

1. CERTIFICATION OF COMPLIANCE

Chairman Neiman called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ally Morris 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, Mayor Miller, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. **SP 2044** (No Variance Requested)
Applicant: Congregation Bnos Yaakov Inc
Location: County Line Road and Kent Ave
Block 1 Lot 3
Block 1.01 Lot 5
Preliminary and Final Major Site Plan for building addition

Mrs. Morris recommended this resolution be carried as some changes need to be made.

2. **SP 2003** (No Variance Requested)
Applicant: Harold Frankel
Location: County Line Road East & Clifton Avenue
Block 106 Lot 5 (proposed Lot 5.03)
Corrected Resolution - Site Plan to convert existing single-family residence to a synagogue with a building addition

Mrs. Morris stated that this is an amended resolution referencing the proposed number of parking spaces on the site.

A motion was made by Mr. Follman, seconded by Mr. Schmuckler to approve.

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman

Abstained: Mayor Miller, Mr. Rennert

5. DISCUSSION

- Discussion with Planner regarding Master Plan review

Mr. Stan Slachetka, Township Planner, stated that the Township has received many zoning requests over the past several months with regards to the southwestern part of the Township. Given the recent reviews by the Planning Board, they felt it was appropriate that the Board would undertake an evaluation based on the Master Plan prior to any re-zoning requests.

Mr. Neiman asked what specific areas he is referring to.

Mr. Slachetka said it would be the area around Cross Street.

Mr. Neiman said that is an area which has no water and sewer. Based on the density that is there now it is not beneficial to the water company to bring water and sewer up to that area. The Board did receive a petition from the neighbors to re-zone that area and to make it a little more dense than it is now. Most of the area is currently R-40. The infrastructure right now will not be able to handle all the schools and any density that is recommended to this Board. As part of the study, they need to look to widen Cross Street, providing curbs and sidewalks in the area. He doesn't know how dense the recommendations are going to be but perhaps look into re-zoning anywhere from R-12A to R-15A. Some areas should have duplexes in an R-12A but nothing less than that. Some areas should be R-12 with single family homes. Some areas should possibly have duplexes with 15,000 sf so they don't look as dense. Right now there are a lot of schools now. Schools which are there now or have been approved to perhaps have an ordinance that in this section there shouldn't be any more schools there.

Mayor Miller said this request came through via a petition which was submitted to the Township Committee on October 3, 2013. This petition was made up of all the residents that live in that area. The area basically consists of Cross Street, White Street, Neiman Road and Drake Road. With regard to the infrastructure in that area, it's only feasibly for the utility companies to come in whether it be putting in sewer would only make sense according to how many hook ups are being put in. That is the reason we are looking into re-zoning this area in conjunction with the neighbors requests. Cross Street is a County road and obviously they would need to convey their concerns with them. The County has been receptive with them with regards to re-doing several streets in Lakewood including Central Avenue. The schools currently have septic in this area which is not a long term solution so bringing sewer down to this area would certainly enhance the feasibility to the schools. As builders come in to enhance that area, they would be required to install curbs and sidewalks.

Mr. Schmuckler suggested an advertises public meeting for all the residents in that area so they can be heard. This is not only going to affect the residents in that area but others as well. This is near the triangle where they are creating a core. There are no real commercial areas here so these people would have to bypass that core. Showing how this is going to connect to other parts of Lakewood is going to be very important. Mr. Schmuckler asked for an update on the Smart Growth plan.

Mr. Slachetka said he will give a quick update after this discussion. With regard to the public hearings, it is required that a town proposes to amend or update the Master Plan that has to be

done as part of a notice to public notice before the Planning Board. He asked if Mr. Schmuckler was asking for a meeting in addition to that.

Mr. Schmuckler said that is correct. It would be a meeting where the neighbors can come and speak out. He suggested having it early on before anything is drawn up.

Mayor Miller said that Mr. Slachetka is working through the direction of the Township Committee and he will certainly convey that to them.

Mr. Neiman said that would be the next step. They will then advertise and the public can come and comment.

Mr. Slachetka said with regards to the Smart Growth Plan, the Township is going to be in front of the plan and implementation committee of the State Planning Commission. That meeting is scheduled for February 26, 2014. A draft report and recommendations have been prepared by the office of Planning Advocacy which is the entity that staffs the State Planning Commission. Assuming it is a favorable recommendation, they would be before the full State Planning Commission for their plan endorsement approval in March. If it is favorable, there would be certain conditions and requirements that the Township would have to fulfill including the adoption of ordinances that would implement the components of the Township's Smart Growth Plan. The ordinances would be referred to the Planning Board for the board's review and comment before any adoption. Ultimately, once those ordinances are adopted the state planning area map would be amended and approved by the State Planning Commission and then ultimately the NJDEP would adopt regulations and map changes for the Coastal Facility Review Act (CAFRA) areas within the Township.

Mayor Miller left the meeting.

6. PUBLIC HEARING ITEMS

1. **SP 2047** (No Variance Requested)
Applicant: Congregation Olam Chesed Inc
Location: Hillside Boulevard
Block 11.12 Lot 25, 26, & 28
Preliminary and Final Major Site Plan for proposed synagogue

The applicant has requested to carry this application to the March 4th, 2014 meeting. No further notices.

2. **SD 1912** (Variance Requested)
Applicant: Lakewood Investments, LLC
Location: Columbus Avenue
Block 12.10 Lot 19
Minor Subdivision to create two lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 100' X 150' rectangular property totaling fifteen thousand square feet (15,000 SF) or 0.34 acres in area known as Lot 19 in Block 12.10 into two (2) single family residential lots. The two (2) proposed rectangular lots would be 50' X 150' seven thousand five hundred square foot (7,500 SF) properties designated as new Lots 19.01 and 19.02 on the subdivision plan. The proposed lots would each have fifty feet (50') of frontage. The site contains an existing two-story dwelling which according to the revised plans would temporarily remain on proposed Lot 19.01. Proposed Lot 19.02 would become a new building lot. Public water and sewer is available. The site is situated in the western portion of the Township on the west side of Columbus Avenue, north of its intersection with Central Avenue. Columbus Avenue is a paved municipal road in poor condition with curb, but without existing sidewalk in front of the site. The existing right-of-way width is forty-five feet (45') with a pavement width of approximately twenty-eight feet (28'). Construction of sidewalk is proposed with this application. Existing utility poles with overhead electric are located on the west side of Columbus Avenue. An existing water main runs past the site in the center of the pavement and the road is failing over the old installation trench. An existing sanitary sewer main which currently terminates near Central Avenue will have to be extended to service the site. Gas which is on the east side of the street is also available to the site. The Survey and Improvement Plan shows the location of individual trees on the site. The topography indicates the property to be sloping southwards. In addition to the dwelling, fences have been located. However, no existing septic system is shown. The proposed lots are situated within the R-12 Single Family Residential Zone. The surrounding uses are entirely residential. Variances are being requested for proposed Lots 19.01 and 19.02. The revised plan indicates the existing two-story dwelling to remain on proposed Lot 19.01. Certain variances are required to permit the proposed subdivision for this scenario. The revised plan also indicates a future two-story dwelling is contemplated on proposed Lot 19.01. This scenario would require the same variance relief being requested for proposed Lot 19.02. We have the following comments and recommendations per testimony provided at the 10/29/13 Planning Board Plan Review Meeting and comments from our initial review letter dated September 23, 2013: 1. Zoning 1. The parcel is located in the R-12 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. Statements of fact. 2. Per review of the Minor Subdivision Map, the application, and the zone requirements, the following variances are required: • Minimum Lot Area – proposed Lots 19.01 and 19.02, seven thousand five hundred square feet (7,500 SF) provided, twelve thousand square feet (12,000 SF) required – proposed condition. • Minimum Lot Width - proposed Lots 19.01 and 19.02, fifty feet (50') provided, ninety feet (90') required – proposed condition. • Minimum Front Yard Setback – proposed Lot 19.01, 23.9 feet provided, thirty feet (30') required – existing condition. The revised plan indicates this variance would be eliminated with the proposed construction of any future dwelling. • Minimum Side Yard Setback – proposed Lot 19.01, 7.2 feet provided, ten feet (10') required – existing condition. The revised plan indicates the applicant is requesting a seven foot (7') minimum side yard setback for the proposed construction of any future dwelling. • Minimum Side Yard Setback – proposed Lot 19.02, seven feet (7') provided, ten feet (10') required – proposed condition. • Minimum Aggregate Side Yard Setback – proposed Lots 19.01 and 19.02, 16.5 feet and fifteen feet (15') provided, twenty-five feet (25') required – proposed condition. The revised plan indicates the applicant is requesting a fifteen foot (15') minimum aggregate side yard setback for the proposed construction of any future dwelling on new Lot 19.01. The Board shall take action on the variances required. 3. Columbus Avenue has an existing right-of-way width of forty-five feet (45'). A two and a half foot (2.5') dedication should be considered to create a twenty-five foot (25') half right-of-way width. It should be noted that a dedication would increase the magnitude

of the proposed Minimum Lot Area variances, as well as the Minimum Front Yard Setback variance for the existing dwelling on new Lot 19.01. Should the Board not require a dedication, then an easement should be provided instead. The Board shall take action on the dedication. 4. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. The benchmark shown on the Survey must be referenced on the Minor Subdivision plan. The General Notes or Plan can be revised to show the existing monument at the northeast outbound property corner as the benchmark. This information can be provided with resolution compliance submission should approval be granted. 2. General Note #12 requires a minor correction. The General Note can be corrected for resolution compliance submission should approval be granted. 3. The Improvement Plan notes the existing septic system serving the dwelling to remain on proposed Lot 19.01 shall be located and will be abandoned in accordance with all applicable rules and regulations. The revised Improvement Plan also notes the existing septic system on proposed Lot 19.01 must be located prior to construction of the additional off-street parking. 4. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. The map shall be signed prior to filing should approval be granted. 5. Unless waived by the Board, street trees should be added to the Improvement Plan within the shade tree and utility easement. The types of proposed street trees should be identified. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. The Board should provide landscaping recommendations. Our site investigation notes the larger existing trees on-site have been located on the Survey and Improvement Plan. The larger existing trees which will be removed shall be indicated. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review. The Improvement Plan should be revised to show tree removal for resolution compliance submission should approval be granted. 6. The General Notes on the Improvement Plan indicate that soil borings shall be performed prior to plot plan submission to determine the seasonal high water table information. Statement of fact. 7. Testimony is required on the disposition of storm water from the development. The General Notes on the Improvement Plan indicate proposed drywells shall be sized at the time of plot plan submission. Testimony should be provided on storm water management. Drywell sizing shall also account for proposed individual lot drainage. 8. Testimony should be provided on proposed site grading. Proposed grading is indicated on the Improvement Plan and must be corrected. A low point is being created on proposed Lot 19.01 which will trap runoff. An existing low point in the gutter of Columbus Avenue must also be addressed. The revised plans correct the gutter grading. A corrected Improvement Plan for onsite grading shall be provided with resolution compliance submission should approval be granted. 9. A proposed gutter reconstruction design is required along Columbus Avenue to provide adequate slope for drainage toward the existing inlet at the corner of Central Avenue. The revised plans correct the gutter grading. A construction detail can be added with resolution compliance submission should approval be granted. 10. Considering the poor condition of the road, the proposed gutter reconstruction, and connections to utilities which are all located on the opposite side of the street, it is certain the disturbance to the pavement will exceed twenty percent (20%). Construction details with full width mill and overlay will need to be provided. The Improvement Plan shall be revised to indicate the full pavement width to be milled and overlaid with two inches (2") of Hot Mix Asphalt Surface Course after all improvements and utilities are installed.

The revision can be provided with resolution compliance submission should approval be granted. 11. The General Notes on the Improvement Plan indicate the subdivision will be conditioned upon the "future" extension of the sanitary sewer main. Statement of fact. 12. Compliance with the Map Filing Law is required. Statement of fact. 13. Construction details should be revised on the Improvement Plan in accordance with the any conditions of approval required by the Board. We will review the construction details after resolution compliance submission should approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health (septic system removal); and e. All other required outside agency approvals. New Jersey American Water Company will be responsible for water and sewer.

Mr. Sussman arrived at the meeting.

Mr. Vogt stated that variances are required for minimum lot area, lot width, front yard setback, side yard setback and aggregate side yard setback.

Mr. Adam Pfeffer, Esq. represented the applicant.

Mr. Brian Flannery, P.E., P.P. was sworn in. He prepared several exhibits for tonight's meeting including a copy of the 2000 tax map marked as A-1 which shows this property as two 50 ft wide lots which is the intent of this subdivision. A-2 is a colored version of the map showing the house which is located on the 50 ft lot that it was located on back in 2000. A-3 is a rendering showing what is being proposed. The existing house, which is in need of redevelopment, would be replaced and two single family homes would be constructed. A-4 is the Percal map. The owner purchased the vacant lot adjacent to him and at some point the tax collector consolidated the lots. A-5 are photographs of the existing house. The proposed lots would be 100 x 150 ft lots. It is a unique lot as it is the only one in this area that is that size. The only other similar sized lot in this area is 100 x 160 ft which has a school on it. It is their position that it is better for this area is the two single family detached units proposed. The applicant will be extending the public water and sewer down Columbus to service the two new lots. The existing home is on a septic system which would be abandoned. The property is in the R-12 zone and single family homes are a permitted use. They are here for bulk variances relating to the size of the property. The bulk variances being requested are similar to an R-7.5 which is what standards were in effect probably when the first house was constructed. If the properties were not in the same name and the tax assessor had not consolidate them, they would not be here. Mr. Flannery showed the Percal map to the Board. He said the blue areas are the non-conforming lots in the area. The green areas are where the lots meet 55-75% of the requirements and are consistent to what they are asking for tonight. He pointed out that there are eight lots around the area with similar non-conformaties. Mr. Flannery went through the various variances being requested. Typically, when they come in for a subdivision they would only go one zone down but this is a very unique situation in that it's larger than the other lots in the area but it's not big enough that they could do it one zone down.

Mr. Schmuckler asked what other properties in the area have side yard setback variances. Mr. Flannery said there are similar side yard setback on lots 39 and 40 in block 12.04 with existing homes. Due to the fact that Columbus Avenue is a 45 ft right-of-way, they are proposing

a 2 ½ ft right-of-way dedication so it would be 25 ft from center line for their property. Mr. Flannery read parts of the MLUL to the Board.

Mr. Vogt asked if the applicant would be amenable to an easement in lieu of a dedication.

Mr. Flannery said yes.

Mr. Schmuckler asked if there are any other lots within two or three blocks that this can now be done to.

Mr. Flannery stated that the only other lot in the area that has the 100 ft width is the one with the existing school. The other lots are 90 ft or less. They also don't have a situation where the two lots were consolidated by the Township.

Mr. Scott Kennel, Traffic Expert, was sworn in. He stated that they have created numerous parking studies along Columbus Avenue as well as traffic counts at the intersection of Columbus Avenue and Central Avenue. The peak traffic flow is approximately 35-40 vehicles two way which is typical of a local street. They also looked at the number of vehicles parking along Columbus Avenue as there were some concerns as to the ability for on-street parking. There is sufficient room to parking anywhere from 25-30 vehicles on Columbus Avenue between Knoll Road and Central Avenue. The peak parking was 14 vehicles during the mid afternoon when some classes were being dismissed at the school on the corner of Central and Columbus Avenue. The creation of this subdivision is going to create eight off-street parking spaces which would be a benefit to the area. The increase would be approximately two trips during those peak hours. This subdivision would have minimal impact and there is adequate parking as well.

Mr. Franklin said you would not be able to get a car in front of the stairs on proposed lot 19.01.

Mr. Flannery said the intention is to knock down the old house and a new house would be constructed so there will be sufficient room to park.

Mr. Neiman opened to the public.

Mr. Jacob Landesman, 37 St. Nicholas Avenue, was sworn in. He pointed out that many families are here tonight to protest this application. This area is one of the most desirable and in demand areas in Lakewood. He believes this would be the beginning of the downfall of the neighborhood.

Mr. Mark Samel, 57 Columbus Avenue, was sworn in. He stated the neighbors expect that they can a rebate on their taxes if this is approved. He complained that notices within 200 ft is not sufficient and would like it to be more. Too many approvals have been given in the area without him being aware of it. He would like the integrity of the zoning to stay intact. He said the tax assessor combined these lots because they were not consistent with the neighborhood and that is the way it should be.

Mr. Joel Schwartz, 50 Circle Place, was sworn in. He objected to the application. He moved to this area because it is an R-12 zone. He would like it to remain the same. Most of the lots in this

area either conform to R-10 or better. He does not want to set precedents for future applications.

Mr. Israel Sussman, 26 Columbus Avenue, was sworn in. He said he had heard people were looking to buy this property to put up a new single family home. That would have enhanced the neighborhood far more than this subdivision. He believes this would set a precedent for other lots in the area. He complained about the traffic and parking on the street.

Mr. Neiman closed to the public.

Mr. Schmuckler said there are too many objectors here stating that this application would damage their neighborhood. It would be hard to approve this.

Mr. Pfeffer pointed out that there are some neighbors who are in support of this application. He asked that the chairman re-open to the public.

Mr. Neiman re-opened to the public.

Mr. Gershon Eichorn, 32 Columbus Avenue, was sworn in. He believes this would be a significant enhancement to the neighborhood. The house is in need of repair. He doesn't see any major traffic issues. He would like to see two new houses be put up instead of what is currently there. He also complained about the current tenants.

Mr. Schmuckler said the other neighbors who spoke out didn't complain about the tenants. He is trying to understand why the neighborhood wouldn't want this improvement.

Mr. Landesman said that Mr. Eichorn is the brother of the developer. He would like the Board to take that into consideration. He said there would be plenty of people interested in buying this property if it were to be put up for public sale.

Mr. Neiman closed to the public.

A motion was made by Mr. Banas, seconded by Mr. Follman to deny this application.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Schmuckler, Mr. Follman, Mr. Rennert

No: Mr. Neiman

Abstain: Mr. Schmuckler

- 3. SD 1918** (Variance Requested)
Applicant: Shaul Halpern
Location: Pine Street
Block 774.04 Lot 14.01
Minor Subdivision to create two lots

Project Description

The applicant proposes to subdivide the existing tract, Lot 14.01 in Block 774.04, into two (2) separate lots. There is an existing one-story frame dwelling and a frame shed on the existing lot. The plans indicate all existing structures within the subdivision are to be removed and the

existing shed to be moved. Proposed Lot 14.03 would become a 10,628 square foot irregular lot fronting on Pine Street. Proposed Lot 14.04 is to be subdivided from the rear (northern) portion of the property, which lot will have limited frontage on Ashley Avenue, a partially improved street. This proposed lot would become a twenty-four thousand square foot (24,000 SF) irregular lot. Public water and sewer is available. The site is situated in the central portion of the Township on the north side of Pine Street, east of its intersection with Doctor Martin Luther King Drive. The surrounding area is predominantly residential. Pine Street is an improved municipal road that has an existing right-of-way width of sixty-six feet (66'). Curbing and sidewalk in fair condition exist along the property frontage. Potable water exists under the north side of the street. Sanitary sewer exists under the centerline of the road. There is overhead electric on the south side of the right-of-way. The northeast corner of the tract also has limited frontage (half the right-of-way width) on the terminus of Ashley Avenue. Ashley Avenue is a partially improved municipal road that has an existing right-of-way width of fifty feet (50'). A dead end stub of Ashley Avenue, south of Wynatt Street almost extends to the site. Potable water exists under the sidewalk on the west side of the stub. There is a new trench for an underground gas line in the west side of the pavement. Overhead electric exists within the east side of the right-of-way. The closest sanitary sewer manhole was observed on Ashley Avenue, north of Wynatt Street. Most of the existing 0.795 acre property falls within a valley. There are many small trees on the site. The tract is located in the R-10 Single Family Residential Zone. Variances are requested to create this subdivision. We have the following comments and recommendations per testimony provided at the 12/10/13 Planning Board Plan Review Meeting and comments from our initial review letter dated December 4, 2013: I. Waivers 1. The applicant has requested submission waivers from providing Site Features in accordance with the Land Development Checklist. Our office has no objection to the granting of these waiver requests for completeness purposes provided a Topographic Survey and Improvement Plan are submitted prior to compliance review, if/when Board is granted. The applicant agrees with this condition. The Board shall take action on the requested submission waivers. II. Zoning 1. The property is located within the R-10 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Statements of fact. 2. Proposed Lot 14.04 is to be subdivided from the rear (northern) portion of the property. This lot will have limited frontage, half right-of-way width, on the terminus of Ashley Avenue, which is a partially improved street. The street condition appears to meet the requirements of a "Public Street" as defined per Subsection 18-200 B of the Lakewood UDO. Statements of fact. 3. The following variances are being requested for proposed Lot 14.03: • Minimum Side Yard Setback – seven and a half feet (7.5') proposed, ten feet (10') required – proposed condition. • Minimum Aggregate Side Yard Setback – fifteen feet (15') proposed, twenty-five feet (25') required – proposed condition. The Board shall take action on the variances being requested. 4. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. III. Review Comments 1. Environmental Constraints Mapping indicates the possibility of freshwater wetlands on this site. Per communications with the applicant's professionals, the applicant agrees to provide wetlands assessment by a qualified professional as a condition of approval, if/when granted. Statements of fact. 2. The Survey shows numerous encroachments, chain link fence, driveway, and shed, which must be rectified with any approvals. The Minor Subdivision indicates the shed to be moved. Per communications with the applicant's professionals, these issues will be addressed during compliance, if approval is granted. Statements of fact. 3. The applicant must demonstrate that

the proposed Lot 14.04 can be serviceable by emergency and public vehicles such as garbage trucks. Statement of fact. 4. The General Notes indicate that four (4) off-street parking spaces are to be provided for each future dwelling. The plan proposes four (4) off-street paved spaces for the future dwelling on Lot 14.03. A proposed dwelling is not shown for new Lot 14.04. The applicant should provide testimony detailing the number of bedrooms for the proposed dwelling on new Lot 14.03, as well as the number proposed to be built eventually on new Lot 14.04 to have the parking requirement on the record. Parking must be provided to the satisfaction of the Board. Statements of fact. 5. Testimony should be provided as to whether basements will be proposed for the future dwellings on the proposed lots. If basements are proposed, seasonal high water table information will be required. Statements of fact. 6. The portion of proposed Lot 14.04 that fronts on Ashley Avenue should be dimensioned to demonstrate that access to the property can be achieved when Ashley Avenue is completely improved. The revised plan shows a skewed frontage distance of 26.68 feet across the half right-of-way width of Ashley Avenue. 7. The subdivision is located within the franchise area of New Jersey American Water Company. The plan should indicate that public water and sewer are to be provided. General Notes can be added for resolution compliance submission should approval be granted. 8. There is an existing ten foot (10') wide shade tree and utility easement across the frontage of old Lot 14.01. This existing easement would continue on proposed Lot 14.03. Unless a waiver is granted, shade trees shall be proposed, as well as a shade tree and utility easement added along the property frontage of new Lot 14.04. The applicant's professionals indicate that shade trees and the easement will be provided with resolution compliance submission should approval be granted. 9. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. The Board should provide landscaping recommendations, if any. Our site investigation indicates there are many existing small trees on the property. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 14.03 and 14.04. The applicant's professionals indicate the Township Tree Ordinance will be complied with. 10. The applicant proposes to install a new driveway apron along the property frontage of future Lot 14.03. An Improvement Plan with construction details shall be provided during compliance review, if/when granted. The applicant's professionals indicate that an Improvement Plan with details shall be provided with resolution compliance submission should approval be granted. 11. Existing topography and proposed grades will be required for the improvements along Pine Street. The applicant's professionals indicate that existing topography and grades are to be provided with resolution compliance submission should approval be granted. 12. Testimony is required on the disposition of storm water from the development of the proposed lots. Statement of fact. 13. Proposed lot numbers must be assigned by the tax assessor's office. A copy of the proposed lot numbers approval has been provided. The map shall be signed by the tax assessor prior to filing should subdivision approval be granted. 14. Compliance with the Map Filing Law is required. Statement of fact. 15. A proposed monument should be added to the northerly outbound corner where existing Lot 14.02 abuts proposed Lot 14.04. The proposed monument has been added. The Legend shall be revised to state "monument to be set" with resolution compliance submission should approval be granted. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. New Jersey Department of Environmental Protection; and e. All other required outside agency approvals.

Mr. Sussman and Mr. Rennert stepped down.

Mr. Lankry, a Zoning Board member, will set on this application.

Mr. Vogt stated that variances are being requested for minimum and aggregate side yard setback.

Mr. Brian Flannery, P.E., P.P. was sworn in. This application will subdivide one lot into two lots that will conform with the area. Exhibit A-1 is a map of the original application submitted which shows the lots as 24,000 and 10,600 sf. The plans were changed during the application process and now the are 12,000 sf and 21,000 sf approximately. The engineer's review letter does not reflect this change because nothing is different. The relief asked for is the side yard setback on the lot fronting on Pine Street. The lot lines are not perpendicular so they reduced the net width of the lot. The back lot has over 25 ft of frontage on Ashley Avenue. The Master Plan shows this area being an R-7.5 zone. If that were the case, this application would be completely conforming.

Mr. Abraham Penzer, Esq. on behalf of the applicant. He stated that they can comply with everything in the engineer's review letter. He thanked Terry for spending so much time on this application.

Mr. Schmuckler asked what they will do with the back lot.

Mr. Flannery said there is no plan for the back lot at this time.

Mr. Neiman opened to the public, seeing no one come forward, he closed to the public.

A motion was made by Mr. Lankry, seconded by Mr. Follman to approve the application.
Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Lankry

- 4. SP 2043** (Variance Requested)
Applicant: Casa Nova Today, LLC
Location: Lexington & First Street
Block 124 Lot 1
Preliminary and Final Major Site Plan for proposed mixed use building

Project Description

The applicant and owner is Casa Nova Today, LLC, PO Box 869, Lakewood, NJ 09701. The applicant requests Preliminary and Final Site Plan, and Bulk variance approval for construction of a two-story, 44' x 102' "mixed use" Commercial building. No on-site parking is proposed as part of this application. As indicated on the site plans, an existing one-story building and rear parking area would be removed as part of the proposed project. The applicant previously-requested Preliminary and Final Site Plan, Use and Bulk variance approval for construction of a four-story, multifamily apartment building consisting of twenty (20) one-bedroom garden apartments via Lakewood Zoning Board application #3797, filed in March, 2012. The existing property is 55' x 110' feet in size, and situated on the southeast corner of Lexington Avenue and First Street. Concrete curb and sidewalk exist along both property frontages. Per Sheet 2 of the site plans, sidewalk along the property's First Street frontage would be replaced. We have the following comments and recommendations per review of the revised submission, and

comments from our initial review letter dated November 27, 2013: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2- Topography within 200 feet of site. 2. B4- Contours within 200 feet of site. 3. B10- Man-made features within 200 feet of site. 4. C13 - Environmental Impact Statement. 5. C14 - Tree Protection Management Plan. 6. C17 – Drainage calculations We support the requested submission waivers due to the developed nature of this site (and adjoining properties). Submission waivers were granted that the Workshop hearing. II. Zoning (Section 18-903 (D)) 1. The project is situated in the B-4 (Wholesale Services) Zone. As indicated previously, the application documents refer to a proposed “mixed use” commercial building at the site. Testimony will be necessary to confirm that the proposed use(s) is permitted within the B-4 zone at the forthcoming public hearing. 2. At a minimum, bulk variances appear necessary for minimum lot area (5,500 sf existing, minimum 20,000 sf required), front yard setback (3 foot proposed, minimum 25 feet required, rear yard setback (3 feet proposed, minimum 30 feet required) and side yard setback (5 feet proposed, minimum 10 feet required). Fact. 3. Per the parking requirements listed on Sheet 3 of the site plans, the applicant proposes no off-street parking spaces compared to 30 required per the UDO. Relief is necessary. Per a note provided on Sheet 3, “An agreement has been reached to provide off-site parking”. Testimony will be necessary to justify the proposed parking variance at the forthcoming public hearing. II. Review Comments A. Site Plan/Circulation/Parking 1. As depicted on the plan, virtually the entire site would be occupied by the proposed office building. It should be noted that there are no maximum building or lot coverage limits in the B-4 zone. Further, the existing site is predominantly impervious in nature as a result of the on-site dwelling and paving. Fact. Per review of the revised Site Plan (Sheet 2), building coverage is the majority of the site as noted. 2. However, based on the proposed encroachments into most of the site’s Front, Rear, and Side Yard setbacks, and the lack of parking spaces, compared to UDO and RSIS standards, the proposed plan may exceed a reasonable development intensity for this property. The applicant must be prepared to justify the proposed development intensity for the Board’s consideration. Per FWH’s 12/19/13 response letter, testimony will be provided at the Public Hearing for the Board’s consideration. 3. Testimony should be provided regarding proposed refuse and recyclables handling and pickup (where stored, and by whom). Per FWH’s 12/19/13 response letter, testimony addressing these issues will be provided at the Public Hearing. B. Architectural 1. Architectural plans have been submitted, but lack sufficient information and detail for review purposes by the Board and our office. Detailed architectural plans will be required for review of the revised submission, prior to the forthcoming public hearing. In addition, renderings of the proposed building should be provided at time of hearing for review by the Board and public. This issue remains outstanding. We strongly recommend that the applicant provide detailed renderings at time of Public Hearing (at a minimum). 2. Testimony should be provided regarding location and screening of proposed HVAC units. Said information should be provided on the forthcoming (revised) architectural plans that will be submitted for review prior to the public hearing. Per FWH’s 12/19/13 response letter, testimony addressing these issues will be provided at the Public Hearing. 3. We defer to the Fire Official in regards to the adequacy of emergency access and fire suppression capability for the proposed office building. This issue can be addressed during compliance, if/when approval is granted. Fact. C. Grading and Utilities 1. Per communications with the applicant’s professionals, a revised Grading and Utility Plan will be provided for review prior to the forthcoming public hearing. A revised Grading and Utility Plan has been provided, which is feasible. Per communications with the applicant’s professionals, this plan will be finalized during Compliance, if/when Board approval is granted. D. Stormwater Management 1. As indicated by the applicant’s engineer’s, the proposed development would not impact impervious cover, resulting

in a (slight) decrease in existing impervious coverage at the site. Fact. 2. However, the collection and discharge of stormwater from the proposed building must be managed via roof leaders and a collection system, at a minimum. Per communications with the applicant's professionals, said revisions would be finalized during Compliance, if/when Board approval is granted. 3. A more detailed review of stormwater management will be performed during compliance if Board approval is granted. Fact. E. Landscaping 1. No landscaping is proposed. While we recognize that the vast majority of the site would be covered with the proposed building, it appears that some trees, shrubbery or foundation plantings could be provided around the perimeter of the building. Per FWH's 12/19/13 response letter, testimony addressing landscaping will be provided at the Public Hearing. 2. Landscaping and buffering must be provided to the satisfaction of the Board. Fact. 3. A more detailed review of landscaping will be performed during compliance if Board approval is granted. Fact. F. Lighting 1. No lighting data for the existing or proposed condition has been provided. Testimony should be provided as to whether new lighting is proposed. Per FWH's 12/19/13 response letter, testimony addressing lighting will be provided at the Public Hearing. 2. Non-security building lighting (if any) should be put on timers. Fact. G. Signage 1. No signage information is provided. Any signage proposed that is not reviewed and approved as part of this site plan application shall comply with Township ordinance requirements. Fact. H. Environmental 1. No EIS was provided for this project. Due to the developed nature of the existing site and surroundings, minimal environmental impacts from redevelopment are likely provided that reasonable soil erosion and sediment control measures are implemented during construction (and disposal of site materials and debris per applicable regulations). Fact. 2. Our office performed a review of NJDEP Geographic Information System (GIS) mapping of the property to determine if there are any known environmental constraints associated with the project area. No environmental constraints are identified within the project area. Fact. J. Construction Details 1. Construction details will be reviewed in detail during compliance, if/when Board approval is granted. Fact. III. Outside Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Ocean County Planning Board (pending); b. Ocean County Soil Conservation District (pending); c. Developer's Agreement (at the discretion of the Township); d. All other required outside agency approvals. Fact.

Mr. Vogt stated that variances are being requested for minimum lot area as well as various setbacks. The building is going to cover most of the area.

Mr. Adam Pfeffer, Esq. represented the applicant.

Mr. Brian Flannery, P.E., P.P. was sworn in. One of the questions that came up was if the uses are permitted for the B-4 zone. He stated that they are. The first floor would be retail service type of uses. The second floor would be offices. He entered a colored rendering of the site plan submitted as A-1. As the engineer states in his report, the building covers most of the site. An aerial exhibit showing the property was entered as exhibit A-2. Many buildings in this area are built virtually right on the property lines. This property also shows B-2 zones on either side. If this property were to be in the B-2 zone then they would have no variances and they would not even need parking.

Mr. Schmuckler asked what businesses are on either side of this application.

Mr. Flannery said the NJ Transit parking lot and the church parking lot. This applicant has approached NJ Transit and there are parking spaces available in that lot. A license agreement between the applicant and NJ Transit was marked as exhibit A-3.

Mr. Scott Kennel, Traffic Expert, was sworn in. He stated that he has conducted parking observations and field investigations in the project area. He inventoried the parking patterns in the NJ Transit lot adjacent to the site, two municipal lots that sit north of this site and also along First Street from Clifton to Monmouth Avenue. It was determined that there are approximately 110 parking spaces in the NJ Transit and at the peak times, 50-60% of the spaces would be occupied leaving approximately 40-50 spaces would be available. A taxi service is also located there with approximately 20-25 vehicles including taxis or employee vehicles. That taxi service will be removed as this project is being redeveloped which would free those spaces. Additional on-street parking is available on First Street. It's likely a lot of the tenants in this new building will have pedestrian traffic.

Mr. Schmuckler asked about the municipal lots.

Mr. Kennel said from approximately 10:30am to 3:30 pm those lots are pretty much maxed out. A lot of those spaces are taken by the school adjacent to that lot. He believes there will be sufficient parking for this new mixed use building.

Mr. Schmuckler asked how they are going to keep the applicant or any new tenants in this building bound by this agreement with NJ Transit.

Mr. Pfeffer said they are trying to alleviate an issue. If the zoning line was drawn a little different then there would be no parking requirements.

Mr. Flannery said the owner of this building needs to rent it. The one who is going to get hurt is the property owner if they don't lease the space. He can't imagine any tenant coming if there were no parking available.

Mr. Schmuckler believes this will effect people wanting to shop in downtown Lakewood as employees in the office space will be utilizing those spots.

Mr. Kennel said there are also five additional parking spaces near the fire house.

Mr. Neiman opened to the public, seeing no one come forward, he closed to the public.

A motion was made by Mr. Neiman, seconded by Mr. Neiman to approve the application.
Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert

5. **SD 1923** (Variance Requested)
Applicant: Tal Spruce LLC
Location: Spruce Street
Block 782 Lots 5 & 6
Minor Subdivision to create six fee simple duplex lots

Project Description

The applicant is seeking a Minor Subdivision approval. The applicant proposes to remove four (4) single family dwellings from two (2) existing lots and construct three (3) duplex buildings on six (6) zero lot line properties to be known as Lots 6.01 – 6.06 in Block 782. A Homeowners Association would need to be formed for the access, utilities, and other common elements. According to the plans, at least twenty-eight (28) off-street parking spaces are proposed. Except for a proposed circular driveway along Spruce Street, which would serve the building on proposed Lot 6.01, the spaces are accessible from a common twenty-four foot (24') wide access aisle. The tract totals 1.12 acres in area and consists of two (2) existing residential properties, Lots 5 and 6 in Block 782. Associated site improvements are proposed for the minor subdivision. These improvements include proposed sewer, water, drainage; paved access driveway with curb, sidewalk, landscaping, and lighting. The subject property is located in the central portion of the Township on the south side of Spruce Street, west of Chelsea Court. Spruce Street is an improved municipal road with a fifty foot (50') right-of-way. The site is currently occupied by four (4) existing dwellings. All existing improvements will be removed to make way for the proposed residential subdivision. Except for the northern frontage of the property, the land generally slopes from north to south. Proposed storm water management facilities and utilities will be associated with this project. Proposed sanitary sewer will connect to an existing system in Spruce Street. Proposed potable water for the subdivision will be extended from an existing main on the north side of Spruce Street. A minimum of four (4) off-street parking spaces are proposed for each unit. The number of bedrooms for the units is not specified on the subdivision plans. The project is also proposing curb and sidewalk with the proposed access driveway. The subject site is located within the R-10 Residential Zone District. Therefore, zero lot line duplex housing is a permitted use in the zone district using twelve thousand square foot (12,000 SF) minimum lot areas for duplex structures. The site is situated within a mixed use area. We have the following comments and recommendations per testimony provided at the 1/7/14 Planning Board Plan Review Meeting and comments from our initial review letter dated December 30, 2013: 1. Zoning 1. The site is situated within the R-10, Single-Family Residential Zone District. As stated previously, "Two-Family Housing, with a minimum lot area of twelve thousand square feet (12,000 SF) for two-family structures" is listed as a permitted use. Zero lot line subdivisions for duplexes are permitted in the Zone. Statements of fact. 2. Variances are required for minimum lot frontage on proposed Lots 6.02 – 6.06. Proposed Lot 6.01 has road frontage on Spruce Street, a public street. Proposed Lots 6.02 – 6.06 have no road frontages on a public street. All proposed lots would have frontage on a future private street. Proposed Lot 6.02 only has thirty-seven feet (37') of frontage on a private street, whereas 37.5 feet is required for zero lot line properties. The applicant's attorney testified that the lots by themselves can meet the bulk requirements (excluding the private road area). However, if the proposed decks are included, all the combinations of new lots would require coverage variances. Furthermore, the proposed building boxes have not been shown to scale and the proposed offsets have been omitted from the Minor Subdivision Plan. Therefore, the applicant's professionals should clarify the proposed building coverage. The Board shall take action on proposed Lots 6.02 – 6.06 having no road frontage on a public street. 3. Minimum aggregate side yard setback variances are required for the combination of proposed Lots 6.03/6.04 and 6.05/6.06. The proposed aggregate side yard setbacks for the combination of new Lots 6.03/6.04 is twenty-three feet (23') and for the combination of new Lots 6.05/6.06 is 23.84 feet, whereas twenty-five feet (25') is required. The applicant's professionals should clarify the extent of the variances being requested. The proposed individual side yard setbacks do not add up to the sum of the aggregate side yard setbacks. The Board shall take action on

the required minimum aggregate side yard setback variances. 4. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.

II. Review Comments

A. General

1. The General Notes reference Boundary and Topographic information from a survey with a different date than provided. The General Notes also state that vertical elevation is based on NGVD 1929. A bench mark must be provided. The General Notes on the Construction Plans and Minor Subdivision shall reference the survey date of 08-02-12. Vertical datum has been revised to be assumed. The bench mark provided shall be referenced in the General Notes. The corrections can be provided with resolution compliance submission should approval be granted.

2. Each proposed unit has three (3) off-street parking spaces located perpendicular to the access driveway, with room shown for a fourth. Proposed Lot 6.01 also has a circular access driveway along Spruce Street. Spruce Street is heavily traveled. Statements of fact.

3. The General Notes propose a total of twenty-eight (28) off-street parking spaces, where twenty-four (24) spaces are required. Eighteen (18) of the proposed off-street parking spaces are located in front of the units perpendicular to the access driveway. Ten (10) parallel off-street parking spaces are proposed on the west side of the access driveway, which are eight feet (8') wide and twenty-three feet (23') long. Statements of fact.

4. No handicapped parking has been proposed. Testimony should be provided on whether any of the units will be handicapped accessible. Testimony should be provided.

5. The plans note that each structure shall have an area designed for trash and recycling containers on the side or rear. Concrete pads for collection are proposed along Spruce Street. Therefore, we anticipate individual collection is to be provided by the Township of Lakewood. Statements of fact.

6. The applicant's professionals indicate the proposed lot numbers have been approved by the Tax Assessor. The Minor Subdivision Map shall be signed by the Lakewood Tax Assessor. The Lakewood Tax Assessor signature is required prior to map filing, should approval be granted.

7. Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required, including provisions to address items associated with the use, maintenance, and repair of common areas and facilities associated with the overall property. Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township. This agreement should be a condition of approval.

B. Plan Review

1. The Sheet Index lists Drainage Area Maps which have not been provided. The drainage area maps have been provided with the revised submission.

2. The existing curb and sidewalk along Spruce Street is in poor condition and should be replaced. Curb and sidewalk replacement is proposed.

3. The proposed on-site sidewalk connects to the sidewalk along Spruce Street. The design should provide ADA compliance with resolution compliance submission, should approval be granted.

4. Curb ramps have been proposed on both sides of the access driveway. The proposed curb ramps with detectable warning surface should be designed ADA compliant for resolution compliance submission, should approval be granted.

5. Dimensions have been provided for all the proposed building boxes with typical deck dimensions. The proposed building boxes are not to scale and may require revision with resolution compliance submission should approval be granted.

6. Corrections are required to the Schedule of Bulk Requirements, which can be provided with resolution compliance submission, should approval be granted.

7. The proposed front setback line for the combination of new Lots 6.05/6.06 can be corrected with resolution compliance submission, should approval be granted.

C. Grading

1. Grading is provided on Sheet 3 of 6. Runoff is being directed around and behind the units with swales. This runoff should be collected by a proposed inlet prior to

leaving the site. An inlet and appropriate storm drainage should be added. The applicant's engineer correctly indicates that runoff is being reduced by the proposed grading. However, the proposed swale is concentrating storm water runoff flow offsite. A proposed inlet can be added in the southeast corner of the site with appropriate storm drainage for resolution compliance submission, should approval be granted. 2. Proposed finished floor, basement floor, and building corner elevations have been provided. The plans note seasonal high water table information will be provided at time of plot plan submittal. The applicant's engineer should consider increasing the proposed slope from the front of the buildings to the access driveway for resolution compliance submission should approval be granted. 3. Proposed spot grades and contours must be completed. A grading review will be conducted with resolution compliance submission, should approval be granted. 4. The proposed gutter for Spruce Street shall be designed to a constant slope. The proposed design must insure adequate gutter slope to the west and can be provided with resolution compliance submission should approval be granted. 5. A retaining wall is proposed along the south and west sides of most of the site. A grading review will be conducted with resolution compliance submission, should approval be granted. 6. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved. Statement of fact. D. Storm Water Management 1. A roof drainage collection system has been designed to convey storm water runoff from the individual units into proposed recharge trenches. The proposed recharge system design shall be completed. Proposed inverts and slopes must be added to the roof drain conveyance piping. The roof drainage collection system with recharge trenches will be reviewed with resolution compliance submission, should approval be granted. 2. The project must be designed to comply with applicable requirements of the NJ Storm Water Rule. An underground recharge system design beneath the proposed access driveway will be reviewed with resolution compliance submission, should approval be granted. 3. Soils information must be provided within the proposed project to confirm the seasonal high water table. Permeability testing is required for use in the recharge calculations. The applicant's engineer indicates that the soils information and permeability testing will be provided for resolution compliance submission, should approval be granted. 4. Drainage Area Maps, a Storm Water Management Report, and the design will be reviewed in detail after resolution compliance submission, should approval be granted. The final Storm Water Management Report shall be provided with resolution compliance submission, should approval be granted. 5. A storm water maintenance manual will be required in accordance with State and Township standards. The storm water management system will be owned and maintained by the Homeowners Association. Therefore, a storm water maintenance manual must be provided with resolution compliance submission, should approval be granted. E. Landscaping 1. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. The Board should provide landscaping recommendations, if any. The Shade Tree Commission recommended the following: a. Natural buffering on east side of all lots. However, proposed grading revisions would be required to comply with this recommendation. b. Provide foundation plantings for all units. c. Provide buffering on the south side of proposed Lot 6.06. 2. Corrections are required to the General Planting Notes and General Seeding Notes. The corrections can be provided with resolution compliance submission, should approval be granted. 3. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted. Statement of fact. F. Lighting 1. A point to point diagram must be provided to verify the adequacy of the proposed lighting. The applicant's engineer indicates that a point to point diagram will be provided with resolution compliance submission should approval be granted. 2. A Note states that all site lighting shall be installed by JCP&L and shall be maintained by

JCP&L after installation. Testimony should be provided regarding site lighting ownership since the access driveway would be privately owned. Testimony on proposed site lighting ownership should be provided. 3. Lighting shall be reviewed in detail after compliance submission should subdivision approval be granted. Statement of fact. G. Utilities 1. The proposed sanitary sewer will connect to an existing system in Spruce Street. Only a preliminary layout has been designed. We note a correction is required to the proposed invert elevation of the terminal manhole. 2. Fire protection and access for emergency vehicles should be addressed. Approval from the Fire Commissioners is required. H. Signage 1. No site identification signage information is provided within the current design submission. A full signage package for any signage requiring relief by the Board must be provided for review and approval as part of the application. Confirming testimony should be provided that there will be no project identification signs. I. Environmental 1. Tree Management As a condition of approval, if/when granted, a completed Tree Protection Management Plan in accordance with the current ordinance shall be submitted. The applicant must comply with the requirements for tree protection and removal as applicable for this site. A Tree Protection Management Plan has been submitted. The proposed cleared area and limit of disturbance must be clarified. The revised plan will be reviewed with resolution compliance submission should approval be granted. J. Construction Details 1. Final review of construction details will take place after compliance submission, if/when this project is approved by the Board. Statement of fact. K. Minor Subdivision Plan 1. The coordinates are based on an assumed datum, but are missing from the plan. The coordinates provided on the revised plan shall be corrected with resolution compliance submission should approval be granted. 2. Proposed unit dimensions and decks are shown on the plan. The proposed unit and deck dimensions shall be shown consistent with the offsets for resolution compliance submission should approval be granted. 3. The proposed Minimum Aggregate Side Yard Setbacks for the combinations of new Lots 6.03/6.04 and 6.05/6.06 shall be 23.00 feet and 23.84 feet respectively and denoted "variance required". The sum of the proposed side yard setbacks does not total the sum of the aggregate side yard setbacks. Corrections shall be provided with resolution compliance submission should approval be granted. 4. The proposed Maximum Building Coverage for all lots must be revised to include the decks. Each proposed deck is one hundred sixty-eight square feet (168 SF). The proposed maximum building coverage shall be revised for resolution compliance submission should approval be granted. 5. Stray site development notes shall be removed. The proposed retaining wall shall be removed for resolution compliance submission should approval be granted. 6. The date on the Surveyor's Certification requires correction. The dates on the Surveyor's Certification and General Note #4 shall be corrected to 08-02-12 with resolution compliance submission should approval be granted. 7. Compliance with the Map Filing Law is required. Statement of fact. 8. The Minor Subdivision will be reviewed in detail after design revisions are undertaken for the project. We have conducted a preliminary review and at a minimum the following corrections shall be made for resolution compliance submission should approval be granted: a. General Note #7 shall reference the bench mark provided. b. The proposed Cross Access Easement shall be added for the private road. c. The proposed front yard setback line shall be corrected for the combination of new Lots 6.05/6.06. d. The minimum rear yard for proposed Lot 6.02 shall be corrected to thirty-five feet (35'). III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance; c. Ocean County Planning Board; d. Ocean County Soil Conservation District; and e. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Follman left the meeting.

Mr. Vogt stated that variances are being requested for minimum lot frontage, possibly building coverage and possibly aggregate side yard setbacks.

Mr. Samuel Brown, Esq. on behalf of the applicant. This applicant has been in front of the Board before for four duplexes. This new application is an attempt to present something that works for everybody.

Mr. Brian Flannery, P.E., P.P. was sworn in. He marked the original application as exhibit A-1, the new application is shown as A-2. Exhibit A-3 shows where this project is located on Spruce Street. Exhibit A-4 is a marked up tax map showing the zoning. He said that the Lakewood ordinance does not have a frontage requirement, it has a lot width so technically they comply. Even if they take the actual driveway out, the lots will conform with the 12,000 sf.

Mr. Schmuckler said the neighbors wanted to keep a 50 ft rear yard setback, excluding the first duplex.

Mr. Brown said it would be 50 ft to the foundation, excluding any protrusions.

Mr. Schmuckler said the neighbors wanted 10-12 ft high arborvitaes planted along the east property line.

Mr. Flannery said yes.

Mr. Schmuckler said the neighbors wanted to limit the rear decks to a maximum of 14 ft out.

Mr. Brown said that is acceptable.

Mr. Schmuckler said the neighbors want to make sure the drainage is sufficient and done properly.

Mr. Vogt said that will be accomplished during resolution compliance.

Mr. Banas asked about the hatched area on the plans.

Mr. Flannery said that is a hammerhead turnaround. Any resident going down that drive would be able to utilize that in order to turn around. No parking will be permitted there.

Mr. Banas said a garbage truck will not be able to fit in there.

Mr. Flannery said he will meet with DPW. The applicant is asking for variances for front yard setback and aggregate side yard setback. He believes these variances can be granted without any detriment to the zone plan and zoning ordinance.

Mr. Vogt asked if they comply with building coverage.

Mr. Flannery said yes, even with the decks. No relief is being sought.

Mr. Neiman opened to the public.

Mr. Mordechai Kliger, 6 Chelsea Court, was sworn in. He stated that it was agreed upon that the applicant would be using LNR Landscaping to install and purchase the trees. If the applicant can not use them then a new landscaper would be assigned by LNR Landscaping. He would like that in the resolution. He has been told that his property and his neighbor's property is lower than the subject applications. He would like to hire their own engineer, at their own expense, to make sure the drainage system will be adequate as they already have issues on Chelsea Court.

Mr. Schmuckler said he has the right to do that. That's not an issue. He suggested speaking with the board engineer.

Mr. Vogt said that could be something added to resolution compliance.

Mr. Flannery agreed that if the neighbor's give the name of their engineer then they would submit a package for resolution compliance to them as well.

Mr. Kliger went on to say that the applicant has agreed to provide 10-12 ft high arborvitae planted along the east property line. Concerning the rear yard set backs, the agreement was that the entire foundation won't be more than 50 ft besides allowing for a possible bay window extending off the foundation line of 2 ft, excluding the first duplex.

Mr. Neiman closed to the public.

A motion was made by Mr. Schmuckler, seconded by Mr. Rennert to approve the application. Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Schmuckler, Mr. Rennert

6. SP 2050AA (No Variance Requested)

Applicant: Congregation Lutzk

Location: Whitesville Road
Block 251 Lot 16

Change of Use/Site Plan Exemption from residence to a synagogue

Project Description

The applicant is seeking Site Plan Exemption/Change of Use approval for conversion of an existing one-story single-family residential dwelling at 520 New Egypt Road into a 1,049 sf synagogue and supporting amenities. Per review of the architectural plans, the primary sanctuary space will be created from two (2) adjoining prefabricated trailer units, connecting to the existing dwelling as depicted on the Change of Use Site Plan. The dwelling will be converted into supporting space, including but not limited to an office, bathrooms, lobby area and vestibule. As depicted on the site plan, Lot 16 is a irregular-shaped 116,682 sf property with frontage on the south side of Whitesville Road, less than 300 feet west of its intersection with Hillside Boulevard. Properties surrounding the site, west of the Jackson Township border are being developed with single-family residential housing. As illustrated on the site plan, the northern portion of this property is developed with the dwelling and an existing commercial/industrial building and paved parking area. As noted on the Change of Use Site

Plan, the following site improvements, at a minimum, are proposed:

- The applicant proposed to expand an existing stone driveway area west of the existing dwelling to provide four (4) off-street parking spaces and a handicap accessible ramp leading from this parking area to the (converted) structure and synagogue.
- The applicant proposes a “4’-foot concrete walk” from the existing paved on-site commercial parking area to the east side of the proposed sanctuary space.
- The applicant proposes a “proposed 4’ asphalt walk” over 500 feet in length, running through the westerly property line, through adjoining Block 251, Lot 1.16, connecting to (future) sidewalk that will be constructed within Olive Court as part of that residential subdivision. The property is situated within the R-40 Single Family Residential Zone.

I. Zoning 1. The property is located in the R-40 Single-Family Residential Zone. Places of Worship are permitted in the zone, subject to the requirements of Section 18-905 of the UDO. 2. Per review of the Change of Use Site Plan, no new bulk variances are necessary for the change of use request. There is an existing front yard setback variance (49.39 feet existing, 50 feet minimum required) associated with the existing dwelling. 3. Per review of the Change of Use Site Plan, the following design waivers are required for proposed project:

- Providing paved off-street parking (stone surface proposed).
- Providing landscaping.
- Providing lighting.
- Providing trash/recyclables storage location(s).

II. Review Comments 1. Testimony should be provided by the applicant for the Board to support the proposed change in use, including but not limited to the following issues:

- a. How many congregants (maximum) are anticipated for the sanctuary use?
- b. Are any other ancillary uses (i.e., school, residential, other) proposed with this change of use?
- c. What is the anticipated parking demand for the sanctuary use?
- d. Is catering proposed at this facility?
- e. Is future expansion of the existing building (dwelling) proposed?

2. Per Section 18-905A of the UDO, off-street parking for places of worship is not required where main sanctuaries are less than 800 sf, exclusive of secondary sanctuary space, kitchen, support rooms and other facilities. Based on the proposed 1,049 of sanctuary space as indentified in the application, three (3) off-street parking spaces are required per the UDO. Four (4) new off-street spaces are provided. 3. In addition to the proposed spaces, a sidewalk linking the future sanctuary building to existing on-site commercial parking area is proposed. Testimony must be provided by the applicant’s professionals as to the availability of these spaces to the proposed synagogue use. 4. The design layout for the proposed handicap accessible ramp and stairs/landing connecting to the proposed synagogue conflict between the submitted architectural and site plans. Final designs must be coordinated as a condition of Board approval, if/when forthcoming. As currently depicted on the architectural plans, additional sidewalk appears necessary for pedestrian access to the door and landing proposed at the southwest corner of the synagogue building. 5. A design waiver is necessary for the proposed (stone) parking spaces. At a minimum, the two (2) proposed handicap-accessible spaces must be paved, with proper markings and signage provided. Parking should be provided to the satisfaction of the Board. 6. Testimony must be provided regarding the proposed asphalt pedestrian path extending along the westerly property line into Olive Court, and who will be responsible for construction and maintenance of this accessway. If approved, access must be obtained from the owner of Lot 1.16 as well as for connection to existing sidewalk proposed within the Olive Court right-of-way. 7. Testimony should be provided regarding proposed trash and recyclables pickup (i.e., curbside for DPW pick-up, other). 8. No new landscaping is proposed. Landscaping shall be provided to the satisfaction of the Board 9. Testimony should be provided regarding proposed lighting (if any). Lighting shall be provided to the satisfaction of the Board. 10. Information and/or testimony should be provided that existing utilities serving the building are adequate for the proposed synagogue use. 11. If Board approval is granted, it should be subject to the applicant’s engineer providing design information and details for all

proposed site improvements during compliance, including but not limited to: • The proposed off-street parking area (and driveway expansion); • The proposed connecting sidewalk to existing on-site parking; • The final handicap accessible ramp design; • Access to the doorway proposed at the southwest corner of the synagogue; and • The proposed asphalt pathway to Olive Court. 12. The site plan waiver (if approved) does not relieve the applicant's obligation to obtain necessary outside agency approvals, building permits and construction code reviews.

Mr. Adam Pfeffer, Esq. represented the applicant.

Mr. Glenn Lines, P.E. was sworn in. This is for a change of use from a residence to a synagogue. There will be approximately 40-60 congregants. There are currently no other ancillary uses proposed. The only use will be a synagogue. The existing metal building that was used by Champion Contracting isn't being used anymore. As far as parking, they will be providing a few spaces but they are not anticipating parking as people will be walking on Shabbos. No catering is proposed. No future expansion of this building is proposed. They may come back in the future for a new building.

Mr. Neiman asked how many parking spaces there are.

Mr. Lines said there are two regular and two handicap spaces near the synagogue. There are over fifteen existing spaces in the parking area in front of the building. A walkway is being provided to those spots.

Mr. Vogt stated that the design layout for the proposed handicap accessible ramp and stairs/landing connecting to the proposed synagogue conflict between the submitted architectural and site plans.

Mr. Lines said he will work that out during compliance.

Mr. Vogt said that a waiver is necessary for the stone parking spaces. At a minimum, the two handicap spaces must be paved with proper markings and signage.

Mr. Banas would like all the spaces paved.

Mr. Pfeffer said the applicant agrees to pave all four spaces.

Mr. Vogt said an asphalt pedestrian path extending from the westerly property line into Olive Court is being proposed. He asked who will be responsible to maintain that walkway.

Mr. Lines said the congregation would maintain that walkway.

Mr. Neiman opened to the public.

Ms. Diana Hartman, 532 Lakewood New-Egypt Road, was sworn in. She said the notice does not match the tax records for the size of the house. She asked the date this was noticed in the paper.

Mr. Pfeffer said it was in the Asbury Park Press on February 7, 2014.

Ms. Hartman asked what property was listed on the notice.

Mr. Pfeffer said it indicated the block and lot. They did not use the street address.

Ms. Hartman asked about trailers on the property.

Mr. Pfeffer said that trailers were donated from another entity in the hopes that this application gets approved. They have not been formally attached to the house. Some interior work is being done.

Mr. Neiman said she would have to check with the building/inspection department. It is not the jurisdiction of this Board.

Ms. Hartman said the trailers were not included in the square footage.

Mr. Pfeffer said the trailers will be connected to the house. The trailers will be the actual sanctuary. The house will be used for bathrooms, office and a vestibule.

Ms. Hartman asked about the septic system.

Mr. Vogt said that would be outside agency approvals.

Mr. Schmuckler said it would be OC Board of Health.

Ms. Hartman is concerned about water going on to her property.

Mr. Lines said the property does not grade toward her property.

Ms. Hartman said the diesel fluid had been previously stored there. She would like to know if it was properly removed.

Mr. Pfeffer said the current owner did both a Phase 1 and Phase 2 study of the property and everything came back clean.

Ms. Hartman is concerned about the asphalt walkway causing drainage problems on her property.

Mr. Lines said they could move the walkway over 5 ft.

Mr. Pfeffer said the applicant would change it to a gravel walkway.

Mr. Vogt said it would become impervious over time. A gravel walkway would be easier to maintain.

Ms. Hartman said she didn't care about about. She is concerned about the proximity to her property.

Mr. Neiman suggested that the applicant's engineer sit with Ms. Hartman to answer any more of her questions.

Mr. Neiman closed to the public.

A motion was made by Mr. Schmuckler, seconded by Mr. Sussman to approve the application. Affirmative: Mr. Franklin, Mr. Rennert, Mr. Sussman, Mr. Neiman, Mr. Schmuckler

7. CORRESPONDENCE

- **SD 1564** – Major Subdivision amended approval request for re-aligned roadway

The applicant requested that this correspondence item be carried to the March 4, 2014 meeting. No further notices.

8. PUBLIC PORTION

9. APPROVAL OF MINUTES

10. APPROVAL OF BILLS

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary