

## I. CERTIFICATION OF COMPLIANCE

Chairman Banas 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, Mr. Banas, Mrs. Koutsouris, Mr. Fink, Mr. Schmuckler, Mr. Percal

## 3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

## 4. WAIVER REQUEST

1. SD # 1649 (No variance Requested)  
Applicant: Lakewood Realty Assoc.  
Location: New Hampshire Avenue, north of Route 70  
Block 1160.03 Lot 44  
Minor Subdivision – two lots

Waiver request from checklist items:

- B1 – topography of site
- B8 – areas in which construction is required due to presence of stream corridors
- C3 – location of existing utilities

Mr. Peters recommended granting the waivers for all three due to this being a minor subdivision just to reverse a lot consolidation. There is no construction proposed at this time.

Motion was made by Mr. Neiman, seconded by Mr. Fink, to follow the recommendations and approve the 3 waiver requests

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

## 5. PLAN REVIEW ITEMS

1. SP # 1884A (No variance Requested)  
Applicant: Chinuch Labonocs  
Location: Joe Parker Road, south of Long Beach Boulevard  
Block 189.04 Lot 188  
Change of Use Site Plan for a proposed school

Mr. Peters read from a letter dated December 1, 2008. The applicant is seeking Preliminary and Final Major Site Plan approval for Block 189.04, Lot 88. The proposed project consists of removing the existing dwelling, driveway and other existing site improvements and constructing a new school building with a new cul-de-sac and 13 parking spaces. The property has frontage along Joe Parker Road. The site is situated within the R-20, Single Family Residential Zone. No bulk variances are required. Outside agencies approvals are required from the Ocean County Planning Board, the Ocean County Soil Conservation District, and the Lakewood Township MUA. Evidence of the approvals shall be provided prior to signature of the site plans. A 6 ft shade tree and utility easement is proposed to be dedicated to the township along Joe Parker Road along the frontage of the property. A legal description and agreement for the easement shall be provided to the Boards' Professionals for review. The proposed dwellings will be served by public water and sewer. The applicant has provided 13 parking spaces, including one (1) handicapped parking space, and has indicated that twelve (12) parking spaces are required. However, per Section 18-906, it appears that the applicant is required to provide 14 parking spaces. The applicant should confirm the total number of classrooms and offices proposed. The applicant has provided a dumpster enclosure location and detail on the plans, but the detail does not include whether a gate for the enclosure will be provided. The applicant should address this issue. The plans show that a sanitary sewer lateral is to be tied into an existing manhole on another property on the opposite side of Joe Parker Road. The applicant should revise the plans to provide an easement around the proposed sanitary sewer connection, provide a restoration plan and should provide evidence that the other property owner has agreed to allow the easement and lateral be provided. Copies of the legal description and easement agreement for the proposed sanitary sewer connection situated on the adjacent property should be provided to the Boards' Professionals for review. We recommend the sewer connection be an extension of the sewer main beyond the limits of the site, we defer to the MUA to make the final determination of whether a lateral or sewer main extension will be required. If a sanitary sewer main extension is required, then a Treatment Works Approval (TWA) from the NJDEP will be required. The applicant has shown 20 foot buffers along the side yards of the site. Although the applicant has shown proposed landscaping along the north and south

property lines, the UDO requires a buffer be continuous and have a height of at least six (6) feet. We recommend that a note be added to the plan indicating that prior to the issuance of a C.O., additional screening will be provided as instructed by the Township Engineer. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated November 24, 2008. The applicant is seeking amended site plan approval to demolish an existing residential dwelling and construct a 12,480 square foot school on the subject tract. The proposed school has a basement totaling 6,240 square feet, and first floor totaling 6,240 square feet. The first floor has eight (8) classrooms, two principal's offices, an administrator's office, a school secretary's office, and a teacher's room. The basement has an arts and crafts room, a project room, a food prep room and a future lunch room. The site also proposes a 13 stall parking lot, an ADA ramp, and a large fifty (50) foot radius paved area at the rear of the site. The tract is an approximately 1.420-acre site and is located on Joe Parker Road in the northeast part of the Township. An existing one-story residential dwelling is currently located on the site. The prior application, application number SP-1884, received site plan approval from the Board to convert the existing residential dwelling to a school, and proposed a trailer classroom area, an a small area for bus loading and unloading, and one parking stall. The amended application proposes an increase in the building and impervious areas from the prior application. The subject tract is surrounded by predominately single-family residential uses. The Golfview multifamily development is located on the opposite side of Joe Parker Road. The tract is located in the Single-Family Residential (R-20) Zone District. Educational uses are permitted in the R-20 District. The applicant is subject to the zone standards of the R-20 Zone District and Section 18-906 for Public and Private Schools. Per Section 18-906, one parking stall is required for each classroom, office, library, and meeting room. The applicant proposes 8 classrooms, 4 offices which include two principal's offices, an administrator's office, and a school secretary's office. Therefore, a total of 12 spaces are required, whereas, the applicant provides 13 spaces. However, the applicant should clarify the function of the three rooms in the front left section of the school. The applicant has attempted to provide the required twenty (20) foot landscape buffer as required by Section 18-906.A.2. However, per Ordinance, the screening must be a solid screen of plantings of at least 6 feet in height and may be supplemented with a fence of solid material where necessary. The applicant should add additional plantings to fill the full 20 foot wide buffer, and should use a taller buffer planting along the southerly property line. The applicant should provide testimony as to how the buffer requirement is being met in the proposed plan. Section 18-807C(4) allows a maximum driveway width of 30 feet, whereas the applicant proposes a 70 foot driveway opening including the curb return radius. A design waiver is required. However, it should be noted, that the plan indicates the curb return starting along the frontage of abutting residential lot 189. At a minimum, the curb return should not extend into the neighboring frontage. The applicant should describe the operational characteristics of the facility including the following: The proposed number of students to be educated on site; The proposed number of educators for the school; The proposed grades at the school; The type and anticipated number of school buses visiting the site on a daily basis; The proposed hours of operation; and, The services that will occur on site. The amended site is more intense than the prior application. The applicant should testify regarding the adequacy of the proposed site and location to accommodate the intensity of the amended application. The applicant should testify regarding the lack of a active/passive recreation on the site. The applicant should indicate if lighting is proposed to be on a timer. The applicant currently proposes 3 lights. We recommend that a point by point analysis be performed to confirm that adequate lighting is provided through the site, and that there will be

no offsite light spillage. The applicant proposes a trash enclosure 20 feet from the northerly residential lot. The applicant should address if refuse will be picked up by private hauler, the frequency of pick-up, and testify to the hours of refuse pick-up. The plans indicate a future lunch room. The applicant should clarify where lunches for students will occur if this lunch room is not currently proposed. The applicant should also address where deliveries for lunches will occur. The plans indicate a floor area of 6,240 square feet, which only represents the first floor area. This square footage should be revised to reflect the basement floor area also, which would result in a total square footage of 12,480 square feet. The north arrow on Sheet 5 differs from other sheets. Please revise. The applicant should provide the total square footage of disturbance and the total new impervious. If over 1 acre of disturbance or  $\frac{1}{2}$  acre of new impervious, then the site could be subject to the NJDEP Phase II Stormwater regulations. We defer to the Board Engineer for review of whether the site is in compliance with same. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant and said this application came in front of the board and they reluctantly approved it. Mr. Franklin and Mr. Banas were upset with this application and said they did not like the application. The applicant never moved the trailers onto the site and have amended the plan. Mr. Banas asked Mr. Flannery if he can comply with the comments in the professionals' reports and Mr. Flannery said they will address and satisfy the board's professionals and provide all the testimony that they request at the public hearing. Mr. Banas said he is interested in the details and Mr. Flannery said he could live with the suggestions.

Mr. Fink asked what grade school this is and Mr. Penzer said this is a girls' school for grades 1 through 8. Mr. Schmuckler asked if they were putting in a playground and Mr. Penzer said it is in the basement, these are Hasidic girls. Mr. Flannery said the lower lever has a large room which is depicted as a future lunch room and that would also be a recreation room. Mr. Penzer said they don't like to play outside.

Mr. Franklin said the trash enclosure should be opened up to 16 ft. wide because he would like to put 2 containers in there because by the middle of summer they will probably be picking up single source recycling (everything in one bucket) but said the location is fine. The township will pick up the garbage because it is a school but he cannot say what time they will pick it up.

Mr. Fink said he still thinks there should be an area where these children could congregate outside, be it a play area, a fenced in area, etc. and Mr. Penzer said they would put an area aside but he doesn't want to lie and say they will use it. They have plenty of room in the back. Mr. Flannery said the area in the corner that is indicated as wooded is open, they can fence that off and then it would be available. The board member thought they should and they agreed.

Motion was made by Mr. Neiman, seconded by Mr. Fink, to advance the application to the meeting of December 16, 2008

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

2. SP # 1899 (Variance Requested)  
Applicant: Yeshiva Yesodei Hatorah  
Location: South Pershing Avenue and Towers Street  
Block 806 Lots 1 & 8  
Block 821 Lot 5  
Block 822 Lot 4

Preliminary and Final Major Site Plan for proposed school, dormitory & faculty housing and subdivision into 15 lots

Mr. Peters read from a letter dated December 1, 2008. The applicant is seeking Preliminary and Final Major Subdivision Approval to consolidate four (4) lots, and some right-of-way vacations, to create 15 new lots. The lots to be consolidated are Block 806, Lots 1 & 8, Block 821, Lot 5, and Block 822, Lot 4, and the vacated portions of South Pershing Avenue and Towers Street. The applicant is also seeking a Preliminary and Final Site Plan approval to construct a two-story school building, two (2) two-story dormitories, an access road, and other required site improvements on one lot and 14 townhouses, along with other required site improvements, each on their own lot. The existing lots and right-of-ways to be vacated are wooded and unimproved. The project will improve approximately 1,000 feet of Bellinger Street, from Funston Avenue to South Pershing Avenue to provide the site's access. After the site is completed, the school property will have frontage on Bellinger Street and an unnamed private site access road that is to be constructed as a part of this project. The proposed townhouses will have frontage along the previously mentioned proposed unnamed private road that will require an access easement through the schools' property. The site is situated within the R-40/20, Residential Cluster Zone. The applicant has not requested any bulk variances at this time. The applicant is proposing 14 townhouses on individual lots to have access via a private road situated on the lot on which the proposed school is to be situated. The applicant should revise the Schedule of Bulk Requirements for Townhouses to include all required requirements of Section 18-902B.7 of the Ordinance. The Board may wish to discuss the design criteria regarding these townhouses and their respective lots. The applicant should request the following variances: Minimum tract area for planned affordable development; 0.88 AC is proposed, where 4.00 AC is required. Maximum building coverage; where 45% is the maximum permitted, >45% has been proposed on 11 of the 14 townhouse lots. The consolidation of the existing lots and vacated right-of-ways should be made a condition of approval. Evidence of the vacation of the rights-of-way shall be provided. The applicant has provided a Tree Protection Management Plan and indicated with a note on the plans that no specimen trees were located within the project area. The applicant should confirm this in testimony to the board. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for Treatment Works Approval (TWA) will be required. Evidence of the approvals will be made conditions of Planning Board Approval. The proposed school and townhouses will be served by public water and sewer. The applicant has provided 61 parking spaces, including three (3) handicapped parking spaces, along site access Road "A", which conforms to the Ordinance requirements for the school. The applicant should provide testimony regarding whether all of these proposed spaces are for the school and dorms or if some of these spaces are for the proposed townhouses. It appears that the applicant has provided at least one and possibly two off-street parking spaces for the proposed townhouses, approximately 22 parking spaces but upon further inspection, most of the off-street parking is undersized. The applicant has provided six (6) off-street parking spaces that conform to the size requirements set forth in the Ordinance and the Residential Site Improvement Standards (RSIS). According to the RSIS, the applicant

should be providing 2.4 off-street parking spaces per unit, for a total of 34 required parking spaces. And with each unit having a separate basement entrance, the board should determine how many parking spaces should be required for the proposed townhouse development. The applicant has provided a trash enclosure for the proposed school and for the proposed townhouse area, but the trash enclosure for the townhouse area has poor accessibility for refuse collection vehicles. The applicant should relocate this area south of the proposed townhouses. The applicant shall provide testimony on if there is an identification sign proposed on site. The applicant should provide the Homeowner's Association (H.O.A.) documents for the townhouse portion of the development to the Board's Professionals for review. The applicant should revise the plans to label Road "A" as a private road. It appears that the applicant is not providing new concrete sidewalk along the site's frontage to Bellinger Street, but is providing new concrete curb and sidewalk throughout the site and along proposed unnamed site access Road "A". The applicant is also providing curbing and paving along Bellinger Street from Funston Avenue to Road "A". Handicapped parking signs should be shown on the site plan. A proposed handicap ramp entrance is shown on the plans at the back of each of the proposed dormitories. The applicant should provide a detail of these proposed entrances to show that they are in conformance with the ADA standards. The applicant should provide testimony regarding whether a site identification sign is to be installed along the site's frontage to Bellinger Street. The applicant should revise the plans to provide a cul-de-sac or other means of turnaround for emergency vehicles, which conforms to RSIS standards. The applicant has provided a 40-foot right-of-way corresponding to Road "A" adjacent to the townhouses, which does not conform to RSIS standards. The applicant should address this discrepancy. The applicant should provide a "NO OUTLET" sign at the intersection of Bellinger Street and Road "A" and a detail of the sign on the plans. The plans show a proposed pump station to be constructed "by others" situated on adjacent Lot 1, Block 805 that the site's sanitary system will be tied into. The completion of all off-site utility work should be a condition of approval. On the Grading Plan, there appears to be a low spot elevation (86.20) adjacent to the northwest corner of the western dormitory. The applicant should address this issue. It appears that the basement floors for the proposed school and dormitories is within two (2) feet of the seasonal high water table (SHWT) of the two closest soil boring locations. The applicant should address this discrepancy. There are missing contours in the site's frontage to Bellinger Street. The applicant should address this issue. The applicant should revise the Stormwater Drainage Plan to include any and all proposed roof drains, cleanouts and other stormwater collection and conveyance piping and how it connects into the system already shown on the plans. The applicant should revise the Stormwater Drainage Plan to match pipe crown elevations. The applicant should revise the Stormwater Management Plan to include labels for the systems' pipe inverts. There appear to be pipe crossing conflicts with respect to the proposed water main and the proposed sanitary sewer main with the proposed infiltration trenches that cross Road "A". The applicant should address these issues. The applicant should provide a drop manhole for proposed sanitary manhole #5. The applicant should relocate several street trees away from the proposed infiltration trench. The applicant should include the location of all service laterals on the Landscape Plan to assure there are no conflicts with any of the proposed street trees. The applicant should revise the Lighting Plan to reduce the amount of light spilling onto the adjacent lot to acceptable levels, per the Ordinance. The applicant should revise the Lighting Plan to provide adequate lighting at the intersection of Bellinger Street and Road "A". The applicant should revise the Lighting Plan to include additional lighting between Road "B" and the southern face of the proposed school. The applicant should provide lighting along the entire length of Bellinger Street to be improved. On the Profile plan, the information for the pipe run

between Storm MH #1 and Inlet #1 is not included, and some information does not match the information shown on the Stormwater Management Plan. The applicant should address these discrepancies. On the Bellinger Street Plan and Profile plan, the proposed pipe run between inlets #B-4 and #B-3 is reverse pitched. The applicant should address this discrepancy. The applicant is providing infiltration trenches within the right-of-way of Bellinger Street. The applicant should include a note on the plans outlining ownership and maintenance responsibilities for this proposed system. The proposed infiltration system in Bellinger Street ties into the existing stormwater system for the adjacent Bais Tova School for Girls. The applicant should provide evidence of approval from the adjacent property owner regarding this connection. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated December 1, 2008. He said rather than read his report into the record, there were some issues that they reviewed the application with townhouses under the planned affordable housing development and that is not exactly how the applicant is proposing this application. They are proposing this yeshiva with dormitories associated with the development as an accessory use so a lot of his comments are related to more of the bulk requirements and standards of a planned affordable housing development. This application has a yeshiva and residential units on the same tract. Mr. Truscott suggested not reading his letter into the record but having Mr. Penzer talk to the board about the whole application and see the board's feelings.

Mr. Banas had a question and said this land was sold to the applicant for a school and how is it that they are building homes on it. Mr. Penzer said one part of it was sold for a school and explained the applicant is doing 2 things: they want to make a campus type effect (it was discussed with Mr. Secare) and they need to have people live there that are associated with the school so the townhouses will be either faculty, alumni, or people associated with the school. It is in the middle of nowhere right now and this school is from 18 year to 21 years of age and they need 24 hours of someone to be living there. They are having the school, they are having the dormitory and they need people to live there to be able to interact with these members of the school. Mr. Penzer said they would be happy to restrict the townhouses to only alumni, faculty, or anyone associated with the school. What they agreed with Mr. Secare when they made the purchase is they would join them together and as long as the townhouses were not on the Township property that they bought (which is restricted to schools and dormitories) there would be no problem. He said the townhouses are an ancillary use to the school.

Mr. Banas said he could understand that but everything he has heard about this gives him the idea that they are building houses and not a school or a dormitory or anything that will be ancillary except houses. Mr. Penzer said this is a pretty big school with a 58 room dormitory with 2-3 in a room; 8 classrooms, a large study hall, so it is not tiny. It is probably the largest school for that age niche that they will ever have in Lakewood and it is not in the center of town so they do need to have a hub so that the boys have mentoring nearby and the houses are part of the school. One without the other will not work. Mr. Penzer said they had a smaller scale that was done by the zoning board because it was a different zone on Jack Martin (next to Golf View) there is a huge gym, a school, and housing. The only difference here is more intensive mentoring than the other school.

Mr. Banas said his concern is the land was sold for schools and Mr. Penzer said that land is there and this land was bought from Mr. Krupnick and that is where the townhouses will go.

They are put together in order to make this happen. Mr. Macfarlane said the land that was sold for the school is Block 806 which is the border of Towers Street. The property the townhouses are on was acquired separately by the applicant, not from the Township. Mr. Banas said then it is no problem.

Mr. Penzer said, based on that, they can meet all the other requirements in both reports because most of the other requests for variances now fall away because they are now part of this package. Mr. Banas said Mr. Peters dealt with other items, such as the roadway and Mr. Mcfarlane said the roadway is a private road, not a right of way and they are not proposing dedications to the town so it will be maintained by the school with no obligation of maintenance falling to the township. Mr. Franklin said there is a big problem with the garbage collection, there is no place for him to turn around and Mr. MacFarlane said they could move the dumpsters up to the front and provide ample space for turn around. Mr. Penzer suggested the engineer meet with Mr. Franklin to discuss the garbage location.

Mr. Fink agreed with Mr. Franklin and said he couldn't see where they could put them and where a garbage truck could make a U turn within this site. Mr. Penzer said they would work with Mr. Franklin. Mr. Schmuckler asked if there was a way to make the street a through street and Mr. Penzer said they are trying to make it as private as they can. Mr. Macfarlane said the entire street lines up with unimproved South Pershing Avenue so if the town or a developer wanted to extend South Pershing Avenue it would line up. Mr. Peters said the surrounding streets are unimproved but said he did recommend some sort of turn around. Mr. Schmuckler asked how far up was the next improved roadway and was told it was about  $\frac{1}{2}$  mile to a mile.

Mr. Peters said there were some issues he wanted the board to be aware of and one is the number of parking spaces for the townhouses (there are 2 provided per unit) and the sidewalks are not proposed along the access road that will come into the site. Mr. Penzer said they have room if they need the parking but the bigger problem is that the sidewalk is not their frontage.

Mr. Banas asked what is in each one of the housing units (townhouses) and Mr. Macfarlane said it consists of 5 bedrooms each, 2 story home with a basement. Mr. Banas asked how many parking spaces were they providing and Mr. Macfarlane said the layout alternated between 2 and 1 driveway spaces along the units (3) to maintain landscaping and green space in front of the units and said RSIS required 2.4 or 2.5 per townhouse or 35 or 36 total. Some of the units will utilize the spaces available along -----(could not hear). Mr. Macfarlane said they could put different spacing in front of the units but felt they could it was not best to do that because they wanted to keep green space. The site in whole has 83 parking spaces provided where 75 are required. Mr. Banas said Mr. Macfarlane has not been to the board for a while but there have been changes and the developers have agreed to it; 5 bedrooms would require 4 parking spaces and Mr. Macfarlane said they could accommodate that.

Mr. Banas said the dormitories are to accommodate an age group that will be driving and Mr. Macfarlane said there will be no restriction on vehicle ownership for the 14 units and Mr. Banas suggested 4 parking spaces and they agreed. Mr. Macfarlane said for the 2 story dormitories, those students will not be permitted to have cars on campus. Mr. Banas asked how will they get back and forth from the yeshiva and Mr. Penzer said they go home every 4-6 weeks and a bus comes and takes them but there is no daily bus service. Mr. Fink asked if any of the townhouses have outside entrances into the basement and Mr. Macfarlane said yes, in the rear



of the units. He said there are bilco doors in the back and said they are on the architectural. Mr. Fink asked if there will be plumbing in the basement and Mr. Macfarlane said the plans allow for sewer service to the basement but no plans for kitchens in the basements and they are unfinished basements at this point.

Mr. Schmuckler asked if there was a play area for the children who will grow up in these 14 homes and Mr. Macfarlane said no, they have a large passive recreation in another site. Mr. Schmuckler said they usually like to see an active type area with these townhouse developments especially with these small lots. Mr. Penzer said if they don't have to fence it in they have no problem, but Mr. Schmuckler said with small children it needs to be and Mr. Penzer agreed to a tot lot. They will also provide a list of playground equipment. Mr. Banas said to stipulate that the basements be non habitable and Mr. Penzer said they have a bilco door and Mr. Banas said it should be written.

Mr. Truscott asked for testimony in terms of linkage of the number of faculty and the number of faculty townhouses and Mr. Penzer said they wanted more. There are various teachers throughout the day; the school day starts @ 7:30 am and ends @ 11:00 pm so you need to have at least 3 or 4 teachers during the day. Mr. Macfarlane said the current school has about 80 students enrolled and about 10 teachers, 7 full time and 3 part time. This facility will house about 150 students total so the number of teachers will approximately double between full time and part time (plus a dean, principal, etc.) Mr. Banas asked where they are going to park and Mr. Macfarlane said there are 13 parking spaces in proximity to the school as well as 11 in front of the school so there is parking as well as the 3 or 4 provided.

Mr. Banas asked the width of the road and was told it was 24 ft. and the parking stalls were 18 ft. Mr. Macfarlane said there are sidewalks from the dormitories on the west side but not on the east side, they have landscaping and buffering but curbing.

Mr. Truscott said he did have a conversation with Mr. Macfarlane earlier and wanted to make sure the housing did not go in by itself, there should be some sort of phasing controls, that CO's on the townhouses couldn't be given until the CO for the school had already been granted so they wouldn't be houses stuck out in the middle of nowhere, it would be a coordinated project. Mr. Penzer said he would like to get the faculty in there first, so a month or two leeway, but the board did not like that. Mr. Truscott said maybe they could work it more like phase 2 couldn't take place until phase 1 happened and then they wouldn't have the CO issue. Mr. Penzer agreed.

Mr. Franklin asked if there is really enough parking there and said Mr. Macfarlane said they will revise the plans and if they have to swing a small parking lot in the rear they will do something like that. Mr. Penzer asked about a parking bank?

Mr. Schmuckler said there is a long roadway with parking spots going into a 24 ft. roadway and a car going 30 mph, it doesn't give much room for the cars to move safely backing into the street. He suggested making the roadway 35 ft. and move the line down it gives more room for the car to pull out or people to see the car pull out. Mr. Macfarlane said 24 ft. is what the ordinance requires for a 2 way driveway with parking stalls and he does not feel it is a danger and there is plenty of sight visibility. Mr. Neiman suggested speed bumps and Mr. Macfarlane said it could be added later if needed.

Motion was made by Mr. Fink, seconded by Mrs. Koutsouris, to advance the application to the meeting of January 20, 2009

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes (Mr. Percal left ill)

3. SP # 1878A (Variance requested)  
Applicant: Congregation Sanz of Lakewood  
Location: River Avenue, north of Sterling Place (Gila)  
Block 423.14 Lots 13 & 77  
Preliminary & Final Site Plan for construction of 2 story synagogue

Mr. Peters read from a letter dated November 26, 2008. The applicant is seeking Preliminary and Final Site Plan approval to construct a synagogue and associated improvements on Lots 13 and 77, Block 423.14. An existing building and its' site improvements will be removed from each lot as a part of this project. The property has frontage along River Avenue (NJSH Route 9), Sterling Place, and Rena Lane. The site is situated within the HD-7, Highway Development Zone. The applicant has requested the following variances: Minimum lot area; 0.46 AC is proposed, where 1.00 AC is required. Minimum lot frontage; 135.11 FT is proposed, where 150 FT is required. Minimum front yard setback from a state highway; 99 FT is proposed, where 150 FT is required. Rear yard setback (Rena Lane); 10 FT is proposed, where 50 FT is required. Minimum side yard setback; 10 FT is proposed, where 30 FT is required. Minimum landscape buffer; 0 FT are proposed to the residential use where 20 FT are required and 0 FT are proposed to the non-residential lot where 10 feet are required. Parking in the front yard setback for a non-residential use where the principal building is closer than the required 150 FT. The applicant should consolidate the two existing lots as a condition of Site Plan approval. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and a NJDOT Access Permit will be required. Evidence of the approvals will be made conditions of Planning Board Approval. The proposed synagogue will be served by public water and sewer. The applicant has provided 18 parking spaces, including one handicapped parking space, which conforms to the Ordinance requirements. The applicant has provided a note on the plans indicating that trash receptacles will be rolled to the curb for trash removal, but has not indicated whether the trash receptacles will be stored inside or outside the building. The applicant should provide a screened storage area if the trash cans will be stored outside. The applicant shall provide testimony on if there is an identification sign proposed for the site. The datum on which the existing contours are based on shall be provided. The applicant should revise the Existing Conditions Plan to label all existing items to be removed as "TO BE REMOVED." It appears that the applicant is providing new concrete sidewalk along the site's frontage on River Avenue, although it is not clear what is existing and what is proposed. The applicant shall clearly label and add to the legend existing and proposed curb and sidewalk. In addition a note shall be added to the plans stating any existing concrete curb and sidewalk that is deteriorated or damaged shall be replaced as directed by the Township Engineer. The applicant has not provided a six (6) foot shade tree and utility easement along the property frontages. The applicant should add the easements to the Site Plans and provide legal descriptions and easement language for review. The easements shall be filed as a condition of approval. The applicant has provided a four (4) foot high privacy fence along Rena Lane and

the two side yards. We recommend the fence height be increased to six (6) feet tall to provide screening, although this would require a height variance along Rena Lane. A detail for the fence shall be provided. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated November 24, 2008. The applicant proposes to construct a 3,202-square foot synagogue with a total of eighteen (18) parking spaces at the above-referenced location. The two-story synagogue will consist of a 1,745-square foot sanctuary, associated facilities, and an unfinished basement. Related site improvements are also proposed. Access to the proposed development will be provided by a driveway from River Avenue (Route 9). The tract consists of two lots that total 0.46 acres in area and contains two (2) existing residential dwellings. The residential dwellings will be demolished. The property is located in the south central portion of the Township on the west side of River Avenue (Route 9). The property also fronts Rena Lane. Many of the surrounding land uses on the west side of Route 9 are residential dwellings. As the Board is aware, the site plan application, SP-1878, was denied. It appears that the main change between the denied application and the current application is the size of the synagogue, which was revised from approximately 5,464 square feet to 3,202; however, the size of the sanctuary was only reduced from 1,810 square feet to 1,745 square feet. The porch of the synagogue was also removed from the application. In addition, the setback on the north side of the lot has been increased from 10 feet to 41.7 feet. The Planning Board has allowed the applicant to return to the Board for reconsideration of a revised site plan. The Board's denial has not been memorialized. The applicant should testify regarding how the current application addresses the concerns of the Planning Board, which were the basis for denial of SP-1878. The parcel is located in the Highway Development Zone District (HD-7). Places of worship are permitted in the HD-7 Zone provided that the requirements of Section 18-905 are met as well as the HD-7 Zone District bulk standards. The following variances are required for the application: Lot Area (Section 18-903.H.): A minimum lot area of one (1) acre is required. The proposed lot area is 0.46 acres. Lot Frontage (Section 18-903.H.): A minimum lot frontage of 150 feet is required. The proposed lot frontage is 135.11 feet. Front Yard Setback (Section 18-903.H.): A minimum front yard setback of 50 feet is required. The proposed front yard setback from Rena Lane is 10 feet. Non-residential development fronting a State Highway requires a minimum 150 foot front yard setback. The proposed front yard setback from Route 9 is approximately 100 feet. Side Yard Setback (Section 18-903.H.): A minimum of 30 feet is required. The proposed side yard setback is 10 feet from Lot 10.61. However, the applicant indicates in the zoning table side yard setbacks of 5 feet and 26.6 feet. It is unclear how the applicant calculated these side yards. Please clarify. Buffer Requirement (Section 18-905.B.): A minimum landscape buffer of 10 feet is required for adjoining non-residential uses and districts and 20 feet is required for adjoining residential uses and districts. The applicant has not provided the required landscape buffer with the adjoining Lot 10.61 which is zoned in the HD-7 Zone and is vacant. There is a 10-foot wide separation between the lot line and the building; however, this is not a landscaped buffer. The Planning Board should decide if a buffer is appropriate at this location. In addition, the applicant does not meet the buffer requirement for the side yard setback from Lot 10.02 which appears to be a two-family residential use. A 20-foot wide buffer is required. A minimum five (5) foot buffer is required for parking areas on side yard property lines. The applicant should demonstrate conformance with this standard. Currently, the plan indicates a retaining wall within this required buffer area, and the proposed landscaping does not extend to the street. Parking Requirement. Section 18-903.H.6.: Parking is permitted within the 150 feet front yard setback provided that the principal building has a 150 foot setback and a 10 foot buffer requirement is

provided between parking and the public road. The applicant does not appear to meet this requirement to the NJDOT typical section, however, the applicant meets the requirement based on the NJDOT right-of-way. Therefore, it does not appear that a variance is required. However, the applicant should add additional buffer plantings in front of the parking lot. The positive and negative criteria should be addressed. Review Comments. Section 18-905.A.: As the main sanctuary area is 1,745 square feet, a standard of 1.0 spaces for every 100 square feet is required. Based on this standard, the applicant is required to provide 17.45 parking spaces. The applicant provides 18 parking spaces which meets Ordinance requirements. Site Plan. The applicant should revise its bulk schedule to be consistent with the engineering drawing of the proposed synagogue. There appears to be inconsistency with the drawing and the bulk schedule relative to the side yard setback. The bulk schedule should be revised accordingly.

Consolidation. We recommend that Lots 13 and 77 be consolidated by deed. Grading. We defer to the Board Engineer relative to the drainage aspects of the grading, however, from a planning perspective, we find that it is important to note that the applicant proposes to raise the grade of the site close to 5 feet in the vicinity of the synagogue, and over 3 feet in the parking area, which will cause the height of the parking lot and other features to be at higher grades than the abutting properties. The applicant should testify regarding the visual impacts of same. The architectural plans indicate that the height of the synagogue will be 23 feet. The plans indicate the height of the architectural details on the side of the structure will be 32 feet, however, the plan should also indicate the height of the other architectural details on the synagogue. Since the tract is surrounded by residential uses, we recommend that all roof-mounted HVAC equipment (if applicable) be appropriately screened. We note that the handicap access rail is in the front yard setback of Rena Lane which is insufficient. The applicant should be prepared to indicate how the synagogue will be accessed by handicapped individuals and whether the handicap ramp could be placed in front facing Route 9 instead. The applicant should provide testimony on the intended use of the basement and confirm that the basement is intended for synagogue-related functions. We recommend the applicant provide more landscaping along the side yards. Additional landscape material may be required on this site to comply with Township standards. The buffering of the synagogue does not conform with the requirements of Section 18-905 for places of public worship. The applicant must also comply with the requirements for tree protection and removal as applicable on the site. Additional foundation plantings should be indicated. Signs. The architectural plans do not indicate any signage. All signage shall comply with Township ordinance. Trash Removal. The applicant should address provisions for solid waste management for the proposed building. Lighting. Any proposed building-mounted lighting should be identified on the site plan with the appropriate lighting levels. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant and said this application was denied and one of the points was to reduce the size of the building and get rid of the porch so the building was reduced by about 20% and the porch eliminated. The variances requested are existing and Mr. Flannery stated they can satisfy all the comments from the professionals with the exception of the planner's report and the handicap ramp along Rena Lane. Because of the grading on site they need a ramp that is the entire length of the building to enter at that location. The alternate would be to put the ramp on northerly side of the building in the green area which they prefer to leave green but they do not feel there is a problem from an engineering standpoint or an aesthetic standpoint with the ramp in the front and the other benefit of the ramp in the front is there will be people from the neighborhood that will use it and if the ramp starts in the back by the parking lot it would mean anyone that needed handicap accessible would have to walk all

the way around the building to come in and the way they have done it the handicap space is in the corner and the person would exit their car, proceed along the southerly side of the building and go right up the ramp. From an engineering standpoint Mr. Flannery feels it is appropriate where it is. Mr. Truscott said he did not have any objection to that based on Mr. Flannery's comments and said there is a good reason to have the greening on the north side of the building.

Mr. Fink thought it was a well thought out design but said for the public meeting the entering and exiting onto Route 9 should be right in and right out only because it is too busy. Mr. Penzer agreed.

Mr. Peters said he had a comment in his letter he wanted to the board to comment on and that was he recommended that the privacy fencing be increased to 6 ft. but now that he thinks about it further, especially along Rena Lane and on the southside of the property, it might be more of an eyesore than an enhancement to the screening, so maybe the board can give some direction as to where the privacy screening should be installed to help enhance the small buffer. Mr. Flannery said they would ignore that comment about the 6 ft. fence and Mr. Banas asked about the rest of the site and Mr. Flannery said on the south of them the lot is an open space lot so a 6 ft. fence would be more of an eyesore and Mr. Banas agreed. Mr. Schmuckler said they could put greenery as fencing.

Mr. Banas asked about the parking and if they were parking in the HD 7 zone and Mr. Flannery said they do require relief to park in the front and knows the board, on a prior application, was presented with a tabulation of other projects where there have been parking within that area and he has a copy of that and compared to that list, they are providing more and leaving the DTS required by the DOT untouched. Mr. Banas asked him to read it for emphasis. Mr. Banas asked how many feet do they have after they meet the DTS and Mr. Flannery said approximately 7ft. Mr. Banas said that is another reason they denied the project.

Motion was made by Mr. Neiman, seconded by Mr. Fink, to advance the application to the meeting of January 20, 2009

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

4. SD# 1651 (No variance requested)  
Applicant: Congregation Chanichei Hayeshivos  
Location: 142 & 150 Hollywood Avenue - across from Robin Drive  
Block 284.17 Lot 6  
Block 284 Lot 88  
Minor Subdivision to relocate existing lot lines

Mr. Peters read from a letter dated November 30, 2008. The Applicant is seeking Minor Subdivision Approval to realign the lot line between Lot 88, Block 284 and Lot 6, Block 284.17. An approximately 3,350 SF area of land will be transferred from new Lot 88.01 to new Lot 6.01. This area of land is approximately half of the right-of-way of Kohl Drive that appears to have been previously vacated. An existing six (6) foot tree and utility easement on both sides of the

vacated Kohl Drive right-of-way will also be vacated. No construction is proposed under this application; however, Lot 6.01, Block 284.17 is the subject of Site Plan application number SP-1906. The property has frontage along Hollywood Avenue just south of its intersection with Robin Drive. The site is located within the B-12, Single Family Residential Zone. It appears that the applicant does not need any variances for this application. Outside agency approval from Ocean County Planning Board is required. Evidence of the approval shall be made a condition of the Planning Board approval. The applicant should revise the plan to include the existing sanitary sewer line that runs through proposed Lot 6.01, Block 284.17, and the necessary easement that should surround it. The applicant shall provide a copy of the ordinance granting the vacation of Kohl Drive. The applicant has provided a six (6) foot shade tree and utility easement along the property frontage. Curb and sidewalk are existing along the property frontage. Comments pertaining to the New Jersey Map Filing Law will be provided prior to the Public Hearing for this application.

Mr. Truscott read from a letter dated November 20, 2008. The applicant seeks minor subdivision approval to revise the lot boundaries between Block 284.17, Lot 6, and Block 284, Lot 88. The subdivision will create two (2) lots, as indicated on the subdivision plan; however, it should be noted that the applicant currently has an application before the Board to construct a synagogue on Lot 6.01 as application SP-1906. The site consists of a segment of vacated Kohl Drive right-of-way and is located on the west side of Hollywood Avenue, just south of Robin Drive. The surrounding land uses are predominantly residential. The parcel is located in the Single-Family (R-12) District. No variances are required from the ordinance requirements of the R-12 Zone. Review Comments. The plat should be revised to reference the ordinance number of street vacation of a portion of Kohl Drive. A copy of the ordinance should be provided to the Board professionals. Parking for Lot 6.01, Block 284.17: R.S.I.S. does not list a parking requirement for a one-bedroom, single-family dwelling; however, 1.5 spaces are required for a two-bedroom dwelling. The plan states that Lot 6.01 has one bedroom and provides 2.5 spaces. The plans should clarify that the area in front of the dwelling is a driveway. Additionally, this area only appears to be 36 feet in length and, therefore, would equate to two spaces, not 2.5 spaces. The plans should be revised accordingly. The parking meets RSIS. Parking for Lot 88.01, Block 284: R.S.I.S. requires 2 spaces for a three-bedroom dwelling. The plan states that Lot 88.01 has three bedrooms and provides 2.5 spaces. The driveway only appears to be 36 feet in length and, therefore, would equate to two spaces, not 2.5 spaces. The plans should be revised accordingly. The parking meets RSIS. The plan indicates an existing monitoring well. The applicant should clarify the purpose of same. There is existing sidewalk along Hollywood Avenue. The applicant should clarify that there are no existing utilities within the vacated portion of Kohl Drive that would necessitate a utility easement. Compliance with Map Filing Law is required. Performance guarantees should be posted for all improvements in accordance with ordinance provisions. The only improvement appears to be the removal of the shed. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; and, All other required outside agency approvals.

Mr. Penzer Esq. appeared on behalf of the applicant and said they agreed to the comments in both applicants report. He said there is a typo under the parking spaces and will be fixed, they will give a copy of the ordinance for the street vacation and the monitoring well has been removed.

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutsouris, to advance the application to the meeting of January 20, 2009

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

5. **SP# 1906** (No variance requested)  
**Applicant:** Congregation Chanichei Hayeshivos  
**Location:** 142 Hollywood Avenue - across from Robin Drive  
Block 284.17 Proposed Lot 6.01  
Preliminary & Final Site Plan to construct synagogue

Mr. Peters read from a letter dated November 30, 2008. The applicant is seeking a Preliminary and Final Site Plan approval to construct a two-story synagogue and associated site improvements on Lot 6.01, Block 284.17. An existing dwelling on-site will be demolished after the synagogue and other site improvements are completed. The property has frontage along Hollywood Avenue. The site is situated within the R-12, Single Family Residential Zone. The subject property is the same as application SD-1561. The site plans application is contingent upon the approval of the minor subdivision. The applicant should request the following variances: Parking within five (5) feet of a side property line: the applicant is providing parking spaces within four (4) feet of a side property line. Providing less than the required number of parking spaces; 23 spaces are provided, where 27 spaces are proposed. The applicant should revise the Schedule of Bulk Requirements to include the existing dwelling in the calculated building coverage, for the situation between the completion of Phase-I and Phase-II. Outside agency approvals from the Ocean County Soil Conservation District will be required. Evidence of the approval will be made a condition of Planning Board Approval. The proposed synagogue will be served by public water and sewer. The applicant has used 1.0 parking spaces/100 SF of sanctuary space (800-1999 SF) as the design number, but it appears that the sanctuary area is greater than 2,000 SF, which would require the parking space design number to 1.25 parking spaces/100 SF of sanctuary space. With the revised design number the applicant is required to provide 27 parking spaces. The board should determine whether a variance should be granted regarding this issue. The applicant shall provide testimony on how solid waste generated from the proposed development will be stored and how it will be removed from the site. The applicant shall provide testimony on if there is an identification sign proposed on site. The applicant has provided a 6 FT shade tree and utility easement along the property frontage along Hollywood Avenue under the subdivision application. The applicant is providing new concrete sidewalk and curbing throughout the site and intends to connect the site sidewalk with existing sidewalk that is situated along the site's frontage on Hollywood Avenue, which will remain. Existing concrete curbing is also present along the site frontage. On the Lighting and Landscaping Plan, the applicant should provide additional plantings within the side and rear yards to adequately screen the site from the adjacent residential dwellings. The applicant should revise the Lighting and Landscaping Plan to reduce the amount of light spilling onto the adjacent lot to acceptable levels, per the Ordinance. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated November 24, 2008. The applicant seeks preliminary and final major site plan approval to construct a two-story synagogue and associated site improvements at the above-referenced location. The synagogue will contain two (2) floors. The

1,992.4-square foot sanctuary will be situated on the second floor. The site improvements include an off-street parking area for twenty-three (23) vehicles, one driveway from Hollywood Avenue, and three (3) lighting fixtures in the parking area. The applicant proposes phased construction. It appears that Phase One will consist of construction of approximately 75% of the synagogue, retaining the single family dwelling, and all other site improvements. Phase Two appears to consist of razing the dwelling, and constructing the remainder of the synagogue. The site is located on the west side of Hollywood Avenue, just south of Robin Drive. The site is included in a minor subdivision application currently before the Board, Application #SD-1651. The site consists of a segment of vacated Kohl Drive right-of-way. The existing Lot 6 contains a single-family dwelling, which is proposed to be retained for Phase One, and razed in Phase Two. The surrounding land uses are predominantly residential. The parcel is located in the Single-Family (R-12) District. Places of worship are permitted in the R-12 District provided that the requirements of Section 18-905 are met as well as the R-12 District bulk standards. Section 18-905A2 states that no parking area shall be located closer than five (5) feet to any side or rear property line. Whereas, the parking area scales just under 5 feet from the side and rear property lines. The applicant should verify the setback. If less than 5 feet is provided, then a 'c' variance is required. Section 18-905B1b requires a 20-foot buffer from residential uses or districts. The applicant does not provide a 20-foot buffer from all residential uses. Therefore, a 'c' variance is required. Section 18-905B2 requires a board-on-board fence six (6) feet in height and four (4) foot arborvitae every four feet on center along all property lines abutting the parking area unless a buffer of 20 feet is provided. The plan indicates a 6-foot board-on-board fence with no landscaping on the side property line abutting the parking area, and does not provide a fence nor landscaping at the rear of the parking area. The plans should be revised to comply with the Ordinance or a 'c' variance is required. Section 18-905B3 states that a required buffer shall be landscaped with trees, shrubs, and other suitable plantings for beautification and screening. An adequate screening of at least six (6) feet in height shall be provided to restrict view. The buffer shall be supplemented with fence of a solid material where necessary. The applicant does not provide landscape buffering around the synagogue, and proposes to retain the chain link fence on the rear and northerly side property line. The plans should be revised to buffer the side and rear yards surrounding the synagogue, and to propose a solid type fence, or a 'c' variance is required. Section 18-905C requires the front yard to be landscaped with grass, trees, shrubs, groundcover, and flowers. The plan indicates four (4) proposed trees. The plans should be revised to provide additional landscaping in accordance with the Ordinance. Review Comments. Per Section 18-905A1a, the parking area for a synagogue is based on the main sanctuary area and shall not include any secondary sanctuary area. Parking is calculated at rate of 1 space per 100 square feet of sanctuary for 800 square feet to 1,999 square feet; and 1.25 spaces per 100 square feet of sanctuary for 2,000 square feet to 2,999 square feet. The proposed main area is the second floor sanctuary which has an area of 1,992 square feet, resulting in a parking requirement of 20 spaces. A total of 23 spaces are proposed which satisfies the parking requirement. The architectural plans indicate stairs to the second floor of the building. The front elevation of the building should be revised to depict these stairs. Additionally, the roof lines on the architectural elevations appear to not comply between the front and side views of the building. The applicant should revise the elevations, and confirm the height on each elevation. The zoning table appears to only address Phase One. The zoning table should be revised to reflect Phase One plus Phase Two construction. It appears that this would result in a front yard setback of 30 feet, and a building coverage of approximately 24.5%. However, the applicant should confirm the building coverage, which should include any roofed porch or unroofed platform over 3 feet above grade. The applicant should clarify the duration of



time expected between Phase One and Phase Two construction. The applicant should also clarify the items that will be constructed under each Phase. The applicant should clarify if the synagogue will remain in operation during Phase II construction. The applicant should clarify the reasons for phasing construction. Additionally, the applicant should testify regarding the purpose of retaining the dwelling during Phase One construction. The use of the dwelling during Phase One should also be clarified. The applicant should clarify how the phased construction will affect the synagogue layout. The Board should determine if phased architectural drawings should be provided. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant and said Mr. Lines agreed to everything except they do not need so many variances; he said they will be able to straighten them out.

Mr. Lines said the 2 variances in Mr. Peters letter about the 5 ft. setback to the property line and they are at 4 ft., they will revise that to provide 5 ft. The second, which is the number of parking spaces, Mr. Peters said in the architectural plans it say the square footage is just below 2,000 sf but it also gives the dimensions of the room and when you take the dimensions it ends up being 2,100 and change, so he went with dimensions of the room. Mr. Lines said they will clarify the architectural plans and they will be at the 1,992 sf and they will also provide the phased architectural plans that the planner requested so the board can see how the building will work in Phase I with the existing building and the Phase II.

Mr. Banas said it appears there are 2 buildings that are going to be demolished and Mr. Lines said there is an existing building on the property listed as the bi level single family house; that is going to be retained as part of the synagogue during Phase I. In Phase II that building will be taken down and the building expanded and the architectural plans will clarify how that will work. Mr. Banas asked how they will stage the material and Mr. Lines said for Phase I they will have the majority of the parking lot and during Phase II it is a lesser construction; they will be tearing down the bi level and they will have the front yard area for staging. There should be enough room onsite for staging but Mr. Banas suggested they have a good plan for that when they appear at the public meeting. Mr. Lines said the remainder of the items are technical in nature and they can comply with them.

Motion was made by Mrs. Koutsouris, seconded by Mr. Schmuckler, to advance the application to the meeting of January 20, 2009

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

6. SD # 1652 (Variance requested)  
Applicant: Congregation Beth Medrash Govoha  
Location: 901 Madison Avenue-between 9<sup>th</sup> & 10<sup>th</sup> Avenues  
Block 98 Lot 2  
Minor Subdivision to create 2 lots

Mr. Peters read from a letter dated November 26, 2006. The Applicant is seeking Minor Subdivision Approval to subdivide one (1) existing lot into two (2) new lots. An existing 3-story

masonry building will remain on proposed Lot 2.02. Proposed Lot 2.01 will contain an existing school and a second school building was previously approved by the Planning Board. The proposed lots have frontage on Clifton Avenue, Madison Avenue, Ninth Street, and Tenth Street. The property is situated within R-OP, Residential Office Park Zone. The applicant is requesting the following proposed variances; Rear yard setback; 0.3 FT and 7.6 FT are provided, where 15 FT is required. Side yard setback; 0.0 FT, and 4.8 FT are provided, where 12 FT is required. The applicant is requesting the following existing variances: Front yard setback; 9.8 FT, 9.9 FT, and 18.5 FT are provided, where 25 FT is required. Side yard setback; 0.0 FT is provided, where 12 FT is required. Building coverage; 34% and 39% are provided, where 25% is the maximum permitted. The following variances were previously approved: Side yard setback; 0.0 FT for the proposed building, where 12 FT is required. Front yard setback; 6.5 FT is provided, where 25 FT is required. Ocean County Planning Board approval will be required. Evidence of approval shall be made a condition of final subdivision approval. The applicant shall provide the location of all parking spaces that will service the existing structure situated on proposed Lot 2.02. Curb and sidewalk are existing along the frontages of all four (4) roads that front the lots. Comments pertaining to the Map Filing Law will be provided prior to the public hearing.

Before Mr. Truscott read the letter he explained the legal issues which is contained in the letter but recommended the application move forward as far as the technical comments were concerned and by the public hearing hopefully the legal issues would be straightened out. Mr. Banas asked if the Zoning Officer has been involved in this at all and Mr. Jackson said so long as there is a site plan restriction on this he thinks the board could in its' discretion determine that it would be sufficient. The board could put in a limitation in the site plan that could be filed with the map that says that this could not be used other than an adjunct facility to the principal use and that if it is then it would be a non conforming use. He said the board has the leeway to do that because it is a very technical thing.

Mr. Penzer said he and Mr. Flannery had a discussion with Mr. Slachetka and the reason they are doing this is because the yeshiva is going for financing and the building they are financing is if the yeshiva defaults they would have to get the whole block in order for collateral, so in order to have release that it is only this property they are building on, they have to subdivide it out so that if the bank has to foreclose, they can take this lot. They are not doing anything different, they are not changing any of the buildings. The issue is whether they can have an ancillary use on a different lot, so they propose to show the board other places, like Georgian Court, where they have different buildings on different lots, but it still considered ancillary use to the university. Cox does not have any definition of an ancillary use must be on the same lot. Mr. Flannery said this is a technical legal issue and as far as the minor technical issues in the report, they will comply with them. They are not building anything on this site, they are drawing lot lines for financing reasons.

Mr. Banas said his biggest problem is if they have jurisdiction over it. Mr. Penzer said his biggest problem is he doesn't think the Zoning Board has jurisdiction over it because they are a pre-existing non-conforming use and they are not changing anything, so what is there for them to approve. Mr. Banas asked if Mr. Secare has been involved in this and Mr. Penzer said no and Mr. Jackson said it is not a Township call it is a Planning Board call.

Mr. Fink said the board should hear this and Mr. Banas said they have to go through the procedure.

Mr. Neiman said what they will be doing is creating a principle use on the subdivision and a dormitory is considered an accessory use. Mr. Flannery said it will be worked out by the public hearing and the bank and the board will be satisfied

Mr. Truscott prepared a letter dated December 1, 2008. It was never read but entered into the minutes. The applicant seeks minor subdivision and variance approvals to subdivide Block 98, Lot 2 into two lots. New Lot 2.01 is proposed with a lot area of 91,362 square feet in area, and new Lot 2.02 will be 28,638 square feet in area. The lot contains an existing private school. The site received site plan approval under application SP-1895 to construct a two (2) story school building addition with basement consisting of classrooms and a large study hall. The approval also consisted of a fourth story addition to an existing three-story dormitory. The Beth Medrash Govoha (BMG) encompasses much of the block bounded by Ninth and Tenth Streets and Madison and Clifton Avenues. The subject parcel is 120,000 square feet in area (2.75 acres) and has frontage on four streets, Madison Avenue, Ninth Street, Clifton Avenue, and Tenth Street. The site is in the ROP Residential Office Park Zone District. Zoning and Variances. As noted, the parcel is located in the ROP Residential Office Park Zone District. Schools are a permitted use in the zone. On the prior application, SP-1895, the dormitory building was cited as an ancillary use to the school. However, the proposed subdivision will create a lot that contains only the dormitory building. The applicant should provide testimony concerning the uses within the 4-story masonry structure, if any, in addition to the dormitory use. As a result, if the dormitory is the only use of the structure, then it will become the principal use of Lot 2.02. Dormitories are not listed as an approved principal use in the ROP Zone. If considered a use not permitted, then a d(1) variance may be required. Additionally, the dormitory received a 'c' variance for height since it was an accessory structure at that time. As a result of the subdivision, it becomes a principal structure, and a d(6) variance may be required for height based on a height of 54 feet when a maximum of 35 feet is allowed. Based on the above, we defer to the Zoning Officer and Board Attorney regarding jurisdiction of this application. The following variances were granted under application SP-1895: Front Yard Setback – a minimum of 25 feet is required, and 6.5 feet is proposed on Tenth Street. Side Yard Setback - a minimum of 12 feet is required, and 0 feet is proposed on the west side of Lot 2.01, adjoining Lot 5. Building Coverage – a maximum of 25% is permitted and 54% was proposed for entire lot 2 which is now proposed to be subdivided. The following variances are required for proposed Lot 2.01 as a result of the subdivision: Front Yard Setback – a minimum of 25 feet is required, whereas 9.8 feet is provided to Ninth Street, and 18.5 feet is provided to Madison Avenue. These are existing non-conformities. Additionally, the plan indicates a trailer in the front yard setback, it appears a 'c' variance would be required for the accessory structure in the setback. Side Yard Setback - a minimum of 12 feet is required, and 4.8 feet is provided on the north side of Lot 2.01, adjoining Lots 1 and 5. This is an existing non-conformity. Rear Yard Setback- a minimum of 15 feet is required, and 0.3 feet is provided on the east side of Lot 2.01 adjoining proposed Lot 2.02, and 7.6 feet is proposed between the existing and approved buildings on Lot 2.01. The 0.3 foot setback is a proposed condition, and the 7.6 feet is an approved non-conformity. Maximum Lot Coverage- a maximum of 25% is permitted, whereas 34% is proposed. Maximum Building Height- a maximum height of 35 feet is permitted, whereas the zoning table indicates that 54.3 feet is proposed for an accessory building. The applicant should confirm that this is accurate. It is our understanding that the 54.3 feet applies to the dormitory on proposed Lot 2.02, not the structures on proposed Lot 2.01. The applicant should clarify which structure is 54.3 feet, and testify as to whether the structure is an accessory structure. The following variances are required for proposed Lot 2.02 as a result of the subdivision: Front Yard Setback – a minimum of 25 feet is required, whereas

9.9 feet is provided to Ninth Street, and approximately 22.2 feet is provided to the overhang on Clifton Avenue. These are existing non-conformities. The zoning table should be revised to list the correct setback to Clifton Avenue. Side Yard Setback - a minimum of 12 feet is required, and 0 feet is provided on the west side of Lot 2.02, adjoining Lot 2.01. This is an existing non-conformity. Maximum Lot Coverage- a maximum of 25% is permitted, whereas 39% is proposed. Maximum Building Height- a maximum height of 35 feet is permitted, whereas the zoning table indicates that the building is less than 35 feet. The applicant should confirm that this is accurate. It is our understanding that the 54.3 feet variance obtained under SP-1895 applies to the dormitory on proposed lot 2.02. If this is the case, a new height variance applicable to a principle structure would have to be obtained, which would require a d(6) variance, whereas only 'c' variance was previously obtained. The applicant should clarify which structure is 54.3 feet. This may result in a jurisdictional issue. Section 18-906 identifies requirements for public and private schools. Section 18-906A requires a buffer of 10 feet from a school to a non-residential lot. The applicant does not provide the required buffer from proposed lot 2.01 which contains the school, to proposed lot 2.02 which contains the dormitory. A 'c' variance is required. Section 18-906A3 requires landscaping in the required buffer, however also states that where the buffer is inadequate it can be supplemented with a fence of solid material. The plan should be revised to include a solid fence along the proposed interior lot lines of lot 2.01 or a 'c' variance is required. Section 18-906B states that parking shall not be provided in any required buffer. The plans do not depict parking in the required buffer area, however, this area is indicated as existing asphalt on the plan. Therefore, the applicant should testify that parking will not occur in any required buffer, or a 'c' variance is required. Per Section 18-906, one parking stall is required for each classroom, tutor room, office, library, and meeting room. The applicant should provide a parking calculation for proposed lot 2.01, and the number of parking stalls provided on proposed lot 2.01. A bulk "c" variance may be required. The Ordinance does not provide a parking requirement for a dormitory. Therefore, the applicant should testify regarding the number of dormitory rooms and where parking will be provided for the dormitory. It does not appear that a 'c' variance will be required per Ordinance. The positive and negative criteria for the requested variances should be addressed. Review Comments. The applicant should clarify the reasons for the proposed subdivision. Since the applicant proposes to subdivide the dormitory from the school use, the applicant should clarify if all services will be separate. Specifically, will the two lots share such items as parking facilities, and refuse areas? If so, access easements may be necessary. We defer to the Board Attorney for further comment. The locations of utilities should be reviewed by the Board Engineer. If any utilities pass through both lots, then utility easements may be necessary. The applicant should revise the application to provide the correct block number on the application form. The location of the solid waste collection for proposed lot 2.02 should be addressed. The applicant should confirm that no site improvements are currently proposed under the subdivision application. The Board should determine if a shade tree easement and shade trees should be provided. The fire official should review the plan relative to emergency access. The lot numbers on the plat should be consistent with the lot numbers assigned by the Township Tax Assessor. Compliance with the Map Filing Law is required. Agency Approvals. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; All other required Outside Agency approvals.

Motion was made by Mr. Neiman, seconded by Mr. Fink, to advance the application to the meeting of January 20, 2009

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

7. SD# 1650 (Variance requested)  
Applicant: Scott Wegeman  
Location: 766 Albert Avenue, north of Salem Street  
Block 1159 Lot 62  
Minor Subdivision for 2 lots – 1 flag lot

Mr. Peters read from a letter dated December 1, 2008. The Applicant is seeking Minor Subdivision Approval to subdivide Block 1159, Lot 62 into two (2) lots, one of which will be a flag lot. An existing 1-story residential dwelling is currently located on the proposed Lot 62.01 and a 2-story residential dwelling is proposed on the new flag lot. The properties are situated on Albert Avenue, within the R-20, Single Family Residential Zone. The applicant is requesting the following variances for Lot 62.01: Minimum lot width; 95 FT is proposed, where 100 FT is required. Minimum side yard setback; 4.7 FT is proposed, where 10 FT is required. The applicant should request the following variance for Lot 62.01: Minimum side yard setback (accessory building); 4.3 FT is proposed, where 10 FT is required. No variances are requested or required at this time for proposed Lot 62.02, the flag lot. The applicant should revise the Zoning Table so that all proposed lot information shown matches what is provided on the plans. Ocean County Planning Board and Ocean County Soil Conservation District approvals will be required. Evidence of these approvals shall be made a condition of final subdivision approval. The applicant shows in the zoning schedule three (3) off-street parking spaces will be provided for each lot, which meets NJ RSIS standards. The Board should determine if the proposed number of parking spaces will be adequate. The applicant should provide a turnaround for the parking spaces on the flag lot to eliminate the need for vehicles to back down the flag lot accessway. The existing and proposed residence will be serviced by well and septic field. There is no existing curb or sidewalk along the sites' frontage to Albert Avenue. The applicant has not proposed curb or sidewalk as a part of this application. The board should determine if curbing and sidewalk should be included with this development. The applicant should provide a 6 FT wide shade tree and utility easement to be dedicated to the Lakewood Township along Albert Avenue at the frontages of the lots. Although not required for subdivision approval, a two (2) foot separation between the seasonal high water table elevation and the lowest floor elevation is needed, per the plot plan ordinance. The applicant has labeled the row of proposed buffer trees along the southern lot line of the "flagstaff" but has not provided any information regarding the buffer plantings shown along the northern lot line of the "flagstaff" and eastern lot line of proposed Lot 62.02. The applicant should address this issue. The proposed septic field associated with proposed Lot 62.02 is less than 100 FT away from the proposed well, which does not conform to the requirements of section 7:9A-4.3 of the New Jersey Administrative Code (N.J.A.C.). The applicant should address this issue. The applicant should also include the location of any wells or disposal fields on the adjacent properties so separation distances can be verified. The applicant shall relocate the temporary trash storage area to be located on-site. The applicant should show any existing wooded areas on-site and the limit of clearing on the plans. The applicant should provide buffer trees shown along the entire length of the southern property line of the flag lot. We recommend that the "pole" for the flag lot be relocated to the run along the northern property line to increase the side yard setback by five (5) feet. This would require that the existing driveway be reconstructed. The applicant should discuss this

issue with the Board. The applicant should revise the plans to connect the proposed driveway for the flag lot to the paving of Albert Avenue. The plan has been prepared in accordance with the New Jersey Map Filing Law.

Mr. Truscott read from a letter dated November 21, 2008. The applicant seeks minor subdivision and variance approvals to subdivide Block 1159, Lot 62 into two lots. New Lot 62.02 is proposed as a flag lot, with 24,213 square feet in area, and new Lot 62.01 will be 20,002 square feet in area. There is an existing residence which will be retained on proposed Lot 62.01. The subject parcel is 44,215 square feet in area (1.015 acres) and has frontage on Albert Avenue. The surrounding land uses are residential and vacant lots. The site is in the R-20 Single-Family Residential District. The subject property is located in the R-20 Single-Family Residential District. Single-family residences are a permitted use in this zone district, subject to a minimum lot area requirement of 20,000 square feet. Flag lots, per Section 18-805G, are permitted in all residential districts, and have the minimum lot area of the zone exclusive of the "flagstaff." The proposed subdivision will comply with lot area requirements. A variance is requested for a lot width of 95 feet for proposed Lot 62.01, where 100 feet is required. A variance is requested for a side yard setback of 4.7 feet for proposed Lot 62.01, where 10 feet is required. A variance is required for a side yard setback for an accessory structure of 4.3 feet on proposed Lot 62.01, where 10 feet is required. This is an existing nonconformity. The positive and negative criteria for the variance should be addressed. Review Comments. Section 18-805G5 states that flag lots shall be created only in conjunction with an overall development plan of the entire tract of which the flag lot is a part and the applicant shall demonstrate a need, consistent with good planning principals, for the creation of the flag lot and shall further demonstrate that normal subdivision techniques are not practical because of topography, lot or land configuration or other physical characteristics or constraints of the land related to the proposed development concept. The applicant should testify regarding whether this layout is consistent with good planning principals. Section 18-805G6a requires that all flag lots shall not be further subdivided, nor shall the access strip to same be used as access to any other lot or tract of land. The applicant should agree to this as a condition. The NJ RSIS requires 2.5 parking spaces per dwelling. The plan indicates that 3 spaces will be provided per dwelling. The parking complies with RSIS. The plan has typographical errors for the lot length along the northern lot lines of the two proposed lots. We have spoken with FWH Associates regarding the "typos," and they have agreed to correct same. It is our understanding that the lengths will be revised to 210.55 feet and 174.02 feet, for Lots 62.01 and 62.02, respectively. The zoning table should be revised to indicate the correct lot area for lot 62.01, and to identify the non-conformity for the accessory structure side yard setback. The plan should indicate the limits of clearing on the lot, and identify existing trees to remain, and clarify proposed methods to protect existing trees during construction. Sidewalks are not proposed along the street frontage. Testimony should be provided regarding the location of residences on the adjoining lots. Proposed shade trees and a shade tree easement should be indicated. White Pines are proposed to screen the driveway. We would recommend a more columnar species since the White Pine will have a wide circumference, exceeding the area provided. The proposed driveway surface should be indicated and a detail provided. We defer to the Board Engineer for further comment. The plans will likely require Soil Conservation District approval. The plans should be revised accordingly. Section 18-805G3c requires an area be provided for flag lots, along the street frontage, for solid waste and recyclable pick-up on pick-up days. However, no continual storage of trash is permitted in this area. The plan indicates this area within the right-of-way of Albert Avenue. This area should be relocated within the lot boundary. The applicant proposes septic and well for the proposed

dwelling on lot 62.02. The Board of Health should review same. The applicant should provide testimony concerning the proximity of sanitary sewer lines. In addition, testimony should be provided regarding the suitability of the site soils for the septic system. The location of proposed gas, telephone, and electric services to the existing dwelling should be indicated to confirm that no utility easements will be required. The lot numbers on the plat should be consistent with the lot numbers assigned by the Township Tax Assessor. Compliance with the Map Filing Law is required. Ocean County Planning Board approval is required.

Mr. Flannery appeared on behalf of the applicant and said they will provide the additional landscaping as well as sidewalks. The only issue they have is moving the flagstaff to the opposite side of the lot, the applicant wanted it on this side because of where existing driveways were and conversations with his neighbors, they would discuss it with him again and come back to the public hearing with testimony. Mr. Franklin agreed the White Pines were not the right trees and Mr. Flannery agreed.

Motion was made by Mrs. Koutsouris, seconded by Mr. Neiman, to advance the application to the meeting of January 20, 2009

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

8. SP# 1903 (No variance requested)  
Applicant: Seventy GSP Assoc. LLC/Garden Walk  
Location: Route 70, west of Garden State Parkway  
Block 1160.01 Lots 41.20 & 219  
Block 1160.10 Lot 219  
Block 1160.11 Lots 1, 2, 3 & 4  
Preliminary & final Major Site Plan - 472 apartments, clubhouse, bank, restaurant and retail

Mr. Peters read from a letter dated December 1, 2008. The applicant is seeking Preliminary and Final Major Subdivision and Site Plan approval to subdivide seven (7) existing lots and vacate two rights of way, Commerce Boulevard and Bennett Boulevard to create eight new lots, for the construction of a mixed use development. The proposed development will consist of four commercial buildings to contain a bank, restaurant, and retail shopping space. The residential portion of the development will consist of six (6) apartment buildings containing 472 units. The project is proposed to be built in phases. The property is located along the north side of US State Highway Route 70, west of the Garden Sate Parkway. The site is situated within the R-40/20, Residential Cluster Zone. The applicant has not requested any bulk variances at this time. However if Garden Park Boulevard is not a public right of way, a variance is required for lots not having frontage on a public right way. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, NJDEP for CARFA, Water Main Extension, Wetlands Letter of Interpretation (LOI), and Treatment Works Approval (TWA). Evidence of the approvals will be made conditions of Planning Board Approval. The existing rights of way within the proposed development shall be vacated as a condition of approval, and a copy of the resolution granting the vacation shall be provided. The applicant has provided a total of 1,644 parking spaces for the development. Based on the calculations provided by the

applicant 976 are required for the residential portion of the development, and 437 are required for the retail use. The applicant shall provide a break down of the parking by building and size of residential unit, i.e. number of bedrooms, to verify the required parking has been provided. A traffic report shall be provided for review. Cross access easements will be required to allow traffic to flow from one section of retail use to another. The ownership of Garden Walk Boulevard and Bennett Boulevard shall be noted on the plans. If the roadways are to be private the ownership and maintenance responsibilities shall be addressed. The residential portion of the development will require a Home Owners Association type of agreement to be formed between the residential lots. Ownership and maintenance agreements will be required between the commercial and residential lot owners for the maintenance of the stormwater management. It does not appear the applicant has provided a sufficient number of trash enclosures on site. Additional enclosures shall be provided throughout the site. The applicant shall provide testimony on any proposed site identification signage that may be installed and if the signage will meet the ordinance requirements. The site plan shall be revised to show the roadway dimensions, curve and curb radii, dimension areas for parking spaces, regular and handicapped, drive aisle, sidewalks, and all other aspects of the development. No Parking signs shall be provided along Garden Walk Boulevard. It is unclear if Bennett Boulevard will be a new street or part of the residential lot containing building A and the Clubhouse. The applicant shall clarify the limits of the roadway. A portion of the proposed development, specifically the apartment complex, borders the Lakewood Cogeneration facility. We recommend that the applicant indicate whether air quality concerns exist at the site, given the proximity of these two (2) land uses. (~i8-820B.3a.1) The applicant's professional indicates that no environmental concerns were noted at the site during a site investigation, and as such, a Phase I Environmental Site Assessment was not completed for the subject site. Considering the site will be used for residential uses and that "minimal amounts garbage and debris" were noted by the professional we recommend that a Phase I Site Assessment be performed for the subject site. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated December 1, 2008 *Revised December 2, 2008*. The applicant seeks Preliminary and Final Major Subdivision and Major Site Plan Approval to subdivide seven (7) lots, Block 1160.01, Lots 41.20 & 219; Block 1160.10, Lot 219, Block 1160.11, Lots 1, 2, 3, and 4, and to vacate two (2) right-of-ways, Commerce Boulevard and Bennett Boulevard East, in order to create eight (8) new lots. The project is proposed in four phases. The applicant is proposing the construction of a residential and commercial development within the above-listed block and lots. The residential portion of the project will consist of six (6) apartment buildings consisting of four hundred and seventy-two (472) units and a twelve thousand six hundred and fifty (12,650) square feet clubhouse. The commercial development proposed will consist of a bank, restaurant, and four (4) retail shopping buildings. Access to the site will be provided via State Highway Route 70. The proposed block and lots are as follows; Block 1160.13, Lot 1.01 - 116,163 square feet (2.667 acres) - consists of only the proposed private right-of-way, Garden Walk Boulevard. Block 1160.13, Lot 1.02 - 334,200 square feet (7.672 acres) - consists of two retail buildings, labeled 'Retail 2' and 'Retail 3,' and associated parking. Retail 2 is proposed to have 33,750 square feet of floor area. Retail 3 is proposed to have 16,250 square feet of floor area, and both buildings are proposed with multiple storefronts. Block 1160.13, Lot 1.03 - 118,352 square feet (2.717 acres) - consists of a multi-family mid-rise apartment building, labeled 'Building B,' and associated parking. Building B is proposed with four (4) levels and 40 apartments, ranging from one to two bedrooms, plus sitting rooms or dens. Block 1160.13, Lot 1.04, - 182,877 square feet (4.198 acres) - consists of



two (2) multi-family mid-rise apartment buildings, labeled 'Building C' and 'Building D,, and associated parking. Block 1160.13, Lot 1.05 - 1,324,171 square feet (30.399 acres) - consists of two (2) multi-family mid-rise apartment buildings, labeled 'Building G' and 'Building F,' associated parking, and a large retention basin. Block 1160.13, Lot 1.06 - 358,072 square feet (8.22 acres) - consists of a multi-family mid-rise apartment building,, labeled 'Building E,' and associated parking. Block 1160.13, Lot 1.07 - 91,336 square feet (2.097 acres) - consists of a multi-family mid-rise apartment building, labeled 'Building A,' a separate clubhouse building with a pool, and associated parking. Building A is proposed with four (4) levels and 72 apartments, ranging from one to three bedrooms. Block 1160.13, Lot 1.08 - 330,538 square feet (7.588 acres) - consists of a one (1) large retail building, labeled 'Retail 1,, consisting of multiple storefronts, a proposed bank in a separate building, and associated parking. Retail 1 is proposed to have 30,000 square feet of floor area, and the proposed square footage of the bank is not provided. The bank scales to 3,500 square feet of floor area. Phase I consists of construction of the private roadway, Lot 1.01, and all site improvements associated with Lots 1.05, 1.06, and 1.07. Phase II consists of all improvements proposed on Lot 1.08. Phase III consists of all improvements on Lot 1.02, and Phase IV consists of all associated improvements on Lots 1.03 and 1.04. The subject parcel is approximately 65 acres in area, is mostly made up of vacant fields, a wooded area, and a large retention basin for the Lakewood Industrial Park. The site is bordered by Airport Road to the northwest, the Lakewood Industrial Park to the north and west, the Lakewood Cogeneration Plant to the north, the Garden State Parkway to the east, and New Jersey State Highway Route 70 and commercial developments to the south Zoning and Variances. The tract is located in the B-5 Highway Development Zone. Per Ordinance No. 2008-12, Mixed Use Mid-Rise Development, is a Conditional Use in the B-5 Zone. Lot to Abut Street - MLUL 40:55d-35 requires that all lots abut an improved right-of-way. The proposed layout results in Lots 1.03, 1.06, and 1.07 being landlocked and not abutting an improved public right-of-way. The lots all abut a private street. Therefore, a planning variance is required. Testimony should be provided to assure the Planning Board that the roads will be improved to Township standards and access will be adequate to meet health, safety, and welfare requirements. Section 18-1012A identifies conditions that must be met to qualify as a Mixed Use Mid-Rise Development. The tract appears to meet these requirements relative to tract size, density, etc., however, it does not appear to meet the following tract setback requirement: 18-1012A7c requires that Parking lot and paved surfaces are setback 15 feet. The current configuration indicates a setback of approximately 14 feet near the Garden State Parkway on Lot 1.04, approximately 10 feet on Lot 1.08, and 10 feet near Route 70 on Lot 1.02 for the roadway. Please address throughout the tract. This could result in a jurisdictional issue if not revised. Per Section 18-1012B, since the developer proposes phased construction, the undeveloped lands shall be subject to public ownership requirements until all lands are integrated into the approved development plan. The applicant should verify that, in accordance with 18-1012.D.3.a., the minimum floor area per dwelling unit is 1,000 square feet, and that all balconies, if provided, are a minimum of 24 square feet in area. Per section 18-1012.D.4.d., facilities to serve the recreational needs of the residents of the Mixed Use, Mid-Rise Development shall be appropriately sized to the scale and type of the development. A minimum recreational open space area equal to five (5%) percent of the tract is required and must include passive and active recreation. The applicant should indicate the percentage of the tract for recreation. The positive and negative criteria for the requested variances should be addressed. The Architectural Plans do not provide the proposed floor area of the proposed bank. The plans should be revised to indicate the proposed floor area. We scale the area at 3,500 square feet. The engineering drawings indicate 3,250square feet. The Architectural drawings to not provide

floor plan layouts for the Retail buildings. The plans only indicate the scaled floor area and a rendering of the storefronts. The applicant should testify regarding whether the indicated floor areas are accurate, since the required parking is based on these numbers. The Architectural Drawings indicate that residential units 'C' and 'G' have dens; however, the layout does not indicate a room for a den. Please revise the Architectural to remove the indication that a den is provided for these units. The Architectural plans indicate that residential unit 'E' has two (2) bedrooms plus a den. The den depicted in the layout could easily be converted into a bedroom. The layout also indicates an optional bedroom. Therefore, for parking calculations, unit 'E' will be counted as having three (3) bedrooms. The plans should be revised accordingly. The Architectural Drawings only provide layouts and a listing of units for residential buildings 'A' and 'B'. However, the Engineering plans provide buildings labeled 'A' through 'G'. We believe that the intent was for Building 'A' to correspond with all L-shaped residential buildings, and Building 'B' to correspond to all rectangular residential buildings. If this assumption is correct, then the Architectural Drawings should rename the buildings to correspond to the Engineering plans, since currently the Architectural Drawings Building 'B' has a different shape than the Engineering Drawings Building 'B'. Please address. If this assumption is incorrect, then layouts, unit types, and numbers of each unit types, should be provided for buildings 'A' through 'G' and the shapes of the buildings should correspond between the two sets of plans. The applicant should submit a Traffic Impact Report for review. The parking requirements for the residential aspects of the tract are based on RSIS requirements. Based on RSIS garden apartment parking requirements apply to Mid-Rise apartments. Mid-Rise apartments are defined as having more than two (2) floors, but less than ten (10) floors, therefore all residential buildings on the tract meet the RSIS definition of mid-rise apartment. Therefore, the parking will be applied per RSIS at 1.8 spaces per one-bedroom apartments, 2 spaces per two-bedroom apartment, and 2.1 spaces per three bedroom apartment. We have applied parking under the assumption that the number and type of units in all buildings on the engineering drawings correspond to buildings 'A' and 'B' based on the shape of the building. The applicant should confirm that this approach is accurate. The residential parking requirement is 950 spaces as identified in the following Table:

The retail and bank aspect of the project results in the following parking requirement per Ordinance based on Retail and Banks based on

| Unit Types       | Engineering Layout, Buildings A, B, C, E, F, & G # of Each Unit | Engineering Layout, Building D | RSIS Parking Total per Unit Type |
|------------------|---|--------------------------------|----------------------------------|
| Unit A, bedroom  | 1<br>6 per building = 36 total                                  | 1                              | 37 units x 1.8= 66.6             |
| Unit B, bedrooms | 2<br>23 per building = 138 total                                | 11                             | 149 units x 2 =298               |
| Unit C, bedrooms | 2<br>13 per building = 78 total                                 |                                | 78 units x 2 =156                |
| Unit D, bedrooms | 2<br>3 per building = 18 total                                  | 12                             | 30 units x 2 =60                 |
| Unit E, bedrooms | 3<br>16 per building = 96 total                                 | 16                             | 112 units x 2.1 =235.2           |
| Unit F, bedrooms | 2<br>3 per building = 18 total                                  |                                | 18 units x 2 =36                 |
| Unit G, bedrooms | 2<br>5 per building = 30 total                                  |                                | 30 units x 2 =60                 |
| Unit H, bedrooms | 3<br>3 per building = 18 total                                  |                                | 18 units x 2.1 =37.8             |
| Total            | 432 units   | 40 units                       | 950 parking spaces               |

the Architectural Drawings. The Architectural Drawings and Engineering Drawings do not correspond for floor areas, therefore, this should be rectified: Retail 1, 30,000 square feet at 1 space per 200 square feet of floor area = 150 spaces; Retail 2, 33,750 square feet at 1 space per 200 square feet of floor area = 168.75 spaces; Retail 3, 16,250 square feet at 1 space per 200 square feet of floor area = 81.25 spaces; Bank, 3,500 square feet (scaled from plans) at 1 space per 300 square feet of floor area = 11.67 spaces; Clubhouse, 3,000 square feet at 1 space per 400 square feet of floor area = 7.5 spaces; Total spaces required for retail and bank are 419 spaces. The applicant's parking calculation on sheet three (3) of the engineering plans indicates 85,100 square feet of retail and 3,250 square feet of bank, and 12,650 square feet of Clubhouse. This does not correspond to the Architectural Drawings. If these numbers are correct, then the Architectural Drawings should be revised and the parking requirement would then be 425.5 parking spaces for retail plus 10.8 spaces for bank, plus 32 spaces for clubhouse, resulting in a total of 468 parking spaces. Based on the above, 950 spaces are required for residential, and 412 spaces are required for retail and bank (or 468 spaces if the engineering drawings are correct). Therefore, the total parking required is 1362 parking spaces (or 1418 spaces based on engineering drawings). The applicant provides 1,644 parking spaces on the total tract, therefore, the parking provided throughout the tract meets RSIS and Ordinance requirements. However, the applicant proposes separate lots and Phased construction. Therefore, the applicant should provide a table that provides a breakdown of the parking provided on each individual lot versus the parking required on each individual lot. Once this information is provided, we will determine if de minimis exceptions from RSIS or bulk 'c' variances for parking are required for the respective lots. However, it should be noted that Section 18-807C does permit parking within 1,000 feet of a parcel provided that acceptable assurances are provided to the Board that guarantee that this parking will remain available in the future. Section 18-807C9 states that where a residential subdivision is designed so as to not

permit on-street parking in accordance with RSIS, then the developer shall post "No Parking" signs through the development. The plan should be revised to indicate the locations of said signage on Garden Walk Boulevard. The proposed layout results in Lots 1.03, 1.06, and 1.07 being landlocked, i.e., lots without frontage on a public street. The applicant should testify regarding whether this configuration provides sufficient and permanent access. Given the proposed layout, an access easement is required on Lot 1.01 for Lots 1.02 through 1.08. The proposed utilities traverse abutting lots throughout the tract. Utility easements should be provided. We defer to the Board Attorney and Board Engineer for further comment. The applicant should clarify if refuse collection and snow plow activities for the private road will be by private hauler. Currently, the Environmental Impact Statement indicates that that refuse will be in accordance with Lakewood Township; however, is unclear on whether pick-up is private. The applicant should clarify if these services will be shared among all uses, or will be separate, and whether they will be handled privately. The applicant should testify regarding the adequacy of the recreation areas on the site since 472 residential units are proposed, and currently the only recreation space is a clubhouse and pool. Sidewalk is proposed for the majority of the proposed private roadway, Garden Walk Boulevard, however, sidewalk is not provided at the bulb of the cul-de-sac, nor on the easterly side of the private road near Route 70. Sidewalk should be provided in these areas to provide a continuous walking path that connects throughout the development, for those walking for recreational purposes. Landscaping and Lighting. The applicant proposes lighting throughout the tract and on the private roadway. The applicant should identify the entity responsible for maintenance of the lighting on the private roadway. The applicant should consider a more decorative fixture throughout the tract. The applicant should review the proposed fixture with the Board. The landscaping plan should be supplemented to provide parking lot perimeter landscaping, screening behind the Retail 3 building, and foundation plantings. The applicant must obtain approval from the governing body to vacate Commerce Boulevard and Bennett Boulevard East. The limits of tree clearing are identified on the Tree Management Plan. The applicant proposes plantings throughout the tract to supplement trees removed for construction. The Board should determine if a shade tree easement should be provided for the private roadway. The Fire Official should review the plan relative to emergency access. The Environmental Impact Statement (EIS) (at Page 4) indicates that the tract abuts Airport Road. This is incorrect. The E.I.S. should be revised. The E.I.S. indicates that the seasonal high ground water table is at a depth of 1 foot below the surface on Page. 8. The applicant should verify if this is accurate. The E.I.S. should address the applicability of the NJDEP Flood Hazard Control Act to the site, and the location of the 100-year flood zone relative to the tract. The E.I.S. should be revised to indicate the correct zoning requirements based on Ordinance No. 2008-12. The lot numbers on the plan should be consistent with the lot numbers assigned by the Township Tax Assessor. Compliance with the Map Filing Law is required. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; NJDOT; Sewer and water utilities; Soil Conservation District; NJDEP for water and sewer extensions; NJDEP Letter of Interpretation (LOI) (Freshwater Wetlands); NJDEP Flood Hazard Area, if applicable; and, All other required Outside Agency approvals.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery said this site was in front of the Master Plan and the board directed them to go to the Township Committee which they did. The reports are lengthy but they will comply with the comments in them. The comments on the jurisdictional issues with respect to the parking setbacks they will revise the plans to comply so there will be no jurisdictional issue. Mr. Banas

said there is no possible way he can comprehend the vastness of these reports and come and say it can be advance to the next meeting, he does not think that would be frugal on his part. This is voluminous and a tremendous project and needs to have a traffic study done and a lot of work needs to be done. Mr. Flannery agreed there is a lot of work that needs to be done but it complies with the ordinance and the engineering comments that need to be changed are similar to smaller projects. Mr. Banas suggested coming back to a public hearing in February, not January because they would need an entire meeting. Plans would be due back by the second week of January. Mr. Shea said the report should shrink. Mr. Schmuckler asked if the board members could get those reports before the meeting so they can read them and Mr. Kielt said the only way to do that is if he gets them earlier. Mr. Flannery said he would agree to get the plans in the first week of January and that would give the professionals an extra week to do the report.

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to advance the application to the meeting of February 17, 2009.

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

9. SD # 1653 (Variance requested)  
Applicant: Benjamin Lederer  
Location: 1259 Monmouth Avenue and southeast corner of 13<sup>th</sup> Street  
Block 150 Lot 1  
Minor Subdivision to create 2 lots

Mr. Peters read from a letter dated November 30, 2008. The Applicant is seeking Minor Subdivision Approval to subdivide existing Lot 1, Block 150 into two (2) lots, which are to be known as Lots 1.01 and 1.02. An existing dwelling is currently situated on-site which will be removed as a part of this project. No construction is proposed under this application. Proposed Lot 1.01 has frontage along Monmouth Avenue and Thirteenth Street and Lot 1.02 has frontage along Thirteenth Street. The proposed lots are situated within the R-10, Single Family Residential Zone. The applicant should revise the Schedule of Bulk Requirements for the required aggregate minimum side yard setback to be 25 feet, per the Ordinance. The applicant has requested the following variances: Minimum lot area: 8,400 SF for both lots is proposed, 10,000 SF is required. Minimum lot width: 70 FT for both lots is proposed, 75 FT is required. Minimum aggregate side yard setback: 20 FT for Lot 1.02 is proposed, 25 FT is required. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. The applicant shows in the zoning schedule three (3) off-street parking spaces will be provided for each lot. Per NJ RSIS standards, two and an half (2.5) off-street parking spaces are required for single family dwellings with unknown numbers of bedrooms. The Board should determine if the proposed number of parking spaces will be adequate. There is existing curb and sidewalk along the property frontage of Monmouth Avenue and Thirteenth Street. A note should be added to the plans stating any existing concrete curb and sidewalk along the property frontage that is deteriorated or damaged will be replaced as directed by the Township Engineer. The applicant should revise the plans to include a six (6) foot utility and shade tree easement along Monmouth Avenue and Thirteenth Street along the property frontages, to be

dedicated to the Township. The existing dwelling shall be labeled on the plans as "TO BE REMOVED." The plans shall be revised to show the proposed lots can accommodate the proposed dwelling and three (3) off street parking spaces. The applicant should include any and all existing utilities on-site and within the rights-of-way of Monmouth Avenue and Thirteenth Street. The applicant should provide a note on the plans stating how utility service will be provided to the two (2) proposed lots. It does not appear that sanitary sewer is available within Thirteenth Street. The applicant has indicated with a note on the plans that the existing dwelling, walks, and driveway will be removed. The existing dwelling and associated site improvements should be removed prior to signature of the final plat or a bond posted to ensure the prompt removal of those structures. Comments pertaining to the New Jersey Map Filing Law will be provided prior to the public hearing for this application.

Mr. Truscott read from a letter dated November 20, 2008. The applicant seeks minor subdivision approval to subdivide Block 150, Lot 1, into two undersized residential lots. Both new lots, Lots 1.01 and 1.02, are 8,400 square feet. The lot contains an existing dwelling which is proposed to be removed. The site is located at the corner of Monmouth Avenue and Thirteenth Street, and is located in the Residential (R-10) District. The surrounding land uses are predominantly residential. The parcel is located in the Residential (R-10) District. Single-family dwellings are a permitted use in the zone. A variance is requested for a lot area of 8,400 square feet for proposed Lots 1.01 and 1.02, where 10,000 square feet is required. A variance is requested for a lot width of 70 feet for proposed Lots 1.01 and 1.02, where 75 feet is required. The positive and negative criteria for the variance should be addressed. A tax map exhibit of the neighborhood should be presented to the Board with information concerning the existing lot areas and lot widths. Review Comments. The plans state that the lots will be residential. The applicant should verify that the lots will be for single-family dwellings and not for duplexes or two-family dwellings. The NJ R.S.I.S. requires 2.5 spaces for a single-family dwelling when the number of bedrooms is not specified. The plans indicate that 3 spaces will be provided per lot. The plans should depict the location of the driveways so that the number of spaces can be verified. The plans indicate that the rear yard setback on Lot 1.01 is along the southern lot line. The applicant should confirm that the proposed dwelling will face Thirteenth Street. If this is not the case, the rear yard and side yard setbacks should be revised accordingly. The applicant should clarify if the existing curb cut will be retained or removed and replaced with full face curb and sidewalk. There is existing sidewalk along the property frontage. A shade tree easement and shade trees should be provided. All existing and proposed utilities should be indicated. The limits of clearing should be indicated, the trees to be retained identified, and proposed tree protection measures should be provided. It appears that Soil Conservation District approval will likely be required. The plans should be revised accordingly. The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. Compliance with the Map Filing Law is required. Performance guarantees should be posted for the removal of the existing dwelling and all improvements in accordance with ordinance provisions. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Sewer and water utilities, prior to issuance of construction permits; and, All other required outside agency approvals.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery said they agree with the comments in the professionals reports and will comply.

Motion was made by Mr. Neiman, seconded by Mr. Schmuckler, to advance the application to the meeting of January 20, 2009

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

10. SD # 1654 (Variance requested)  
Applicant: Shmuel Perlstein  
Location: 179 Spruce Street – east of Cypress Avenue  
Block 778.01 Lot 18  
Minor Subdivision for 2 lots – 1 flag lot

Mr. Peters read from a letter dated December 1, 2008. The Applicant is seeking Minor Subdivision Approval to subdivide Block 778.01, Lot 18 into two (2) lots, one of which will be a flag lot. An existing 2-story residential dwelling is currently located on proposed Lot 18.03, the new flag lot. No new construction is proposed at this time for proposed Lot 18.02. The properties are situated on Spruce Street, within the R-12, Single Family Residential Zone. The applicant is requesting the following variances for Lot 18.02. Minimum lot width; 70 FT is proposed, where 90 FT is required. The applicant is requesting the following variances for Lot 18.03 (flag lot): Minimum lot area; 11,305 SF is proposed, where 12,000 is required. Minimum rear yard setback; 11 FT is proposed, where 20 FT is required. This is an existing condition. Minimum side yard setback; 8.5 FT is proposed, where 10 FT is required. This is an existing condition. Minimum rear yard setback (accessory structure); 0.5 FT is proposed, where 10 FT is required. This is an existing condition. The applicant should revise the values shown in the Schedule of Bulk Requirements for Minimum Lot Area and Minimum Lot Width for Lot 18.03 to correctly reflect the conditions shown on the plans. Ocean County Planning Board approval will be required. Evidence of this approval shall be made a condition of final subdivision approval. The applicant shows in the zoning schedule three (3) off-street parking spaces will be provided for each lot, which meets NJ RSIS standards. The Board should determine if the proposed number of parking spaces will be adequate. The applicant has provided a turnaround for the parking spaces on the flag lot to eliminate the need for vehicles to back down the flag lot accessway. There is no existing curb or sidewalk along the sites' frontage to Spruce Street. The applicant has proposed curb and sidewalk along the sites' frontage as a part of this application. The applicant should extend the proposed access drive for the flag lot to meet the street, and provide a driveway apron and depressed curb. The applicant has provided a 6 FT wide shade tree and utility easement to be dedicated to the Lakewood Township along Spruce Street along the frontages of the lots. Although not required for subdivision approval, the applicant will be required to show a two (2) foot separation between the seasonal high water table elevation and the lowest floor elevation, per the plot plan ordinance. The applicant shall provide a title for the plan and show the Block and Lot numbers in the title block. The applicant shall provide a temporary trash storage area to be located on the flag lot. The applicant should show any existing wooded areas on-site and the limit of clearing on the plans. The plan shall be revised to show the location of the neighboring dwellings to show proper screening has been achieved. The applicant should provide buffer trees shown along the entire length of the western property line of Lot 18.02. The buffer trees provided along the flag lot access drive and within the front yard setback appear to be sufficient. The Board should determine if the proposed buffering is sufficient. The type of evergreen trees to be planted along the pole portion of the lot shall be

identified. The species, size, and quantity shall be identified and a planting detail provided. The applicant should provide low growth planting to supplement the row of white pines to be planted between the two subject properties. The plan has been prepared in accordance with the New Jersey Map Filing Law.

Mr. Truscott read from a letter dated November 21, 2008. The applicant seeks minor subdivision and variance approvals to subdivide Lot 18 into two lots. New Lot 18.03 is proposed as a flag lot, with 12,459 square feet in area, and new Lot 18.02 will be 12,372 square feet in area. There is an existing residence on the parcel which will be retained on proposed lot 18.03. The subject parcel is 24,831 square feet in area (0.57 acres) and has frontage on Spruce Avenue. The surrounding land uses are predominantly residential; however, a school is located east of the site on Lot 1. The subject property is located in the R-12 Single-Family Residential District. Single-family residences are a permitted use in this zone district and have a minimum lot area requirement of 12,000 square feet, and flag lots per Section 18-805G are permitted in all residential districts, and have the minimum lot area of the zone exclusive of the "flagstaff," which is 12,000 square feet in area for the R-12 Zone. The existing residence on new Lot 18.03 has a non-conforming rear setback of 11 feet (20 feet required), and a non-conforming side setback of 8.5 feet (20 feet required). Section 18-902E4b requires a lot width of 90 feet, where a lot width of 70 feet is proposed on new Lot 18.02. Therefore, a bulk 'c' variance is required. Section 18-902E4f(2) requires a rear yard setback of 10 feet for an accessory structure. Whereas, 0.5 feet is provided on Lot 18.03. A bulk 'c' variance is required. A waiver is requested for a lot area of less than 12,000 for the flag portion of Lot 18.03. As stated above, Section 18-805G2 requires that a flag lot meets the minimum lot area of the zone exclusive of the flag staff. Therefore, a 'c' variance is required. Section 18-805G5 states that flag lots shall be created only in conjunction with an overall development plan of the entire tract of which the flag lot is a part and the applicant shall demonstrate a need, consistent with good planning principals, for the creation of the flag lot and shall further demonstrate that normal subdivision techniques are not practical because of topography, lot or land configuration or other physical characteristics or constraints of the land related to the proposed development concept. The applicant should testify regarding whether this layout is consistent with good planning principals. Section 18-805G6 states that all flag lots to be created shall further conform to the following requirements: Such flag lots shall not be further subdivided, nor shall the access strip to same be used as access to any other lot or tract of land. The location of said dwelling shall be depicted on the subdivision plans. A front yard setback as stipulated for the particular zone shall be provided to the property line adjacent to the front of the proposed dwelling. The building setback to all other property lines shall be minimum of the stipulated rear yard setback for the particular zone. All other area and dimensional requirements shall comply with those stipulated for the particular zone. Since the applicant proposes to retain the existing dwelling, the flag lot does not meet the 20 foot rear setback requirements to all other property lines. Therefore, bulk 'c' variances are required for an 11 foot setback to the northern property line, and 8.5 feet to the westerly property line. The zoning schedule should be revised accordingly. Section 18-902E4h permits a maximum building height of 35 feet. The height of the existing and proposed dwelling should be provided. The positive and negative criteria for the variance should be addressed. Review Comments. The plan states that the existing dwelling to remain on Lot 18.03 has four (4) bedrooms; therefore, per R.S.I.S., 2.5 parking spaces are required. The plan states that the proposed number of bedrooms for the dwelling on proposed Lot 18.02 is unknown; therefore, per R.S.I.S., 2.5 parking spaces are required. The plan states that 3 parking spaces will be provided for each dwelling, which would comply with R.S.I.S. However, the plan



should be revised to depict an apron and driveway on proposed Lot 18.02 that clarifies how this parking will be required. The plan should indicate the limits of clearing on the lot, and identify existing trees to remain, and clarify proposed methods to protect existing trees during construction. Proposed shade trees should be indicated. The proposed driveway surface should be indicated and a detail provided. We defer to the Board Engineer for further comment. The plans will likely require Soil Conservation District approval. The plans should be revised accordingly. Section 18-805G3c requires an area be provided for flag lots, along the street frontage, for solid waste and recyclable pick-up on pick-up days. However, no continual storage of trash is permitted in this area. This area should be indicated on the plan. The location of the existing water, sewer, gas, telephone, and electric services to the existing dwelling should be indicated to confirm that no utility easements will be required, and that the existing locations will not cause a hardship to proposed Lot 18.02. Per the plan, an existing fence conflicts with the proposed drive and parking area on Lot 18.03. Please address. The balance of the comments are technical in nature.

Mr. Brown Esq. appeared on behalf of the applicant. There is an existing dwelling on the rear portion of the property rather than on the front, so there will be a new lot created on the front of the property. There is a variance required on the back lot when you remove the flag staff you have 11,305 ft. and the applicant's engineer said they can simply move the line down the property to create the variance on the front lot and it is a question of whether the board prefers it one way or the other. Mr. Banas said they try to eliminate as many variances as they can and by moving that lot line to the south you are short a few feet but you do need to have 12,000 sf in that flag itself, exclusive of the flag. Mr. Banas said the flag portion needs a buffer around the entire perimeter and they don't have that and they also do not like White Pines. You also need to locate the existing buildings on the adjacent properties so they can see what needs to be covered with what you are building.

Mr. Lines agreed to comply with the recommendations in the reports from the professionals and said they will not use White Pines. As far as the architectural plans, the ordinance states architectural are required for the rear house and since the rear house is existing, it does not stipulate. Mr. Banas said they flipping it around and the board needs to know how many bedrooms they are providing. Mr. Lines said they will provide architectural plans for the front house and show them on the revised plan along with where the parking will be etc.

Mr. Neiman said this is a little different because they are usually dealing with the back property, but they are here to protect the neighbors.

Mr. Lines said they will be moving the common lot line up 7 ft. so they have the full 12,000 sf in the flag portion of the rear lot. Mr. Brown said they will re-notice.

Motion was made by Mrs. Koutsouris, seconded by Mr. Fink, to advance the application to the meeting of January 20, 2009

**ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes**

**11. SD# 1655 (Variance requested)**

Applicant: Aryeh Weinstein  
Location: 5 North Apple Street, north of East County Line Road  
Block 172 Lot 17  
Minor Subdivision to create 2 lots

Mr. Peters read from a letter dated November 30, 2008. The Applicant is seeking Minor Subdivision Approval to subdivide Lot 17, Block 172 onto two lots, which are to be known as Lots 17.01 and 17.02. An existing dwelling, garage and shed are to be removed as a part of this project. No construction is proposed under this application. The property has frontage along North Apple Street and proposed Lot 17.02 abuts the right-of-way of Kennedy Boulevard East. The proposed lots are situated within the B-4, Wholesale Service Zone. The applicant is not requesting any variances at this time; however, the southern property line of Lot 17.02 is shown to have a 7.5 foot setback. This shall be revised to a 25 foot setback or a variance will be required. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. The applicant should revise the plans to provide a 25 foot front yard setback for proposed Lot 17.02 for the sites' frontage along Kennedy Boulevard East. The applicant states in the zoning schedule three (3) off street parking spaces are required and three (3) parking spaces will be provided. Per NJ RSIS standards a single family dwelling with five bedrooms is required to provide three (3) off street parking spaces. The Board shall determine if the proposed parking spaces will be sufficient. In addition, the plans shall be revised to demonstrate the lot has sufficient area to accommodate the dwelling and three (3) off street parking spaces. There is no existing or proposed curb or sidewalk along the property frontage. The Board should determine to what extent curd, sidewalk, and roadway improvements will be required. A 6' utility and shade tree easement along North Apple Street at the property frontages are proposed to be dedicated to the Township. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated November 21, 2008. The applicant seeks minor subdivision and variance approvals to subdivide Block 172, Lot 17 into two lots. Both proposed lots, Lots 17.01 and Lot 17.02 will be 10,069 square feet in area. There is an existing residence on the parcel which will be removed prior to the subdivision. The subject parcel is 20,138 square feet in area and situated at the northern extent of North Apple Street. North Apple Street terminates at the northern boundary of the parcel, and the southern boundary of the parcel abuts Kennedy Boulevard East. The surrounding land use to the west is single family and there is a residential condominium complex to the north. The property across the street is currently before the Board for a residential subdivision. The Planning Board granted minor subdivision approval for the parcel across North Apple Street at the November 18<sup>th</sup> meeting. The subject property is located in the B-4 Wholesale Services Zone District. Single-family residences are a permitted use in this zone district with a minimum lot of 7,500 square feet. No variances are currently requested. However, the plan should be revised to provide a 25 foot front yard setback on the Kennedy Boulevard frontage on Lot 17.02, or a 'c' variance is required. Additionally, the applicant should demonstrate that 3 parking stalls can be provided on each proposed lot. The applicant should also testify to the proposed number of bedrooms per dwelling. If the applicant cannot demonstrate that they can meet the RSIS parking requirement of 3 spaces, and if the front yard setback is not provided on the Kennedy frontage, then the positive and negative criteria for the variance should be addressed. Review Comments. The applicant must show road improvements along the frontage of the proposed lots. Otherwise, planning variance is

required. The applicant should provide an update of the status of this application addressing the prior approvals. The Planning Board should decide if a partial turnaround is appropriate for public vehicles, or if a cul-de-sac should be provided. The plat indicates that water and sewer will be provided by New Jersey American Water Co., however, proposed utilities should be indicated on the plan. Additionally, if the existing dwelling is currently served by septic or well, the plan for these utilities should be clarified (ie. abandoned in accordance with NJDEP standards) Sidewalks are not proposed on either frontage. The Board should discuss if same should be provided. The balance of the comments are technical in nature.

Mr. Flannery appeared on behalf of the applicant and apologized for not putting curb and sidewalk on North Apple Street and will add that to the plan. They did an application on the other side of the street that provided a turn around and they will show the same turn around area on this application so it is clear that a turnaround will be provided. The one variance requested for the front yard setback, it is his opinion that they don't need that because the front yard setback is from a road and Kennedy Boulevard really isn't a road, the county built a detention basin there because they can't get a railroad crossing there, so to have a front yard setback from a detention basin in his opinion would be unnecessary but they will ask for a variance for the legal standpoint only. It was advertised with the catch all. Mr. Franklin said there should be a steel barricade with reflectors across the end of that street so if someone did come down fast they would not drive into the house and Mr. Flannery agreed.

Mr. Truscott asked about the property across the street that was approved last month and asked if the board approved a reduced front yard setback on Kennedy Boulevard and Mr. Flannery said they did.

Motion was made by Mr. Neiman, seconded by Mr. Schmuckler, to advance the application to the meeting of January 20, 2009

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

12. SD# 1567A (Variance requested)  
Applicant: S&H Bldrs (formerly Kelli Darlymple)  
Location: Whitesville Road and Lafayette Boulevard  
Block 252 Lot 4.02 (new lots 4.03, 4.04)  
Amended Minor Subdivision to eliminate proposal for water main extension on Whitesville Road

Mr. Peters read from a letter dated December 1, 2008. The Applicant is seeking an Amended Minor Subdivision Approval to eliminate the proposed water main extension along Whitesville Road and provide wells for the proposed dwellings on Lots 4.03 & 4.04, Block 252. The original Minor Subdivision Approval was granted February 27, 2007. A structure labeled "Dwelling Under Construction" is situated on each lot. The properties are situated on Whitesville Road, within R-12, Single Family Residential Zone. The applicant has previously requested and been granted the following variance: Minimum lot width; 77.53 FT is provided for Lot 4.03, where 90 FT is required. Two (2) asterisks have been provided next to a non-conforming minimum front yard setback for Lot 4.04, but the applicant has not included a label for the asterisks. The

applicant should address this discrepancy or request a variance for this non-conforming issue. Ocean County Planning Board approval will be required. Evidence of this approval shall be made a condition of final subdivision approval. The proposed residences will be serviced by well and septic field. The proposed septic field associated with proposed Lot 4.03 is less than 100 FT away from the proposed well for Lot 4.04 and an existing well on adjacent Lot 4.01, Block 251, which does not conform to the requirements of Section 7:9A-4.3 of the New Jersey Administrative Code (N.J.A.C.). The applicant should address this issue. The applicant should also include the location of any wells or disposal fields on the adjacent properties so separation distances can be verified. The applicant is providing concrete sidewalk and curbing along the lots' frontage to Whitesville Road. It appears that since the previous Minor Subdivision Approval, Lafayette Boulevard has been vacated because half of the right-of-way is now included in the proposed lots. The applicant should provide a copy of the resolution approving the vacation, as evidence the vacation has been completed. Outbound corner markers are to be set at all property corners prior to final approval and the surveyor's certification is to be revised to conform to the Map Filing Law indicating that "the outbound corner markers have been found, or set", rather than "to be set" as shown on the plan. Complete curve data is required to be shown for all curved property and easement lines.

Mr. Truscott read from a letter dated November 24, 2008. The applicant is seeking amended minor subdivision and variance approval to create two lots. The subject parcel is located in the R-12 Zone and has frontage on both Whitesville Road and Lafayette Boulevard, and both lots will also have frontage on both streets. The parcel is vacant and 0.79 acres in area. The subject site is located at the intersection of Third Avenue, Whitesville Road and Lafayette Boulevard. However, per the plans, Lafayette Boulevard is vacated. The surrounding land use is generally residential. The tract was part of a minor subdivision in which Lot 4.02 was subdivided to create Lots 4.03 and 4.04. As noted above, the lot is located in the R-12 Residential Zone District. Single-family residences are a permitted use in the R-12 Zone. A variance was previously granted under application # SD1567, for a lot width of 77.5 feet on Whitesville Road for new Lot 4.03, when a minimum of 90 feet was required. A variance is required for a front yard setback of 27.3 feet on Whitesville Road for new Lot 4.04, when a minimum of 30 feet is required. The applicant must address the positive and negative criteria for the requested variance. Review Comments. The applicant should state the reasons for the revised application. Per the plans, it appears that the changes in the application consist of Lafayette Boulevard being vacated, and the dwelling under construction on Lot 4.04 encroaching into the required front yard setback. The encroachment appears to have triggered the revised application. Tax assessment data does not list Lot 4.04 as a lot. Tax assessment data lists Lot 4.02 as the existing lot, and lists Shalom Bauman as the owner. The data we reviewed may not have been recently updated; therefore, the applicant should clarify the status of the prior subdivision and whether it has been filed. If not, then the application should be revised to list Lot 4.02 as the current lot, and the title block and notice limits should be revised accordingly. The applicant, S&H Builders, c/o Mark Bauman, should also clarify the ownership of the lot. Chapter 18, Section 805. F, applies to through lots. Since Lafayette Boulevard has been vacated, this section no longer applies to these two lots. Therefore, the requirement for a landscaped buffer on the secondary frontage no longer applies. Under the previous application, the applicant had agreed to provide said buffer. The applicant should clarify whether same is still proposed. The plans indicate the locations of aprons, but do not depict the proposed driveways. Since the proposed disposal fields are in close vicinity to the drives, the applicant should depict the proposed drives to confirm that they will not conflict with the disposal fields. We note that curb,

sidewalk and shade trees are proposed along Whitesville Road. Lot numbers on the plat should be consistent with the numbers assigned by the Lakewood Tax Assessor. Off-street parking for any dwellings on the subject lots must be in compliance with the NJRSIS. Currently the plans indicate that the site will comply. The shade tree easement should be extended along the Third Avenue frontage. Third Avenue is currently unimproved. The ordinance number and date of the vacation of Lafayette Boulevard should be identified on the plat. Compliance with Map Filing Law is required. Outside agency approvals, which will be required, include: Ocean County Planning Board; Soil Conservation District; and, Water and sewer utilities.

Mr. Doyle Esq. appeared on behalf of the applicant. The previously granted subdivision was filed and the approval granted and the assessment maps did not catch up with the recently filed maps which is why 4.04 does not appear. In reliance on the filed map, the present owner did obtain for the buildings that are under construction now, permits for footings and foundations and the ability to go forward. What brings the applicant here is at the time the application for this subdivision was approved, in order to have septic field and a well you had to have a lot that was at least 15,000 ft. The lots shown on the map and prior to the vacation of Lafayette Street were less than 15,000 ft. so there was a general engineering note. Since then it has been determined that public water is over 1,000 ft. away and would cost over \$100,000.00 which is why they are here. The regulation that had to be complied with no longer applies, the houses which are appropriate for the area on lots which more than conform with the area and the bulk requirements in the municipality are well under construction and they would like to be able to finish them on the basis of the present regulation which would require that field note on the prior approval for which the map was filed to be re-examined by the board and removed. With respect to the certain things, they will do the sidewalks, the vacation ordinance, the corner monuments, the curve data, the OC Planning Board Approval, locating certain elements of the plan, meeting RSIS compliance and Shade Tree easements, they will comply with them all. The remainder they will testify at the public hearing.

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutsouris, to advance the application to the meeting of January 20, 2009

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

## **6. CORRESPONDENCE**

- None at this time

## **7. PUBLIC PORTION**

- No one at this time

## **8. APPROVAL OF MINUTES**

**- Minutes from November 18, 2008 Planning Board Meeting**

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

**ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes**

## **9. APPROVAL OF BILLS**

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

**ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes**

## **10. ADJOURNMENT**

**The meeting was hereby adjourned. All were in favor.**

**Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary**