have an HOA.

Mr. Schmuckler asked why the street does not comply with RSIS. Mr. Vogt stated that the width of the right of way is not RSIS compliant.

Mr. Carpenter stated that the section of the ordinance that refers to usable back yard refers only to townhouses not duplexes.

Mr. Carpenter stated that pertaining to #7 the HVAC units will abut the structures in the rear.

Ms. Weinstein addressed other concerns. These are five bedroom units, there is an unfinished attic at this point and time, there will be basements but they will be unfinished. We have provided the four parking spaces required if the basement becomes finished in the future.

Mr. Vogt asked about #4 in the review comments about a blanket easement. Ms. Weinstein said that is no problem.

Ms. Weinstein stated that #5 in reference to trash pick-up she does not recall saying trash and recycling would be privately picked up. The applicant will be having public pickup of trash and recycling. Mr. Franklin stated that as long as the cul-de-sac can accommodate a truck the trash pickup will be no problem. Regarding letter B #3 if there are any discrepancies they will be corrected. There are no issues with grading and storm water will be privately maintained, and meets DEP standards, it will have a bi-annual inspection by a PE provided by the HOA. There are no septic systems on the site that are of issue. There is none proposed at this time.

Mr. Carpenter identified each exhibit – exhibit A1 showing the duplex structures, exhibit A2 showing the triplex units, exhibit A3 an overall site plan rendering of the site, exhibit A4 an aerial photo.

Mr. Schmuckler asked what will be planned for the tot lot. Mr. Carpenter stated that there will be a fence around the tot lot with a gate to allow access, the equipment will meet whatever the engineer wants.

Mr. Banas asked how many trees will be eliminated particularly in the back. Mr. Carpenter stated that there may be 500 trees removed in the rear but where the buffers are we will save as many trees as possible. Mr. Vogt suggested that the developer use snow fencing to determine the trees that are to be saved so there is no mistakes made.

Mr. John Rea P.E., specializing in traffic. Mr. Rea stated he prepared a traffic study dated 9/20/10 and what we did was collected peak hour traffic volume data at Route 9 and Walnut Street because our driveway lines up with the driveway of the residential community across Route 9. We are a couple of hundred feet north of the Seagull Square area. We are going to turn the T intersection into a four way intersection, one of the comments in Mr. Vogt's letter is that we have this striped for a separate right and left turn lane and one of these lanes needs to be converted to accept thru movements that would go across to the other residential sub-division. It would appear as though the left turn lane should be the lane because it lines up directly to the entrance of the sub-division across the street. We do not have enough volume to warrant a signal light.

Mr. Fink mentioned that he travels this area all the time and it would be very dangerous to have cars travel across Route 9.

Mr. Rae stated that he was responding to a comment in Mr. Vogt's letter from an engineering perspective because the two streets are going to line up it makes sense to convert which ever one of these two lanes that lines up with the receiving lane on the other side of the street, just put paving marking sown to indicate which one of these two lanes if someone should wish to go across the street during a period of non-peak hours or what ever, you have to have one of these lanes designated as a thru lane in order to accommodate to that movement and I was responding to Mr. Vogt's remark that was a good and and accurate remark and we have to designate one of those lanes for thru movement. With respect to the traffic conditions on Route 9 I basically agree that it is very difficult to make left turns at peak hours. One of the god things about our application, and I can only say it half the time, is because we are on the east side of Route 9, the overwhelming majority of the traffic generated by the residential communities on the south end of the Township wants to go north, and if you look at the counts we conducted from the residential community on the other side of the of the street that clearly is the case with 80 to 85% of the traffic making a left and going north. This time because we are on the east side of Route 9 the overwhelming majority of the traffic when it is leaving the site is going to make a right turn and go north and obviously right turn movement is easier to make than a left turn movement, so because of that our traffic analysis shows that our access to Route 9 will operate at a C level of service at the AM peak hour and s D level of service during the PM peak hour. Whereas if you were on the west side of Route 9 and you were making a left turn it would be level of service F. So the next time you see me I will probably bring you a sub-division that is on the west side and I can't say this but tonight I can.

Mr. Vogt asked if Mr. Rae has had any dialog with the DOT on his application yet. Mr. Rae stated that no he had not, but he anticipates because of the number of units in this development it will be a minor permit. I don't see an issue with the DOT as far as the way it is designed, but he does think they will have to designate one of the lanes as a thru movement, but to him he doesn't see any reason why the DOT would not generally approve the plan as it has been presented. Hopefully in the near future Vermont will come up to Route 9 and you will be able to make a series of right turns to go south on Route 9 or to get to Route 70. Mr. Vogt stated that that is subject to funding.

Mr. Banas stated that Mr. Rae has pointed out the clear easiness to make a right turn in the AM, what happens in the PM when all of those cars that had it easy now has to make a left turn to get into the property.

Mr. Rae stated that the left turn into the property only has to deal with north bound traffic only one direction; any left turn out of the driveway has to deal with finding a gap in two directions of traffic flow. So right from the very beginning any left turn movements into the driveway only have to deal with the traffic in one direction. We do have the signal at the Seagull square which is just a couple of hundred feet from our driveway. Again I feel that this property is probably better situated than most that I have dealt with here over the years in terms of dealing with traffic because eventually even if the north bound traffic is very heavy as it is in the PM hours, the



light will turn red for the north bound traffic and a gap will be created so that motorists can make the left turn into our driveway.

Mr. Fink stated that there are other communities that are being built right next to and across the street from this property, that stretch of Route 9 right now is horrible, and I am afraid we are just adding to it and I am trying to figure out if there is a better way. Just having a left and a right turn is not so simple.

Mr. Rae stated that that is why at the beginning of his testimony I indicated that the Township is doing things that are beneficial, they are building other streets that parallel Route 9 and can take some of the traffic load off of Route 9. I think it is rather late in the game to go up and down Route 9 and acquire all these right of ways in order to widen Route 9, so I think what the Township is doing for example Vine Street which will parallel Route 9 and take some of the traffic load off of Route 9.

Mr. Fink asked if he had thought about making a right turn only and going up to the BP gas station there is a U turn and you can come out on Chestnut and then make a left onto Route 9 which is safer. Would there be any way to have the cars go through Seagull shopping center and exit out that way.

Ms. Weinstein state that Seagull Square is private property and she did not think they would allow that.

Mr. Schmuckler asked what the DOT said about the Chesterfield Commons development, what are the movements.

Mr. Rae stated that all movements are permitted there id full access. The DOT permitted all movements.

Ms. Weinstein stated that Chesterfield Commons is 72 units this application is only 43 units. Mr. Rae stated that at all of these properties the DOT has permitted all access and to change that now for one property isn't going to solve the problem.

Mr. Banas asked what would be the possibility about putting a light at this property that would work in tandem with the light at Seagull Square.

Mr. Rae stated that in his opinion the DOT would not approve that for a couple of reasons, even though it may be able to work in tandem with Seagull Square, we quite frankly, this is a dead end street, there is a book called "The Manual on Uniform Traffic Control Devices" and you have to have a certain minimum level of traffic in order to warrant a traffic signal and unfortunately we don't come close to meeting that number. The second reason would be we would need to get a waiver from the DOT because there traffic signal spacing requirements for Route 9 are such that the two signals would be to close together, they require half a mile, they do grant waivers but they are really hard to get.

Mr. Banas stated that really is not so, they established a light at Seaview Square and on Honey Locust and that is not a half mile.

Mr. Rae stated that Honey Locust has traffic volumes that are significantly larger than this property.

Mr. Banas stated that the readings in the newspaper at that time indicated that the reason for installing the signal at Honey Locust was for the purpose of easing the congestion of the traffic going across the bridge and that was the purpose. If you try hard enough excuses can be made and excuses can be accepted. I'm trying to think of the ease of the residents of this property getting onto Route 9, whether they go north or south and that addition of a light there might make it easier for everyone around.

Mr. Rae stated that he doesn't disagree with the general concept, the problem is if we look at that we basically would have traffic light at every problem intersection there would be lights every 300 feet on Route 9. The DOT has the say as to where lights are going to go.

Mr. Jackson asked Mr. Rae isn't this up to the DOT anyway. Mr. Rae answered yes.

Mr. Banas stated that if you don't ask you don't get.

Mr. Fink asked if they wouldn't mind just asking the DOT we might all be surprised.

Mr. Rae stated that he would make the request for the traffic signal part of the DOT access permit application.

Mr. Fink opened this portion of the application to the public.

Mr. William Hobday 30 Schoolhouse Lane stated that this is one of the heaviest traveled areas of Route 9 anywhere, I fail to see how the volume at Honey Locust would be any more than in front of this proposed development, your traffic is Route 9 north and south the volume is consistently heavy in fact coming home at about midnight the traffic was still astounding at that time. Is this community going to be serviced by city water and sewer? Ms Weinstein stated yes. Is that with that current motel used city water and city sewer, because there was a question is there a septic system and the applicant responded no. Mr. Hobday continued, I just wonder if they were not connected to city water and sis not have a septic system, what did they do. Ms. Weinstein stated that even if there is a septic system the applicant will dispose of that in the proper fashion in accordance with all requirements. We are bringing city sewer and public water. Mr. Hobday stated that is there an area in the back that can possibly connect to the roadway by the bowling alley. Ms. Weinstein stated that the property in that area does not belong to the applicant and therefore can not be used. Mr. Hobday then stated there are 43 dwelling units that are being proposed with basements, is there any prohibition to basement apartments or are they allowed. Mr. Kiert stated that they are allowed by statute. Mr. Hobday then inquired are these classified as single family or multi family, if it is used as a multi family will that category change. Ms. Weinstein stated that she did not think the category changes to a multi family but the applicant is providing four parking spaces

so that there is enough parking if the basement is used as an apartment in the future. The applicant is not finishing those basements. Mr. Hobday stated in conclusion that it comes down to the probability to have 83 dwelling units with the associated four cars each, this is going to so impact that area of Route 9 so that none of us will be able to leave our dwellings.

Mr. Yochanan Yankelweitz 116 Walnut Ave., Chesterfield Commons, I come here with a petition of over 100 names from the residents at Chesterfield Commons objecting to this development. Mr. Jackson stated that the petition can be marked into evidence but the Board can not take it into consideration in their decision because it is hearsay. Mr. Fink explained that the resident can speak to what is on his mind but not for the whole development. The residents have an extremely hard time making a left turn out of the Chesterfield Commons. Mr. Schmuckler asked if Mr. Yankelweitz knew what the traffic was like on Route 9 before he purchased his home in Chesterfield Commons. Mr. Yankelweitz knew what he was dealing with but the complaint is that the road being directly across from his development poses a challenge to make a left onto Route 9 the opposing traffic would make it even harder. Mr. Rae stated that it would not be a desirable entrance and the Dot would probably not allow it. If you wanted to get an offset of the two roads they would have to be at least 150 feet to 250 feet apart and we simply don't have the room for that. Given the property frontage the only place we can put this road is right where it is. Mr. Vogt confirmed Mr. Rae's testimony and stated that the DOT would most likely put the road right where it is being put. Mr. Yankleweitz asked if there was a way to access the U-turn by the gas station. Mr. Fink stated that he goes into the Seagull Square shopping center to make his turn around because it simply is not safe to cross Route 9 no matter who here tonight says it is safe, it is not.

Mr. Schmuckler asked Mr. Rae when he did his calculation for traffic did he include the possibility that the basements could be used as apartments in the future. Mr. Rae stated that what they did because they have done so many traffic studies in Lakewood, they went out and dome some traffic studied on their own about how much traffic is done at peak hours from the various developments, and our actual calculations of the traffic are calculations are approximate 2.5 times more than a standard townhouse would generated because we know what is happening here in Lakewood. AS a matter of fact any traffic study that we have to submit to the Ocean County Engineers dept. they have an approved traffic generation rate for Lakewood that doesn't cover any other town in Ocean County. Mr. Fink stated that he thinks that the traffic study is accurate and very well done. Ms. Weinstein stated that the study was done on the previous number of unit at 48 not at 43 units.

Ms.Gerry Balwins, Governors Road. The experts say that you need to have the intersection with the four streets, my experience coming our of Coventry Square on Kennedy Bld. If I have to make a left turn I don't go to the red light because there is a back-up there I will make the left turn because Berkowitz is offset, I am unsure of the number of feet, it just gives a little bit of a maneuverability to make my left turn.

Mr. Fink closed this portion to the public.

Mr. Banas asked how many parking spaces do you provide and how many are required. Ms. Weinstein stated they are providing 172 and 172 are required, four parking spaces per unit, there are five bedrooms per unit.

Mr. Jackson asked does this comply with the RSIS guidelines. Mr. Rae stated that the RSIS guidelines would be exceeded. There is an existing Township ordinance that we are compliant with. Ms. Weinstein stated both the Board of Adjustments and this Board require four spots for a five bedroom townhouse and that does not include an unfinished basement.

Mr. Banas asked if there was a ruling recently by the DCA on the number of bedrooms and parking spaces. Mr. Jackson stated that was a hammer head issue not parking.

Mr. Schmuckler made a motion to approve this application with all of the conditions we talked about, the buffer areas where the trees are should be snow fenced off before taking down any trees, sidewalk should continue along the part that was missing on the western side, include the request for a traffic light in the submission to the DOT. Mr. Follman seconded the motion.

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

**3. SP #1755** (Variance Requested)

Applicant: Joseph Weschler

Location: Eleventh Street, east of Clifton Ave.

Block 111 Lot 9

Minor Subdivision to create 2 lots

### **Project Description**

The applicant seeks minor subdivision approval to subdivide an existing 15,000 square foot lot known as Lot 9 in Block 111 into two (2) new residential lots, designated as proposed Lots 9.01 and 9.02 on the subdivision plan. The site contains an existing one-story dwelling and an existing garage, both of which will remain on what is proposed Lot 9.02. New Lot 9.01 would be created and developed with a new single-family home. Public water and sewer is available. The site has frontage on the north side of Eleventh Street, approximately 150 feet east of its intersection with Clifton Avenue. Both parcels will be 7,500 square feet in size. Curb and sidewalk exist along the street frontage. The lots are situated within the R-10 Single Family Residential Zone. The surrounding area is primarily single-family residences. ***We have the following comments and recommendations per testimony provided at the 08/31/10 Planning Board Plan Review Meeting and comments from our initial review letter dated August 25, 2010.*** (I) **Zoning (1)** The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. **Statements of fact (2)** Per review of the Subdivision Map and the zone requirements, the following variances are required: (a) Minimum Lot Area (proposed Lots 9.01 and 9.02, 7,500

SF each, 10,000 SF required) – proposed conditions. (b) Minimum Lot Width (proposed Lots 9.01 and 9.02, 50 feet each, 75 feet required) – proposed conditions. (c) Minimum Front Yard setback (proposed Lot 9.02, 19.7 feet, 30 feet required) – existing condition. (d) Minimum Side Yard setback (proposed Lot 9.01, 7.5 feet, proposed Lot 9.02, 7.7 feet, 10 feet required) – proposed conditions. (e) Minimum Aggregate Side Yard setback (proposed Lot 9.01, 15 feet, proposed Lot 9.02, 19.9 feet, 25 feet required) – proposed conditions. **The Board shall take action on the above listed variances.** (3) Building coverage calculations are required for proposed Lot 9.02. Our estimates indicate the twenty-five percent (25%) allowable coverage will be exceeded. **The building coverage calculations are required to determine the magnitude of the variance required.** (4) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The bulk requirement table has setbacks and information for “Proposed Lot 9.02” and “Proposed Lot 9.02 with existing building to remain”. **The plan has been revised to depict the existing dwelling and garage to remain.** (2) The bulk requirement table erroneously lists the existing garage as requiring a rear yard setback variance at 12.2 feet from the rear property line. The accessory building setback requirement in the R-10 zone is 10 feet. **The accessory building zoning information has been added.** (3) The rear yard setback for the existing home on Lot 9.02 should be provided on the plans. **The rear yard setback for the existing home on proposed Lot 9.02 shall be 82.1 feet. The side yard setbacks on new Lot 9.02 are proposed variance conditions. The maximum building coverage on proposed Lot 9.02 exceeds twenty-five percent (25%). The Schedule of Bulk Requirements shall be corrected accordingly.** (4) The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that three (3) off-street parking spaces will be provided for the existing home on Lot 9.02, and four (4) spaces will be provided for the future home on proposed Lot 9.01. **Testimony shall be provided on the number of bedrooms. Parking shall comply with new ordinance 2010-62 unless variances are sought and granted.** (5) Testimony should be provided confirming a basement exists for Lot 9.02. A basement is proposed on Lot 9.01. Seasonal high water table information is required. Parking shall be provided to the satisfaction of the Board. **A note has been added to the plan stating that a soil boring shall be performed to determine the seasonal high water table prior to the construction of a new dwelling.** (6) Proposed lot and block numbers must be approved by the tax assessor’s office. **The Map must be signed by the Lakewood Township Tax Assessor’s Office.** (7) General Note #8 notes the architectural dimensions of the proposed structure on proposed Lot 9.01 is not known at this time. The building box of 35’ X 50’ for proposed Lot 9.01 will provide less than twenty-four percent (24%) lot coverage, which complies with the 25% maximum. **The applicant intends to conform to the maximum coverage requirements.** (8) A six foot (6’) wide shade tree and utility easement is proposed for the Eleventh Street frontage of the project. **Easement areas shall be added to the individual lots.** (9) No shade trees are proposed along either of the proposed

lot frontages. However, two (2) large shade trees are being saved within the shade tree easement on proposed Lot 9.01. Landscaping should be provided to the satisfaction of the Board. **One (1) "Green Vase Zelkova" shade tree is proposed within the shade tree easement for new Lot 9.02. This is reasonable since two (2) large shade trees are being saved within the easement on new Lot 9.01.** (10) The Plan indicates several mature trees exist on the proposed lots. Some of these trees may be salvageable. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. **The proposed plan saves a reasonable amount of existing large trees.** (11) Testimony should be provided on storm water management and the disposition of storm water from roof leaders (for Lot 9.01). **Testimony should be provided on storm water management.** (12) The plan depicts an area where full face vertical curb will be installed (labeling misspelled, requiring correction). The existing concrete apron behind this curb shall be removed. **The existing concrete apron for the old driveway will be removed.** (13) The existing curb across the frontage of this project is in such poor condition, it all requires replacement. **The concrete curb across the frontage of the property will be replaced.** (14) Testimony should be provided on the elimination of access to the existing garage to remain on proposed Lot 9.02. The existing driveway stone should be removed since the curb cut is being eliminated. **Statements of fact.** (15) Compliance with the Map Filing Law is required. **Statement of fact.** (16) Construction details were provided and will be reviewed during Compliance if/when Board approval is granted. **Construction details will be reviewed during compliance if the subdivision is approved.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board, (b) Ocean County Soil Conservation District; (c) New Jersey American Water (water & sewer); and (d) All other required outside agency approvals. **New Jersey American Water will be responsible for the water and sewer connections. All other outside agency approvals shall be obtained as conditions of approval.**

Mr. Banas is now acting as Chairman. Mr. Fink has left the room.

Mr. John Doyle, Esq. for the applicant this is a situation where you have 15,000 sq feet, you have an existing house that occupies the right half of this lot 7,500 sq feet on a street where every interior lot is our size as proposed or smaller, we are seeking a sub-division to allow the 7,500 feet to have a basically conforming home developed on it and the variances to allow the existing house on the right side of the lot. WE will meet all of the engineering issues and we appreciate that the engineer states that we save a reasonable amount of trees we will meet the Storm Water Management on plot plan and we will remove curbs and replace what has to be replaced. Leaving basically the only issues the variances we seek.

Mr. Brian Flannery PE stated that the application is a 15,000 sq foot lot, clearly bigger than the other lots in the area as he indicated on this block the other interior lots are all 50 feet wide the setbacks that we are asking for are larger than other homes on this side of the block. A duplex could be permitted on this lot but we are

not asking for increased density we are just asking for something that fits into the neighborhood better. This is a straight forward application, they asked for a calculation on the coverage of the existing house that will remain, because we have a detached garage it is 31% where 25% is allowed and we would respectfully request that so the garage stays I think it is a benefit to the existing home and a benefit to the neighborhood. The interior lots on our side area all similar to what we are asking for and you can see in the surrounding area there are lots of a similar nature. I should point out when you go on the other side of Clifton Ave. that is that whole corridor of multi family so we are actually a transition from that multi family to as you get further over to the R-10.

Mr. Fink returned to the meeting and asked if there were questions from the Board.

Mr. Schmuckler asked about the parking. Mr. Flannery stated that the existing home has three parking spaces and the garage, the new home will have four spaces. Mr. Schmuckler asked if the existing home had a rentable basement. Mr. Flannery stated no.

Mr. Fink opened the meeting to the public. Seeing no one closed to the public.

A motion was made by Mr. Schmuckler to approve this application and seconded by Mrs. Koutsouris.

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

**4. SP #1501A** (Variance Requested)

Applicant: LWI Enterprises

Location: Southwest corner of Prospect St. and Massachusetts Ave  
Block 445 Lot 17

Amended Preliminary & Final Major Subdivision to create 15 Townhouse Units

**Project Description**

The applicant is seeking an amended preliminary and final major subdivision approval with associated variances for Block 445, Lot 17. The amended preliminary and final major subdivision approval is sought for fifteen (15) townhouse lots in three (3) buildings and one (1) Homeowners Association lot. The applicant initially received approval to provide nineteen (19) town homes by Judge Kline under Docket #OCN-C-229-04 on 1/14/05. Existing Lot 17 contains an existing two-story masonry building which will be removed. The applicant proposes fifteen (15) residential townhouse lots and one (1) Homeowners Association lot. The Homeowners Association lot spans from Prospect Street to Massachusetts Avenue and contains a proposed parking area and a proposed recreation area. **We have the following comments and recommendations per testimony provided at the 8/31/10 Planning Board Plan Review Meeting, and comments from our initial review letter dated August 26, 2010:** (1) **Zoning** (1) The site is situated within the R-M, Multi-Family Residential Zone. Per Section 18-902H.1.d of the UDO, "townhouses" is a permitted use. **Statement of fact.** (2) Though townhouses are a permitted use

in the zone, the original approval was granted under the Section 18-1010 requirements of the UDO for townhouses as a conditional use. **According to the revised plans, the following variances are being requested:** (3) (a) **minimum setback from property lines. A minimum twenty foot (20') setback is required from adjacent property lines whereas fifteen feet (15') is proposed. This occurrence would take place only for the unit on proposed Lot 17.11.** (b) **Minimum front yard setbacks. A minimum front yard setback of twenty-five feet (25') is required, whereas less than twenty-five feet (25') is proposed for Lots 17.01 through 17.15. The proposed minimum front yard would be five feet (5').** (c) **Minimum side yard setbacks. A minimum side yard setback of twelve feet (12') is required, whereas 10.8 feet is proposed on Lots 17.06 & 17.07. Proposed setback dimensions shall be to the hundredth of a foot and not rounded to the nearest tenth.** (4) The location of decks and HVAC equipment will need to be addressed for zoning compliance. **The proposed locations of decks and HVAC equipment must be coordinated between the site plans and architectural plans.** (5) The applicant may have to comply with recently adopted Ordinance 2010-28 which adds new Section 18-403 Developers Agreements to the UDO. We defer to the Board Solicitor on this matter. **Matters pertaining to the Developers Agreement shall be determined by the Board Solicitor.** (6) The applicant must address the positive and negative criteria in support of any required variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.**

(II) **Review Comments** (A) **General/Circulation/Parking** (1) Off-street parking: According to the architectural plans provided, each townhouse will be provided with five (5) bedrooms and an unfinished basement. The applicant is proposing four (4) off-street parking spaces per unit. RSIS requires 2.4 off-street parking spaces for three (3) bedroom units. Off-street parking requirements for townhouses in excess of three (3) bedrooms are not listed in the RSIS. Sixty (60) off-street parking spaces are being proposed. In the original Board approval, the applicant agreed to deed restrictions on the basements so that they could not be used as separate dwelling units and that they would be used for storage only. **Testimony shall be provided regarding the allowable use of the basement. Parking should be provided as required per the new parking ordinance (2010-62) and to the satisfaction of the Board.** (2) An 18' X 12' trash enclosure is proposed within the parking lot. **The applicant's professionals have indicated that the Department of Public Works has required the dumpster area to be revised to 20' X 12' to service the site.** (3) The applicant has provided six foot (6') wide shade tree and utility easements dedicated to the Township along the Prospect Street frontage and along the Massachusetts Avenue frontage. Sight triangle easements at the vehicular access points and the intersecting roads are also provided and will be dedicated to the County. **Statements of fact.** (4) Proposed Lot 17.16 and the improvements proposed on the lot will be owned and maintained by a Homeowners Association (HOA). A Blanket Easement shall also be provided for all common element improvements proposed on individual lots. The Homeowners Association Documents shall be provided to the Planning Board Engineer



and Solicitor for review. **Homeowners Documents can be provided as a condition of final approval.** (5) Curbs and sidewalks are proposed along the road frontages and throughout the proposed project site. **Fact.** (6) Detailed engineering plans and computations of the proposed retaining wall for the south side of the property must be submitted. **The applicant's professionals have agreed that detailed engineering plans and computations for the proposed retaining wall shall be provided as a condition of final approval.** (7) The locations of air conditioning equipment shall be shown as required in the original resolution of approval. Said equipment should be adequately screened. **The applicant's professionals have indicated that these conditions in the original resolution of approval will be complied with.** (8) The previous approval included a six foot (6') high chain link fence at the top of the retaining wall. The proposed chain link fence is missing from the amended plans. **A six foot (6') high chain link fence along the top of the retaining wall has been provided on the revised plans.** (B) **Architectural** (1) The architectural elevations indicate the attic roof to be twenty-six feet eight inches (26'-8") above the finished floor. Testimony must be provided to confirm the allowable maximum building height is not violated. **The applicant's professionals indicate that testimony shall be provided to confirm compliance with the allowable maximum building height.** (2) Unfinished basements are proposed with exterior access from stairwells leading beneath the front landing. The site plans indicate the basement floor elevations to be ten feet two inches (10'-2") below the first floor elevations. **Statements of fact.** (3) We recommend that renderings be provided for the Board's review at the time of Public Hearing. **The applicant's professionals indicate that renderings shall be provided.** (C ) **Grading** (1) A detailed grading plan is provided on Sheet 4 of 12. Consistent with the existing topography, proposed grading will generally slope from southwest to northeast. A storm sewer collection system is proposed to collect runoff and recharge it into the soil. Per review of the amended design, it remains feasible as proposed. **Statements of fact.** (2) Revised grading is required to provide handicapped accessibility for the project. **Handicap accessibility shall be provided from the proposed handicap parking spaces to the recreation area. The applicant's engineer has agreed to revise the proposed grading as a condition of final approval.** (3) Test pit information shows on the Grading and Drainage Plan. In most cases the seasonal high water table is over ten feet (10') deep. Unfortunately because of the amount of relief on the site, in many instances it cannot be determined whether a two foot (2') separation is maintained between the proposed basement floors and the seasonal high water table. **The applicant's engineer has agreed to undertake additional soil borings to a deeper depth to determine seasonal high water table elevations onsite. These borings will be undertaken as a condition of final approval.** (4) A detailed review of the grading design can be performed prior to, or during compliance if/when amended Board approval is received. **Statement of fact.** (D) **Storm Water Management** (1) A proposed storm sewer collection and recharge system has been designed utilizing perforated high density polyethylene pipe. **Statement of fact.**

(2) A Storm Water Management Report has been submitted for review. **A design meeting was held. Revisions shall be made to the storm water calculations after additional soil borings are undertaken.** (3) Water quality has not been addressed.

**The applicant's engineer will design inlet filters to address water quality. (4)** A storm water management operation and maintenance manual should be provided for the storm water management system. **A Storm Water Management Manual has been provided. The system shall be owned and maintained by the Homeowners Association. The manual will be reviewed in detail after revised storm water calculations and designs are submitted. (E) Landscaping (1)** A comprehensive landscape design is provided on Sheet 7 of 12. Shade trees, screening, and foundation plantings are proposed throughout the project site. **Statements of fact. (2)** The overall landscape design is subject to review and approval by the Board. **Statement of fact. (4)** A detailed review of the landscaping will be conducted when plan revisions are submitted. **A detailed review of the landscaping will be conducted as a condition of final approval. (F) Lighting (1)** A detailed lighting design is provided on the Landscape and Lighting Plan. Proposed lighting has been provided for the interior parking area and the recreation area. Five (5) twenty foot (20') high pole mounted fixtures are proposed for the interior parking area and three (3) twelve foot (12') high pole mounted fixtures are proposed for the recreation area. **Statements of fact. (G) Utilities (1)** General Note #3 on the Amended Subdivision indicates that public water and sewer service to be provided by New Jersey American Water Company. **General Note #29 has been added to the plans with regards to abandonment of any septic systems and potable wells onsite. (2)** Testimony should be provided regarding other proposed utilities. **The applicant's engineer has indicated that applications for the water and sewer extensions have been submitted to NJAW. Testimony will be provided on other proposed utilities. (H) Signage (1)** No signage information is provided within the current design submission. **The applicant's professionals indicate that at this time no signage is proposed. (2)** All signage proposed that is not reviewed and approved as part of this amended subdivision application, if any, shall comply with the Township Ordinance. **Statement of fact. (I) Environmental (1) Tree Management Plan** A Tree Protection Plan is provided. Trees of ten inches (10") in diameter or greater are shown on the plan. Additionally, the Tree Protection Plan finds three (3) specimen trees with a combined diameter of fifty-eight inches (58") that exist on site which will be removed. A large number of shade trees are proposed for the site, far in excess of the compensatory planting requirements. The applicant must comply with the requirements for tree protection and removal as applicable for this site. **Statements of fact. (J) Construction Details (1)** Construction details are provided on Sheets 10-12 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. **The applicant's engineer has indicated the minimum Class of concrete will be adhered to. (3)** Storm sewer details must be revised to match the amended design. **Storm sewer details will be reviewed as a condition of final approval. (4)** Construction details will be reviewed after revised plans are submitted for the project. **Construction details will be reviewed as a condition of final approval. (5)** Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. **Statement of fact. (K) Final Plat (1)** Actual setback dimensions to the hundredth of a foot are required to determine

zoning compliance. **Proposed layout to two (2) significant figures is consistent with the significant figures of the Survey.** (2) The lot numbers must be updated with the Township Tax Assessor. **The proposed lot numbers were reviewed and approved by the Tax Assessor on August 2, 2010.** (3) Compliance with the Map Filing Law is required. **Statement of fact.** (4) The Schedule of Bulk Requirements requires corrections. **Further updates to the parking are required because of New Ordinance 2010-62.** (5) The Final Plat will be reviewed in detail after design revisions are undertaken for the project. **Final review of the plat shall be undertaken as a condition of approval.** (III) **Regulatory Agency Approvals** Amended outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) Ocean County Board of Health (well and septic removal); and (d) All other required outside agency approvals. New Jersey American Water will be responsible for constructing potable water and sanitary sewer facilities. **The applicant's engineer indicates that all amended outside agency approvals are pending.**

Mrs. Koutsouris excused herself from the meeting at this time.

Mr. Steven Pfeffer, Esq. for the applicant, this is an amended application we basically have a history of being in Superior Court where we received approvals we are here tonight to remove one of our townhouses previously approved. We are looking to increase the parking, we generally agree with Mr. Vogt's letter the only two things we are seeking tonight is part of the original resolution indicated that the basement was to be used strictly for storage we are looking to eliminate that and allow any legal use under the Lakewood code. The other thing is that there is an indication that a developers agreement is required and this predates the new ordinance and we would like to amend this. Mr. Jackson stated that they should check with Mr. Waters, Esq. on that matter.

Mr. Brian Flannery PP, I would like to mark the two exhibits one we are proposing today with four parking spaces per unit, also the original plan approved. As Mr. Pfeffer pointed out the application is pretty straight t forward, we are dropping one unit and providing additional parking. This was approved years ago when the Board did not require four parking spaces; instead they put a restriction on the basements. WE know that the basements tend to get used anyway so rather than build something with insufficient parking we volunteered to drop the unit and come back. We are seeking approval for this. All the variance the Board can approve with out any detriment to the zone plan and zone ordinance, and certainly the benefits of having the additional parking out weigh any minor detriment of the relief that is requested.

Mr. Schmuckler asked about garbage pick-up and are there sidewalks. Mr. Flannery stated that they have a refuse container as you come in off of Prospect Street, we did meet with DPW and we have an area that we have enlarged to the size that they say is needed. There are sidewalks in front of all the parking areas and along the property frontage.

Mr. Fink opened the application to the public, seeing no one closed to the public.

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

Roll Call Mr. Herzel, yes, Mr. Franklin, yes, Mr. Fink, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Schmuckler, no.

**5. SP #1918A** (Variance Requested)

Applicant: Congregation of Spruce Street

Location: Spruce Street east of Marc Drive

Block 778.01 Lot 18.01

Preliminary & Final Site Plan for synagogue

**Project Description**

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a one-story synagogue, which includes an unfinished basement, within a 3,792 square foot footprint. The site plans indicate the proposed synagogue will contain one thousand eight hundred square feet (1,800 SF) of main sanctuary area. An interior parking area consisting of eighteen (18) parking spaces, one (1) being handicapped accessible, and site improvements are also proposed within the property. Access to the site is provided from Spruce Street. The property is located in the R-12 Zone District. Places of worship are permitted uses. **We have the following comments and recommendations per testimony provided at the 8/31/10 Planning Board Plan Review Meeting, and comments from our initial review letter dated August 24, 2010:** (1) **Zoning** (1) A variance should be granted for an **existing** nonconforming Lot Width. A minimum lot width of ninety feet (90') is required. While the front portion of the lot is ninety feet (90') wide, the rear portion is only eighty-five feet (85') wide. Therefore, the average lot width is less than ninety feet (90') and a variance should be granted by the Board. **The nonconforming lot width is 87.79 feet.** (2) The site plan does not show the proposed roof overhangs at some of the proposed building access points. The proposed roof overhang on the east side of the building will violate the side yard setback. However, the building may be shifted four feet (4') to the west and minimum side yard and aggregate side yard setbacks will be met. Confirming testimony shall be supplied by the applicant's professionals. **The applicant's engineer indicates testimony will be provided that the overhang on the east side of the building will be reduced to remedy the setback violation.** (3) According to Section 18-905 B. 1. Perimeter Buffer: For properties adjacent to residential properties, if the site leaves a twenty foot (20') undisturbed area then there is no requirements for buffering. If the twenty foot (20') buffer is invaded or disturbed than requirements indicated in Section 18-905 B. 3 shall be put in place along the invaded area. **Relief is necessary from the twenty foot (20') buffer requirement. A ten foot (10') side yard and a nineteen foot (19') side yard are proposed for an aggregate of twenty-nine feet (29'). A six foot (6') high board on board fence is proposed along the east property line, while six foot (6') high fencing exists along the west property line.** (4) The applicant shall comply with recently adopted Ordinance 2010-28 which adds new Section 18-403 Developers Agreements to the UDO. **The applicant has agreed to**

**comply with the recently adopted ordinance. (5)** The applicant must address the positive and negative criteria in support of the required variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments (A) Site Plan/Circulation/Parking (1)** As indicated previously, an eighteen (18) space parking lot with one (1) handicapped space is being provided for the proposed synagogue. Since eighteen hundred square feet (1,800 SF) of sanctuary area is proposed, eighteen (18) off-street parking spaces are required, one (1) for every one hundred square feet (100 SF). **The one thousand square feet (1,000 SF) of net sanctuary space listed in the Schedule of Bulk Requirements shall be corrected to eighteen hundred square feet (1,800 SF).** (2) Some additional dimensioning is required for the configuration of the proposed parking lot and driveway. Vehicular access for the site will be from a two-way driveway aisle with perpendicular parking on both sides. Curb radii instead of corners should be provided for the end parking spaces. **Proposed sight triangles conflict with proposed parking spaces. The proposed parking lot shall be set further back on the property with dimensions provided from the front property line.** (3) A proposed 10' X 10' refuse enclosure is depicted on the plans. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. **The applicant's professionals indicate the Director of Public Works will be contacted.** (4) The Schedule of Bulk Requirements shows that no variances will be required. Minor corrections to the Schedule of Bulk Requirements will be necessary with plan revisions. The drawing dimensions must be given to the hundredth of a foot to insure zoning compliance. This is also necessary to square the proposed building on the rear portion of the lot without violating a setback. **Proposed front setbacks to the building corners are required since the proposed structure is square to the rear of the property, not the front.** (5) A proposed six foot (6') high board on board fence is located on the east side of the narrower rear portion of the property adjacent existing Lot 18.03. Existing six foot (6') high fencing is located on neighboring properties to the north and west. No fencing is proposed for the east side of the front portion of the property adjacent existing Lot 18.02 which is vacant. **The Board should decide whether to require additional fencing.** (6) Sight triangle easements are required at the exit drive. **Sight triangles have been provided which conflict with proposed parking spaces.** (7) A proposed six foot (6') wide shade tree and utility easement dedicated to the township is proposed across the frontage of the property. A description will be required for review prior to filing with the County. **The applicant's professionals indicate a shade tree and utility easement deed will be prepared.** (8) Site plan revisions are required to match proposed building access points with the architectural plans. **Additional access points have been identified on the site plans. A sidewalk connection is needed to the outside stairs for the basement. A ramp should be shown on the east side of the building.** (B) **Architectural (1)** The proposed building height for the proposed one-story structure should be confirmed. The distance between the proposed basement floor and first floor should also be confirmed. The site plan indicates an eleven and a half foot (11.5') difference between the proposed

basement floor and first floor. The building does not exceed the allowable height of thirty-five feet (35'). **The proposed elevations need to be coordinated between the architectural plans and site plans.** (2) A useable sanctuary space of one thousand eight hundred square feet (1,800 SF) is shown for the proposed building. Dimensions are required on the floor plan to confirm the proposed sanctuary space since it impacts the number of required off-street parking spaces. **The applicant's professionals indicate that architectural plans are being finalized.** (3) Testimony is required on ADA accessibility. It appears the entire proposed building is accessible. **The applicant's professionals indicate that testimony will be provided.** (4) Testimony should be provided as to whether the proposed synagogue will include a sprinkler system. **The applicant's professionals indicate that testimony will be provided.** (5) We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. **The applicant's professionals indicate that proposed air conditioning equipment will be located behind the building.** (6) Proposed roof leaders must be added to the drawings since the site plans state that the roof leaders will be piped to the storm water recharge system. **Final design of the roof leaders has not been completed. Additional storm water recharge may be proposed to the rear of the structure.** (7) We recommend that color renderings of the building be provided for the Board's use at the forthcoming public hearing for the application. **The applicant's professionals indicate that color renderings will be prepared.** (C) **Grading** (1) Grading information is provided on the current Grading and Drainage Plan. A thorough review of the proposed grading will be made after layout revisions are submitted. **The area between the proposed building and parking lot is not graded properly and it is not clear where retaining walls are proposed.** (2) Per review of the existing elevations and per review of site conditions during our 8/20/10 site inspection, on-site grades generally slope westward towards the adjoining existing properties. **Statement of fact.** (3) The soil boring location should be indicated on the drawings. Based on the soil log provided, the proposed basement floor elevation of 70.5 and bottom of recharge system of 73.20 shown on the site plan should be greater than two feet (2') above the seasonal high water table elevation. It is recommended that the proposed recharge system be constructed deeper to prevent seepage onto the lower properties to the west. **The soil boring location has been indicated on the plan. The applicant's engineer indicates the construction of a deeper recharge system is being evaluated.** (D) **Storm Water Management** (1) The proposed recharge system provided only accounts for the two hour (2) water quality storm. The system should be upgraded for the design of a twenty four (24) hour, twenty-five (25) year storm. **Based on the discussions at the Plan Review Meeting, we recommend the proposed recharge system be designed for a ten (10) year storm.** (2) Additional design information such as sizes, slopes, and inverts must be provided regarding the proposed roof leaders and their discharge(s) into the proposed stormwater recharge system. **This information will be provided in the future since the roof leader design has not been finalized.** (3) Drainage Area Maps must be provided for the Storm Water Management Calculations. **The applicant's engineer will be supplying Drainage Area Maps.** (4) The Storm Water Management Calculations state that water quality for the proposed parking lot will be provided by Inceptor filters in each proposed inlet. The

manufacturer's literature has not been included in the report. ***The manufacturer's literature has been submitted with the response letter.*** (5) The report states that the property owner will be required to maintain the property of the proposed development including the storm water management system. According to the applicant's engineer, a Storm Water Maintenance Manual will be prepared for the project. ***A General Note has been added to the plan that maintenance of the storm water system is the responsibility of the property owner. A Storm Water Maintenance Manual will be submitted upon completion of the design.*** (6) A detailed storm water management review will be conducted after layout revisions are submitted. ***The final storm water management review can be a condition of approval.*** (E) **Landscaping and Lighting** (1) A proposed six foot (6') wide shade tree and utility easement is shown across the frontage of the property. Three (3) Norwegian Sunset Maple shade trees are proposed within the easement. ***Two (2) shade trees which do not conflict with sight triangles should be proposed.*** (2) Proposed sight triangle easements must be added to the Lighting & Landscaping Plan. Proposed shade trees shall not conflict with the sight triangle easements. ***Sight triangles have been added to the plan and modifications to the proposed shade tree locations are required.*** (3) Landscaping should be provided to the satisfaction of the Board. ***The Board should provide landscaping recommendations, if any.*** (4) Landscaping shall be reviewed in detail after corrections are made to the Site Plans. ***Final landscaping review may be a condition of approval.*** (5) The Lighting design only shows two (2) fifteen foot (15') high pole mounted lights in the proposed parking lot. Testimony should be provided on the adequacy of the proposed site lighting. Additional information is necessary including photometric data and shielding. ***The applicant's professionals have indicated that testimony on lighting will be provided.*** (6) Lighting should be provided to the satisfaction of the Board. ***The Board should provide lighting recommendations, if any.*** (7) Lighting shall be reviewed in detail after corrections are made to the Site Plans. ***Final lighting review may be a condition of approval.*** (F) **Signage** (1) No signage information is provided other than traffic signage. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. The architectural plans indicate a proposed building-mounted sign over the main access. ***The only signage proposed is the building mounted signage. Compliance with the UDO must be verified (or relief sought).*** (G) **Environmental** (1) Testimony should be provided by the applicant's professionals as to whether there are any other known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property. ***The applicant's professionals indicate that environmental testimony will be provided.*** (H) **Construction Details** (1) All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. ***The applicant's engineer intends to comply with the standards.*** (2) Construction details are provided with the current design submission. We will review the construction details after design revisions are made to the plans. ***Construction details will be reviewed during compliance should approval be granted.*** (III) **Regulatory Agency**

**Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; and (c) All other required outside agency approvals. New Jersey American Water will be responsible for constructing potable water and sanitary sewer facilities. ***The applicant's engineer indicates that outside agency approvals will be obtained as a condition of approval.***

Mr. Steven Pfeffer Esq. on behalf of the applicant, asked Mr. Lines to speak about the issues he discussed with Mr. Vogt in the past.

Mr. Glenn Lines PE stated that they can address all of the technical comments as part of resolution compliance. There are variances required, we do require a width variance because to lot is 90 feet wide in the front and narrows down to 85 feet in the back so we don't meet the mean lot width, but we do have 90 feet in the front. Number two in his letter is there is an overhang on the east side of the building for the side door, we require a variance for that there is a four foot overhang we have a six foot side yard we need a variance to only provide six feet we meet the ten foot side yard for the building but not for the awning. We would like to keep the awning if the Board is alright with it. The application requires a twenty foot buffer around the building we are asking for a waiver of the buffer we are providing six foot high board on board fence from the neighbor to the west around the back of the building and come up to the easterly property line. We basically buffer all of the building from the neighbors we do not provide buffering in the front of the property. The parking of 18 spaces is sufficient, the building is 1800 sq feet and we have to provide one space for each 100 sq feet. In regard to the Storm Water Management we can live with the ten year storm. All the other comments we are fine with.

Mr. Vogt stated that there are various responses that there should be comments made on. Will there be sprinklers in the building, is it handicapped accessible. Mr. Lines stated that the building will have sprinklers and both levels of the building will be ADA assessable, we have a ramp on the westerly side of the building to access the basement and there is a ramp on the easterly side which will be accessible to the main sanctuary area. Mr. Franklin stated that the garbage pick-up is good.

Mr. Schmuckler asked what will the basement be used for, will there be outside events in the basement.

Mr. Shlomo Savo, 96 Mulford Street, a member of the congregation states that there are no plans for the basement right now.

Mr. Aron Markus, a congregant, the plan right now is that we are not renting out the basement. There would be more parking in the rear of the building if need be.

Mr. Vogt stated that the Board stipulates that if in the future they plan to rent out the basement they must return to the Board for compliance.

Mr. William Hobday, 30 Schoolhouse Lane, the applicant said on one side there is six foot wide with a four foot overhang, who is the neighbor on that side. Mr.



Flannery stated that the neighbor is Mr. Perlstein on a flag lot with the house in the back. If he had any objection he would be here.

This portion of the meeting is closed to the public.

A motion to approve the application with all that was spoken about including that the applicant come back if they plan to rent the basement for outside events, was made by Mr. Schmuckler and seconded by Mr. Herzel.

Roll Call Mr. Herzel, yes, Mr. Franklin, yes, Mr. Fink, yes, Mr. Banas, not voting, Mr. Follman, yes, Mr. Schmuckler, yes.

**6. SP #1757** (Variance Requested)

Applicant: Dan Czermak

Location: Southwest corner of Vine Street and Wadsworth Ave  
Block 1026 Lot 4

Minor Subdivision to create 2 lots

**Motion to carry this application to January 4, 2011 meeting, waiver granted**

**7. SP #1758** (Variance Requested)

Applicant: Rochelle Mikel

Location: New York Ave north of Ridge Ave  
Block 224 Lot 10

Minor Subdivision to create 2 lots

**Motion to carry this application to January 4, 2011 meeting, waiver granted**

Mr. Jackson announced that #6 and #7 on this agenda have been adjourned to January 4, 2011. Waivers have been granted. No further notice required.

**6. CORRESPONDENCE**

**7. PUBLIC PORTION**

**8. APPROVAL OF THE MINUTES**

**9. APPROVAL OF BILLS**

Motion to approve made by Mr. Franklin, seconded by Mr. Herzel.

Roll Call Mr. Herzel, yes, Mr. Franklin, yes, Mr. Fink, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

**10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Margaret Stazko  
Secretary