

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

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

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

Mr. Kielt said there were two changes in the agenda. Item #7 – SD1545A 319 Prospect LLC was withdrawn but the attorney for the applicant. Item #8 – SD 1700 Cedarwood Partners was tabled to January 5, 2009 tech meeting because there was a mistake made with the notice and it did not get to the newspaper. He asked for it to be announced because they are not re-noticing they are just re-publishing. Mr. Elward made the announcement, so no further notice will not be required.

4. PLAN REVIEW ITEMS

1. SP # 1926 (No variance Requested)
Applicant: Beth Medrash Govoha of America
Location: Princeton Avenue between 6th & 7th Streets
Block 164 Lot 1
Preliminary & Final Site Plan for 2-four story multi family buildings (102 units)

Mr. Vogt prepared a letter dated November 16, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval. This site plan proposes construction of two

(2) 4-story multi-family residential buildings of fifty-one (51) units per building for a total of one hundred two (102) units. The proposed family student housing will be added to a 4.20 acre site which contains an existing 3-story brick school building and an existing 1-story accessory building that contains bathrooms. The existing 3-story brick school building, which will remain, has an existing building area of almost twenty-four thousand square feet (24,000 SF), the existing 1-story accessory building will also remain and has an existing building area of almost one thousand square feet (1,000 SF). According to the application, the proposed family student housing buildings consist of approximately 49,360 square feet of new building area. The proposed total floor area for the proposed housing buildings is listed at just over one hundred ninety-seven thousand square feet (197,000 SF). A total of one hundred fifty-three (153) parking spaces are proposed for the site. The proposed parking spaces are divided fairly evenly among three (3) proposed parking lots. The westernmost parking lot is intended to serve the school and proposes fifty-one (51) parking spaces. The other two (2) parking areas are intended to serve the family student housing and propose a total of one hundred two (102) parking spaces, the same as the number of units. The project site consists of an entire block. In addition to the aforementioned existing buildings, the site contains a large existing bituminous concrete pavement area, some trailers, and a recreation area consisting of a field, playground, and two basketball courts. Except for the two (2) existing buildings, virtually the entire site will be renovated. Princeton Avenue, a wide collector street, borders the property to the west. Seventh Street borders the site to the north and crosses the railroad tracks east of the site. Sixth Street borders the proposed project to the south and would be a dead end street except for the fact that a service road, also known as Mary's Lane runs along the west side of the railroad tracks. The railroad tracks border the east side of the tract and Mary's Lane connects Sixth and Seventh Streets within the railroad property. The site is basically surrounded by developed land. Most of these areas are residential in nature. The plans are very detailed and extremely well prepared. The following is a summary of our review. Waivers-The following waivers have been requested from the Land Development Checklist: B2 - Topography within 200 feet thereof. B4 - Contours of the area within 200 feet of the site boundaries. B10 - Man-made features within 200 feet thereof. No reasons have been indicated for waiver requests on B2, B4, and B10. The applicant shall provide supporting testimony on the requested waivers as required. Per cursory review, it appears that sufficient existing data is provided to review the application. Zoning- The site is located in the R-M Multi-Family Residential Zone. A Planned Educational Campus is a permitted use in the R-M Zone. An existing sign located near the corner of Princeton Avenue and Sixth Street will remain. No zoning information has been provided for the existing sign. It appears the setback from Princeton Avenue is approximately three feet (3'). Proposed ground level signs are shown and detailed on the landscaping and lighting plans. However, no zoning information has been provided for the proposed signs. A design waiver is required for the length of a couple of proposed parking spaces within the central parking lot. Two (2) proposed parking spaces butt up against an existing landing for the school building and do not have the required eighteen foot (18') length. Said spaces could be signed as "compact cars only". The proposed parking data on the site plan is incorrect. It appears the proposed parking data for the school on the architectural plans is correct. The table on the site plan must be corrected. Regardless of the parking data, our review of the project indicates that sufficient off-street parking is provided in accordance with the requirements of the campus ordinance. Review Comments-Site Plan/Circulation/Parking- Lot 2 in Block 173 borders the east side of the project. The property is owned by Conrail and contains a service road (Mary's Lane), in addition to the railroad tracks. The site plan proposes improvements to this property which is not owned by the applicant or the Township. Any proposed improvements would have to be approved by Conrail; testimony should be provided regarding this matter. The applicant is proposing to stripe on-street parking spaces as part of the site plan application. Fifteen (15) parking spaces are proposed along the north side of Sixth Street, seven (7) parking spaces are proposed along

the east side of Princeton Avenue, nineteen (19) parking spaces are proposed along the north side of Seventh Street, and fourteen (14) parking spaces are proposed along the west side of Mary's Lane. Mary's Lane does not appear to be a municipal road and is too narrow to accommodate parking. The proposed parking on Seventh Street is on the opposite side of the street from the site. The proposed parking on Princeton Avenue is prohibited on school days from 8:00 AM to 5:00 PM. Testimony shall be provided as to how parking will be utilized on Mary's Lane and Seventh Street. The aisle width of the proposed central parking lot is only twenty-three feet (23') adjacent to the existing one-story masonry building. The proposed parking lot configuration must be adjusted. The proposed parallel parking space in the center of the eastern parking lot is too narrow. Vehicular circulation plans must be provided to confirm accessibility for parking spaces, delivery, emergency, and trash pickup vehicles that will need to access the site. Dimensions shall be added for all proposed striping radii. Dimensioning is required for the proposed recreational open space area. Card swipe access is proposed for the two (2) parking areas serving the family student housing. A card swipe access is incorrectly shown at the Princeton Avenue school access drive. A trash enclosure area for the school is proposed in the western parking lot. Proposed trash collection areas are indicated on the north side of the family student housing buildings. No construction details have been provided. Testimony is required regarding the trash collection operations and the adequacy of the facilities proposed. A total of eight (8) handicapped parking spaces have been proposed for the project. The spaces and aisles shall be dimensioned. Signage shall be provided for van accessible spaces. The surrounding municipal roads have existing curb and sidewalk. The curb and sidewalk will be replaced where necessary to accommodate proposed improvements. The site plan does not accurately depict the existing sidewalk along Princeton Avenue. The Township Engineer shall determine the extent of additional curb and sidewalk replacement. The existing handicapped ramps surrounding the site must be upgraded to current codes. The proposed parking lot for the school is only setback 2.96' from the Princeton Avenue right-of-way. It is recommended that the parking lot be shifted enough to allow for a six foot (6') wide shade tree and utility easement across the frontage. Pavement from Seventh Street encroaches onto the northeast corner of the site. This matter should be addressed; whether by a reconfiguration, an easement, or a dedication. Architectural- Architectural Plans were submitted for review. Per review of the submitted plans, the buildings will be approximately fifty-two feet (52') in height. Both buildings will be four stories. Building #1 has a partial basement with storage areas for all one hundred two (102) units. The applicant's professionals should provide testimony regarding the proposed building façade and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed for the family student housing. If so, said equipment should be adequately screened. Ground level HVAC equipment is indicated for the school and accessory building. However, the existing equipment shown is not adequately screened. Handicapped access to the existing school building must be addressed. Grading- A detailed Grading & Drainage Plan is provided on Sheet C-04. The proposed grading has been designed to direct runoff to four (4) separate underground infiltration systems. Additional spot grades should be added to the plans, particularly at curb returns and corners, to properly evaluate the grading. The existing elevations from the survey around the perimeter of the project should be included on the Grading & Drainage Plan for the purpose of tying in proposed grading. The existing gutter grades along Sixth Street are too flat to properly convey runoff. Proposed storm sewer is required which may connect to the existing system at the intersection of Princeton Avenue and Sixth Street. Ideally the proposed gutter grades should be designed at a 0.5% slope. The Grading, Excavation, and Backfilling Notes shall be revised accordingly. Stormwater Management- A proposed stormwater management system has been designed for the site. The construction of four (4) separate underground infiltration systems is proposed to handle the

increased runoff which will be generated by the project. Two (2) of the proposed underground recharge facilities (Infiltration Basins #3 & #4) will have pretreatment devices. A third pretreatment device is recommended for Infiltration Basin #1 since the facility collects virtually the entire proposed central parking lot. A pretreatment device is not required for Infiltration Basin #2 since only the courtyard between the proposed family student housing buildings will be collected. The proposed project will reduce the proposed stormwater discharge to the surrounding streets. However, the existing storm sewer system in the surrounding streets is vastly undersized. We can review some options for intercepting additional runoff from the site with the applicant's engineer. In addition, we will be able to ascertain a better understanding of the system designed which is complex and very state of the art. According to our review of the "Pond Reports", it appears the capacities of all infiltration systems are adequate. An excerpt from the Geotechnical Investigation has been included in the Appendix of the Stormwater Management Report. A full copy of the investigation should be submitted for review. According to the soil borings, proposed Infiltration Basin #3 will not be two feet (2') above actual ground water table. Storm sewer profiles shall be provided. A stormwater management maintenance manual must be provided in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Landscaping- The overall landscape design is subject to review and approval by the Board. A very comprehensive landscape design has been provided. Six foot (6') wide shade tree and utility easements, as well as sight triangle easements have not been provided. Proposed shade trees are located in the landscape strip between the curb and sidewalk. These proposed shade trees shall be relocated along the frontages of the property outside of the right-of-way. Lighting- A detailed lighting design including a point to point diagram has been provided. The comprehensive lighting plan proposes twenty-two (22) low pole mounted fixtures and ten (10) wall mounted fixtures. Flood lights are proposed for the ground signs. Utilities- The project is located in the New Jersey American Water Company franchise area. Public water and sewer service will be constructed by NJAWC. A fire suppression system is proposed for both family student housing buildings. Separate connections are proposed for potable water and fire protection measures. The water connections are being made on the Sixth Street side of the project. Additional fire hydrants are being proposed for the project. A new hydrant is proposed on the Sixth Street side of the buildings and another hydrant is proposed on the Seventh Street side of the buildings. Proposed sanitary sewer is being connected to the existing system in Sixth Street. Easements for sanitary sewer mains and manholes may be required because of the volume of proposed flows. Gas service to the proposed buildings will be provided from the Seventh Street side of the project. Signage- The Site Plan shows an existing sign to remain in the vicinity of Princeton Avenue and Sixth Street. No zoning information has been provided for the existing sign. It appears the setback from Princeton Avenue is approximately three feet (3'). Proposed ground level signs are shown and detailed on the landscaping and lighting plans. However, no zoning information has been provided for the proposed signs. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. Environmental- Site Description- per review of the site plans, aerial photography, and a site investigation of the property, the project site consists of an entire block. In addition to the existing three-story brick school building and accessory building containing bathrooms, the site contains a large existing bituminous concrete pavement area, some trailers, and a recreation area consisting of a field, playground, and two basketball courts. Except for the two (2) existing buildings, virtually the entire site will be renovated. Princeton Avenue, a wide collector street, borders the property to the west. Seventh Street borders the site to the north and crosses the railroad tracks east of the site. Sixth Street borders the proposed project to the south and would be a dead end street except for the fact that a service road, also known as Mary's Lane runs along the west side of the railroad tracks. The railroad tracks border the east side of the tract and Mary's Lane connects Sixth and Seventh Streets within the railroad property. The applicant has submitted an

Environmental Impact Statement. The document has been prepared by L2A Land Design, LLC to comply with Section 18-820 of the UDO. The report is dated October 30, 2009. To assess the site for environmental concerns, natural resources search of the property and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following highlights some of the documents and field inventories which were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Wood Turtle and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. The author of the Environmental Impact Statement concludes the proposed project will have very few adverse impacts to the project site and surrounding area. Careful planning and best management practices of the project will limit the adverse impacts associated with the development. Our office agrees with the author's findings. Tree Management Plan- A Tree Management Plan has been submitted for review. A total of twenty-eight (28) trees exist on the block, which includes shade trees within the right-of-ways. A total of five (5) trees over a twelve inch (12") caliper, which includes one (1) specimen tree at a proposed driveway access, will be removed. Nine (9) trees of under a twelve inch (12") caliper will be removed. Compensatory plantings have been provided. Traffic- A Traffic Impact Assessment has been submitted for review, assessing impacts of this project on adjacent streets. As indicated in the assessment, the project would have a minimal adverse impact on the adjacent roadway system. The adjacent roadway system operates at an existing "Level of Service" of "C" or better. After development, the adjacent roadway system would operate at a "Level of Service" of "D" or better. The Assessment should be revised to incorporate the correct number of parking spaces. The assessment must have considered an earlier version of the site plan. Also, there should be no inclusion of on-street parking since the spaces cannot be designated for this particular project. Testimony should be provided by the applicant's traffic expert as to whether any improvements are warranted for safety purposes. Testimony will be necessary for the public hearing, at a minimum. Construction Details- A review of construction details will be undertaken at a future time because of the vast amount of improvements proposed for the site. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Conrail (solicit input, address if response received); all other required outside agency approvals. New Jersey American Water Company will be responsible for the construction of sanitary sewer and potable water service for the proposed project. As referenced in the Environmental Impact Statement submitted, New Jersey American Water Company will need to obtain a Treatment Works Approval and a Bureau of Safe Drinking Water Permit from the New Jersey Department of Environmental Protection.

Mr. Vogt said the applicant is requesting waivers and he has looked at the plans and feel they have enough information and the recommend granting the waivers.

Motion was made by Mr. Schmuckler, seconded by Mr. Percal, to agree to the waivers requested

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

Mr. Abe Penzer, Esq. appeared on behalf of the applicant. He said they went through the report and Mr. Vogt has spent extensive time on it because this is the first application of the new campus ordinance and said they meet this on all faces. They agree to all the suggestions made

in his report. Mr. Penzer said they have supplied the members with a copy of the proposed plan and with elevations and 3-D, the center courtyard with a playground. He said they could have gone for another 24 apartments and they waived that to make this the most economical and user friendly. He said they can comply with everything in the report.

Mr. Neiman asked if they had an engineer and Mr. Penzer said he has Tom Brennan, the architect here and Mr. Dipple along with another person as their team and they were all present. Mr. Neiman asked about parking and Mr. Penzer said they meet it, they have 6 spaces more than the ordinance requires. Mr. Franklin asked if they were counting the parking on Mary's Lane because that is not a township owned piece of property and Mr. Penzer said no. Mr. Neiman said when this new ordinance came in front of board, there was talk of parking and the ordinance they had showed 1 spot per unit and he thinks they recommended to the Township Committee to up the number because they felt that 1 parking space was not sufficient. Mr. Penzer said the Township Committee agreed with the applicant because they provided information that on campuses throughout the country, the average on campus is .2 per unit, .3 per unit and .4 per unit and 1 was rather generous and therefore the Township Committee took that into account and felt that it was reasonable. Mr. Penzer said GCU joined them in their request and they did it jointly.

Mr. Schmuckler asked if they were counting the spots on Princeton and 6th and Mr. Vogt said he believes they are showing the on street simply to show it is there, but they have off street parking calculations which meet the ordinance. Mr. Schmuckler asked how many spots do the other apartment complexes in Lakewood have and Mr. Penzer said he did a number of them and the one on 1st & Lexington has less than 1 per unit ; the one on North Lake Drive also does not have that so this is the first 4 story and they based it on the history of yeshiva apartments where you can drive by anytime and there is always room and the people who live there live there 20-30 years. This is designed for long time residents and are people who have basically 1 car.

Mr. Akerman asked if the spots that are designated for the apartments going to be marked as such and Mr. Penzer said there is a separation between the Beth Medrash and the buildings and there is a gate to get in (he pointed to a picture).

Mr. Schmuckler asked if the parking next to the regular building is for Beth Medrash (the old Princeton Ave School bldg.) and Mr. Penzer said yes.

Mr. Penzer said this is a unique property because the railroad and it is like an island unto itself. They have an environmental impact statement that they will discuss at the public hearing and they also have a traffic study and said the impact is minimal. Mr. Penzer said they have spent time with Mr. Franklin and designed it so the trash goes down into chutes. Mr. Schmuckler asked if they were putting in a sprinkler system in the interior and Mr. Penzer said yes.

Motion was made by Mr. Akerman, seconded by Mrs. Koutsouris, to advance to meeting of December 15, 2009

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

2. SP # 1838A (Variance Requested)
Applicant: NJ HAND Inc.

**PLANNING BOARD MEETING
December 1, 2009
MEETING**

**TOWNSHIP OF LAKEWOOD
PLAN REVIEW**

**Location: Vine Avenue, north of Oak Street
Block 833,834 Lot 4
Block 835, 836, 837 Lot 3
Preliminary & Final Site Plan –Phase II of affordable housing**

Mr. Vogt prepared a letter dated November 24, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval for Phase 2 of the Lakewood Commons property. This site plan proposes construction of fifty-nine (59) affordable units. The proposed unit distribution will be among seven (7) - six (6) unit apartment buildings, two (2) - seven (7) unit townhouse buildings, and the addition of three (3) units to existing Townhouse Building #8 in Phase 1. The development will also propose the extension of Coles Way, the extension of Washington Avenue from Spruce Street to Coles Way, and the construction of Stormwater Management Basin #2. Per the July 11, 2006 Resolution of Approval, the applicant received Preliminary and Final Major Site Plan approval for Phase I of the project. The Phase 1 portion of the development included seventy-two (72) units, on-site parking, a stormwater management basin, and recreation building. Phase 1 also included an extension of Tower Street, east of Vine Street. The Board noted that the plans lacked sufficient detail to grant preliminary major site plan approval for the overall development. Therefore, only a preliminary concept approval for the remainder of the project was granted. According to the July 11, 2006 Resolution of Approval, the conceptually approved overall development is a multi-stage, one hundred percent (100%) affordable housing development. The total project consists of four hundred forty-six (446) multifamily and townhouse units on common property, a recreation building, and related drainage, utilities, parking, and roadway improvements. Extensive lighting and landscaping, as well as a pedestrian circulation system were also proposed. Zoning- The site is located in the R-40/20 Cluster Zone. Planned Affordable Residential Development is a permitted use in the R-40/20 Cluster Zone in accordance with the bulk standards and requirements of paragraph 18-902B.7 of the UDO. No variances are requested for the application. However, the Schedule of General Regulations must be revised to determine compliance with zoning. The schedule shall account for what was actually constructed in Phase 1 along with what is proposed for Phase 2. The applicant may also wish to consider providing a second Schedule of General Regulations for the overall development to indicate compliance. Our review notes the Overall Site Plan indicates four hundred thirty-nine (439) units, whereas four hundred forty-six (446) units were conceptually approved. It appears a variance may be required for the number of parking spaces. According to the Schedule of General Regulations it appears three hundred twenty-nine (329) off-street parking spaces are required and only two hundred seventy-three (273) off-street parking spaces are provided. The schedule attempts to lessen the impact of the shortfall by counting thirty-nine (39) additional on-street parking spaces to bring the total parking space count to three hundred twelve (312). It appears waivers may be required from the construction of curb and sidewalk on portions of the project. No curb is proposed for the off-site east side of Washington Avenue between the site boundary and Spruce Street. No sidewalk is proposed for the entire length (on-site and off-site) of Washington Avenue. Testimony is necessary to justify the necessary variance(s) and waivers. Review Comments -Site Plan/Circulation/Parking -The listing of the Architectural Plans must be corrected on the Cover Sheet of the Civil Engineering Plans. The Overall Site Plan indicates three (3) units being added to an existing four (4) unit townhouse building in Phase 1. Detailed site plan information for this proposal must be added on the civil engineering drawings. The existing off-site right-of-way of Washington Avenue is proposed for improvement between Spruce Street and the project site. The proposed pavement width is twenty-four feet (24') with proposed curb only indicated on the west side. No sidewalk is proposed and retaining walls have been designed on both sides of the right-of-way for most of its length, attaining a maximum height of almost eight feet (8'). The proposed on-site portion of Washington Avenue has curb, but no sidewalk. A temporary turnaround is required at the

phase limit of Coles Way. Vehicular circulation must be addressed to confirm accessibility for parking spaces, delivery, emergency, and trash pickup vehicles that will need to access the site. The Cover Sheet appears to list all the Blocks and Lots of the original tract. Testimony shall be provided on the status of vacating the interior paper streets and consolidating all the various blocks and lots of the development. A Homeowners Association must have been established for the Phase 1 construction of this project. The documents may require updating for this Phase 2 application and should be submitted for review. Handicap parking spaces are proposed in front of each of the buildings. Information on the proposed number of handicap parking spaces must be provided. It should be noted that an alternate Layout Plan Concept (Sheet CE-6A) has been provided for the Board's consideration in the event that the proposed Phase 2 access extension into Washington Avenue is a concern. It should be noted that this concept would also allow for an additional seven (7) units per cursory review of the alternate plan. Testimony should be provided by the applicant's professionals in regards to the alternate plan. Architectural- Architectural Plans were submitted for review. Per review of the submitted plans, the six (6) unit apartment buildings will be forty-two feet five inches (42'-5") in height. The seven (7) unit townhouse buildings will be thirty-three feet three inches (33'-3") in height. The applicant's professionals should provide testimony regarding the proposed building façade and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. Testimony should be provided as to where HVAC equipment is proposed for the apartment and townhouse buildings and how the equipment will be adequately screened. Handicapped access to the proposed buildings should be addressed. Grading- A detailed Grading Plan is provided on Sheet CE-7. The proposed grading ties into the existing conditions and has been designed to direct runoff to proposed storm sewer systems associated with an infiltration basin. The grading between Phases 1 and 2 requires better coordination. Proposed spot grades are required at the corners of the dumpster enclosures. Large lengths of retaining wall are proposed for the north side of the project. The maximum proposed height of the wall nears eighteen feet (18'). A design and construction details are necessary. Only an Allan Block Typical Section is shown with a maximum wall height of ten feet (10'). Railing is proposed on top of the retaining wall. The proposed Washington Avenue road profile should connect to the gutter elevations of Spruce Street and Coles Way. Proposed spot elevations are required at these intersections to preclude trapping runoff. Horizontal control points (intersections, curb returns, points of curvature and tangency) should be added to the profiles to provide proposed spot elevations for the grading. Vertical curves shall be lengthened to at least twenty-five feet (25') for every percent change in grade. Stormwater Management - A proposed stormwater management system has been designed for the site. Post development runoff for Phase 2 will be handled by a proposed drainage system consisting of inlets and pipes that will convey flow to a proposed infiltration basin located near the northern border of the site. Overflow from the basin will drain to the Lincoln Avenue paper street right-of-way. The basin is proposed with 5:1 side slopes as shown on the cross section of the basin. The bottom elevation is proposed at elevation 76.00, the top of berm at elevation 84.00. According to the Subsurface Investigation, the groundwater elevation is approximately 52.5 and the basin sections should be corrected accordingly. While the seasonal high water table could be different than the observed water table, it is clear a greater than two foot (2') separation below the proposed sand layer will be maintained. The Engineering Report indicates that material replacement will be required for the Phase 2 infiltration basin. The plans must clearly indicate the proposed extent of work involved. The stormwater management system does not provide for the required reduction for the two-year storm event. Additional storm sewer can be proposed to intercept runoff and reduce the bypass areas. We can review these possibilities with the applicant's engineer. It appears the proposed emergency spillway elevation of 82.00 shown on the plans needs to be corrected to 82.50. The design of the infiltration basin meets the water quality requirements. Storm sewer profiles which are not part of the road profiles have been

provided on Sheets CE-11 and CE-12. These will be reviewed in detail after revisions are undertaken to the stormwater management system. Proposed underground perforated pipe encompasses all the proposed buildings. No connections to the proposed storm sewer system are shown. Testimony should be provided by the applicant regarding this proposed foundation drainage system. A stormwater management maintenance plan manual has been provided in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. The manual is very comprehensive. Only minor revisions are required to comply with the latest design.

Landscaping- The overall landscape design is subject to review and approval by the Board. A very comprehensive landscape design has been provided. Proposed shade trees are located in the landscape strip between the curb and sidewalk. Normally we would recommend shade trees be relocated behind the sidewalk area. However, the shade trees already planted in Phase 1 are located in the landscape strip between the curb and sidewalk. Sight triangles should be added to the plan. In this manner proposed landscaping can be designed to not impede vehicular visibility.

Lighting- A detailed lighting design has been provided. The comprehensive lighting plan for Phase 2 proposes seventeen (17), sixteen foot (16') high pole mounted town and country fixtures and one (1), thirty foot (30') high pole mounted cobra head fixture. The proposed cobra head fixture will be located at the southwest corner of the proposed Washington Avenue intersection with Spruce Street. The lower fixtures are proposed along the west side of Washington Avenue, both sides of Coles Way, and throughout the Phase 2 parking area. The proposed lighting fixtures for Phase 2 appear to have a greater spacing than those constructed in Phase 1. A point to point diagram should be provided to review the illumination.

Utilities- The project is located in the New Jersey American Water Company franchise area. Public water and sewer service will be constructed by NJAWC. Fire hydrants are being proposed for the project. Hydrants are proposed for each end of the Phase 2 parking area. Proposed sanitary sewer is being connected to the existing off-site system in Read Street. The proposed sanitary sewer line will impact the tree save area along the north side of the site. An additional tree save area may have to be designated to satisfy CAFRA. Water, gas, electric, telephone, and cable service to the proposed Phase 2 section will be provided as an extension from the Phase 1 side of the project.

Signage- No proposed signage appears to be associated with the Phase 2 portion of the project. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance.

Environmental-Site Description- Per review of the site plans, aerial photography, and a site investigation of the property, the project site is heavily wooded with both deciduous and coniferous trees. Aerial photography indicates that the original existing right-of-ways were once cleared in a grid pattern throughout the site. Topographic information provided indicates that there is a ridge that runs along the northern section of the site. Elevations along this ridge range from approximately +120 feet in the northeast corner of the site to +100 feet in the northwest corner of the site. The site generally slopes toward the south with the ground surface elevations in the southern portion of the site extending to as low as about elevation +80. The Phase 1 portion of the development has been constructed; this included seventy-two (72) units, on-site parking, a stormwater management basin, and recreation building. Phase 1 also included an extension of Tower Street, east of Vine Street.

Environmental Impact Statement- The applicant has submitted the Environmental Impact Statement for the Overall Preliminary and Phase 1 Final Site Plan Application of Lakewood Commons. The document has been prepared by Van Note-Harvey Associates, P.C., to comply with Section 18-820 of the UDO. The report was revised May 11, 2006. To assess the site for environmental concerns, natural resources search of the property and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following highlights some of the documents and field inventories which were reviewed to evaluate potential environmental issues associated with

development of this property: Known Contaminated sites (including deed notices of contaminated areas); Wood Turtle and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. The author of the Environmental Impact Statement concludes that no significant environmental limitations exist on the site that would prevent the proposed project. By adhering to sound planning techniques, employing Best Management Practice's (BMP) during and after construction for stormwater management, utilizing approved Soil Erosion and Sediment Control practices, preserving trees, and providing a comprehensive landscape plan, minimization of impacts to the environment can be achieved. Our office agrees with the author's findings. Tree Management Plan- A Tree Management Plan was referenced in the reviews for Phase 1. A Tree Management Plan has not been submitted for Phase 2 and must be provided. Traffic- A Traffic Impact Study has not been submitted for review. However, a Study assessing impacts of this project on adjacent streets was submitted with the original application for preliminary approval of the overall project and final approval of Phase 1. Traffic testimony must be provided on how the Phase 1 construction conforms to the Study and whether any modifications are required for Phase 2 of the project. Construction Details- All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. A more detailed review of construction details will occur during compliance review; if/when this application is approved. Handicapped ramp details must be revised to the current NJDOT standards. Stop Sign posts shall have a red reflective face. Striping must be coordinated among the various details. Any references to NJDOT Specification Sections must be updated to the 2007 Edition. Storm sewer details require multiple corrections and should be reviewed by the applicant's engineer. The cutoff trench for the infiltration berm detail is not shown. Minor corrections are required to the Trash Rack detail. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; NJDEP LOI: Footprint of Disturbance Determination, Washington Avenue right-of-way; NJDEP CAFRA Modification; All other required outside agency approvals. An NJDEP Letter of Interpretation: Presence/Absence Determination, Overall Site was obtained May 3, 2006. An NJDEP Letter of Interpretation: Footprint of Disturbance Determination, Lincoln Avenue right-of-way was obtained May 3, 2007. An NJDEP CAFRA Permit was obtained August 7, 2008. New Jersey American Water Company will be responsible for the construction of sanitary sewer and potable water service for the proposed project. New Jersey American Water Company will need to obtain a Treatment Works Approval and a Bureau of Safe Drinking Water Permit from the New Jersey Department of Environmental Protection.

Mr. Abe Penzer Esq. appeared on behalf of the applicant. He said they got an overall conceptual approval for the entire project and the first phase was preliminary and final and the balance is for preliminary and they agreed to come in for each phase. Because of certain restrictions they are coming in 60 units at a time and said the members were handed plans which shows the 6 phases of the eventual build out. Several of the items that Mr. Vogt raised in his report were already approved by the board- they allowed parking on Coles Way and Towers(one side); the other issue is they are going to take the sewer through Washington LLC and not through the tree save. They found that the 2 ½ parking spaces that were required they really don't need but in order to keep it there they have land banked them and they will provide testimony at the public hearing. Mr. Neiman asked if there were basements to these units and Mr. Penzer said

no, it is on slab. Mr. Neiman asked how many spaces they have without the land banking and Mr. Penzer said 2.2 or 2.3 but the 2.5 number (17 spaces) they will land bank.

Mr. Penzer said the big issue is that the neighbors gave him a petition that states they would like to have another access. He gave the board 2 alternate plans-one shows an opening on Washington Avenue and the other one is closed. Mr. Neiman asked if there was access now already on Washington and Mr. Penzer said no. Mr. Penzer pointed to the exhibit and explained the route. Mr. Penzer said originally Rabbi Schenkolewski was against it and now he is for it and is satisfied but there are some immediate neighbors who are against the road so there are people here that are in favor of it and said it is dangerous for the buses and garbage trucks to back up and make a "K" turn and read the petition to the board. Mr. Neiman said he agreed there should be 2 openings into a complex this large and the board's job is not to find the openings but the applicant's job.

Mr. Schmuckler asked Mr. Franklin what he thinks and Mr. Franklin said he thinks it is a good idea and the only problem he sees is when you come down Vine, everyone makes that right turn and then goes to Washington and there will be a little congestion there. The members then discussed the traffic and turning with stop signs etc.

Mr. Neiman said normally at a tech meeting, they do not hear from the public and asked the attorney if they can deviate from that and sees a neighbor that lives there and wanted to ask his advice so they can make a better decision. Mr. Elward said it would be within the board's discretion to ask for some input at this point.

Elliott Zaks said he lives down the block and the original plan presented was an opening onto Oak Street and the corner that Mr. Schmuckler spoke about right now is a tremendous safety hazard because people coming down Washington and coming down Vine and Mr. Neiman asked if Washington connected Pine and Spruce and he said yes. Mr. Neiman asked him where he recommends the second entrance and he said it should be as it was originally proposed- on Oak Street in between the SCHI school and Bais Tova.

Mike Sernotti, 672 Vine Street, said he lives directly across the street from the project on the corner of Vine and Towers and said today, the only way to get into that development is Towers so everybody comes up Vine or from Spruce or down Vine from Oak. He said this particular street, where they think there is an opening, is because it is a fire lane and at the southern end of Washington Ave on Spruce it drives straight through the woods and over a macadam hill and is partially open today. It is unfair to the people who are living on NJ Hand property to expect them to drive all the way south to Oak Street when they eventually want to go north and to have the opening at the end of this project on Washington Ave so when you come out you have a straight shot across the street is far more safe and convenient. While it would be adding a little more traffic to that corner, the traffic that is there already, it is immaterial and most of the people that use that street today are people who have dropped children off at SCHI or Bais Tova, the sports complex, Oak Street school, so they are people that are in the neighborhood-plus there are people who use that as a thoroughfare or cut through that don't want to use Route 9. He said they street they are talking about couldn't be more than 700 ft. so it really won't impact anything.

Mr. Neiman asked his opinion on sidewalks on Washington and said right now there are no sidewalks there and this might be the opportunity to ask NJ Hand to put sidewalks there and asked if he thinks it would make it safer to have sidewalks on Washington and Mr. Sernotti said if you open Washington Avenue at least one side of the street should have sidewalks, if not

both. The members thought it should be both sides. Mr. Penzer said they would love to do it but there is a problem with stormwater run off. Mr. Neiman said he thinks that is something they should speak to their engineer about and try to work it out.

Mr. Zaks said Funston Avenue was the street that they talked about going to Oak Street and the concept was that eventually they would open up Oak into New Hampshire through Albert so there would be a feeder road out of there. Also there is about 400 units by the time they are done and he lives in Forest Park and for him to get out in Forest Park in the morning is a 10 minute process and that only has about 90 units. Mr. Sernotti agreed and said that when this project is completed they will need at least 3 if not 4 openings. The other person suggested if they open up Washington, to make it a one way street going into the project vs. coming out.

Mr. Neiman said he appreciated their input.

Mr. Penzer said they need to understand- Washington Street that they are talking about is down off their property by Pine River Village- it is not near them and they are only a small aspect of this and when you talk about sidewalks you are envisioning way past them-they end on Spruce St. and Mr. Neiman said he understands that and said from Spruce to the end of their project. Mr. Neiman asked if they had any frontage on Washington at all and Mr. Penzer said no.

Mr. Neiman said their homework is before the public hearing is to look for the safest opening and one of the suggestions from Mr. Sernotti was to have more than 2 openings for this project and Mr. Penzer said they have 3 proposed and Mr. Neiman said sidewalks where they have the openings by all the roadways. Mr. Penzer said they will examine it but he can't commit what he can't do.

Mr. Schmuckler asked about playground space, a shul for the additional people, etc. and asked if that was all included in this and Mr. Penzer said they front loaded this and put all the amenities in the first phase so there is more than enough.

Mr. Penzer said they care about safety as much as the board does but said this is an affordable housing project and Mr. Neiman said kids are worth the same amount in affordable housing or not affordable housing. Mr. Akerman said Mr. Penzer said many times safety before affordability and Mr. Penzer said he would deal with it at the time of the hearing. Mr. Penzer said except for the things he said, they are prepared to meet all the recommendations in the engineer's report and will explore what possibilities they can about sidewalks.

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

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

Mr. Elward announced the application and told the public who did speak that their comments were helpful but not evidentiary and they would have to come to the public hearing and speak if they want that to be on the record. Mr. Neiman added that he did not want to start a precedent by allowing the public to speak at the technical hearing, but he felt here it was necessary.

3. SD # 1699 (Variance Requested)

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**TOWNSHIP OF LAKEWOOD
PLAN REVIEW**

Applicant: Shimshon Bandman
Location: Ridge Avenue- west of Somerset Avenue
Block 223 Lots 9.04 & 80
Minor Subdivision – zero lot line

Mr. Vogt prepared a letter dated November 19, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing irregular (trapezoidal) 25,720 square foot property known as Lots 80 and 9.04 in Block 223 into three (3) new residential lots, designated Lots 9.04 (modified), 80.01 and 80.02 on the subdivision plan. The site is mostly cleared in its current condition, with a two-story duplex building under construction on Lot 80. The remainder of Lot 9.04 is previous developed and contains an existing two-story dwelling fronting Highlands Crescent Road. Lot 80 was recently reviewed for compliance with the new zero lot ordinance and a similar approval is sought under this minor subdivision application. Per the zoning schedule on the subdivision plan, relief for front yard setback and off-street parking was granted for the home on Lot 9.04 under a subdivision filed with Ocean County in March, 1999. The site is situated within a predominantly residential area. Lot 80 and has frontage along Ridge Avenue, approximately 367 feet west of its intersection with Somerset Avenue. The subdivision plan depicts Ridge Avenue as having a 24' foot paved cartway, curbing and sidewalk along the property frontage. We have the following comments and recommendations: Zoning- The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings and duplexes are permitted uses in the zone. Zero lot line subdivisions for duplexes are permitted in the R-10 zone. Per review of the Subdivision Map and the zone requirements, the following variances are required for the zero lot line subdivision approval request for existing Lot 80: Minimum Lot Width (proposed Lots 80.01 and 80.02, 33.00 feet proposed per lot, 37.5 feet required). Minimum Side Yard Setback (proposed Lots 80.01 and 80.02, 7.0 feet proposed per lot, 10 feet required). As indicated previously, variances were previously granted for non-conforming front yard setback and off-street parking conditions for the dwelling on Lot 9.04. Review Comments- The zero lot line ordinance requires parking for each duplex unit as if each unit was a single-family dwelling. The zoning schedule on the plan indicates that four (4) spaces are proposed for each unit, which is satisfactory. However, the bituminous driveways as depicted on the subdivision plan scale as 18' x 35' feet in dimension. The plan should be revised to provide a minimum 18'x36' driveway area for each unit, equivalent to four (4) 9'x18' spaces. These driveways should be dimensioned on the plan for construction purposes. Additionally, paving, apron and other site work as proposed for this project must be performed in accordance with applicable Township, State and local standards. Information should be provided on the plan regarding water and sewer service to the proposed duplex units. Proposed construction details for improvements to the duplex units must be added to the plan in accordance with applicable Township or NJDOT standards. Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. Six foot (6') wide shade tree and utility easements has been provided on the plan for both road frontages. Additionally, an 8.50 foot road widening easement dedication if proposed along Ridge Avenue. The certification for the acceptance of streets by the Township shall be removed since no road improvements or dedications are proposed. Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required, including provisions to address items associated with the use, maintenance and repair of common areas and facilities associated with the overall property (existing Lot 80). Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township. Compliance with the Map Filing Law is required. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water

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and Sewer Approvals (if necessary); Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals.

Mr. Kielt said the zero line lot is something they do administratively if there are no variances; but in this case, there is one so that is why they are in front of the board.

Mr. Bandman appeared as the applicant and said he reviewed the comments and he has no problem taking care of them all.

Motion was made by Mrs. Koutsouris, seconded by Mr. Akerman, to advance to meeting of December 15, 2009

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

4. **SD # 1691** (Variance Requested)
Applicant: Sam Bauman
Location: Lakewood New Egypt Road-west of Pine Circle
Block 261 Lots 3, 3.01
Minor Subdivision to create 3 lots

Mr. Vogt prepared a letter dated October 6, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing (irregular) 31,491 square foot property known as Lots 3 and 3.01 in Block 261 into three (3) new residential lots, designated Lots 3.02-3.04 on the subdivision plan. The site is wooded, heavily-vegetated and undeveloped in its current condition. The site is situated within a residential area, and has frontage along Lakewood-New Egypt Road (County Route 528). A paved shoulder with curbing exists along the property frontage. A paved shoulder and curbing also exist along the opposite (northerly) side of the road. We have the following comments and recommendations: Zoning- The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Area (proposed Lots 3.02-3.04, 7,996 SF, 11,680 SF, and 11,815 SF respectively, 12,000 SF required) – proposed conditions. Minimum Lot Width (proposed Lots 3.02-3.04, 68.77 ft., 75 ft. and 75 ft. respectively, 90 ft. required) – proposed conditions. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents may be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. Review Comments- As indicated on the subdivision plan, driveways and/or off-street parking spaces are proposed for all three (3) new lots. Four (4) spaces per dwelling are proposed. Turnarounds are recommended for the driveways so vehicles do not back out onto a high speed County road. Testimony should be provided as to whether a basement is proposed for any of the proposed dwellings. Parking shall be provided to the satisfaction of the Board. As noted above, curbing exists along the property's (County) road frontage, and is in good condition. New sidewalk is proposed by the applicant as indicated on the subdivision plan, connecting to existing sidewalk at the northwest corner of the property. Existing and proposed grades are provided on the subdivision plan. Additional spot elevations are necessary for the proposed driveways and off-street parking spaces for all three (3) new lots. A missing proposed fifty-two (52) contour line should be added to the subdivision plan. The plan indicates that public water and sewer service

will be provided for each lot from existing utilities within Lakewood-New Egypt Road. The plan should identify that NJAWC will provide the services. A note should be added to indicate that roof leaders will discharge towards Lakewood-New Egypt Road (unless on-site retention is proposed for each lot by dry wells or similar measures). Grading revisions may be necessary to promote positive site drainage towards the road. Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. A six foot (6') wide shade tree and utility easement is illustrated on the plan along the property's Lakewood-New Egypt Road frontage, but must be labeled on the plan with bearings, distances, and areas. Three (3) Zelkova shade trees are proposed within the easement. Landscaping should be provided to the satisfaction of the Board. Mature trees are indicated on the subdivision plan. Based on available information, there are a number of mature trees within the site. Many of these trees are unsalvageable if the lots are developed as proposed, but some of these trees appear 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, final plot plans submitted for Township review should include tree protective measures to save mature vegetation where practicable. Proposed lot areas shall be calculated to the hundredth of a foot. Compliance with the Map Filing Law is required. At a minimum, monuments or pins are necessary for the proposed lot subdivision line, and at all property corners. It should be noted that NJDEP Geographic Information System (GIS) mapping includes this property as potential threatened species habitat, most likely bird species. Per our inspection of the site, no significant wildlife or nests were observed. Given that the overall local habitat area is fragmented by surrounding development, it is unlikely that "critical" habitat exists on this site as defined per NJDEP regulations. However, the applicant should be aware of potential NJDEP restrictions on development of this site if such habitat is found to exist. County construction details should be provided on the subdivision plan since most of the improvements involve a County road. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals; Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals.

Mr. John Doyle Esq. appeared on behalf of the applicant. Mr. Surmonte is the engineer for the applicant. Mr. Doyle said they acknowledge that turnarounds are recommended and basements would be proposed as long as they have to 2 ft. separation and meet the township requirements. They will provide sidewalks and there will be public water and sewer and provide drywells. They will seek to save what caliper trees they can on the front side of the front set back and on the rear of the rear setback and will add trees at the time of plot plan and will indicate how they will provide compensatory trees and agree to comply with the remaining items in the report. Mr. Doyle said this is a non rectangular piece of property and has an angle on the side and 2 of the lots are insufficient by way of square footage from 1-3% and the third one is less than that; if you multiplied that frontage by its' depth it would conform but they meet the coverage and setback requirements but what they are losing is the back right corner.

Mr. Neiman asked them to show the lots in the area and the sizes for the public hearing so they can check the consistency and said usually they grant a variance going from an R12 to an R10 and this is significant. Mr. Doyle said they think this is a very good plan and from a planning standpoint can be well proven and appropriate and would like the opportunity to supplement what they have submitted with a second concept plan that would show the 2 larger lots be reduced slightly in size and compensate the 3rd lot and maybe the board could determine between the 2 at the public hearing and Mr. Neiman said that 2nd concept not requiring side and front yard setback variances. Mr. Doyle said they would still keep the idea that none of the 3 lots would need coverage or setback variances. Mr. Neiman said the house on that 3rd lot would

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have to be a smaller home than the other 2 and Mr. Doyle said it would have to be refined to meet that angle.

Motion was made by Mrs. Koutsouris, seconded by Mr. Schmuckler, to advance to meeting of January 19, 2010

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

5. **SP # 1925** (Variance Requested)
Applicant: Yeshiva Keter Torah
Location: Squankum Road, north of Apollo
Block 104 Lots 13 & 54
Preliminary & Final Major Site Plan for proposed high school

Mr. Vogt prepared a letter dated October 8, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval for the construction of a two-story boy's high school building, which includes an improved basement, within a 7,352 square foot footprint and to convert an existing one-story dwelling into a temporary two-story dormitory, which includes an improved basement. The site plans indicate the proposed high school building will contain five (5) classrooms and four (4) offices. An interior parking area consisting of ten (10) parking spaces, one (1) being handicapped accessible, and site improvements are also proposed within the property, including a one-way bus drop-off area. Access to the site is provided from Squankum Road, a county road. The existing one-story dwelling at 670 Squankum Road is proposed to be converted into a 5,486 square foot temporary dormitory. The architectural plans indicate the proposed addition and alteration of the structure would be designed for occupancy by fifty (50) students. The plans also indicate an allowable occupancy of 109, based on a 50 SF/occupant calculation. Dormitory rooms are proposed for the basement, first floor, and second floor areas. A seven (7) space parking area with no handicapped spaces is proposed for the temporary dormitory. The site is located in the northern portion of the Township on the west side of Squankum Road, north of the intersection with Apollo Road near the Howell Township border. The tract consists of three (3) lots that total 9.7 acres in area. Existing Lot 59 of the site contains an existing one-story dwelling and an existing shed. Existing Lots 13 and 54 are vacant. Most of existing Lot 13, the largest of the three (3) existing lots contain freshwater wetlands associated with the Metedeconk River floodplain. The existing three (3) lots would be consolidated as part of the site plan approval. The existing shed would be removed and the existing dwelling converted into a temporary dormitory. Vacant land borders the site to the north and west. An existing residential subdivision exists to the south of the site. Squankum Road borders the entire east side of the tract. Zoning- The parcels are located in the R-12 Residential District. Private Schools are a permitted use in the zone. Per review of the Site Plan and the zone requirements, the following variances are required for proposed project: In accordance with Section 18-906A.2., of the UDO, a twenty foot (20') buffer is required from a residential use or district. No buffer is proposed, and only an 11.1' buffer may be provided from the existing dwelling which is proposed to be converted into a temporary dormitory. In accordance with Section 18-906A.3., of the UDO, landscaping shall be provided for the required buffer. No landscaping is proposed for the twenty foot (20') wide buffer area. In addition, the temporary dormitory and the proposed septic system for the proposed high school encroach upon the twenty foot (20') wide area which could be used for landscaping. The applicant must address how the temporary dormitory and associated parking complies with the Zoning requirements. A partial design waiver is required from providing sidewalk and curb along the

entire frontage of the site. It appears these improvements are not proposed along the northern frontage of the site because of existing freshwater wetlands. The applicant must address the positive and negative criteria in support of the required variances. Review Comments-Site Plan/Circulation/Parking- As indicated previously, a ten (10) space parking lot with one (1) handicapped space is being provided for the proposed high school. Since a total of nine (9) classrooms and offices are proposed, nine (9) off-street parking spaces are required. In addition a seven (7) space parking lot is proposed for the temporary dormitory. No parking requirements associated with the temporary dormitory are shown. A one-way bus drop off area, separate from the parking area, is proposed parallel to Squankum Road. Although it appears that adequate turning movements will be provided for the proposed bus drop off area, refuse collection, and deliveries, a vehicle circulation plan should be provided as confirmation. Testimony is necessary from the applicant's professionals regarding how the proposed bus drop off area will be used, including but not limited to times, sizes, and numbers of vehicles anticipated (i.e., buses, vans, cars, others). The General Notes state that "all students shall be bussed, no student shall be permitted to drive to and from school, and pick up and drop off time shall be between the approximate hours of 8:30 AM and 5:30 PM". Per our 9/25/09 site inspection, we note that no sidewalk and curbing exist along Squankum Road in front of the site. Sidewalk and curbing, along with road widening is proposed in front of the southern part of the site. These improvements are not proposed for Squankum Road along the northern part of the site frontage, presumably because of freshwater wetlands restrictions. A proposed refuse enclosure is depicted behind the proposed school building which should be dimensioned. 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 General Notes reference an outbound and topographic survey. An Existing Condition Plan shows outbound survey data and a partial topographic survey. A signed and sealed copy of the referenced survey must be provided as a separate document. A General Note indicates that the existing lots will be consolidated. The applicant's professionals must testify how this will be accomplished (i.e., lot consolidation plan, other). A Lot Consolidation Plan is recommended because of all the other survey data which will be required for freshwater wetlands, transition areas, transition area disturbance, and easements. Survey data is required for the Freshwater Wetlands and Waters Boundary Line, the Transition Area Line, and the Wetlands Transition Area Disturbance Line. If applicable, the wetland flagging points should be indicated on adjoining properties and right-of-ways. The limits of proposed interior sidewalk are not clear. The same symbol for the interior site sidewalk shall be used as that used along the road frontage. A Proposed Improvement Plan separate from a Proposed Grading and Drainage Plan is recommended. All proposed curb radii should be shown for accuracy of the layout. In addition, the proposed curb return points should be added. Site improvements associated with the temporary dormitory are incomplete. A means of access should be provided between the proposed temporary dormitory and proposed high school. The plans show a Freshwater Wetlands and Waters Boundary Line as verified by NJDEP File No. 1514-08-0007.1 FWW080001. A copy of this LOI shall be submitted with this application, this will also verify the Transition Area Line depicted. A three hundred foot (300') riparian buffer to the Metedeconk River is also shown on the plans. The entire riparian buffer is located between the Freshwater Wetlands/Waters Boundary Line and the River. Architectural- Progress sketches have been provided for the proposed high school. A completed set of floor plans and elevations are required. Review of the sketches indicates that the site plans and architectural plan do not match and require coordination. It is also impossible to properly evaluate the parking requirements since the architectural plans are incomplete. As noted on the Proposed Addition and Alteration for 670 Squankum Road architectural plans, new dorm rooms are proposed on the basement, first floor, and second floor levels. It appears only the first floor level will be handicapped accessible. Testimony is required from the architect. A fire suppression line is shown for the proposed high

school building. Testimony should be provided as to whether the proposed temporary dormitory will include a sprinkler system. We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. We recommend that color renderings of the buildings be provided for the Board's use at the forthcoming public hearing for the application. Grading- Grading information provided on the current design plans is incomplete. Additional proposed elevations and proposed contours are required to evaluate the grading. Proposed elevations should be provided at control points, such as curb returns and corners, access points, and building corners. Missing proposed contours must be added between the proposed building and parking area, as well as between the proposed parking area and the transition area line. Per review of the existing elevations and per review of site conditions during our 9/25/09 site inspection, on-site grades generally slope to the north towards the Metedeconk River. The site plans references a survey. A signed and sealed copy of this survey should be provided as part of this application. The Existing Conditions Plan only shows a partial topographic survey. Should the actual survey only include a partial topographic survey, then a waiver must be requested. Only one (1) soil boring is indicated on the drawings. There is a moderate slope to the site. Therefore, additional borings must be provided to justify the proposed basement elevation of the high school and the recharge system. Stormwater Management - The Stormwater Management Report does not seem to account for all proposed improvements and overland runoff lost from the site that is not collected in the stormwater management system. Revisions to the system and report are necessary. It appears additional underground detention with slower release rates will be required. A larger proposed recharge system for the roof of the proposed high school building may be required because of the lack of cover on the overflow discharge pipe. While the stormwater management concept for this project appears viable, additional design information must be provided, including the following items at a minimum: Information regarding the proposed roof leaders and their discharge(s) into the proposed stormwater recharge system. Proposed profiles of the stormwater management system. The Stormwater Management Facilities Maintenance Plan provided as part of the Stormwater Management Report lacks detail. The frequency of inspections and maintenance to the system is inadequate. The section on record keeping must be expanded with more precision for this particular project. Landscaping and Lighting- A dedicated landscaping plan is provided with the submission; proposed landscaping is depicted on Sheet 4 of the plans. A six foot (6') wide shade tree and utility easement is proposed across the developed frontage of the property. The easement shall be dedicated to the Township of Lakewood and include bearings, distances, and an area. Proposed shade trees shall be removed sight triangle easements. Testimony should be provided as to whether compensatory landscaping is proposed (or necessary). It should be noted that tree protection details are provided on the plans for mature vegetation that is salvageable during construction. Landscaping should be provided to the satisfaction of the Board. Proposed Compact Japanese Holly shrubs encroach onto the parking area proposed for the temporary dormitory. Also, the counts on the plan and plant list require corrections for the Compact Japanese Holly and Winter Green Boxwood. Purple Leaf Sand Cherry shall be corrected in the plant list. No landscaping is proposed for the converted temporary dormitory. Corrections are required to the Planting Notes. A dedicated lighting plan is provided with the submission; proposed lighting is depicted on Sheet 5 of the plans. The Lighting Plan shows five (5) sixteen foot (16') high pole mounted lights and four (4) fifteen foot (15') high wall mounted lights. However, the Luminaire Schedule indicates six (6) pole mounted lights and ten (10) wall mounted lights. Revisions are required including details, photometric data, and a point to point diagram. Lighting should be provided to the satisfaction of the Board. Utilities- The plans indicate the site is served by public water and proposed septic systems. Proposed (new) water services to the proposed high school building from Squankum Road are depicted on the plan. A schematic of a proposed septic system design for the new high school is indicated. No

existing or proposed water and septic systems are shown for the existing dwelling to be converted to a temporary dormitory. The applicant must receive necessary approvals for the increased demands resulting from the proposed addition/alteration to the existing structure, as well as the proposed high school building. At a minimum, approvals will be required from New Jersey American Water Company for water and Ocean County Board of Health for the septic systems. Signage- No signage information is provided other than traffic signage. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Environmental No Environmental Impact Statement (EIS) was prepared for this project. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Wood Turtle and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. Per NJDEP mapping, the undeveloped portion of the site contains potential state threatened species habitat. We recommend that the applicant request and provide results for a threatened and endangered species database search from the NJDEP Office of Natural Heritage, and assess the site for critical habitat (if any). If a habitat assessment was performed during NJDEP's approval for the wetlands letter of interpretation that would be acceptable in lieu of a new assessment. 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. We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. Construction Details- All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. A more detailed review of construction details will occur during compliance review; if/when this application is approved. The Outlet Control Structure detail requires revisions to match the stormwater system design. Trash Rack detail discrepancies must be corrected. Corrections are required on the Typical Storm Sewer Trench detail. Corrections are required to the Protective Bollard detail. The footings for the Trash Enclosure detail and Solid White Vinyl Fence detail must be coordinated. A joint between the pavement and curb is not required since all paving is asphalt. Handicapped ramp details must be revised to the current NJDOT standards. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Ocean County Board of Health (septic systems); New Jersey American Water Company (water service); NJDEP (wetlands buffer encroachment for stormwater outfall); and all other required outside agency approvals.

Mr. Dennis Kelly Esq. appeared on behalf of the applicant with Mr. Charles Surmonte as the engineer. Mr. Kelly said this is a separate piece of property and not phase 2 of another application done for this applicant. Mr. Surmonte said the variance requested is an oversight on the requirement. Along the southerly property line the building is 11 ft. off the property line because the new dormitory is going to require a large septic system and the school will require a septic system and they would like to propose a solid wood fence and a 10 ft. wide landscape

buffer along those westerly and southerly property lines. He know when they design out these septic and afford the school a little recreation area the space is going to be a premium and Mr. Neiman said there should be some sort of buffer or fence. Mr. Surmonte said that except for a few items that he will discuss with Mr. Vogt, they should be able to comply with the comments.

Mr. Schmuckler asked for a site plan that is easier to read because the one they have has all the drainage on it, a separate sheet, and Mr. Surmonte said yes.

Mr. Surmonte they are only focusing on 1 ½ acre of the property and the balance of it goes toward the river and there was a comment from Mr. Vogt that they would need a waiver from not providing topo from that balance of the property and he is asking for that waiver. He said they also have a large amount of frontage leading down to the river along Squankum Road and north of the property the wetlands start to encroach up to the road and the slope get steeper and they are asking to cease the sidewalk at the developed end of the property and Mr. Vogt said that is a site plan waiver as opposed to a plat waiver and that should be heard at the public hearing. Mr. Neiman asked if there were any wetlands on the property and Mr. Vogt said not with what they are proposing, but if you put sidewalks there it will be. Mr. Surmonte said they have an LOI.

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutsouris, to grant the waiver and advance to meeting of January 19, 2010

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

6. SD # 1694 (No variance Requested)
Applicant: North Lake Realty LLC
Location: Lafayette Boulevard
Block 265 Lot 1
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated October 15, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing 48,956 square foot lot into two (2) proposed residential lots. The existing property, Lot 1, is a vacant, wooded tract with frontages on four (4) streets. Carlton Avenue South borders the property on the east side and is a fully improved street in a developed residential neighborhood. 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 four (4) streets are sixty feet (60') wide. The applicant proposes to subdivide the property into two (2) residential lots. Proposed Lot 1.01 will be 100' X 120', contain 12,000 square feet, and have frontages on Carlton Avenue South and Cedar Drive. Proposed Lot 1.02 will consist of the remainder of the tract and contain 36,956 square feet. Proposed Lot 1.02 will have frontages on Cedar Drive, Thorndike Avenue, and Lafayette Boulevard. Except for curb and sidewalk along the frontage of Carlton Avenue South, the only other construction proposed is a long driveway connecting to existing pavement on Lafayette Boulevard to the west of the site. No improvements are proposed for any other of the street frontages. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are predominantly residential. We have the following comments and recommendations: Zoning and Waivers- No topography is shown and

a waiver is required. The Plan Notes state that outbound survey information was obtained from a boundary and topographic survey dated 2/10/2005. Our site investigation indicates that this survey must be updated. New storm sewer, sanitary sewer, and paving have all been constructed since the date of the 2005 survey. Lafayette Boulevard and Thorndike Avenue have been improved to the northwest corner of the site. We recommend that an updated boundary and topographic survey be submitted because the information will be necessary prior to filing for and obtaining permits. The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. No variances are required (or are necessary). Review Comments- The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. The Schedule of Bulk Requirements lists two (2) off-street parking spaces required per dwelling unit; this shall be corrected. The Schedule also 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. Testimony should be provided as to whether basements are proposed for any of the proposed dwellings. Parking shall be provided to the satisfaction of the Board. We note that sidewalk and curbing is proposed along the property's Carlton Avenue South frontage. No improvements are proposed for Lafayette Boulevard, Thorndike Avenue, and Cedar Drive. On the north side of Lafayette Boulevard, opposite this project, another Minor Subdivision Application (SD# 1687) is pending before the Board. Accordingly, we recommend the half width of Lafayette Boulevard be improved across the frontage of proposed Lot 1.02 as part of this application to allow proper access. Roadway improvements, which are not shown on the plan, have been constructed to the northwest corner of proposed Lot 1.02. The curb and sidewalk proposed along the Carlton Avenue South frontage will be an extension to the existing curb and sidewalk directly north of the property. Based on our site investigation, we recommend a curb radius and handicapped ramp be constructed at the Carlton Avenue South and Cedar Drive intersection. Dimensioning of proposed depressed curb is required. Proposed handicapped ramp, concrete sidewalk, concrete apron, and concrete curb details are required, this should include depressed curb. A forty foot (40') wide road half section, asphalt driveway, and pavement repair details must also be added. Existing and proposed spot elevations and contours are necessary to evaluate any grading and improvements. Should minor subdivision approval be granted, the Board may wish to consider having the applicant bond for improvements since no other construction is proposed at this time. The Plan Notes state that the properties will be served by public water and existing and/or proposed by others sanitary sewer facilities. Testimony should be provided clarifying public water and sewer service. The project is located within the New Jersey American Water Company franchise area. The lot numbers should be consistent with the numbers assigned by the Tax Assessor. Proposed six foot (6') wide shade tree and utility easements are shown along all the property frontages. Bearings, distances, and areas must be 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). No sight triangle easements are indicated. The applicant's professionals shall provide testimony as to whether the easements are necessary. Landscape ties encroach onto the property from adjoining Lot 2. The disposition of the encroachment must be addressed. Compliance with the Map Filing Law is required. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals (if necessary); Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals.

Mrs. Miriam Weinstein Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery said their rendering is different than the one submitted and Mr. Neiman

interrupted and asked Mr. Vogt about the waiver on topography and his recommendation. Mr. Flannery said further in his report Mr. Vogt asked for topo and grading shots that they agree to give him so he is hoping that with the information he is asking, the partial waiver will be granted. Mr. Flannery said the plan shows 1 – 12,000 sf lot on an improved street; the back is a balance and they are showing a house where a house would be and asking for improvements just up to that house. Their intention is that at some point in the future when they come in they will provide the curb and sidewalk and everything that is required in accordance with a normal development but at this point they are trying to do a minor subdivision to create one small lot and a larger remainder lot. They will address all the comments in the report and provide the testimony at the public hearing as to what they are doing and why they want it done this way. Mr. Neiman asked if there were any variances on that remainder lot and Mr. Flannery said the remainder lot is 36,000 sf so it is in excess of what is required.

Motion was made by Mr. Schmuckler, seconded by Mr. Akerman, to advance to meeting of January 19, 2010

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

7. SD # 1545A (No variance Requested)
Applicant: 319 Prospect LLC
Location: Prospect Street, west of Massachusetts Avenue
Block 445 Lot 1.54
Amended Subdivision and Site Plan

Withdrawn by applicant

8. SD # 1700 (Variance Requested)
Applicant: Cedarwood Partners
Location: St. Nicholas Avenue, north of Berkeley Street
Block 278 Lot 5
Minor Subdivision to create 2 lots

Tabled to January 5, 2010

9. SD # 1701 (No Variance Requested)
Applicant: Harvard Community LLC
Location: East Harvard, East End Avenue and East End Street
Block 225 Lots 3, 4, 5 & 6
Minor Subdivision to create 2 duplex lots

Mr. Vogt prepared a letter dated November 24, 2009 and is entered in its entirety. The owners of Lots 3, 4, and 6 are Harvard Community LLC, 28 Negba Street, Lakewood, New Jersey 08701. The owner of Lot 5 is Rachel Flam, 1492 Pine Park Avenue, Lakewood, New Jersey 08701. The applicant is Harvard Community LLC; 28 Negba Street, Lakewood, New Jersey 08701. The applicant is seeking minor subdivision approval. It appears the applicant proposes to remove two (2) single family dwellings and construct two (2) duplexes. The existing four (4) lots known as Lots 3 – 6 in Block 225 are proposed to be subdivided into four (4) zero lot line proposed lots designated as Lots 3.01 – 3.04. Four (4) off-street parking spaces are proposed for each unit.

The existing property has frontage on three (3) streets. East End Street borders the site on the east side, East Harvard Street borders the site on the south side, East End Avenue borders the site on the west side, and a residential dwelling and an office building border the site on the north side. There is existing curb along most of the East End Avenue frontage. Otherwise, the existing edge of pavements of the surrounding roads is very irregular. East Harvard Street has a right-of-way width of forty feet (40'), while the other roads have fifty foot (50') right-of-way widths. There is a mix of commercial and residential uses in the area. We offer the following comments and recommendations: Zoning and Waivers - The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings and duplexes are permitted uses in the zone. Zero lot line subdivisions for duplexes are permitted in the R-10 zone. The General Notes state that outbound survey information was obtained from a boundary and topographic survey dated 5/6/06. A copy of this survey is required to properly review zoning compliance. Variances will be required should the Township require a five foot (5') right-of-way dedication along East Harvard Street. Curb and sidewalk are proposed along the frontages of East End Street and East End Avenue. No improvements are proposed along the East Harvard Street frontage, which requires waivers. No variances have been requested on this application. Review Comments- The existing pavement width is too narrow where the East End Street and East Harvard Street right-of-ways intersect. No roadway improvements are proposed. This issue must be addressed. A 27.00' dimension is shown from the centerline of right-of-way of East End Street to the right-of-way line of adjoining Lot 2, while a 25.00' dimension is shown from the centerline right-of-way of East End Street to the proposed right-of-way line of the subdivision. The applicant's professional shall address this matter. The existing curb in front of adjoining Lot 2 is dimensioned 20.50' from the centerline right-of-way of East End Street. It appears this dimension is maintained across the frontage of the subdivision. As a result, the extension of sidewalk across the frontage of subdivision requires an easement. A 2.5' wide sidewalk easement is being proposed. The existing curb along the East End Avenue frontage of the subdivision is located 16.1' from the centerline of right-of-way. The proposed sidewalk location must be dimensioned within the right-of-way. Only the East End Avenue and East Harvard Street intersection requires the construction of a handicapped ramp. Utility pole relocations should be noted where the existing poles are conflicting with proposed improvements, such as the East End Avenue and East Harvard Street intersection. Existing spot elevations, proposed spot elevations, and proposed contours are necessary to evaluate any grading and improvements. The zero lot line ordinances require parking for each duplex unit as if each unit was a single-family dwelling. The zoning schedule on the plan indicates that four (4) spaces are proposed for each unit, which is satisfactory. The proposed driveways as depicted on the subdivision plan shall be dimensioned; however they seem to scale at least 20' x 36'. The Schedule of Bulk Requirements must reference Chapter 18, Section 902, Subsection F. The General Notes state that public water and sanitary sewer service to be provided by New Jersey American Water Company. Information should be provided on the plan regarding water and sewer service to the proposed duplex units. Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. Proposed ten foot (10') wide shade tree and utility easements are shown along all the property frontages. Bearings, distances, and areas must be provided for the proposed easements on the individual lots. No shade trees are shown within the proposed shade tree/utility easements on the subdivision plan. Shade trees should be provided to the satisfaction of the Board (or waiver sought). No sight triangle easements are indicated. The applicant's professionals shall provide testimony as to whether the easements are necessary. Proposed construction details such as handicapped ramp, concrete apron, depressed curb, road widening, asphalt driveway, and pavement repairs for improvements to the duplex units must be added to the plan in accordance with applicable Township or NJDOT standards. Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required, including provisions to address items

associated with the use, maintenance and repair of common areas and facilities associated with the overall property. Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township. Compliance with the Map Filing Law is required. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Water and Sewer will be constructed by NJAWC; and all other required outside agency approvals

Mr. Brian Flannery appeared on behalf of the applicant and said there are no variances requested and they are proposing a Minor Subdivision and will address the comments in the report and provide testimony at the public hearing. There was an approval granted by the Zoning Board for senior housing on the property and senior housing is not marketable they are trying to develop it with 2 duplex units. Mr. Franklin said that piece of East Harvard and East End Street is a mess and said somebody has to build a road in there because there is a real problem with that and Mr. Flannery said the road is not wide enough in that area and the initial application was for both sides of the street – at some point they will either build the senior housing on the other side of the street or come back with some other application and they would propose curb and sidewalk on here. The Township Committee had recommended East Harvard as a one way and if it is one way the 40 ft. right of way that is existing and Mr. Neiman said it is one way not and what Mr. Franklin is saying is there is a need for curb and sidewalk there and Mr. Flannery said they would put curb and sidewalk along their frontage and would work with Mr. Vogt with respect to the lack of pavement as you come around the bend to make sure it is adequate at this point and when the opposite side of the street gets developed, then curb and sidewalk and full pavement width will be done. Mr. Franklin told Mr. Vogt he thought they will have to look at the design of that because that is a real sharp turn on that corner and there is a lot of traffic there and it is quite low too. Mr. Vogt suggested reviewing it with Mr. Franklin and Mr. Flannery said they agree. Mr. Neiman said he remembered there were other parcels there when they came for that zoning and asked why don't they just do the whole thing now and Mr. Flannery said they are not sure what they are going to do about the others and this seemed like the easiest solution in order to generate a little money in this economy.

Mr. Schmuckler asked how many parking spaces are they providing and Mr. Flannery said there will be 4 for each unit and Mr. Schmuckler said it would be 16 total and Mr. Flannery said yes.

Motion was made by Mr. Schmuckler, seconded by Mr. Akerman, to advance to meeting of January 19, 2010

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

10. SD # 1702 (Variance Requested)
Applicant: 323-325 Realty LLC
Location: Ridge Avenue, east of Hackett Street
Block 235 Lots 33, 35, 36 & 41
Preliminary & Final Major Subdivision – 6 fee simple lots

Mr. Vogt prepared a letter dated November 18, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Major Subdivision approval. The applicant proposes to subdivide four (4) existing lots (Lots 33, 35, 36 & 44 in Block 235) into six (6) proposed fee-simple lots. These lots will be developed into three (2) residential duplexes in accordance with the Township's Zero Lot Line Development Ordinance, Section 18-911. The property to be

subdivided, totaling 0.97 acres, is an irregular, pan-handle shaped property. It contains an existing dwelling, driveway, shed, parking area and appurtenances which will all be removed. The lot fronts on the north side of Ridge Avenue, between Hackett Street and Negba Street. The applicant is proposing to construct three (3) multi-story duplex units. Each residential dwelling unit will be approximately twenty-six foot (26') feet wide by fifty-eight (58') feet long. Decks are proposed at the rear of each unit. Although the architectural plans are incomplete, it appears that each unit will be (at least) two-story, with five (5) bedrooms, and a first floor area. It is unclear from the current architectural plans whether basements or lofts are proposed. Individual driveways capable of parking up to four (4) vehicles are proposed for each unit. The majority of the adjacent and surrounding properties are developed with single and multiple-family dwellings. Per review of the above-referenced submission, we offer the following comments and recommendations: -Zoning- The site is situated within the R-7.5 (Single-Family Residential Zone). Per Section 18-903G.1.b. of the UDO, duplex housing is a permitted use. As indicated previously in the application, the applicant is also seeking approval for zero Lot line development, in accordance with Township ordinance Section 19-911. Zero lot line residential dwellings are permitted in the R-7.5 zoning district. In accordance with Section 18-911-B of the Ordinance, zero lot line duplexes are allowed activities in the R-7.5 Zone provided that the duplex(es) is constructed to applicable Township standards, and the duplex(es) is intended to be divided into two (2) separately owned structures and lots. Per review of the subdivision plans and application, the following variances may be necessary, at a minimum: A minimum (aggregate) side yard width of fifteen (15') feet is required for each duplex building, vs. 14.9 feet aggregate side yard widths proposed for each of the two duplex buildings to be constructed on Lots (33.03-33.06). Providing sidewalk along the property frontage (Section 18-814M). Curb exists along Ridge Street, but no sidewalk exists in front of the project or is proposed. Proposed dwelling unit height, if exceeding the 35 feet R-7.5 zoning limit. Clarifying testimony is necessary. Proposed building coverage, if exceeding the 30% R-7.5 zoning limit. Clarifying testimony is necessary. Positive and negative criteria for all necessary variances should be provided by the applicant. Review Comments- Site Plan/Circulation/Parking- Testimony should be provided by the applicant's professionals regarding the proposed access drive's compliance with RSIS design standards, as applicable. Specifically, there are no proposed turnarounds to accommodate larger vehicles including but not limited to DPW, delivery, or emergency services (e.g., Fire) that will need ingress and egress to the proposed units. We recommend that the current access drive be reviewed and approved by said agencies prior to approval by the Board, if/when forthcoming. Per note #13 on the Site Development Plan (Sheet 3 of 11), a blanket cross access ingress and egress easement is proposed to allow pedestrian and vehicular access on the proposed access drive. Based on this proposal, we assume that this proposed access drive will be privately-owned and maintained. Confirming testimony is required from the applicant. As noted above, sidewalks do not appear to be proposed along Ridge Avenue nor within the development itself. Pedestrian access within the development should be addressed by the applicant to the satisfaction of the Board. Testimony is required addressing whether a Homeowners Association (HOA) is proposed for road and facility maintenance (including but not limited to snow plowing and stormwater management). If not, per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required. A site triangle easement should be provided for the intersection of Ridge Avenue and the proposed access drive. According to RSIS, for townhouses containing four (4) bedrooms or more, the parking shall be 2.5 off-street spaces per townhouse unit. Based on available information, the applicant proposes five (5) bedrooms basement for each unit. The applicant provides thirty (30) spaces, equivalent to six (6) off-street spaces per unit. Each proposed unit will have a driveway large enough to park four (4) vehicles except for the duplex units proposed within Lots 33.03-33.04. We recommend that the driveway lengths for these units be revised to a 36 foot minimum length, or a design waiver will be necessary. One (1) 12' X 18' parallel parking

space is proposed near Ridge Avenue, which is less than the required 22' length. We recommend that this space be deleted and replaced with an additional perpendicular parking spaces to the nine (9) perpendicular spaces already proposed. Testimony shall be provided on the adequacy of the off-street parking. It is unclear how trash and recyclables collections will be addressed per the current design. There appears to be a partially-recessed trash enclosure pad depicted near the intersection of the proposed access drive and Ridge Avenue. No enclosure details are provided on the current plans. Responsibility of proposed trash and recyclables collections must be addressed by the applicant. If Township collection is proposed, approval by the DPW is necessary. Upon deletion of the parallel parking spaces as referenced above, we recommend that the proposed dumpster pad/paved area near Ridge Avenue be further recessed to avoid encroaching into the proposed 24 foot wide drive aisle. The Existing Conditions and Tree Management Plan (Sheet 2 of 11) should be signed and sealed by a professional land surveyor. Per note #10 on the Site Development Plan (Sheet 3 of 11), street and other surfaces disturbed during construction will be restored per Township standards. This note should be expanded to include curb, sidewalk, utilities and other similar existing features. The "Typical Roadway Section" detail on Sheet 9 of 11 should be revised to reflect the proposed access drive, and be in compliance with applicable RSIS and Township standards. Architectural- An architectural plan set was submitted for review. As indicated previously, the plan set appears incomplete. The following information must be provided, at a minimum: The "Front Elevation" plan scale (1/8" = 1 feet) appears erroneous with respect to vertical dimensioning, at a minimum. Correct scales must be provided. Proposed dwelling unit widths must be dimensioned on the first and second floor layout plans. Information must be provided as to whether basements are proposed, and if so, finished or unfinished. If finished, a floor plan must be provided. Similarly, information must be provided as to whether lofts are proposed, and if so, finished or unfinished (the submitted front elevation appears to show a third floor). If finished, a floor plan must be provided. The proposed unit height(s) must be provided. Each architectural plan should be individually identified and dated. All three submitted sheets contain the same title, same sheet designation and are undated. The applicant's professionals should provide testimony regarding the proposed building, facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. (Additional) horizontal layout coordination between the architectural plans and the site plans may be required based on forthcoming architectural revisions. Grading- A detailed grading plan is provided on Sheet 4 of 11. Per preliminary review of the grading design, it is feasible for the project as proposed. Proposed finished first floor elevations must be provided on the grading plans. Spot elevations for proposed stairs and landings must also be provided, and be consistent with the proposed building architecture. As stated previously, testimony is necessary regarding whether basements (finished or unfinished) are proposed. If basements are proposed, basement floor elevations must have the required minimum two foot (2') separation from the local seasonal high ground water table. A detailed grading review will be performed during compliance if/when this project is approved by the Board (at a minimum). Stormwater Management- Stormwater management for the proposed project includes collection of stormwater via inlets and piping, and recharge through three (3) proposed on-site underground recharge piping systems. Design and soil data are provided on the site plans and in the submitted stormwater management and stormwater maintenance plan reports. Per the proposed access easement referenced by note on Plan Sheet 3 (also on the Final Plat), an easement is proposed for site access purposes. Based on this information, it is our interpretation that the proposed stormwater management system(s) will be owned and maintained by a private entity. Confirming testimony is necessary from the applicant. Otherwise, DPW review and approval is necessary. Per the narrative provided in the stormwater management report, the systems were designed to attenuate

(recharge) up to the 100-year storm in accordance with the NJ Stormwater Rule, using an infiltration rate “of 20 inches per hour with a factor of safety of two” (i.e., 10 inches per hour). Three (3) soil borings were taken at the site, and measured for permeability at 48” and 72” inch depths. Only soil boring SB-3 was taken near one of the proposed recharge areas, with no borings taken near recharge areas #2 and #3. The permeability rate at 72” for 11.6 in/hr. Based on available data, we recommend use of a permeability rate (including safety factor) less than ten inches per hour based on the field data. A detailed review of the final stormwater design will be performed during compliance if/when this project is approved by the Board (at a minimum). Since the proposed system will be underground recharge, and there is no proposed relief discharge(s) should the systems back up over time, we recommend the engineer design the system(s) to allow for future access and maintenance of the proposed systems to continue their intended function in the long-term. We are available to review the design in further detail as necessary. A stormwater maintenance manual was submitted in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Confirming testimony should be provided that the applicant will maintain the proposed stormwater management system. The manual will need to be revised based on the final design, and include measures for long-term maintenance of the system(s). A detailed review of the final stormwater management plan will be performed during compliance if/when this project is approved by the Board (at a minimum).

Landscaping- Proposed landscaping is illustrated on the Landscape and Lighting Plan (Sheet 6). As indicated on the plan, landscaping is proposed including seven (6) Red Maples, five (5) Flowering Dogwoods, twenty-two (22) Sargeant Junipers and various shrubs. Additional evergreen buffer and/or screening should be considered to prevent headlight glare onto residents of lots along the western property line. The overall landscape design is subject to review and approval by the Board. The applicant should include the location of all proposed service laterals on the Landscape Plan to assure there are no conflicts with any of the proposed street trees. Although Sheet 2 references tree protection, a dedicated tree protection plan is not included in the submission. Tree protection measures and compensatory plantings (if any) should be provided per Township standards.

Lighting- Proposed landscaping is illustrated on the Landscape and Lighting Plan (Sheet 6). As noted, four (4) proposed 12-foot high lantern poles are provided along the proposed access drive. Per cursory review, the plan is adequate to illuminate the proposed access drive and off-street parking spaces. Shielding is necessary to prevent spillover onto adjacent Lot 27. Final lighting design review will occur during compliance if/when this project is approved by the Board.

Utilities- Utility information (other than lighting) is provided on Sheet 5. Per review of the plan notes, it is our understanding that public water and sewerage are being provided by New Jersey American Water Compliant (NJAWC). All proposed utilities must be installed in accordance with Township requirements. Final utility design review will occur during compliance if/when this project is approved by the Board.

Environmental - Site Description- Per review of the site plans, aerial photography, and a site inspection of the property, the site is partially disturbed and surrounded by existing residential development. Mature trees exist within the eastern portion of the property. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, grassland and wood turtle habitat areas. Per NJDEP mapping, no recorded areas of environmental concern (AOCs) were identified in the proposed project area.

Construction Details- Construction details (except for landscaping) are provided on Sheets 9-11 of the site plans. All proposed construction details

must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. A final review of construction details will be performed during compliance, if/when this application is approved by the Board. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Final Plat- Compliance with the Map Filing Law is required. Proposed Lot numbers must be assigned by the Township Tax Assessor. Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Water and Sewer service (NJAWC) ; and all other required outside agency approvals.

Mr. John Doyle Esq. appeared on behalf of the applicant.

Mr. Vogt gave an overview of the variances and asked for clarification and Mr. Flannery said they are not going to exceed the building height or the building coverage and will provide sidewalk along their frontage on Ridge. Mr. Flannery said one of Mr. Vogt's comments was to provide 4 parking spaces in front of the 2 units closest to Ridge Avenue and he said it is an excellent comment and they have the flexibility in those lots that they can make the units wider and shorter and they have a rendering of how that looks and they would propose that the revised plans would do that so each unit has 4 parking spaces in front of the actual unit and then along the entrance drive they would put parallel parking spaces to give additional parking. They had one area in the front set aside for recycling bins and it was labeled parking space and they will correct that and they will meet with Mr. Franklin to make sure the size of the dumpster is appropriate and said there will be a dumpster for the trash and a pad to roll out the recyclables and Mr. Franklin said they will probably put in another dumpster for that and it will be yellow so they can tell the difference.

Mr. Neiman asked if they had any problems with the shorter units and Mr. Vogt said he did not have any problem with that now and said he has problems with the architectural plans- they were incomplete and he couldn't tell from them whether they had variances or not and the testimony is that they will comply and give testimony on the 2 other variances. He said he had issues with trash, circulation and stormwater management and Mr. Flannery said they would address those comments.

Mr. Doyle said he believed they can submit plans that will address all the comments and asked if there was any comment that cannot be addressed on the plans and Mr. Vogt said he thinks trash in important to work out with Mr. Franklin and circulation is also important because they have an entrance going in and they are fairly isolated and he wants to make sure they have adequate turn around for whatever has to go back there and it is also RSIS compliant.

Mr. Doyle said this is an irregular piece, it looks like a panhandle but they think they could meet everything and Mr. Neiman said it looks like an oversized flag lot. Mr. Neiman said for the future they want the comments addressed before the public hearing such as the circulation, trash, stormwater, etc. so that the public hearing could go smooth- that is their goal and Mr. Flannery said that is his goal as well.

Mr. Schmuckler asked if the street (or large driveway) is going to be a named street and Mr. Doyle said the intention is that there will be 6 lots; the driveway would be private and be a part of one of the six lots, the other 5 people would, by appropriate recorded document, the right to cross over the driveway to get to their unit. Mr. Vogt asked how they were going to guarantee maintenance of the lots- stormwater management, road maintenance, etc. and Mr. Doyle said

that will be done either by a title and easement history and Mr. Vogt asked if they were doing an HOA and Mr. Doyle said for 6 units it would be overly complex and said he thinks the easement might work out better. Mr. Vogt said his concern is how is the average purchaser of the home knowing that depending on which lot they are getting, if there is a driveway and drainage and are they going to be aware that they are not just buying a house with a road but they will be responsible for managing the stormwater system or roads-there is a whole bunch of "as ifs" here. Mr. Doyle said that is why he said there would have to be in a recordable form recorded prior to any of the lots coming out of the master lot so that it would be part of the title history and whenever a person did a title search they would see it. Mr. Franklin said he really didn't see how they can do it without a HOA-there is too much open property to maintain; somebody has to plow the snow, somebody has to paint the stripes on in 4-5 years, somebody has to do all that extra mowing- there is a lot of property to take care of. Mr. Doyle said those are points well taken and if that was visited upon a single owner it may affect his desire for that lot and the price but it might be easier for the town to have somebody to look at specifically and he is thinking of a small subdivision and you have a detention basin-you create a HOA that now owns that lot that is just a drainage basin or do you do like Jackson and Howell does, within that one lot and that homeowner knows that is his job and the town knows they do not have to go after some HOA that might be non functioning, they go after one homeowner, but they will look at it both ways and whichever documents they prepare will have to be approved.

Mr. Vogt said on this one, he thinks he and Mr. Franklin are on the same wavelength – it is more than just a basin to mow 10x's a year, you are talking about an access that has to be guaranteed for 5 other units and he can think of all kinds of "what ifs"; what happens if the road begins having problems and the other owners begin complaining about access, does that person go out and pave the road? You have underground drainage system, it is not just an open basin and what happens if that backs up and fails? There is a lot that has to be flushed out.

Mr. Neiman said this is a big piece of property for one person to maintain plus it affects 4 other units in the back so a HOA might be the way to go here. Mr. Flannery said they hear the board's comments and the professionals as well and they will review that and go over that with the professionals before the public hearing.

Mr. Schmuckler asked about sidewalks along the road- if a child has to take the garbage out to the street or wait for the bus, is there a sidewalk from the back houses to the front to Ridge Avenue and Mr. Flannery said they weren't but he thinks they are going to. Their initial thought was that it was going to be a driveway but if the board is more comfortable with a sidewalk that is the way they would proceed with it and hopes the board would not want it on both sides because he thinks is it unnecessary. Mr. Franklin said they should put it on the side where the cars are parked.

Motion was made by Mr. Akerman, seconded by Mr. Percal, to advance to meeting of January 19, 2010

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

5. CORRESPONDENCE

-Letter from Redmond Management

Mr. Schmuckler said he works with Redmond and they manage his development and this question came up where anytime you see a right of way or street that goes through developments we ask if the street is to be owned by the township or HOA and one of the requirements the township has said is if it meets the RSIS it can be owned by the town. They approved a development a few months ago with perpendicular parking and Mr. Vogt said it still met RSIS and the question is that the Township Engineer – Todd Day, said it does not meet RSIS. Mr. Vogt said they spoke about it today and there may be mis-information regarding the perpendicular parking space and is clearly spelled out in RSIS and Mr. Day agreed with him. They were looking at Astor Court and they did have concerns relative to some of the other issues, not the parking per se, but turnarounds. They went through this with Majestic's application and the issue came up about having to have some kind of turn around at the end of the road and RSIS requires either a cul de sac or a hammerhead and what they were looking at tonight is that his issue isn't with the parking it was with the adequacy of the turn around and the vehicular access and basically parts of this circulation appear to be RSIS compliant and parts may not. There is one stretch that has a turn around at the end but another part did not and there is different things that have to be looked at and it is a case by case. The issue of the 90 degree parking if you have the aisle width, that is RSIS compliant.

Mr. Franklin said they have always taken if there is 90 degree parking, both sides facing the units, that becomes a parking lot and they have done that now for the last 15 years and this is the way they ruled them on. Sure there is a roadway going through there but look at the problems you have plowing the snow and servicing the people- are you going to put all the snow against the car, where are you going to put the snow? It becomes a parking lot and if it becomes a parking lot, plowing situation arise and Mr. Vogt said that is a issue but 90 degree parking spaces are allowed in RSIS and there are design tables in the standards, you have to have a certain aisle width depending on the orientation of the parking spaces (24 ft. needed). Mr. Vogt said it is his intent that for residential projects, that they ensure they meet RSIS standards. Mr. Neiman said his point is well taken that these parking lots are hard to plow because where do you put the snow. Mr. Franklin asked would they end up plowing all the parking lots in town and Mr. Neiman and Mr. Schmuckler said no and Mr. Franklin said that is what they would be doing, that would be the next step. Mr. Neiman said they can't get in there, and if there were some type of compromise where you can't expect the township to get in there and plow the snow. Mr. Franklin said that is why they have been approving them the way they have been and if now they are going to go back and reverse everything they have done- they have set up a good procedure and if you get a few smart guys to come in here and try to change everything, you are going to hurt the whole system for all the taxpayers. Mr. Schmuckler said the whole point is that if it is good for the town, the planning board should carry that out – if the town needs xxx amount of footage, it is their job to protect the homeowners in this town and that it is a workable design for the homeowners in town; if perpendicular parking doesn't work because there is no place to put the snow, they should not be approving perpendicular parking- the township should pass an ordinance to prohibit perpendicular parking because it doesn't work.

Mr. Neiman said it is workable 80% of the time and it has been working and Mr. Schmuckler said it is a big issue for the homeowners. Mr. Neiman asked Mr. Schmuckler to look at this last application tonight and said how could the board say that it is a workable road for a township to go in and plow? Mr. Schmuckler said he asked if that was a road or a driveway and they did not make that decision, but if it is a road they are not approving it because it doesn't work. Mr.

Neiman said what if it is an HOA and it is a road, it could be a road to maintain the basins and mowing the lawn but when it comes to snow plowing and Mr. Schmuckler said if it doesn't work it doesn't work and they shouldn't approve it. Mr. Franklin said they work very hard with all of these developers to try to get these houses and they are putting them in tighter and tighter and what happens if they don't let the people that are buying these homes take some responsibility for the small places that they are living in and the maintenance you are going to bankrupt this town.

Mr. Schmuckler said the question is are they building developments that work or don't work and if it works, it should work well and if there is a problem 20% of the time they should not be privy to problems 20% of the time. Mr. Franklin said with the amount of units that the properties have and Mr. Schmuckler said take away units and Mr. Franklin said great- can he live with that and will he be here next year? Mr. Neiman said what Mr. Franklin is saying is there has to be a happy medium, they have to take some responsibility.

Mr. Vogt asked how they handle future developments and Mr. Neiman said it would be best if there were some type of ordinance or guideline and Mr. Franklin said that is on the lawyers and engineers and Mr. Elward said it doesn't become a public street unless it is formally accepted by the township; just because you approve something and what you approve is permitted by RSIS does not necessarily convert that into a public roadway.

Mr. Schmuckler said the township attorney wrote an opinion on December 31, 2008 and said if a street complies with RSIS the town is required to snow plow just like they do other streets- you can't discriminate against one street because it is privately owned, it is called double taxation, or they can reimburse or give a tax rebate. Based on that letter the old engineer, Vinnie Mignella, said perpendicular parking does not meet RSIS, and that is incorrect, so that is where they are trying to correct. Mr. Neiman said what Mr. Franklin is saying is just because something meets RSIS doesn't mean the township can physically go in there and plow it and Mr. Schmuckler said they have to be reimbursed or reduce the tax rate. Mr. Elward said it sounds like he is coming from a different perspective- he is talking about from a board, from a site plan perspective.

6. PUBLIC PORTION

Mr. Bill Hobday said he heard a lot of really good sense discussed tonight. He wanted to ask the board about an ordinance in the Township of Lakewood that says if you have a property with a permitted use but you want to change that use to another permitted use within the zone, you can do that and avoid going to the Planning Board. The simple solution to that is you have different categories of usage- in 99% of the time, if you want to change your usage within the same category, nobody cares; but if you come out of that category, everybody should care so therefore the ordinance has to be amended and it would go a long way if the Planning Board recommended such an amendment to say that if you want to come out of your use category you then have to ask for a variance and come in front of the Planning Board. Mr. Neiman asked if he was talking about that school on Massachusetts and Mr. Hobday said that is part of it but he is sure if it happened there it will happen again. Mr. Neiman asked if that comes from the Planning Board to the Township Committee and Mr. Hobday said the Township Committee generally asks the Planning Board for recommendations and the Planning Board has all the rights to recommend. Mr. Neiman said that is a point well taken.

7. APPROVAL OF MINUTES

- Minutes from November 17, 2009 Planning Board Meeting

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

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

8. APPROVAL OF BILLS

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

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

9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted
Johnson
Board Recording Secretary

Respectfully

Chris
Planning