

I. 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, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. PUBLIC HEARING

- SD 1867** (Variance Requested)
Applicant: Olive Court, LLC
Location: Olive Court
Block 251 Lots 1.16 & 16
Minor Subdivision to create five lots

Project Description

The applicant seeks minor subdivision approval to subdivide two (2) existing lots known as Lots 1.16 and 16 in Block 251 into five (5) lots, designated as proposed Lots 16.01 through 16.05 on the subdivision plan. Existing Lot 16 fronts Lakewood-New Egypt Road and contains a single family dwelling, a contractors building and yard, with a topsoil screening operation. Existing Lot 1.16 fronts Olive Court and is a vacant single family residential building lot created by a major subdivision known as Cory Acres. Public water and sewer is not available. The site is situated in the western portion of the Township between the south side of Lakewood-New Egypt Road and the north side of Olive Court. Lakewood-New Egypt Road is a County Highway with no existing curb and sidewalk in front of the site. Olive Court is a newly constructed road within Cory Acres, which does not have top course pavement constructed. The proposed subdivision would reduce the size of the existing commercial property currently known as Lot 16. The commercial land would become proposed Lot 16.01 and still contain the single family dwelling, contractors building and yard, but without the topsoil screening operation. As a result, the

existing commercial activities referenced above would decrease (i.e., become less intense) if this subdivision is approved as proposed. It is our understanding that this proposal is in accordance with requests of local adjoining residents. Four (4) new residential building lots, proposed Lots 16.02 through 16.05, would be created along the frontage of Olive Court and contain areas of at least eighteen thousand square feet (18,000 SF). The lots are situated within the R-40 Single Family Residential Zone. Variances are being requested to create this subdivision. We have the following comments and recommendations per testimony provided at the 10/16/12 Planning Board Plan Review Meeting and comments from our initial review letter dated October 11, 2012: I. Zoning 1. The parcels are located in the R-40 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. 2. Per review of the Subdivision Map and the zone requirements, the following variances are required: • Minimum Lot Area – Proposed Lots 16.02 through 16.05, 18,000.56 SF, 18,021.22 SF, 18,000.54 SF, and 18,015.34 SF proposed respectively, forty thousand square feet (40,000 SF) required – proposed condition. • Minimum Lot Width – Proposed Lots 16.02 through 16.05, 80.72 feet, 85.21 feet, 93.43 feet, and 114.73 feet proposed respectively, one hundred fifty feet (150') required – proposed condition. • Minimum Front Yard – Proposed Lot 16.01, 49.39 feet proposed, fifty feet (50') required – existing condition. It should be noted an anticipated right-of-way dedication to Ocean County will further decrease the dimension of the nonconforming front yard setback for proposed Lot 16.01. The Board shall take action on the required variances. 3. The existing trailer shown on proposed Lot 16.01 would be an accessory structure that requires a side yard variance. The plan should be revised to address accessory structures. The plan has been revised to address accessory structures. A Minimum Side Yard variance for an Accessory Structure is required on proposed Lot 16.01. A 0.8 foot accessory side yard setback is proposed, whereas a ten foot (10') setback is required. This is a continuation of an existing condition on old Lot 16. The Board shall take action on the required variance. 4. As the plan currently depicts, waivers are required from the construction curb and sidewalk along Lakewood – New Egypt Road. It should be noted that curb and sidewalk has been constructed on the Cory Acres subdivision which adjoins the east side of this project. However, there is no curb and sidewalk located on the two (2) lots to the west of this site, which extend to Jackson Township. The Board shall take action on the waivers required from the construction of curb and sidewalk. 5. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. A Survey of Property without tree locations has been submitted. The Survey is incomplete and the following shall be added: a. A Legend. b. Lot areas for Lots 1.16 and 16. c. A bearing and distance for the southeast boundary of Lot 1.16. d. Distances for the rear line of Lot 16, and from the northwest corner of Lot 1.16 to its intersection with Lot 16. e. The existing shade tree and utility easement on Lot 1.16 in accordance with the filed map for Cory Acres. f. The existing depressed curb locations on Olive Court. g. Missing existing site improvements on Lot 16. h. The existing County Monument along the Lakewood – New Egypt Road frontage. This monument implies that either a dedication or road widening easement has taken place and is not shown on the Survey and Minor Subdivision. i. Identification of a marker which may be an existing corner from the adjacent Cory Acres subdivision. j. Existing pavement apron for the stone driveway. k. Existing concrete curb along Lakewood – New Egypt Road on the east side of the asphalt driveway. l. The end of the existing sidewalk from the adjacent Cory Acres subdivision. Connection to this sidewalk may be required by the Board. A completed survey should be made a condition of any approvals. 2. The Survey date must be revised on the

Surveyor's Certification. The Certification has not been signed since the monuments have not been set. The survey date must be revised to 9/20/12 on the Surveyor's Certification. This correction can be provided with resolution compliance submission should approval be granted.

3. Monuments to be set shall be added to outbound corners not currently marked. Monuments to be set must still be added at the northwest corner of proposed Lot 16.02 and the side lot line angle point of proposed Lot 16.05. The Legend must be expanded to include the other existing corner markers shown on the plan. These corrections can be provided with resolution compliance submission should approval be granted.

4. General Note #6 states that vertical elevation is based on NGVD 1929. A bench mark should be provided. The elevation of the bench mark provided must be added. This information can be provided with resolution compliance submission should approval be granted.

5. The proposed six foot (6') wide Shade Tree and Utility Easement to Lakewood Township shown directly behind the existing right-of-way along Olive Court shall be corrected to ten feet (10') as shown on the filed map for Cory Acres. The proposed survey data and easement areas shall be corrected for Lots 16.02 through 16.05. The proposed Shade Tree and Utility Easement along Olive Court has been corrected. The proposed Shade Tree and Utility Easement for proposed Lot 16.01 may be corrected for resolution compliance submission should approval be granted.

6. The General Notes indicate that four (4) off-street parking spaces will be required for each unit and that four (4) off-street parking spaces will be provided for each unit. Per communications with the applicant's professionals, four (4) spaces per unit will be provided.

7. 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.

8. Soil boring logs and seasonal high water table information will be required if basements are proposed on new Lots 16.02 through 16.05. The General Notes indicate that seasonal high water table information will be provided at time of plot plan submittal.

9. The Improvement Plan proposes nineteen (19) "October Glory Maple" street trees for new Lots 16.01 through 16.05. 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. Our site investigation on 9/26/12 indicates that there are some existing trees on Lot 16 and most of existing Lot 1.16 is still wooded. This development, if approved must comply with the Township Tree Ordinance. The plans have been revised to show seven (7) "October Glory Maple" street trees for proposed Lot 16.01. The proposed Tree List shall be revised accordingly. The Board should provide landscaping recommendations, if any. The street trees for proposed Lots 16.02 through 16.05 will be in accordance with the Cory Acres Major Subdivision Plans.

10. Per communications with the applicant's professionals, storm water management for the proposed lots will be addressed at time of plot plan review. Statement of fact.

11. Per communications with the applicant's professionals, proposed lot grading for the proposed lots will be addressed at time of plot plan review. The General Notes indicate that proposed grading information will be provided at time of plot plan submittal.

12. Proposed Lots 16.02 through 16.05 will be serviced by private wells and septic systems. Ocean County Board of Health approvals will be required. The General Notes have been revised to indicate the new lots are to be serviced by public water and sewer. Testimony shall be provided explaining this revision.

13. Compliance with the Map Filing Law is required. Statement of fact.

14. The location of proposed improvements shall be dimensioned within the right-of-way of Olive Court to match the Cory Acres construction plans. This information shall be provided with resolution compliance submission should approval be granted. The proposed concrete sidewalk may not be constructed by others depending on the timing for construction of the dwellings.

15. The construction details shall be revised to be in accordance with the Cory Acres construction plans. This information shall also be provided with resolution compliance

submission should approval be granted. Once again, depending on the timing for construction of the proposed dwellings, all improvements may not have been completed by others. 16. Final construction details will be reviewed during compliance should subdivision approval be granted. The scope of the final construction details to be reviewed with any compliance submission would be dependent upon the conditions of approval imposed by the Board. 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; and e. All other required outside agency approvals.

Variances are being requested for minimum lot area, lot width and front yard.

Mr. Penzer, Esq. on behalf of the applicant stated that there is an existing top soil screening operation which blows sand into the neighborhood. Mr. Penzer entered pictures as exhibits. The neighbors approached the owner to purchase the neighboring lot but in order to sustain the money they are going in with lots that should hopefully cover the costs so they can solve this issue. This application will be a benefit to the community.

Mr. Brian Flannery, P.E. was sworn in. He stated that this is a minor subdivision to take two existing lots and create four residential and a remainder lot which will be the commercial lot. He entered an aerial exhibit showing the existing commercial operation which extends and touches Olive Court.

Mr. Neiman doesn't want this to be a ripple effect for the rest of the neighborhood.

Mr. Flannery stated that if it wasn't for the topsoil, then he would not be even doing this application. The commercial use has been there since he moved to Lakewood.

Mr. Penzer stated that they tried speaking with the owner with no luck.

Mr. Franklin asked if they contacted the State. He would like to see the applicant try and do something about the topsoil before building these small lots.

Mr. Penzer stated it has been there a very long time.

Mr. Flannery stated that they would most likely have more neighbors in support of this application that objecting.

Mr. Neiman opened the microphone to the public.

Mr. Wilbur Whitman, 75 White Street, was sworn in. He stated that the parcel of land is an eyesore but putting four houses would be too many. He asked how many acres the lots would be.

Mr. Flannery stated it would be a total of 2 acres. The only people that would see those houses are the people on the cult-de-sac and the people there would be benefiting from not having to look at a commercial operation.

Mr. Whitman said again, that it will look better but why do they have to have four houses.

Mr. Yaakov Klugman, 184 Stratford Place, is a potential buyer and would like to see this application approved and would like to get rid of that construction site.

Mr. Jacob Inzlicht-sprei, 13 Olive Court, loves White Street and would rather have everything stay R-40 but the benefit of having houses they as apposed to a commercial site would be better.

Mr. David Holtz, 9 Cedar Drive, is a real estate broker who was involved in the original sale for Olive Court. One of the potential buyers refused to close when he saw the proximity to the construction site and the seller allowed him to back out. The quality of life is affected as well.

Mr. Ari Holtz, 7 Cory Court, is for the subdivision and thinks the commercial site is an eyesore and dangerous to children. He thinks it would enhance the neighborhood if they were to subdivide it.

Mr. Israel Benedikt, East End Avenue, bought a lot in Olive Court. He has no objection to this application.

Mr. Yitz Schreiber, 182 White Road, stated that the commercial site does have approvals and this is the only way to get rid of it.

Mr. Franklin believes this site can get cleaned up.

Mr. Penzer said that they could put as a condition of the resolution that the basic source of why we are doing this application is to abate a nuisance. Four lots is the minimum amount they can do to break even. No one is making a profit on this application.

Mr. Schmuckler asked what is on the rest of the commercial site that the neighbor's are not purchasing.

Mr. Flannery stated that he keeps his equipment and office is there.

Mr. Neiman stated that they would like them to try and purchase more property to keep the lots over 20,000 sq ft.

This application will be carried to the December 18, 2012 meeting.

- 2. SD 1861** (Variance Requested)
Applicant: Jeffrey Fernbach
Location: Stirling Avenue & Linden Avenue
Block 189.30 Lot 151
Minor Subdivision to create two lots

Project Description

The applicant seeks amended minor subdivision approval to amend a previously approved minor subdivision application approved under Resolution SD#1646. The previous approval

allowed for the subdivision of one (1) oversized lot known as Lot 151 into two (2) non-conforming lots to be known as Lots 151.01 and 151.02. The single-family dwelling currently existing on the site would have been removed and two (2) new single-family dwellings fronting Linden Avenue would have been constructed. The amended application reconfigures the lot layout and proposes for the existing dwelling to remain on Lot 151.01 and a new single-family dwelling to be constructed on Lot 151.02. The proposed dwelling on new Lot 151.02 would front Stirling Avenue. The existing seventeen thousand two hundred fifty square foot (17,250 SF), 0.398 acre property, is located in the north central portion of the Township on the northeast corner of the intersection of Stirling and Linden Avenues. Linden Avenue has a forty foot (40') wide right-of-way with about a thirty foot (30') pavement width which is patched and in fair condition. Linden Avenue borders the site to the west, and has existing curb and sidewalk in fair condition. Stirling Avenue has a varied width right-of-way with an approximately thirty foot (30') pavement width in fair condition, except for the north edge which is in poor condition. Stirling Avenue borders the property to the south, and has no existing curb and sidewalk in front of the site. New curb and sidewalk along Stirling Avenue in front of the project is proposed with the subdivision. Water and sewer are available. The proposed lots are situated within the R-10, Single-Family Residential Zone. The surrounding land uses are residential. We have the following comments and recommendations per testimony provided at the 10/16/12 Planning Board Plan Review Meeting and comments from our initial review letter dated August 22, 2012:

I. Zoning 1. The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Statements of fact. 2. The previous approval allowed a five foot (5') wide Road Widening Easement on Linden Avenue, while requiring a five foot (5') wide Right-of-Way Dedication on Stirling Avenue. The reason for the required right-of-way dedication on Stirling Avenue was to match the existing right-of-way immediately east of the project. The applicant is proposing a five foot (5') wide Road Widening Easement on Stirling Avenue with this amended application. We recommend the previously required Right-of-Way Dedication be continued with this amended application and the requested bulk variances adjusted accordingly. It should be noted that any proposed driveways and off-street parking from the Stirling Avenue frontage will be dictated by the sidewalk location, not the right-of-way placement. The Board shall take action on whether to require a Right-of-Way Dedication or permit a Road Widening Easement. 3. Minimum Lot Area variances are requested for proposed Lots 151.01 and 151.02. A lot area of 9,602.50 square feet is proposed for new Lot 151.01 and 7,647.50 square feet is proposed for new Lot 151.02, whereas ten thousand square feet (10,000 SF) is required. It should be noted that a right-of-way dedication along Stirling Avenue would decrease the proposed lot areas of new Lots 151.01 and 151.02 to 9,185 square feet and 7,315 square feet respectively. The Board shall take action on the required lot area variances. 4. A Minimum Lot Width variance is requested for proposed Lot 151.02. A lot width of 66.50 feet is proposed, whereas seventy-five feet (75') is required. It should be noted the previous approval granted proposed lot width variances of fifty feet (50') and sixty feet (60') for the new lots. The Board shall take action on the required lot width variance. 5. A Minimum Front Yard Setback variance is requested for the existing dwelling to remain on proposed Lot 151.01. A minimum front yard setback of twenty-five feet (25') is requested from Stirling Avenue, where thirty feet (30') is required. A right-of-way dedication along Stirling Avenue would decrease the proposed front yard setback to twenty feet (20'). However, the previous approval granted a front yard setback of only eighteen feet (18') when considering the right-of-way dedication along Stirling Avenue. The Board shall take action on the required front yard setback variance. 6. Minimum Side Yard Setback variances are required for proposed Lots 151.01 and 151.02. The previous approval granted side yard setback

variances of seven feet (7') for one side yard and fifteen feet (15') for combined side yards, whereas ten feet (10') for one side yard and twenty-five feet (25') for combined side yards was required. Proposed Lot 151.02 will continue to be regulated by the values of the previous approval. Since the existing dwelling is now to remain on proposed Lot 151.01, a side yard setback of 3.8 feet is requested. Combined side yards do not apply since new Lot 151.01 would be a corner property. The Board shall take action on the required side yard setback variance.

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

II. Minor Subdivision Review Comments

1. All plans provided must correctly list Block 189.17 and Lot 151 in the title boxes. The discrepancy between the tax map provided on the plan (Block 189.17) and the title box (Block 189.30) can be corrected with resolution compliance submission.

2. The Owners Certification and General Note #1 shall be revised to list Block 189.17. A revised survey correctly titled Lot 151 – Block 189.30 can be provided with resolution compliance submission should approval be granted.

3. The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. The Zoning Data is requiring and proposing four (4) off-street parking spaces per dwelling unit. Testimony should be provided on the proposed number of bedrooms anticipated, and on off-street parking to be provided. Testimony should also be provided on the apartment listed in the Zoning Data. The applicant's engineer indicates that testimony will be provided on off-street parking.

4. According to the previous approval basements were proposed for the new dwellings. Therefore, a test pit log must be provided for proposed Lot 151.02 to indicate the minimum two foot (2') separation from seasonal high water table has been maintained. Testimony should be provided on whether the basement proposed will be unfinished. The existing dwelling to remain on proposed Lot 151.01 has a basement. In any event, parking shall be provided in accordance with parking ordinance 2010-62. Testimony should be provided on basements. The applicant's engineer indicates that parking will be provided in compliance with the ordinance.

5. Proposed sidewalk extends across the Stirling Avenue frontage and matches the existing sidewalk to the east of the site which must be correctly labeled. A new curb ramp is proposed at the intersection. The design should be revised to provide landing areas and detectable warning surface. The design should be revised to provide a landing area behind a radial sidewalk layout at the intersection. Either a Type 1 or 3 Curb Ramp will be required depending on the grading. The revisions can be provided with resolution compliance submission, should approval be granted.

6. Testimony is required on the disposition of storm water management for the proposed development. The applicant's engineer indicates that storm water recharge will be addressed when plot plans are submitted.

7. Curb is proposed on Stirling Avenue from the existing curb at the east end of the site to the intersection. The edge of pavement along Stirling Avenue requires reconstruction with the curb installation because of its poor condition. The adequacy of the detail provided will depend on the proposed grading. This information can be provided with resolution compliance submission should approval be granted.

8. The existing topography indicates a low point at the curb return on Stirling Avenue. The gutter across Stirling Avenue can be reconstructed to alleviate runoff trapped at this low point. The survey provided (confirmed by site investigation) indicates the swale in the pavement through the intersection must be reconstructed to remove the low point. This design can be provided with resolution compliance submission should approval be granted.

9. At a minimum, the gutter of Linden Avenue must be reconstructed to eliminate the runoff being trapped along the existing curb line. The applicant's engineer indicates that repairs to the gutter on Linden Avenue will be addressed

when plot plans are prepared. 10. Testimony should be provided on proposed site grading. Proposed lot grading should direct runoff to the adjoining roads and minimize runoff directed towards adjoining properties. The applicant's engineer indicates that testimony will be provided on proposed site grading. 11. The plan indicates new lot numbers have been assigned by the Tax Assessor. The map shall be signed by the Tax Assessor should approval be granted. 12. Proposed six foot (6') wide shade tree and utility easements are shown along the property frontage. Bearings, distances, and areas have been provided for the proposed easements on an individual lot basis. Seven (7) "October Glory Maple" shade trees are shown within the proposed six foot (6') wide shade tree/utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. The Board should provide landscaping recommendations, if any. 13. Our site investigation indicates there is some large trees the property. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 151.01 and 151.02. The applicant's engineer indicates the Township Tree Ordinance will be addressed when plot plans are prepared. 14. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. The applicant's engineer indicates that improvements will be constructed prior to issuance of Certificates of Occupancy for any new structures. 15. The Legend should be revised, and "monument set" should be revised to "monument to be set". The applicant's engineer indicates the monuments will be set prior to the filing of the map. 16. Compliance with the Map Filing Law is required. Statement of fact. 17. Gutter reconstruction is needed on the details showing the curb sections. Final review of the gutter reconstruction details will be undertaken with resolution compliance submission should approval be granted. 18. Additional construction details are needed, such as utility trench repair and curb ramps. Final review of construction details will be undertaken with 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. New Jersey American Water (sewer and water); and e. All other required outside agency approvals.

Mr. Russell Cherkos, Esq. will be filling in for John Jackson as there is a conflict with this applicant.

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

Mr. Glenn Lines, P.E. was sworn in. He stated that this subdivision was originally approved in 2008 as a two lot subdivision with side yard setback variances. A new owner has bought the property and they would like to realign the lot line because originally the interior lot was 50' wide and the corner lot was 60' wide based on the Linden frontage. The revised plan subdivides the lot the other way so that the two houses will front on Sterling Avenue. The lot areas have changes slightly. The corner lot was 9,000 sq ft, under the new plan it is 9,185 sq ft. The interior lot was originally 7,500 sq ft now it's 7,315 sq ft. The existing house will be demolished. They have made the building envelopes the same with and in that respect it is proportional.

Mr. Schmuckler asked if there are any new variances.

Mr. Lines stated that the interior lot was originally 7,500 sq ft but now is going to be 7,315 sq ft. Other than that, there are no new variances being requested.

Mr. Schmuckler would like to see that line shifted.

Mr. Lines stated that they will shift the line to increase the area to that lot.

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

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

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

- 3. SD 1856** (Variance Requested)
Applicant: Saul Gray
Location: Regent Drive & Central Avenue
Block 284 Lots 165 & 168
Minor Subdivision to create three lots

Project Description

The applicant seeks minor subdivision approval to subdivide two (2) existing lots totaling 0.768 acres in area known as Lots 165 and 168 in Block 284 into three (3) new residential lots. The subdivision proposes to keep two (2) existing dwellings on the new exterior lots, and provide one (1) new dwelling on the new interior lot. The proposed lots are designated as Lots 165.01 through 165.03 on the subdivision plan. Proposed Lot 165.01 will contain an existing two-story frame dwelling. Proposed Lot 165.02 would be created to provide a new dwelling. Proposed Lot 165.03 will contain a one-story frame dwelling with a one-story frame accessory building. According to the plan, public water and sewer is available. The site is situated in the west central portion of the Township on the northwest corner of Regent Drive and Central Avenue. Regent Drive is a Township Road and Central Avenue is a County Highway. The existing right-of-way width of Regent Drive in front of the site is sixty feet (60'). A sixty-six foot (66') right-of-way width exists for Central Avenue. Regent Drive is a paved road in fair condition. The existing curbing in front of the site is in poor condition. No sidewalk exists along the Regent Drive property frontage. Central Avenue is a paved road in good condition. Curbing and sidewalk along Central Avenue is new. We have the following comments and recommendations per testimony provided at the 8/28/12 Planning Board Plan Review Meeting and comments from our initial review letter dated July 25, 2012: 1. Zoning 1. The parcels are located in the R-12 Single-Family Residential Zone District. Single Family Detached Housing with a minimum lot size of twelve thousand square feet (12,000 SF) is permitted in the zone. Testimony shall be provided on the use of the existing one-story frame building to remain on proposed Lot 165.03. 2. Per review of the Subdivision Map and the zone requirements, the following variances are required for the proposed subdivision: • Minimum Lot Area – 10,000 SF for proposed Lots 165.01 and 165.02, 12,000 SF required – proposed condition. • Minimum Lot Width – 71.45 feet for proposed Lot 165.01, 84.74 feet for proposed Lot 165.02, about 69 feet for proposed Lot 165.03, 90 feet required – proposed condition. • Minimum Front Yard Setback – 24.8 feet for proposed Lot 165.01 and 29.6 feet for proposed Lot 165.03, 30 feet required – existing

condition. • Minimum Side Yard Setback – 5.6 feet for proposed Lot 165.01 and 4.9 feet for proposed Lot 165.03, 10 feet required – proposed condition. • Minimum Aggregate Side Yard Setback – 20.0 feet for proposed Lot 165.03, 25 feet required – proposed condition. The revised plan corrects the Minimum Lot Width for proposed Lot 165.03 to 68.81 feet. The Board shall take action on the required variances. 3. 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. During our site investigation on 7/20/12 we noted some large trees of significance located on the site. These large trees have not been indicated on the survey. The applicant's professionals indicate that large trees will be added at plot plan design. 2. The Schedule of Bulk Requirements incorrectly lists proposed Lot 165.03 as requiring a Minimum Lot Area variance. The asterisk shall be removed from the Schedule of Bulk Requirements. 3. The actual Building Coverage on proposed Lots 165.01 and 165.03 shall be listed in the Schedule of Bulk Requirements. It appears both lots will conform to the allowable Maximum Building Coverage of twenty-five percent (25%). The actual Building Coverage on proposed Lot 165.03 must account for both existing buildings. 4. The Schedule of Bulk Requirements implies the unidentified existing one-story frame building to remain on proposed Lot 165.03 is an accessory building. Testimony shall be provided on the use of the building. The provided side and rear setbacks shown are incorrect. The applicant's professionals indicate that testimony will be provided on the use of the one-story frame building to remain. The provided side setback should be corrected to the distance from the northwest corner of the building to the lot line of adjacent Lot 167. The rear setback should be corrected to the 13.8 foot dimension shown from the southeast corner of the building to the lot line of neighboring Lot 27. 5. Four (4) off-street parking spaces will be provided per unit. This exceeds the 2.5 off-street parking spaces which are required for units with unknown number of bedrooms to comply with the NJ R.S.I.S. parking requirements. No off-street parking is shown for proposed Lot 165.01. Off-street parking for the dwelling remaining on proposed Lot 165.01 was provided by the stone driveway which would now be located on proposed Lot 165.02. It is assumed this existing stone driveway would be removed and a new driveway provided for the future dwelling on proposed Lot 165.02. The existing driveway to remain on proposed Lot 165.03 is large enough to accommodate four (4) off-street parking spaces. Testimony on off-street parking is required. Parking should be provided to the satisfaction of the Board and comply with ordinance 2010-62. The revised plan shows the stone driveway located on proposed Lot 165.02 to be removed. Off-street parking for proposed Lot 165.01 has not been addressed. Access will be prohibited from the Central Avenue (County Road) frontage. The applicant's professionals indicate that testimony will be provided on off-street parking. 6. If a basement is proposed for the future dwelling on Lot 165.02, seasonal high water table information will be required. The applicant's professionals indicate that the estimated seasonal high water table shall be provided at plot plan design. 7. The plans should be revised to show the existing storm drainage pipes in Regent Drive and Central Avenue. There is a low point that traps runoff at the intersection of Regent Drive and Central Avenue. We recommend a Type "E" Inlet be constructed over the existing drainage pipe to alleviate this problem. The construction of a Type "E" Inlet over the existing drainage pipe should be made a condition of approval and the drainage design may be addressed prior to construction by an Improvement Plan along with the plot plan submissions. In addition to proposed Lot 165.02, plot plans will be required for proposed Lots 165.01 and 165.03 to address improvements, grading, drainage, and parking. 8. Unless a waiver is requested from and granted by the Planning Board, proposed sidewalk shall be added along the

Regent Drive frontage. Proposed sidewalk along Regent Drive should be five feet (5') wide unless pedestrian passing lanes are provided. The applicant's professionals indicate that sidewalk shall be added at plot plan design. However, the Minor Subdivision must be revised to clarify that a waiver is not being requested from the construction of sidewalk. Furthermore, a sidewalk easement will need to be added at the northwest corner of proposed Lot 165.01. An offset monument is recommended since the proposed corner monument will conflict with new sidewalk.

9. The existing curb on Regent Drive is in poor condition with very little face revealing on the curb. We recommend the Board require the replacement of curb on Regent Drive with the reconstruction of the gutter to provide positive drainage. The gutter reconstruction and curb replacement should be made a condition of approval and the design may be addressed prior to construction by an Improvement Plan along with the plot plan submissions.

10. The plans must be revised to indicate the extent of existing improvements to be removed. The future status of the existing stockade fence located on multiple proposed lots has not been addressed. The existing chain link fence within the sight triangle easement must be removed.

11. Unless a waiver is requested from and granted by the Planning Board, shade trees shall be proposed within the shade tree and utility easements for the project. 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. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. The applicant's professionals indicate that shade trees are to be addressed at plot plan design. The tree information must be added to the General Notes.

12. An Improvement Plan is required for the project. The applicant's professionals indicate an Improvement Plan will be provided along with plot plan designs.

13. Proposed grading is required on the Improvement Plan. Coordination of proposed grading with existing improvements to remain is necessary. The applicant's professionals indicate that proposed grading is to be provided on the Improvement Plan and at plot plan design.

14. Storm water management from the addition of parking on proposed Lot 165.01 and the development of proposed Lot 165.02 must be addressed. The applicant's professionals acknowledge that storm water management measures shall be provided at plot plan design to address the addition of parking on proposed Lot 165.01 and the development of proposed Lot 165.02.

15. The plan states water and sewer service is to be provided by New Jersey American Water Company. Water mains exist on the west side of Regent Drive and the south side of Central Avenue. No sanitary sewer manholes were observed in the vicinity of the project. Testimony shall be provided on sewage disposal. The applicant's professionals indicate that testimony shall be provided regarding sewage disposal.

16. Proposed lot numbers must be approved by the tax assessor's office. The applicant's professionals indicate the proposed lot numbers were approved on June 21, 2012. The Map shall be signed by the tax assessor, should Board approval be granted.

17. Compliance with the Map Filing Law is required. Statement of fact.

18. The Improvement Plan must include grading, drainage, and construction details as required. This Improvement Plan may be provided during compliance if approval is given. The Improvement Plan can be provided with 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; b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health (if required); and e. All other required outside agency approvals.

Variations are being requested for minimum lot area, lot width, front yard setback, side yard setback and aggregate side yard setback.

Mr. Brian Flannery, P.E., was sworn in, on behalf of the applicant submitted two maps as evidence. The first, a Percal map and the second is a rendered version of the subdivision. The blue areas on the Percal map are the non-conforming lots in the area. The yellow is the lot that they are discussing. There are 14 lots on Regent Drive that have variations. Many are smaller than the lots they are proposing. The different variations requested are consistent with the neighborhood. They will be providing three off-street parking spaces and would meet the parking needs. There is currently no sewer on this lot. The applicant would either build on septic or if the neighbor's went along with him they would extend the sewer and service the neighbors as well.

Mr. Neiman stated that they would really like to stay away from these side yard and front yard setbacks. They can grant the variations on lot size but when it comes to building envelopes and creating new side yard setbacks, that's really what we are trying to get away from.

Mr. Flannery stated that this lot is more than double the average lot size in the neighborhood and we are just trying to fit one house in between. The house will meet all setback requirements. The houses remaining will not look out of place.

Mr. Neiman asked if there is anyway to make the middle lot smaller so they can get rid of those side yard setbacks or make the building envelope smaller. He does not want to see houses on top of each other.

Mr. Flannery stated that they will adjust the setback line so there is 20' between the two structures. If the board gives approval, one of the conditions will be that we will change the side setback lines on both sides but not the lot lines themselves which would be filed and in the resolution. The building envelope will be narrowed.

Mr. Schmuckler asked about the house with only three parking spaces.

Mr. Flannery stated that it is a small house with no exterior access to the basement. If the house was rebuilt, they would have to have adequate parking. There will be sidewalks provided.

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

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

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

Mr. Herzl arrived at the meeting.

- 4. SD 1868** (Variance Requested)
Applicant: Mordechai Bistrizky
Location: White Street
Block 251.02 Lot 87

Minor Subdivision to create two lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing property totaling 89,778 square feet (2.06 acres) in area known as Lot 87 in Block 251.02 into two (2) residential lots, designated as proposed Lots 87.01 and 87.02 on the subdivision plan. The site contains an existing two-story dwelling, in-ground pool, play area, and a couple of sheds. The existing play area and one (1) of the sheds, along with some existing improvements will be removed to create a new residential building lot for a future dwelling on proposed Lot 87.01. The existing two-story dwelling, in-ground pool, and one (1) of the sheds will remain on proposed Lot 87.02. The proposed minor subdivision line has been revised and is based on the locations of the existing dwelling and in-ground pool to remain on new Lot 87.02. Public water and sewer is not available. The site is situated in the western portion of the Township on the southeast side of White Street, northeast of West Cross Street. White Street is a narrow improved Township Road in fair condition, with no existing curb and sidewalk. The survey shows White Street has an existing right-of-way width of fifty feet (50') in front of the site. The existing pavement width is about twenty feet (20'). Minimal road widening is proposed, along with curb and sidewalk construction, presumably to avoid moving the utility poles and cutting into the steep bank. The revised plans indicate proposed Lot 87.01 would become a new residential building lot and contain an area of 41,490 square feet. Proposed Lot 87.02 would become a new lot for the existing dwelling to remain and contain an area of 48,288 square feet. The lots are situated within the R-40 Single Family Residential Zone. A lot width variance is being requested for proposed Lot 87.01 in order to retain the existing dwelling and pool on proposed Lot 87.02. We have the following comments and recommendations per testimony provided at the 10/16/12 Planning Board Plan Review Meeting and comments from our initial review letter dated October 2, 2012: I. Zoning 1. The parcel is located in the R-40 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. Statements of fact. 2. Per review of the Subdivision Map and the zone requirements, the following lot width variance is required: • Minimum Lot Width – Proposed Lot 87.01, 104.53 feet proposed, one hundred fifty feet (150') required – proposed condition. The revised plan proposes a better configuration with a lot width of one hundred feet (100') for new Lot 87.01. The lot width variance is required in order to maintain the existing dwelling and pool on new Lot 87.02. The Board shall take action on the required variance. 3. A design waiver is required for the location of the improvements to White Street. The proposed curb location is being designed twenty feet (20'), instead of ten feet (10') from the front property line. It appears the location being proposed is to avoid relocating the utility poles and cutting into the steep bank. The Board shall take action on the required design waiver. 4. The applicant must address the positive and negative criteria in support of the requested variance. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. General Note #2 references the Outbound and Topographic Survey submitted, along with assumed datum. The benchmark information shown on the Survey should be provided on the Subdivision, along with coordinates for at least three (3) existing property corners. The bench mark added to the Improvement Plan should be referenced in the General Notes of the Minor Subdivision Plan. The coordinates have been added to the Minor Subdivision Plan. 2. We recommend a revised configuration for the proposed subdivision be provided without the jogs in the side property line. There is a surplus of area for proposed Lot 87.01 which allows some flexibility. The proposed width variance being requested for Lot 87.01 is a

result of saving existing structures on Lot 87.02. The proposed configuration has been revised. The surveyor should check whether proposed Lot 87.01 can be minimally widened to provide a straight side line without creating additional variances. A stray twenty-five foot (25') side yard dimension from the previous layout shall be erased. 3. The Requirements listed under General Note #6 must be expanded to include accessory structures. The Requirements listed under General Note #6 have been expanded on the revised plan. The pool shall be listed under the side yard setback provided for proposed Lot 87.02. 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. Statements of fact. 5. The Improvement Plan proposes two (2) "Green Vase Zelkova" street trees for new Lot 87.01. No street trees are proposed for new Lot 87.02 because existing trees are located within the proposed shade tree and utility easement. 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. Our site investigation on 9/26/12 indicates the survey accurately locates the existing trees on-site. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review. Based on the proposed improvements shown for new Lot 87.01, the trees to be removed should be indicated. The Board should provide landscaping recommendations, if any. The trees to be removed should be indicated on the Improvement Plan. 6. Testimony is required on the disposition of storm water from the development of new Lot 87.01. The applicant's engineer indicates the proposed roof drains and drywell shown on the revised plans for new Lot 87.01 will be designed and sized at the time of plot plan submission. 7. Testimony should be provided on proposed site grading. Proposed grading is indicated on the Improvement Plan for new Lot 87.01 and is generally well designed. Proposed grading must be added along the site frontage since the improvements cut into the steep existing bank. Proposed grading has been added along the site frontage on the revised Improvement Plan. The applicant's engineer should contact our office to review the proposed grading. 8. An existing well which will be located on proposed Lot 87.01 will be abandoned since it serves the existing dwelling to remain on new Lot 87.02. A proposed new well location shall be shown for proposed Lot 87.02. The location of the existing septic system serving the dwelling to remain should also be indicated. Ocean County Board of Health should be added to the list of outside agency approvals in General Note #10. The revised plans show a new well for proposed Lot 87.02. A possible location of the existing septic system for the dwelling to remain has been added to the revised plans. Ocean County Board of Health has been added to the list of outside agency approvals on the revised plans. 9. Compliance with the Map Filing Law is required. Statement of fact. 10. Road widening/reconstruction details are required for White Street because of the varying road crown. The road widening/reconstruction detail shall be revised to saw cut the existing pavement a minimum of four feet (4') from the proposed curb. 11. Final construction details will be reviewed during compliance should subdivision approval be granted. All construction details can be finalized for the 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; and e. All other required outside agency approvals.

A variance is being requested for minimum lot width.

Mr. John Doyle, Esq. on behalf of the applicant stated that both lots will conform. There is an existing house on one of the lots that will require a width variance. They will meet all of the

engineer's comments. They asked for a waiver to move the curb line so they could preserve the utility lines where they are. There are no sidewalks on their side but on the opposite side there are sidewalks to the east and west. They would propose to connect the sidewalks across the street.

Mr. Neiman stated that would make sense.

Mr. Brian Flannery, P.E. was sworn in and reiterated the variance requested and they are in compliance with the Master Plan.

Mr. Neiman opened the microphone to the public.

Mr. Wilbur Whitman, 75 White Road, stated that there is a blind spot on that road. There are many buses using that road which is very narrow and a bus and car will not fit on that road. He is concerned about the blind spot from the driveway as someone was killed there before.

Mr. Flannery stated that they will meet with the engineer and improve the situation with the blind spot from the driveway.

Mr. Vogt suggested that they would make sure nobody could back out of that driveway.

Mr. Neiman closed to the public.

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

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

Mr. Neiman left the meeting and Mr. Schmuckler will take over as chairman.

- 5. SD 1869** (No Variance Requested)
Applicant: Yaakov Klugman
Location: Albert Avenue
Block 1159.01 Lot 15
Minor Subdivision to create two lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 200' X 218' lot totaling forty-three thousand six hundred square feet (43,600 SF) or just over an acre in area known as Lot 15 in Block 1159.01 into two (2) new residential lots. The proposed properties are designated as proposed Lots 15.01 and 15.02 on the subdivision plan. The site is vacant and wooded. Proposed Lots 15.01 and 15.02 will become two (2) equal 100' X 218' properties of twenty-one thousand eight hundred square feet (21,800 SF), both just over a half acre. Public water and sewer is not available. Curb and sidewalk does not exist across the frontage of the tract, but is proposed. The site is situated in the south central portion of the Township on the east side of Albert Avenue between Oak Street and Salem Street. Albert Avenue is a Township Road, and is in poor condition at this location. The road has an existing right-of-way width of fifty feet (50') and a pavement width of twenty-seven feet (27'). The lots are situated within the R-20

Single Family Residential Zone. No waivers or variances are required to create this subdivision. We have the following comments and recommendations per testimony provided at the 10/16/12 Planning Board Plan Review Meeting and comments from our initial review letter dated October 2, 2012: I. Zoning 1. The parcel is located in the R-20 Single-Family Residential Zone District. Single family detached housing is a permitted use in the zone. Statements of fact. 2. No waivers or variances are being requested for this subdivision. Statement of fact. II. Review Comments 1. A Survey Plan with topography has been submitted for review. The following information shall be added: a. The area of Lot 15. b. Horizontal and vertical datum information along with a bench mark. c. The grate elevation of the inlet located to the north of the site. The submission of a revised outbound and topography should be made a condition of any approvals. 2. General Note #6 shall be corrected to "vertical elevation based on National Geodetic Vertical Datum 29". A bench mark shall be provided. The General Note correction and adding of a bench mark can be provided with resolution compliance submission should approval be granted. 3. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be required for each unit. The plan also indicates that four (4) off-street parking spaces will be proposed for each lot. Parking shall be provided to the satisfaction of the Board. The applicant's engineer indicates that testimony on off-street parking will be provided to the satisfaction of the Board. 4. The General Notes indicate proposed site improvements to be provided at time of plot plan submittals. Any basements proposed for the future dwellings on Lots 15.01 and 15.02, will require a minimum of four (4) off-street parking spaces to comply with the Township Parking Ordinance. The applicant's engineer indicates that testimony on basements will be provided. 5. If basements are proposed, seasonal high water table information will be required. The General Notes also imply that seasonal high water table information will be provided with plot plan submissions. The applicant's engineer confirms that seasonal high water table information will be provided with plot plan submissions. 6. 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 Tax Assessor's signature will be obtained prior to filing the map. 7. Five (5) "October Glory Maple" street trees are proposed within the shade tree and utility easement of Lots 15.01 and 15.02. 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. Our site investigation on 9/26/12 indicates there are many existing trees on-site. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 15.01 and 15.02. The applicant's engineer indicates that the Township Tree Ordinance will be addressed when plot plans are prepared. The Board should provide landscaping recommendations, if any. 8. The applicant proposes to construct new curb, sidewalk, and driveway aprons along the property frontage of new Lots 15.01 and 15.02. The location dimensions for the proposed sidewalk shall be shown within the right-of-way. A pedestrian bypass location shall be designed for the proposed sidewalk since a length of two hundred feet (200') will be constructed. The proposed curb will be located fifteen feet (15') from the centerline. The pedestrian bypass lane has been added at the subdivision line. The location dimensions within the right-of-way shall be provided with resolution compliance submission should approval be granted. 9. During our site investigation, we noted an existing inlet to the north of the site had polyethylene pipe extending southward toward this project. Because of the minimal gutter slope proposed on this project, we recommend an inlet be designed in front of this site with recharge piping constructed to meet the existing inlet and pipe to the north. The applicant's engineer is requesting to meet with our office, which is acceptable, on design alternatives prior to submitting for resolution compliance. 10. The Improvement Plan shall be revised to provide a proposed Typical Half Pavement

Widening Section because of the existing condition of the asphalt area on Albert Avenue. The final detail provided will depend on the proposed grading. We recommend a half width milling and overlay because of the poor condition of the existing pavement. 11. Testimony is required on the disposition of storm water from the development of proposed Lots 15.01 and 15.02. The property is very flat and slightly slopes eastward towards the rear. The proposed grading and storm water management may be designed to account for the increase in runoff to be handled by a proposed system in Albert Avenue. The General Notes state that proposed site improvements to be provided at time of plot plan submittal. Testimony should be provided on storm water management. 12. Testimony should be provided on proposed site grading. The General Notes indicate that proposed site improvements to be provided at time of plot plan submittal. Testimony should be provided on grading. 13. Compliance with the Map Filing Law is required. Statement of fact. 14. The Construction Details shall be revised on the Improvement Plan to account for the pavement widening. Construction details have been provided. Finalizing the construction details will be dependent on proposed grading which can be provided with 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; and e. All other required outside agency approvals.

Mr. Glenn Lines, P.E. was sworn in. He stated that they are subdividing a 43,600 sq ft lot into two conforming lots for two new homes. Curbs and sidewalks will be provided. All of the engineer's comments will be addressed with exception to the limit of road repairs. He would like to meet with Terry to resolve that issue.

Mr. Schmuckler opened to the public, seeing no one he closed to the public.

A motion was made by Mr. Herzl, seconded by Mr. Franklin.

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

6. **SD 1858** (No Variance Requested)
Applicant: 23 Miller Road, LLC
Location: Miller Road
Block 11.03 Lots 1 & 92
Preliminary & Final Major Subdivision to create four lots

Project Description

The applicant is seeking a Major Subdivision approval in accordance with Section 18-902E., of the UDO. The revised plans indicate the applicant proposes the subdivision of two (2) existing lots to create four (4) proposed lots, instead of five (5) proposed lots, with single-family detached housing. The existing two (2) lots of approximately 1.76 acres known as Lots 1 and 92 in Block 11.03 are proposed to be subdivided into proposed Lots 1.01 – 1.04 on the revised Major Subdivision Plan. The subdivision would create a cul-de-sac for the project, upon which all residential lots would front. The subject property is located on the easterly side of Miller Road, a County Highway, in the west central portion of the Township, north of the Attaya Road intersection. There is no existing curb and sidewalk along this portion of Miller Road. The

existing half right-of-way width of Miller Road in front of existing Lot 1 is twenty-five feet (25'). The existing half right-of-way width of Miller Road in front of existing Lot 92 is thirty feet (30'). Therefore, an additional right-of-way dedication of five feet (5') has been proposed across existing Lot 1. The site is currently occupied by a two-story single-family home on existing Lot 1, while existing Lot 92 is unimproved and wooded. All existing improvements will be removed to make way for the proposed residential subdivision. Besides the existing single-family dwelling the site contains mostly woods. The land generally slopes from northwest to southeast with existing elevations dropping from about seventy-eight feet (78') MSL to sixty-eight feet (68') MSL. The tract is generally bordered by residential development. Proposed storm water management facilities and utilities are associated with this project. The storm water management design has been revised to provide a sand filter and underground recharge system which accounts for water quality and quantity for virtually the entire site. Proposed sanitary sewer is being connected to a newly installed system in Miller Road in front of the site. Proposed potable water for the subdivision is being extended from an existing main in Miller Road to the north of the project. 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 throughout. The subject site is located within the R-12 Single Family Residential Zone District. Single-family detached housing is a permitted use in the zone district. The site is situated within a predominantly residential area. The plans have been revised such that no variances are required to create this subdivision. We have the following comments and recommendations per testimony provided at the 8/7/12 Planning Board Plan Review Meeting and comments from our most recent review letter dated October 18, 2012:

I. Zoning 1. The site is situated within the R-12, Single-Family Residential Zone District. Per Section 18-902E., of the UDO, Single Family Detached Housing, with a minimum lot size of twelve thousand (12,000) square feet is listed as a permitted use. Statements of fact. 2. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are required for the subdivision approval requested:

- Minimum Lot Width – Proposed lot width for Lot 1.02 is 65.55 feet and Lot 1.03 is 60.69 feet, where ninety feet (90') is required.
- Minimum Aggregate Side Yard Setback – Proposed aggregate side yard setbacks for Lots 1.02 and 1.03 are twenty feet (20'), where twenty-five feet (25') is required. The plans have been revised to reduce the number of proposed lots from five (5) to four (4). As a result, variances are no longer required to create this subdivision.

II. Review Comments A. General 1. A new road name has not been proposed for the project. The applicant's engineer indicates that a road name will be provided prior to resolution compliance, should subdivision approval be granted. 2. The applicant's professionals indicate the proposed lot numbers have to be approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. The Tax Assessor shall sign the Final Plat prior to filing, should subdivision approval be granted.

B. Plan Review 1. We have reviewed the Survey provided and offer the following:

- a. Horizontal Datum shall be provided.
- b. The area shall be corrected in General Note #1.
- c. The existing seventy-six (76) contour is on the wrong side of existing spot elevation 75.9. A revised Survey has been provided correcting the above referenced items. The benchmark elevation in General Note #5 shall be corrected to 77.95 for the newly installed sanitary sewer manhole rim. Accordingly, General Note #7 on the subdivision plans should indicate the latest revision date of the survey. These minor corrections can be provided with resolution compliance submission should approval be granted.

2. Curb and sidewalk is proposed throughout the development. Right-of-way dedication is proposed along a portion of Miller Road to bring the entire half right-of-way width across the frontage of the site to thirty feet (30'). The proposed pavement width for Miller Road, as well as curb and sidewalk locations will be dictated by the County. Proposed

sidewalk width shall be dimensioned along with distances from face of curb and right-of-ways. Proposed sidewalk width should be five feet (5') unless pedestrian bypass areas are designed. The proposed sidewalk has been revised to five feet (5') wide. The distance from the face of curb, to the right-of-way line has been revised to ten feet (10'). The three and a half foot (3.5') dimension on the section view of the Driveway Entrance Detail should be from the face of curb. This correction can be provided with resolution compliance submission should approval be granted. 3. The General Notes shall address the ownership of the various components of the proposed storm water management system. Since the bulk of the proposed system is on individual lots, we anticipate a Homeowners Association will be created. The revised plans propose a recharge system in Miller Road which will be owned and maintained by the County. A storm water collection system is proposed for the cul-de-sac. The storm water will be piped to a proposed sand filter and underground recharge system within a Drainage Easement to be dedicated to the Township. Approval of this concept will be required from the Department of Public Works. A one-time maintenance fee of three thousand dollars (\$3,000.00) will be required should the Township accept ownership of the proposed sand filter and underground recharge system. 4. Revisions have been made to the layout which minimizes the area of the proposed corner lots. Accordingly, proposed bearings and distances are required on the revised side lot lines. Revisions must also be made to the proposed distances for some of the rear lot lines. The revised layout increases the proposed lot widths for new Lots 1.02 and 1.03. Therefore, the Table under General Note #4 must be revised. These corrections can be provided with resolution compliance submission should approval be granted. C. Grading 1. Detailed grading is provided on a Grading & Utility Plan which is Sheet 4 of 10. A storm sewer collection system is proposed to collect runoff and recharge it mostly within proposed Lots 1.01 and 1.05. The revised plans propose a storm sewer collection system within the cul-de-sac. Proposed storm sewer piping conveys the runoff to a sand filter and recharge system within new Lots 1.02 and 1.03. 2. A revised profile has been provided for the proposed cul-de-sac. The following revisions are required: a. A proposed vertical curve must be added for the low point of the cul-de-sac. Final revisions may be provided with resolution compliance submission, should approval be granted. 3. Off road profiles are required for the proposed storm drainage. A profile for the proposed infiltration system has been provided. Minor revisions are required to the profile which can be proposed with resolution compliance submission, should approval be granted. 4. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved. A stray solid line parallel to Miller Road shall be removed from Sheet 5. We will review the proposed grading for accuracy and coordination with the Miller Road Improvement Plans after resolution compliance submission, should approval be granted. D. Storm Water Management 1. The proposed storm water management design is feasible. A proposed storm sewer collection system has been designed to convey storm water runoff into a proposed recharge system. The proposed collection system discharges into a network of perforated twenty-four inch (24") Advanced Drainage System (ADS) polyethylene pipes encased in stone. Drywells have also been proposed to collect and recharge roof runoff from the individual units. The majority of the proposed recharge system is located under proposed Lots 1.01 and 1.05. Therefore, we are anticipating the ownership of the storm water management system will be by a Homeowners Association. The proposed storm water management design has been revised. The proposed collection system within the cul-de-sac conveys runoff to a sand filter before discharging into a network of perforated thirty-six inch (36") Advanced Drainage System (ADS) polyethylene pipes encased in stone. Drywells have been eliminated as the proposed grading has been revised to eliminate runoff from leaving the site. The proposed recharge system is located under new Lots 1.02 and 1.03. A drainage easement

to the Township of Lakewood is proposed for the system. Since it is intended for the storm water management system to be owned and maintained by the Township, DPW approval is required. 2. The Storm Water Management Report should be revised to address water quality. An increase of impervious area will exceed a quarter (0.25) acre when considering the proposed dwelling units. The storm water management system has been revised to include a sand filter for water quality. 3. The proposed grading should be revised to reduce the areas of runoff leaving the site and flowing onto adjoining properties. Once this is accomplished, the peak discharge reduction rate should be met for the two-year storm. The proposed grading has been revised along with the location of the infiltration system. Due to these revisions, runoff leaving the site has been reduced and the proposed discharge for all storm events has been met. 4. Soil boring information and locations are required within the proposed project to confirm the seasonal high water table. Permeability testing is also required to determine whether the rate used in the recharge calculations is acceptable. The soil boring and permeability testing information must still be provided. This can be provided with resolution compliance submission should approval be granted. 5. The Storm Water Management Report and Design will be reviewed in detail after revisions to the project are made. We will conduct a final review of the proposed storm water management design for accuracy and coordination with the Miller Road Improvement Plans after resolution compliance submission, should approval be granted. 6. A Storm Water Management Operation & Maintenance Manual must be submitted per the NJ Storm Water Rule (NJAC 7:8) and Township Code. A storm water management maintenance manual has been included as a part of this submission and will be reviewed, 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. Per our site inspection of the property, existing Lot 92 is undeveloped and wooded. Even though existing Lot 1 is developed, much of the land is still wooded. The overall landscape design has been revised to conform to recommendations from the Shade Tree Commission. The Board should provide landscaping recommendations, if any. 2. The Landscaping Plan proposes twelve (12) October Glory Red Maples to be planted with the shade tree and utility easement which abuts the roads. The proposed shade trees which are within the County sight triangle easement should be eliminated. As requested by the Shade Tree Commission, the October Glory Red Maples have been revised to Green Spire Little Leaf Lindens. Eight (8) shade trees have been proposed around the cul-de-sac. No shade trees are proposed along the Miller Road frontage because of the proposed sight triangle easements. 3. We recommend screening be added to the rear of proposed Lot 1.04 because of its shallow depth. Screening has been proposed with Arborvitae along the rear of all lots, as requested by the Shade Tree Commission. 4. Landscaping shall be reviewed in detail during compliance should subdivision approval be granted. We will conduct a final review of the proposed landscaping design after resolution compliance submission, should approval be granted. F. Lighting 1. Proposed lighting has been provided for the cul-de-sac area. The Plan indicates two (2) street lights are proposed. Information on the proposed height of the fixtures should be provided. The proposed height of twenty feet (20') has been provided for the fixtures. 2. A point to point diagram must be provided to verify the adequacy of the proposed lighting. A point to point diagram shall be provided with resolution compliance submission, should approval be granted. 3. Lighting shall be reviewed in detail during compliance should subdivision approval be granted. Final lighting design will be reviewed with resolution compliance submission, should approval be granted. G. Utilities 1. Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company. Statements of fact. H. Signage 1. Proposed regulatory signage has been

shown on the plans. Regulatory sign details have been provided. Final sign types and locations will be reviewed with resolution compliance submission, should approval be granted. I. Environmental 1. Tree Management A Tree Protection Plan has not been submitted and will be required as a condition of approval. The plan shall comply with new ordinance Chapter XIX, Protection of Trees. An inventory is required, compensatory planting must also be addressed. Preparation of a Tree Protection Management Plan shall be a condition of approval. In addition to supplying the plan with resolution compliance submission, the plan shall be submitted to the Lakewood Shade Tree Commission. J. Construction Details 1. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. Construction details will be reviewed after resolution compliance submission, should approval be granted. K. Final Plat (Major Subdivision) 1. Compliance with the Map Filing Law is required. Statement of fact. 2. The Final Plat will be reviewed in detail during resolution compliance should subdivision approval be granted. We have reviewed the revised Final Plat and offer the following: a. The proposed lot widths for new Lots 1.02 and 1.03 must be revised in the Zone Requirements Table. b. Proposed bearings and distance are required on the revised lot lines between new Lots 1.01/1.02 and 1.03/1.04. c. The 152.29 foot rear lot line dimension on proposed Lot 1.01 must be corrected. d. The 266.97 foot lot line dimension on proposed Lot 1.02 must be corrected. e. Rear lot line dimensions are missing from the side lot line between proposed Lots 1.03 and 1.04 to the property corners. f. The Final Plat will be reviewed in detail with 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. 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. Pfeffer, Esq. stated a few things changed since the tech meeting. They originally came in with a five lot subdivision which required some variances. They are now here with a four lot subdivision seeking no design waivers or variances also the County has done some sanitary sewer work on Miller Road. They can meet all the comments in the engineer's report.

Mr. Stuart Challoner, P.E. was sworn in.

Mr. Schmuckler opened the microphone to the public.

Mr. Meyer Svi, Miller Road, stated that he lives behind this proposed application. He said this application is changing the character of the area. He is also concerned about the drainage.

Mr. Vogt stated that the natural drainage of the property does go towards their property. Looking at the way the survey is drawn up, it does not necessarily flow unto their property but almost in parallel fashion at least based on the topography shown. This project is going to be designed in accordance with stormwater rules. A condition will be that they will meet with the applicant's engineer during compliance to make sure that public works is comfortable taking over the drainage system. If that is not the case, they will work on the redesign. In orders, it is being designed in accordance with State standards to offset the impacts of the increase of the runoff that would otherwise result because of paving.

Mr. Svi stated that there is a major water problem in the area.

Mr. Challoner stated that they use state of the art engineering practices that are common throughout the State. The system has been designed in accordance and they are confident the design will function.

Mr. Yaakov Oelbaum, 68 Leigh Drive, said he flooded and is worried about the drainage.

Mr. Schmuckler closed to the public.

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

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

7. **SP 1954A** (No Variance Requested)
Applicant: Harley Davidson of Ocean County
Location: Route 70
Block 1086 Lot 16
Amended Preliminary & Final Site Plan for proposed addition to existing motorcycle dealership building with associated site improvements

The applicant's attorney has requested this application be carried to the December 18, 2012 meeting. No further notice required.

8. **SP 1975** (Variance Requested)
Applicant: Lakewood Housing Partners
Location: Southeast corner of Vermont Avenue & Oak Street
Block 1154 Lots 1 & 10
Block 1155 Lots 1 & 6
Amended Preliminary & Final Site Plan for sixty-five affordable housing rental units

The applicant's attorney has requested this application be carried until further notice. Notices will be required.

9. **SP 1992** (No Variance Requested)
Applicant: Mikor Hatorah c/o Jeffrey Schron
Location: Massachusetts Avenue
Block 524.28 Lot 73.01
Preliminary & Final Site Plan to construct a gymnasium for an existing school

The applicant's attorney has requested this application be carried to the December 18, 2012 meeting. No further notice required.

5. CORRESPONDENCE

6. PUBLIC PORTION

7. APPROVAL OF MINUTES

A motion was made and seconded to approve minutes from the November 13, 2012 meeting.

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

8. APPROVAL OF BILLS

A motion was made and seconded to approve.

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

9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary