

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. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman

3. SWEARING IN OF PROFESSIONALS

Mr. Magno was sworn in.

4. PROPOSED ORDINANCE REVIEW

Mr. Follman stepped out.

1. 18-903.R. B-6 Zone – revision to restrict residential uses to all areas except fronting on Cedarbridge or that portion of New Hampshire that is within 350’ of the intersection with Cedarbridge

A motion was made Mr. Herzl, seconded by Mr. Banas to recommend the ordinance.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler

Mr. Follman returned to the meeting.

2. 18-1008 Conditional Uses, Service Stations and Public Garages – revise driveway widths to be no more than thirty-six feet wide, and change maximum size of a fast food store in conjunction with a gasoline service stations from 2,400 gross floor area to a maximum floor area ratio (FAR) of 0.12.

Mr. Franklin asked about the existing service stations and whether they will be non-conforming.

Mr. Jackson said in general, if there are conditional uses for gas stations and you no longer fulfill the conditional use that would make you non-conforming.

Mr. Flannery said the purpose of this is to allow a larger site to have a larger facility.

Mrs. Morris pointed out that this is specifically for service stations that has a convenience store has a dual use.

A motion was made Mr. Schmuckler, seconded by Mr. Follman to recommend the ordinance. Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman

3. **18-200 Definitions, Sign Types** – add “Digital Billboard”; also add conditional use for the same to the B-1, B-3, B-4, HD-6, HD-7, and M-1 zones

A motion was made Mr. Follman, seconded by Mr. Schmuckler to recommend the ordinance. Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman

5. DISCUSSION

1. **SP 1998 Congregation Birchas Chaim** – discussion of project approval and the Board's intent regarding the inclusion/exclusion of clearing on Block 1130 Lot 1

Mrs. Morris explained that she has provided plans to the Board members and they do show re-grading of the neighboring vacant lot in association with improvements of Mermaid Avenue. However, there was no specific discussion regarding the clearing of that lot and as a result there has been contest from one of the neighbors about that clearing and whether or not that should be permitted.

Mr. Jackson said the issue is that the resolution prepared mistakenly said that the lot may be cleared for recreational purposes. They realized that was an error and revised the resolution to say no clearing of that lot. Ally then called him and said there has to be some clearing associated with the grading and drainage as shown on the plans. He thought it could be an administrative change but since it is being contested that they should put it on the agenda for discussion and get the Board's official approval to modify that language in the resolution. Mr. Liston called him and told him that the Board does not have the authority to modify the resolution because of the pending lawsuit filed by Mr. Liston. Mr. Jackson agrees that that is usually true but he is relying on the noticing requirements that say you don't even have to give notice to make a non-material change to a resolution. He views this as non-material because it is basically clarifying language.

Ms. Kelly Johnson, Esq. appearing on for Edward Liston, Jr. Esq., on behalf of Mark Properties, LLC stated that it is their position that this would not be a non-material administrative change. It would be considered a re-hearing or re-consideration. This specific issue is right now before the superior court. In addition, the resolution is a final decision. It has been 45 days, all rights have vested. If there's going to be a re-consideration by the Board, which has been characterized as a clarification, there would have to be notice requirements met for the interested party that live in the adjoining area. Again, they are in the position that the board does not have the power or authority to address this issue at this point.

Mr. Penzer, Esq. Stated it is his opinion that this is a minute amount and the fact of the matter is it makes no difference whether or not the 45 days have vested because the UDO does allow

administrative changes up to 1,500 sq ft. As Mr. Jackson said and he agrees with, it was not intended to clear for recreational purposes but on the other hand it was not intended to block all clearing. Mr. Krupnick has lots behind this and originally the building was going to be across both roads. To avoid a problem, the building was moved away from the road to allow access to that road. At no time was it ever said that nothing was going to be done on the other side. There was some clearing done for the grading and drainage in order to be able to maintain the building. They are not blocking access to the road that Mr. Krupnick can use to the back. Even if there is a pending lawsuit, if this Board makes a ruling he thinks the court will take that into consideration.

Mr. Neiman said that they never had any intention of no clearing that other lot. That was never discussed. They did discuss where to put the basketball court where the applicant agreed to put it behind their building and not on the lot in question.

Mr. Jackson said he can write a letter to the PB administrator explaining that the Board was not intending to undo the plans. What is shown on the plans can be built.

Ms. Johnson said there has been at least 70% clearing on that lot.

A motion was made by Mr. Banas, seconded by Mr. Follman to authorize Mr. Jackson to write a letter to the Planning Board Administrator clarifying what has been discussed.

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

6. MEMORIALIZATION OF RESOLUTIONS

- 1. SD 1883** (Variance Requested)
Applicant: Boneh Builders LLC
Location: East Kennedy Boulevard
Block 174 Lots 17, 18, 50
Major Subdivision to create thirteen lots

Mr. Jackson explained that the applicant's attorney wanted a few conditions concerning waivers deleted from the resolution but he believes they should stay in the resolution.

Mr. Doyle stated that the applicant had previously proposed a detention basin and the report said you must pay a maintenance fee for that basin. During the course of the application, they changed the drainage system so the basin would no longer be necessary and a conventional drainage facility in the streets was proposed. However, the engineer's comment was still in place. They are not asking for a waiver because no basin is proposed so it is his stance that any paragraphs referencing that waiver should be deleted from the resolution.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to memorialize the resolution as is.

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

**PLANNING BOARD MEETING
JULY 23, 2013**

**TOWNSHIP OF LAKEWOOD
PUBLIC HEARING MEETING**

2. **SD 1887** (Variance Requested)
Applicant: Harold Frankel
Location: County Line Road East & Clifton Avenue
Block 106 Lots 4 & 5
Minor Subdivision to create three lots (two duplex units and one synagogue).

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the resolution.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman

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

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the resolution.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman

4. **SD 1890** (Variance Requested)
Applicant: Spruce Investment LLC
Location: East Spruce Street
Block 855.02 Lot 28
Minor Subdivision to create 2 lots

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the resolution.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman

5. **SP 2006** (Variance Requested)
Applicant: Congregation Bais Elimelech
Location: East Harvard Street
Block 226 Lots 16 & 17
Site Plan for addition to existing synagogue

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the resolution.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman

6. **SP 2007** (Variance Requested)
Applicant: 40 Airport Acquisition LLC
Location: Airport Road
Block 1160.12 Lot 263
Site Plan for a second office building on the site

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the resolution.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman

7. **SP 2018AA** (Variance Requested)
Applicant: Bnos Bracha Inc

Location: Paco Way and Corporate Road
Block 1160.05 Lot 49

Change of Use/Site Plan Exemption to convert existing warehouse into a school

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the resolution.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman

7. PUBLIC HEARING

1. **SD 1886** (No Variance Requested)
Applicant: Yaakov Klugman
Location: Marlin Avenue
Block 1159.02 Lot 30
Minor Subdivision to create 2 lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 200' X 218' rectangular property totaling forty-three thousand six hundred square feet (43,600 SF) or 1.0 acres in area known as Lot 30 in Block 1159.02 into two (2) single family residential lots. The two (2) rectangular lots would be 100' X 218' twenty-one thousand eight hundred square foot (21,800 SF) properties designated as proposed Lots 30.01 and 30.02 on the subdivision plan. The proposed lots would each have one hundred feet (100') of frontage on Marlin Avenue. The site is vacant and wooded. Public water and sewer is not available. The site is situated in the south central portion of the Township on the east side of Marlin Avenue, four hundred feet (400') north of Salem Street. Marlin Avenue is a paved municipal road with a fifty foot (50') right-of-way in fair to good condition without existing curb and sidewalk in front of the site. Construction of curb and sidewalk is proposed with this application. The existing pavement would be widened to a fifteen foot (15') half width by the location of the curb construction. The survey indicates the site is vacant and heavily wooded. The topography indicates the property to be at a high point with minimal slope towards the northeast. An existing utility pole within the right-of-way is missing from the survey near the north property line. No individual tree locations have been shown. The proposed lots are situated within the R-20 Single Family Residential Zone. The surrounding uses are entirely residential. No waivers or variances are being requested for proposed Lots 30.01 and 30.02. We have the following comments and recommendations per testimony provided at the 6/11/13 Planning Board Plan Review Meeting and comments from our initial review letter dated May 29, 2013: 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 have been requested for this subdivision. Statement of fact. II. Review Comments 1. The survey should be revised to add an existing utility pole near the north property line. The applicant's engineer indicates that a revised survey will be submitted as a condition of approval. 2. The General Notes and application list Mark Properties, LLC as the owner and Yaakov Klugman as the applicant. However, the Owner's Certification lists Yaakov Klugman as the owner. The applicant's engineer indicates the Owner's Certification will be corrected. The correction can be provided with resolution compliance submission should approval be granted. 3. The General Notes indicate that four (4) off-street parking spaces will be required for each lot and that four (4) off-street parking spaces will be provided for each lot. The General Notes indicate that all proposed site improvements to be

provided at time of plot plan submittal. Off-street parking shall be in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided. Statements of fact. 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. The Improvement Plan proposes five (5) October Glory Maple street trees within the 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 confirms the heavily wooded status of the tract listed on the survey. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 30.01 and 30.02. The Board should provide landscaping recommendations, if any. 6. Should basements be proposed, soil profile locations should be shown on the Improvement Plan. At this time, no soil profile logs have been provided to justify seasonal high water table information. Soil profile logs can be provided with plot plan submittal should approval be granted. 7. The General Notes indicate new lots are to be serviced by private individual potable wells and septic systems. Approvals will be required from the Ocean County Board of Health. Statements of fact. 8. Testimony is required on the disposition of storm water from the development. We anticipate recharge will be proposed to address the increase in runoff from proposed Lots 30.01 and 30.02. The applicant's engineer indicates that testimony will be provided on storm water management. 9. Testimony should be provided on proposed site grading. A high point must be designed for the proposed grading of the new curb indicated on the Improvement Plan to ensure that runoff will not accumulate in front of the property. The proposed high point for the new curb shall be labeled. Additional proposed grades shall be provided. The applicant's engineer indicates the testimony will be provided on proposed site grading. 10. Compliance with the Map Filing Law is required. Statement of fact. 11. The proposed concrete curb design along Marlin Avenue will require pavement widening and a Typical Pavement Widening Section has been provided. However, the proposed pavement section must be coordinated with the Pavement Repair Detail. The Pavement Repair Detail shall be corrected. The initial stabilized base course shall be four and a half inches (4-1/2") thick, with the final thickness two and a half inches (2-1/2") thick. Final construction details will be reviewed 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; and e. All other required outside agency approvals.

Mr. Magno stated that there are no variances or waivers requested for this application.

Mr. Lines, P.E., P.P. was sworn in. They are proposing a subdivision of a 43,600 sq ft lot into two 21,800 sq ft lots in the R-20 zone. The lots are fully conforming. All items in the engineer's review letter can be met.

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

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

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

2. SD 1891 (Variance Requested)

Applicant: 11 Clover LLC
Location: Clover Street
Block 539 Lots 1, 2, 17, & 18
Minor Subdivision to create 7 lots

Project Description

The applicant seeks minor subdivision approval to subdivide four (4) existing lots totaling thirty-seven thousand five hundred square feet (37,500 SF) known as Lots 1, 2, 17, and 18 in Block 539 into seven (7) new residential lots. The subdivision proposes to provide for three (3) duplex buildings on six (6) zero lot line properties, and one (1) single-family dwelling on one (1) lot. The proposed lots are designated as Lots 1.01 through 1.07 on the subdivision plan. Proposed Lot 1.01 will contain the single-family dwelling on a single lot. Proposed Lots 1.02 through 1.07 will contain the three (3) duplex buildings on zero lot line properties. Public water and sewer is available. The site contains an existing two-story dwelling. The plans state that all existing structures are to be removed. The site is situated in the north central portion of the Township on the southeast corner of Ocean Avenue and Clover Street. This intersection is signalized. Ocean Avenue (Route 88) is a State Highway with an existing right-of-way width of fifty feet (50') in front of the site according to the Tax Maps. Clover Street is a County Highway with an existing right-of-way width of sixty feet (60') across the frontage of the tract according to the Tax Maps. Both roads are paved and have old existing sidewalk and curbing. The existing sidewalk and curbing is proposed to be replaced along the Clover Street frontage because of the proposed driveways associated with the subdivision. The property has previously been disturbed and slopes from northeast to southwest. The highest elevation is approximated forty-seven (47) in the northeast corner of the site and the lowest elevation is about forty-two (42) in the southwest corner of the tract. There are a number of large existing trees onsite which have been located on the survey. Existing utilities are readily available to the site. The surrounding area to the property is predominately residential, comprised of single family homes. Variances will be required to create this subdivision. The lots are situated within the R-7.5 Single Family Residential Zone. We have the following comments and recommendations per testimony provided at the 6/11/13 Planning Board Plan Review Meeting and comments from our initial review letter dated June 6, 2013: 1. Zoning 1. The parcels are located in the R-7.5 Single-Family Residential Zone District. Single-family housing with a minimum lot size of seven thousand five hundred square feet (7,500 SF) and duplex housing with a minimum lot size of ten thousand square feet (10,000 SF) are permitted uses in the zone. Zero lot line subdivisions for duplexes are allowed. Statements of fact. 2. Based on the proposed irregular configuration of new Lot 1.01 for the single-family dwelling, a variance is required for either Minimum Rear Yard or Side Yard Setback. A 7.27 foot distance is proposed to the skewed lot line which we interpret as a rear lot line, whereas a fifteen foot (15') rear yard setback is required. However, even if the skewed lot line is interpreted as a side lot line, the architectural plan for the single-family dwelling indicates a proposed deck which would violate the required seven foot (7') side yard setback. The applicant's engineer indicates the Architectural Plans will be revised. Therefore, we interpret that a variance will be required for Minimum Rear Yard Setback. A 7.27 foot distance is proposed from a rear building corner to the skewed lot line which we interpret as a rear lot line. A fifteen foot (15') rear yard setback is required. The Board shall take action on the required variance. 3. Per review of the Subdivision Map and the zone requirements, the following variances are required for the proposed duplex units on the zero lot line properties of new Lots 1.02 through 1.07: • Minimum Side Yard Setback – five feet (5') proposed, seven feet (7') required – proposed condition. • Minimum Aggregate Side Yard Setback – ten feet (10') for

the proposed combination of Lots 1.02/1.03, 1.04/1.05, and 1.06/1.07, whereas fifteen feet (15') is required – proposed condition. The Board shall take action on the required variances. 4. The architectural plans submitted show proposed second floor square footage of one thousand five hundred twenty square feet (1,520 SF) and covered front entrances for the buildings which are not shown on the minor subdivision plan. These proposed entrances count toward building coverage. Therefore, additional variances for Maximum Building Coverage will be required for the duplex units. The proposed building coverage will exceed the thirty percent (30%) permitted. The applicant's engineer indicates that in order to reduce the coverage, the proposed front porches will be recessed into the buildings on revised Architectural Plans. Therefore, the applicant intends to comply with the allowable building coverage and no additional variances will be required. 5. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. The necessary corrections shall be made to the Zoning Data for resolution compliance submission should approval be granted. In addition, the plan should indicate that vehicular access from Ocean Avenue is prohibited, thereby negating the need for any Access Permits from the NJDOT. II. Review Comments 1. A Survey of the property with topography has been provided. The survey is incomplete and should be finalized. Lot areas, correct right-of-ways, notes, etc., should be added. The applicant's engineer indicates that a revised survey will be prepared and provided with resolution compliance submission should approval be granted. 2. The survey shows a shed encroachment from adjoining Lot 16. An easement should be provided to existing Lot 16 to allow the shed to remain. The applicant's engineer indicates the neighbor will be contacted to remove the shed. Removal of the shed or providing an easement to allow the shed to remain must be a condition of any approvals. 3. We noted some large trees located on the site that may interfere with the construction of the proposed buildings. These trees have been indicated on the survey. The Notes on the Improvement Plan indicate that tree removal permits are to be acquired when plot plans are submitted. Statements of fact. 4. The plans indicate that a minimum of four (4) off-street parking spaces will be required and provided for each lot. The proposed architectural plans show five (5) bedroom units with unfinished basements. Based on the Township parking ordinance this increases the number of proposed bedrooms to seven (7) which requires the four (4) off-street parking spaces per unit. Parking should be provided to the satisfaction of the Board and comply with ordinance 2010-62. The applicant's engineer indicates that off-street parking will be provided in accordance with the ordinance. The proposed design of the off-street parking shall be included on the Improvement Plan submitted for resolution compliance review should approval be granted. 5. Basements are proposed for the future dwellings on Lots 1.01 through 1.07; therefore seasonal high water table information will be required. The Notes on the Improvement Plan indicate that seasonal high water table information will be provided at time of plot plan submittals. Statements of fact. 6. A proposed six foot (6') wide shade tree and utility easement is shown across the road frontages on the subdivision plan. The proposed easement was incorrectly drawn as five feet (5') wide. As a result, some of the proposed easement dimensions on new Lot 1.01 are a foot long and the proposed easement areas for the individual lots are low. The proposed easement dimensions for new Lot 1.01 shall be corrected with resolution compliance submission should approval be granted. 7. A 30' X 30' sight triangle easement dedicated to the Township has been provided at the intersection of Ocean Avenue and Clover Street. The easement is not necessary since the Township does not own the adjoining roads and the intersection has a signal. Any required sight triangle easements would be dictated by the County or State. The sight triangle easement

has been revised to be dedicated to Ocean County. The applicant's engineer indicates that Ocean County approval will be obtained. 8. The plan indicates proposed lot numbers have been approved by the tax assessor's office. The map shall be signed prior to filing, should approval be granted. 9. The concrete curb and sidewalk along Clover Street is proposed to be replaced. A pedestrian passing lane is proposed which allows for a four foot (4') sidewalk width. Existing curb and sidewalk along Ocean Avenue will remain. Statements of fact. 10. Twelve (12) Willow Oak shade trees are proposed within the shade tree and utility easement for the project. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations 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 Shade Tree Commission made the following comments: a. Foundation plantings for duplexes shall be per ordinance of five (5) plants per twenty feet (20') of foundation. b. Willow Oak is a fall planting hazard, spring planting only unless in containers. The Board should provide landscaping recommendations, if any. 11. Proposed grading is indicated on the Improvement Plan. Coordination of proposed grading is necessary because of the numerous lots and limited space between buildings. The proposed grading must be revised based on the architectural plans. A proposed separation of 10.33 feet is required between the basement floor and first floor elevations. A proposed separation of 5.17 feet is required between the first floor and building corner elevations. An overall proposed grading scheme shall be provided on the Improvement Plan with resolution compliance submission should approval be granted. 12. Storm water management from development of proposed Lots 1.01 through 1.07 must be addressed. The project is major development since over a quarter acre of impervious surface will be added. The applicant's engineer indicates that testimony will be provided. 13. Compliance with the Map Filing Law is required. Statement of fact. 14. The Improvement Plan must be revised to include drainage as required. This Improvement Plan may be provided during compliance if approval is given. Statements of fact. 15. Construction Details should be revised and will be reviewed during compliance should approval be given. Statement of fact. 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; and d. All other required outside agency approvals.

Mr. Magno stated that variances are requested for minimum side yard setback, minimum aggregate side yard setback and rear yard setback. The applicant has agreed to revise the architectural plans so the coverage variance will not be necessary. It is suggested that access not be permitted to the single family residence from Route 88. This way there are no issues with access permits and DOT.

Mrs. Miriam Weinstein, Esq. said the lots are conforming and the only variances being requested are for side yard setbacks of 5 ft where 7 ft is required as well as for the combined side yard setback where 15 ft is required and 10 ft is provided.

Mr. Brian Flannery, P.E., P.P. was sworn in. He entered the minor subdivision plan in as exhibit A-1 and a tax map showing the property was entered as exhibit A-2. This area is in need of redevelopment. It is in an area of town where the houses are older and the area is an eyesore. A similar application was approved across the street with variances. Three duplexes and one single family home are proposed. The variance for the rear setback is on the single family lot in

the very corner. The variance could be considered a side or rear yard setback. The rear yard is more than useable with that requested variance.

Mr. Schmuckler asked about Route 88 being widened.

Mr. Flannery said that typically the State does not require a road widening easement. When the State is ready to widen then they would acquire the property at that time.

Mr. Schmuckler said that several developments down Route 88 were required to do that.

Mr. Flannery said he has represented several applicants where the State did not make them do that. There will be a stormwater management system provided for these lots which will be done during resolution compliance.

Mr. Schmuckler asked if Clover was a County Road.

Mr. Magno said yes. The application requires County approval.

Mr. Schmuckler expressed his concerns about this intersection and the size of the right-of-way.

Mr. Flannery stated they will be applying to the County for approval. If the County requires them to widen the road, they will do that.

Mr. Schmuckler feels this application will hurt Lakewood in the long run. He sees a lot of detriments to give these variances.

Mr. Flannery said they are not asking for any relief for the right-of-way width or for any variances in the front setbacks. The parking is also double stacked so they are set even further from the roadway which would enable the County to widen the road even further.

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

A motion was made by Mr. Schmuckler, seconded by Mr. Franklin to deny the application. He believes this property can be developed without any variances.

Affirmative: Mr. Franklin, Mr. Schmuckler

No: Mr. Herzl, Mr. Banas, Mr. Neiman, Mr. Follman

The motion did not pass.

A motion was made by Mr. Banas, seconded by Mr. Herzl to approve the application.

Affirmative: Mr. Herzl, Mr. Banas, Mr. Neiman, Mr. Follman

No: Mr. Schmuckler, Mr. Franklin

- 3. SD 1892** (No Variance Requested)
Applicant: Yeshiva Yesodei Hatorah
Location: Bellinger St, South Bell Ave, South Lafayette Ave, Read Pl
Block 804 Lots 1 & 2

Block 823 Lot 1
Block 830 Lots 40 & 41

Major Subdivision for 41 townhouses and associated site improvements

Project Description

The applicant is seeking Preliminary and Final Major Subdivision approval. It is proposed to construct forty-one (41) new townhouses along with the required right-of-way improvements in the R-40/20 Cluster Zone. The revised plans indicate the townhouse units are proposed in accordance with the standards of the Planned Educational Campus Ordinance as part of the Yeshiva Yesodei Hatorah Campus. The proposed project design improves existing right-of-ways and creates access drives to provide adequate circulation for the townhouse units. The proposed access drives would have paved widths of twenty-four feet (24') and the improved right-of-ways would have pavement widths of thirty feet (30'). Curbing is proposed throughout the development. Sidewalk is proposed in front of the units and in some other locations. The Overall Development Plan indicates one hundred sixty-four (164) parking spaces will be required for residential parking. This is based on four (4) parking spaces required for each dwelling unit. The Overall Development Plan indicates proposed driveway parking on the townhouse lots would be ninety-six (96) spaces, while other parking stalls for the project will consist of seventy (70) spaces. Therefore, the total proposed parking provided for the project is one hundred sixty-six (166) spaces, eight (8) of which are van-accessible handicapped. Buildings # 1, 2, 5, 6, and 7 of the project proposes six (6) unit townhouse structures. Building # 3 is proposed to have four (4) townhouse units. Lastly, Building # 4 is proposed to have seven (7) townhouse units. Two (2) tot lots are being proposed on the project for recreational purposes. In the southeast corner of the site at the intersection of South Bell Avenue and Bellinger Street in Block 804, a large storm water management basin is being proposed. The subject property consists of multiple Blocks and Lots. The revised plans indicate the total area of the tracts of land is 8.5 acres. The roads that border the properties, South Pershing Avenue, Bellinger Street, South Bell Avenue, Towers Street, Read Place, and South Lafayette Avenue, are all unimproved and municipally owned. Portions of some of the roadways, South Pershing Avenue, Read Place, and Towers Street, will require vacation from the Township Committee for development of the project. The project is located in the southern central portion of the Township. Wooded, vacant land borders the site to the east. A girl's high school is currently under construction to the south of the property. To the west of the tract is the approved NJ Hand Affordable Housing Project. The Evergreen Cemetery is located to the north. The site is in the R-40/20 Cluster Zone District. We have the following comments and recommendations per testimony provided at the 6/11/13 Planning Board Plan Review Meeting and comments from our initial review letter dated June 6, 2013: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours within 200 thereof. 3. B10 - Man-made features within 200 feet thereof. 4. C14 - Tree Protection Management Plan. Provided the topography is revised to include the Bellinger Street right-of-way between South Bell Avenue and Yesodei Court, as well as the as built conditions of the Bellinger Street/Yesodei Court intersection, there is more than enough information provided to prepare the design. Therefore, we support the "B-Site Features" requested waivers. The Board approved the Site Features submission waiver subject to providing the additional topography. A waiver has been requested from the submission of a Tree Protection Management Plan. The existing property is wooded and dominated with pitch pine. We can support the granting of the requested waiver from C14 for completeness only, provided there is an agreement to comply with the Township's Tree Ordinance as a condition of

approval. The Board approved the submission waiver of a Tree Protection Management Plan for completeness purposes. II. Zoning 1. The parcels are located in the R-40/20 Cluster Zone District. In accordance with the initial approval of the existing school, dormitories, and townhouses, the Townhouse Requirements in Section 18-1010 of the UDO were used for the townhouse portion of the development. The revised plans propose townhouses in accordance with the Planned Educational Campus Requirements. Per Section 18-902H.6.a.(1), townhouses are a permitted dwelling unit type as long as occupied solely by students, faculty or staff of the educational institution, by persons directly associated with the educational institution, and or by their immediate families. 2. A partial waiver is required for the construction of sidewalk. At a minimum, we recommend that all proposed units and parking areas be connected by sidewalk. The revised plans connect all proposed units and parking areas with sidewalk. The Board shall take action on the partial waiver required for the construction of sidewalk along the remaining road frontages. 3. A partial waiver should be considered for shade trees. Shade tree and utility easements are proposed throughout the project. However, there will be undeveloped frontage of the project where it would be unnecessary to clear existing trees just to plant shade trees. The Board shall take action on the partial waiver for planting of shade trees. III. Review Comments A. General/Layout/Parking 1. Any approval of the current configuration of the project shall be conditioned upon the Lakewood Township Committee vacating the necessary portions of South Pershing Avenue, Read Place, and Towers Street. The street vacations can be performed during compliance, if/when approval is granted. Subdivision approval will be conditioned upon these vacations by the Township Committee. 2. Proposed improvements and grading cross the future street vacation limits. Therefore, easements will be required from the future property owners. Part of a Private Access Drive is proposed on land reverting to Lot 1 in Block 821. Proposed grading encroaches onto lands reverting to Lots 42 and 43 in Block 830, and Lot 1 in Block 805. An updated Property Owners list, which must be added to the plans, indicates that all of these properties are owned by the Township. The revised plans eliminate the proposed grading that would encroach onto lands reverting to Lots 42 and 43 in Block 830. Per communications with the applicant's professionals, the remaining matters will be addressed with resolution compliance submission should approval be granted. 3. A Boundary & Topographic Survey has been submitted. The following revisions are required: a. Topography must be added for the Bellinger Street right-of-way between South Bell Avenue and Yesodei Court, including the as built conditions of the Bellinger Street/Yesodei Court intersection. b. The horizontal datum should be noted as assumed based on the Final Plat submitted. c. A vertical bench mark shall be added. d. An apparent overlap with the Evergreen Cemetery should be corrected to a gore. e. The initial date of the survey shall be corrected. Per communications with the applicant's professionals, revised Survey will be provided with resolution compliance submission should approval be granted. 4. Revisions are required to the General Notes and Index of Drawings. Per communications with the applicant's professionals, final corrections will be provided with resolution compliance submission should approval be granted. 5. Additional proposed design comments are required on the Overall Development Plan, particularly connecting the new improvements on the plans to the existing. Additional information can be provided with resolution compliance submission should approval be granted. 6. Proposed unit sizes are listed as either 26' X 50' or 27' X 50'. No other information has been provided for the floor plans of the townhouse buildings. Preliminary architectural drawings have been provided. This is satisfactory. 7. Off-street parking for townhouse residents requires that four (4) spaces shall be provided for each dwelling unit. In order to meet these requirements a total of fifty-two (52) perpendicular on-street parking spaces are being proposed within public roads. Testimony shall be provided on off-street parking. Fact. 8. Eight (8) handicap parking spaces, all being van

accessible, are proposed for the project. This is sufficient for the total of one hundred sixty-six (166) spaces proposed. Proposed curb ramps with detectable warning surface should be provided on the project. Proposed curb ramps with detectable warning surface can be provided with resolution compliance submission should approval be granted. 9. It appears all proposed road widths and driveway access aisle widths are sufficient for the two-way circulation patterns shown. A Circulation Plan should be provided for confirmation. Per communications with the applicant's professionals a Circulation Plan will be provided as a condition of approval (if forthcoming). 10. The plans should be revised to indicate that collection of trash and recyclable material will be by the Township, as is proposed for the initial school, dormitory, and townhouse project. Accordingly, a General Note has been added to the plans. The preliminary architectural plans propose individual enclosures in front of the units. This is satisfactory. 11. Curb is proposed throughout the project and along all the road frontages of the property. We recommend proposed sidewalk be provided as connections between buildings, parking, and tot lots. Per communications with the applicant's professionals, connections to tot lots will be provided with resolution compliance submission should approval be granted. 12. Proposed sight triangle easements should be addressed throughout the proposed project. Per communications with the applicant's professionals, final design revisions will be provided during compliance, if approval is granted. 13. Sidewalk easements should be considered where proposed perpendicular on street parking encroaches onto individual lots. Per communications with the applicant's professionals the proposed easements will be added with resolution compliance submission should approval be granted. 14. The Final Plat indicates the proposed lot for the storm water management basin will be owned by the applicant. A General Note has been added to the plans indicating the following: a. All storm sewers located within the public right-of-way to be owned and maintained by the Township of Lakewood. All storm sewers located outside of the public right-of-way shall be owned and maintained by the school or Homeowner's Association. 15. Two (2) tot lot locations are indicated, but no designs are being presented. Per communications with the applicant's professionals, the proposed tot lot designs will be provided with resolution compliance submission should approval be granted. 16. The applicant should provide Homeowners Association documents for the townhouse portion of the development, with necessary revisions, for the Board's Professionals to review. Statement of fact. B. Architectural 1. Conceptual elevations have been provided for five (5) unit and six (6) unit townhouse buildings. However, no five (5) unit buildings are proposed on the project. In addition to the six (6) unit buildings, four (4) unit and seven (7) unit buildings are also proposed for the subdivision. Additional architectural drawings are required which should include floor plans for the proposed townhouses. The proposed townhouse conceptual elevations show two (2) floors, with basements. The proposed mean building height is twenty-nine feet, six inches (29'-6"). The allowable building height is thirty-five feet (35'). Preliminary architectural drawings have been submitted for the proposed four (4) unit, six (6) unit, and seven (7) unit buildings. The title for Sheet #A2 shall be corrected to a Seven Unit Building. The proposed mean building height has been revised to thirty-two feet (32'). 2. Per communications with the applicant's professionals, proposed HVAC units will be located on the ground, and will be screened as depicted on future design submissions. The preliminary architectural plans submitted show the proposed HVAC units in the rear of the buildings with screening walls. C. Grading 1. A detailed review of the proposed grading will take place after revised plans are submitted. A detailed grading review will be conducted after compliance submission should approval be granted. D. Storm Water Management 1. In order to mitigate the additional runoff created by the increase in impervious area due to the proposed development, a storm water management system is proposed to manage increased runoff qualitatively and quantitatively. A

water quality basin is proposed for pretreatment. A storm water management basin is proposed for volume and rate. Statements of fact. 2. The storm sewer is proposed on a combination of private drives and public right-of-ways. These collection systems will drain to a storm water management basin owned and maintained by the Homeowners Association. Clarification is need on ownership of various components of the proposed storm sewer system. A General Note has been added clarifying ownership. Proposed transition manholes shall be added at the right-of-way lines for resolution compliance submission should approval be granted. Department of Public Works approval will be required. 3. Test pits have been provided for seasonal high water table information. However, no test pits have been taken in the location of the storm water management basin and are required. Permeability testing of the soils at the proposed storm water management basin location is also required. The additional information must be provided with resolution compliance submission should approval be granted. 4. A four foot (4') high post and rail fence is proposed around the basin with a ten foot (10') wide gate for access. The basin design must be revised to permit vehicular access to the bottom elevation. The revised design must be provided with resolution compliance submission should approval be granted. 5. A Storm Water Management Operation & Maintenance Manual will be required per the NJ Storm Water Rule (NJAC 7:8) and Township Code. The Manual may be provided with resolution compliance submission should approval be granted. E. Landscaping 1. A landscape design has been provided on Sheets 12 through 14. Landscaping notes and details are included. At this time, the landscape design only includes proposed shade trees. The proposed shade trees have been revised in accordance with the Shade Tree Commission recommendations. Completion of the landscape design shall be provided with resolution compliance submission should approval be granted. 2. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Township Shade Tree Commission as practicable. The Shade Tree Commission has made the following recommendation: a. Change Pin Oak to Willow Oak. b. Maintain half of the Sunset Maples and change half to Thornless Honey Locust. c. Add foundation plantings on all units. Five (5) plants per twenty feet (20') of foundation. The Board shall supply the applicant with proposed landscaping recommendations, if any. 3. We recommend that all proposed utilities and easements be added to the plan to prevent any planting conflicts. This information can be finalized with resolution compliance submission should approval be granted. 4. A detailed review of the landscape design will be undertaken when plan revisions are submitted. A detailed landscaping review will be conducted after resolution compliance submission should approval be granted. F. Lighting 1. A lighting design has been provided on Sheets 15 through 17 of 33. At this time, the lighting design is incomplete since all roadways are not included. A point to point diagram will be required for review. The lighting design must be finalized with resolution compliance submission should approval be granted. 2. The overall lighting design is subject to review and approval by the Board. The Board shall supply the applicant with proposed lighting recommendations, if any. 3. According to the details provided, proposed street lighting fixtures will have a mounting height of twenty-five feet (25') and driveway lighting fixtures a mounting height of fifteen feet (15'). The revised plans propose a driveway lighting height of fourteen feet (14') which conflicts with the Luminaire Schedule of fifteen feet (15'). Per communications with the applicant's professionals, corrections for the correct (14' foot) height will be provided during resolution compliance submission should approval be granted. 4. A detailed review of the lighting design will be undertaken during compliance, if approved. Fact. G. Utilities 1. The project is located in the New Jersey American Water franchise area. Public water and sewer service will be constructed by NJAW. Statements of fact. H. Signage 1. Per review of the design documents, new roads are going to be constructed; therefore street signs

should be included at all intersections and in the construction details on the Site Plans. Per communications with the applicant's professionals, only street signage is proposed at this time.

I. Traffic 1. We recommend that traffic testimony by a qualified professional be provided at the forthcoming public meeting. Funston Avenue has been completed between Oak Street and Bellinger Street as the primary means of ingress and egress proposed for this site. Testimony should be provided as requested by the Board at the 6/11/13 Plan Review Meeting.

J. Environmental 1. Environmental Impact Statement An Environmental Impact Statement (EIS) report was prepared and submitted for the project. The Environmental Impact Statement should be updated to reflect the current design; otherwise it is acceptable.

Fact. 2. Tree Protection Management Plan A Tree Protection Management Plan must be completed as a condition of approval and comply with new Tree Ordinance Chapter XIX. This can be addressed during compliance should approval be granted.

Statements of fact. K. 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 in depth after plan revisions are submitted. Construction details will be reviewed in depth after resolution compliance submission should approval be granted.

L. Final Plat 1. An Overall Map must be added with match lines for the individual sheets. 2. Block 822, Lots 1, 2, and 3 must be added to the Owner/Applicant signature box. 3. References to the survey date should be corrected. The General Notes on the survey use a date of April 24, 2013. 4. Sight triangle easements should be added. 5. Sidewalk easements should be added. 6. Proposed block and lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. 7. Compliance with the Map Filing Law is required. 8. The Final Plat will be reviewed in detail after compliance submission should approval be granted. Final Plat corrections must be submitted 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 Committee (Street Vacations and Easements); b. Developers Agreement at the discretion of the Township; c. Township Tree Ordinance; d. Lakewood Fire Commissioners; e. Ocean County Planning Board; f. Ocean County Soil Conservation District; and g. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing sanitary sewer and potable water.

Mr. Magno stated that the revised plans propose townhouses in accordance with the planned educational campus requirements. A partial waiver is requested for construction of sidewalk along road frontages that are not developed. The Board also needs to take action on a waiver for planting shade trees along road frontage where there is no development.

Mrs. Morris said she brought copies of resolution and site plan for the previously approved application as there had been questions at the tech meeting.

Mr. Abraham Penzer, Esq. on behalf of the applicant stated that they have spent time with the neighbors and have worked out several issues.

Mr. Graham MacFarlane, P.E., P.P. was sworn in. He said there was some discussion at the tech meeting as to whether the plan to expand the campus with additional townhouse units was in satisfaction of ordinance requirements. A letter was provided to the Board which outlines the proposal to erect the townhouse units is in accordance with the planned educational campus ordinance and does satisfy ordinance requirements and thus allows this Board to take proper

jurisdiction of the project. When this project was first approved in early 2009, the planned educational campus ordinance was not in effect. Since that time, the ordinance was adopted which establishes a specific set of standards such as minimum tract size, minimum gross density, impervious coverage, tract setback and tract setback of parking lots and this application satisfies all of those points.

Mr. Schmuckler asked what uses are required for this ordinance.

Mr. MacFarlane said a mixture of uses such as the educational facility, dormitories, housing and recreational components.

Mr. Schmuckler asked if you are required to have a school then once you have that you can have the townhouses as accessory uses.

Mr. MacFarlane said that is correct.

Mr. Schmuckler said the school and the townhouses are not connected.

Mr. MacFarlane pointed out the existing school is on Yesodei Court along with the dorms and townhouses on an aerial map.

Mr. Schmuckler said the original townhouses were sold. They are no longer the schools.

Mr. MacFarlane said they are connected.

Mr. Penzer said they will be occupied by students, faculty, staff or by persons directly associated.

Mr. Schmuckler said the townhouses need to be contiguous to the school.

Mr. MacFarlane said there is an existing access on a private road that is maintained by the campus which connects to the other lots that are proposed as part of this application. The entire parcel is contiguous. It does satisfy the intent of the ordinance.

Mr. Jackson said there are several ways to make sure that only people directly related to the school inhabit those houses. One way is by virtue of the approval itself where non-associated people moving in, the zoning officer could say that's not permitted. Another way is you could alert potential buyers, since these are fee simple lots, through a deed restriction.

Mr. Schmuckler asked if the town homes could be sold.

Mr. Jackson said fee simple ownership is being proposed which the ordinance allows.

Mr. Harvey York, Esq. on behalf of the applicant said he is concerned about a deed restriction because it limits the ability to finance the property.

Mr. MacFarlane said fee simple lots are subject to individual ownership and will be established as a separate tax lot.

Mr. Schmuckler does not believe this is the intent of the ordinance. The ordinance intent is everything is owned by the school as a whole. He is also concerned about the minimal restrictions required under this ordinance.

Mr. York said the townhouses have to be occupied by students, faculty and staff. There is no avoiding that.

Mr. Schmuckler asked if it is all students and faculty currently residing in the existing town homes.

Mr. Neiman hears Mr. Schmuckler's concern. He feels that this ordinance was created to give schools the opportunity to create a campus. Mr. Schmuckler feels this is an opportunity for school's to be a developer.

Mr. Jackson asked what assurances the Township can have to make sure this development stays associated with the school.

Mr. York said they would be happy to provide every purchaser a copy of the resolution but the properties are set so far back that there would be no purpose for a non-member of that community to live there.

Mr. MacFarlane said there are two standards. One which talks about the buildings and lands being owned by the school and the other standard which talks about fee simple units being permissible. It is obviously impossible to satisfy both of those standards at the same time. Therefore, they satisfied one of the standards and remain compliant.

Mr. Schmuckler said you can't get to the bulk requirements until you satisfy the use requirements.

Mr. York said that is not true. Both the township engineer and the applicant engineer both agree that this application is applicable.

Mr. Jackson stressed that the Board ultimately makes the decision.

Mr. York said it wouldn't make sense for the ordinance to indicate that townhouses are available when they are not available for a fee simple purpose.

Mr. Schmuckler said there are other parts of this ordinance where it states this housing needs to be using for faculty. The intent of the ordinance is that the school, dorms and townhouses are all owned by the same entity.

Mr. Jackson suggested that they poll the Board and have deliberation on this jurisdictional issue.

Mr. Banas thinks this application belongs at this board.

Mr. Franklin agrees that this application can be heard at this board and points out that the township engineer directs the same in his review letter.

Mr. Follman and Mr. Herzl also agree that this application can be heard.

Mr. Neiman left the meeting. Mr. Banas will now sit as chairman.

Mr. Schmuckler disagrees and does not believe it should be heard at this board.

A motion was made by Mr. Follman, seconded by Mr. Herzl to proceed with the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Follman, Mr. Banas

No: Mr. Schmuckler

Mr. Jackson warned that they still have not heard from the public or any objectors so that is a preliminary determination. At the end of this case the Board will have to make that vote again.

A motion was made and seconded to carry the application to the August 20, 2013 meeting.

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

- 4. SP 2011** (Variance Requested)
Applicant: Sudler Lakewood Land, LLC
Location: Route 70, Paco Way
Block 1160.04 Lot 49
Site Plan for a proposed warehouse and office space

Project Description

The applicant is seeking Preliminary and Final Major Site Plan approval. The applicant proposes to construct a new thirty-one thousand two hundred square foot (31,200 SF) warehouse with supporting office space. The eastern section of the proposed building will provide ten (10) spaces for trailers with loading dock doors. The northern and southern portions of the building will be used for office entrances. Parking for employees will be provided on the north and south sides of the property, while parking for trailers will be provided on the east side of the site. A total of twenty-eight (28) off-street parking spaces are proposed. Two (2) rows of thirteen (13), 9' X 18' parking spaces and one (1), 11' X 18' handicap parking space will be dedicated to standard sized vehicles. A parking row will be provided on both the northern and southern sides of the warehouse. Access to the proposed development will be provided by a driveway from the end of the cul-de-sac on Paco Way. The 326.70' X 477.67' rectangular tract consists of approximately 3.58 acres in area, and is primarily heavily wooded, with the exception of the southern region containing a lack of foliage in a small area. The property generally slopes gently downwards from the southeast to northwest. No freshwater wetlands or state open waters exist on-site or within three hundred feet (300') of the tract. The site fronts the northern side of the right-of-way for State Highway Route No. 70 and southern side of the cul-de-sac bulb for Paco Way. Paco Way is an improved municipal roadway within the Lakewood Industrial Park with publicly supplied water and sewer mains available in the roadway. Surrounding lands are all improved with large commercial and industrial land uses. The site is located in the M-1 Industrial Zone. Warehouses and terminal facilities are a permitted use in the zone. We have the following comments and recommendations per testimony provided at the 6/11/13 Planning Board Plan Review Meeting, and comments from our initial review letter dated May 29, 2013: I.

Zoning 1. The site is situated within the M-1, Industrial Zone. Per Section 18-903M.1.c., of the UDO, under "permitted uses" in the M-1 zone cites warehouses and terminal facilities. Statements of fact. 2. A variance is being requested for the number of off-street parking spaces. Per Section 18-903M.6.b., of the UDO, buildings having between twenty thousand square feet (20,000 SF) and fifty thousand square feet (50,000 SF) of floor area shall provide one (1) parking space for each employee on the maximum work shift, plus ten (10) spaces for executives. The application and plans indicate that fifty (50) spaces are required, which implies a maximum work shift of forty (40) employees. However, only twenty-eight (28) off-street parking spaces are proposed for normal passenger vehicles. Testimony shall be provided regarding this situation. The applicant's engineer indicates that the number of patrons to be employed at the facility will be no greater than eighteen (18) at any given shift. At one (1) space per employee, plus ten (10) for executives, the required parking would be twenty-eight (28) off-street parking spaces. Since twenty-eight (28) off-street parking spaces are proposed, a variance is no longer necessary. 3. A variance is required for the site identification sign setback. Per Section 18-812A.9.b., of the UDO, a fifteen foot (15') setback from the right-of-way is required and a ten foot (10') setback is being proposed. The proposed sign has been relocated fifteen feet (15') from the right-of-way. The new proposed dimension shall be added to the Geometry Plan. Therefore, no variance will be needed for sign setback. 4. A variance is required for sign area. Per Section 18-812A.11.a., of the UDO, a maximum sign area of fifteen square feet (15 SF) is allowed and a forty square foot (40 SF) area is being proposed. Our interpretation of the allowable sign area is based on the Paco Way cul-de-sac being a two-lane road with a speed limit of twenty-five miles per hour (25 MPH). The proposed sign size has been revised to comply with the Township requirements. Therefore, no variance will be needed for sign area. The revised proposed sign is shown on Detail Sheet 3. 5. Per review of the site plans and application, the following design waivers are required: • Providing sidewalk along the project frontage. It should be noted that there is no existing sidewalk along Paco Way in the vicinity of this project which is in the Industrial Park. • Providing shade trees and a shade tree and utility easement along the project frontages. Shade trees and generous landscaping are proposed throughout the project. It should be noted the Paco Way project frontage is limited since it is the terminus of a cul-de-sac and the Route 70 frontage effectively serves as a rear yard since it borders the DMV inspection station. The Board shall take action on the required design waivers. II. Review Comments A. Site Plan/Circulation/Parking 1. A Boundary and Topographic Survey has been submitted. Vertical datum is based on NAVD 88 and horizontal datum on NAD 83. A vertical bench mark shall be provided on the plan. The bench mark can be provided with resolution compliance submission should approval be granted. 2. In accordance with Section 18-903M.4.a., testimony should be provided on the disposal of any liquid wastes. The applicant's engineer indicates that testimony will be provided at the public hearing. 3. Vehicular Circulation Plans are required to confirm accessibility for the trailers. A Circulation Plan depicting trailer movements into the loading area has been provided. This is satisfactory. 4. No refuse and recycling area has been proposed. The plans note that trash and recyclables are to be collected and stored inside. Testimony shall be provided as to why an outdoor waste receptacle area designed in accordance with Section 18-819E., of the UDO, has not been included on the plans. The revised plans propose a dumpster pad in the southeast corner of the development. However, the plan note that "trash and recyclables are to be collected and stored inside" remains. Clarifying testimony should be provided. 5. An infiltration basin is proposed on the north side of the site along the Paco Way frontage. The proposed basin will not be fenced and has no vehicular access. The revised plans propose basin access from the end of the drive aisle on the north side of the building. However, the proposed basin access is too steep.

Additionally, a timber guide rail has been proposed around a portion of the infiltration basin. Design revisions can be provided with resolution compliance submission should approval be granted. 6. No sight triangles associated with the proposed vehicular site access point has been indicated. Confirming testimony should be provided that sight triangles are unnecessary because of the geometric configuration. The applicant's engineer indicates that testimony will be provided. The property is at the end of a cul-de-sac. 7. Curbing is being removed at the driveway access point on Paco Way. No sidewalk exists within the right-of-way and none is proposed. This is consistent with the other site plans in the Industrial Park. Statements of fact. 8. Proposed handicapped spaces and aisles should be revised to provide width dimensions of eight feet (8'). Both proposed spaces will be van accessible. The proposed revisions can be provided with resolution compliance submission should approval be granted. 9. Proposed curb ramps shall be added. Proposed concrete handicap ramps with guide rails have been designed to access the building from the parking areas. ADA ramps have been added and labeled on the plans. 10. All proposed building access points should be coordinated between the architectural plans and site plans since they impact the design. Additional door locations and building access points have been added to the plans. The proposed access to the fire pump room only leaves a two foot (2') width of sidewalk in front of the parking spaces. Revisions must be provided with resolution compliance submission should approval be granted. 11. The plans call out an edge of pavement on the east side of the proposed heavy duty pavement. Curb is required. The curb may be depressed to allow sheet flow runoff to drain into the proposed swale. The plans have been revised to show proposed flush curbing on the eastern side of the property. Therefore, no waiver relief will be required from the Board. 12. A proposed Deed Restricted Tree Preservation Area of 16,618 square feet is shown on the south side of the site. Bearings and distances must be added to the preservation area with a tie distance to a property corner. Bearings and distances have been added to the plan to designate the preservation area. According to the distances provided along the side property lines, the preservation extends to the south property line. However, a line matching the north side of the preservation area is shown near the south property line. Testimony should be provided explaining the extent of the proposed preservation area. B. Architectural 1. Preliminary architectural floor plans and elevations were submitted for review. Per review of the submitted plans, the building will be about forty feet (40') high, far less than the sixty-five foot (65') allowable height. The structure will house the warehouse and office space. Statements of fact. 2. The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. The applicant's engineer indicates the architect is to provide testimony at the public hearing. 3. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. The applicant's engineer indicates the architect is to provide testimony at the public hearing. 4. More detailed architectural plans should be provided, especially in regard to how much of the floor space will be dedicated to the warehouse and the remaining office layout. The applicant's engineer indicates the architect is to provide testimony at the public hearing. 5. The site plans and architectural plans must be coordinated. The architectural plans show many more building access locations than the site plans. All access points have been added to the site plan set. Some design revisions will need to be addressed during resolution compliance should approval be granted. C. Grading 1. An infiltration basin is proposed on the northern portion of the proposed project site. The basin area will be excavated and have a flat sand bottom. A two foot (2') separation from the bottom of the sand layer to the seasonal high water table is proposed. Statements of fact. 2. A review of final grading will be performed during compliance

if/when approval is granted. Final grading can be addressed during compliance review should approval be granted. D. Storm Water Management 1. A proposed storm sewer collection system has been designed utilizing reinforced concrete pipe to convey storm water runoff into a proposed infiltration basin. The proposed infiltration basin is located on the northern portion of the site. Statements of fact. 2. A storm water management maintenance manual shall be provided in accordance with NJ Storm Water Rule (NJAC 7:8) and Township standards. An Operations and Maintenance Manual in accordance with NJAC 7:8 and Township standards has been provided. We will review the Manual after resolution compliance submission should approval be granted. 3. It should be noted that New Jersey Department of Environmental Protection's pending CAFRA review could have an impact on the storm water management design. The applicant's engineer should forward copies of either CAFRA reviews or approvals to the planning board engineer with resolution compliance submission should site plan approval be granted. E. Landscaping 1. Proposed landscape planting for the site consists of thirty-nine (39) deciduous trees of four (4) different species, twenty-nine (29) coniferous trees of three (3) different evergreen species, twenty-one (21) ornamental trees of two (2) different species, three hundred sixty-seven shrubs of seven (7) different species, and over dam feather reed grass ground cover. All of the notes and details regarding the foliage can be found on Sheets 7, 13, and 14 of 14 in the Site Plan. The landscaping plan, notes, and details can be found on Sheets 8, 14, and 15 of 15 in the revised Site Plan set. The Plant Schedule should be checked and corrected prior to resolution compliance submission should approval be granted. 2. The overall landscape design is subject to review and approval by the Board. The Board should provide landscaping recommendations, if any. 3. The Lakewood Township Municipal Utilities Authority may require relocation of some proposed plantings. Utilities and easements should be shown on the Landscape Plan to avoid planting conflicts. Existing easements and some utilities are depicted on the revised Landscaping Plan. Any proposed easements, along with sanitary sewer and drainage lines, shall be added for resolution compliance submission should approval be granted. 4. Landscaping will be reviewed in detail during resolution compliance review should approval be granted. Final review of landscaping will take place after resolution compliance submission should approval be granted. F. Lighting 1. A detailed lighting design is provided on the Lighting Plan, Sheet 6 of 14. The design consists of seven (7) pole mounted fixtures with a height of twenty-four and a half feet (24.5') and five (5) building mounted fixtures with a height of twenty-two feet (22'). The revised Lighting Plan is provided on Sheet 6 of 15. 2. The details of the different light fixtures can be found on Sheet 12 of 14. The details of the different light fixtures can be found on Sheet 13 of 15 in the revised plan set. 3. A point to point diagram has been provided to determine the adequacy of the lighting and compliance with the ordinance. The minimum intensity of 0.4 foot candles is being met. However, the uniformity ratio of is being exceeded since the maximum proposed intensity is 8.9 foot candles. Revisions should be provided to reduce the uniformity ratio to 12:1, while still meeting the minimum intensity of 0.4 foot candles and average intensity of 0.8 foot candles. The applicant's attorney indicated at the Plan Review Meeting that the lighting standards could not be complied with. Testimony will be required and the Board will need to act on whether to grant waiver relief. 4. Lighting revisions can be addressed during resolution compliance review if/when approval is granted. Final review of lighting will take place after resolution compliance submission should approval be granted. G. Utilities 1. Public water and sewer services will be provided by the Lakewood Township Municipal Utilities Authority. Plan design can be seen on Sheet 5 of 14, profiles on Sheet 9 of 14, and details on Sheets 10 and 11 of 14. Plan design is on Sheet 5, profiles on Sheet 10, and details on Sheets 11 and 12 in the revised plan set. 2. Proposed fire protection measures include an onsite fire hydrant; however no information has been given regarding sprinkler

systems in the warehouse. The applicant's engineer indicates a sprinkler system is proposed in the building. H. Signage 1. A proposed free-standing site identification sign has been provided on the site plans requiring relief by the Board for location and area. The Site Plan includes placement of all signs on the property, some of which are state mandated. Details of the signs can be seen on Sheet 12 of 14. Sign details are on Sheet 13 of 15 in the revised plan set. 2. Placement of the signs throughout the property can be found on Sheet 4 of 14 in the Site Plans. Placements of signs are on Sheet 4 of 15 in the revised plan set. I. Environmental 1. CAFRA Compliance Statement The applicant has submitted a CAFRA Compliance Statement, which complies with Section 18-820 of the UDO. Statement of fact. 2. Tree Management Plan A Tree Protection Management Plan must be submitted due to the existence of large amounts of foliage on the plot of land. A tree plot area can be seen on Sheet 2 of 14, the Existing Conditions Plan. A Tree Preservation Area is proposed to comply with CAFRA requirements. A Tree Protection Management Plan is required (or waiver sought). A Tree Management Plan has been added to the site plan set and is Sheet 7 of 15. We will review the plan with resolution compliance submission should approval be granted. J. Construction Details 1. Construction details are provided on Sheets 10-14 of 14 in the plan set. Construction details are provided on sheets 11 through 15 of 15 in the revised plan set. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. The applicant's engineer indicates that details were reviewed to ensure a minimum of Class B concrete is proposed. Final construction details will be reviewed 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 Developers Agreement; b. Township Tree Ordinance (as applicable); c. Lakewood Township Industrial Commission; d. Lakewood Fire Commissioners; e. Lakewood Township Municipal Utilities Authority (water and sewer); f. Ocean County Planning Board; g. Ocean County Soil Conservation District; h. NJDEP Individual CAFRA Permit; and i. All other required outside agency approvals.

Mr. Magno said the applicant revised the plans and eliminated all the variances. Only design waivers are requested.

Mr. Christopher DeGrezia, Esq. on behalf of the applicant said they are requesting no variances and they agree to all the comments in the engineer's review letter.

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

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

5. **SD 1894** (Variance Requested)
Applicant: School Gardens Realty, LLC
Location: School Garden Street
Block 243 Lots 6-8, 26, 27.01 & 27.02
Major Subdivision for thirteen lots (6 fee-simple duplexes and one single family)

Project Description

The applicant is seeking a Preliminary and Final Major Subdivision approval. The applicant proposes the subdivision of six (6) existing lots to create thirteen (13) proposed lots. One (1) of the proposed lots would be developed with a single-family dwelling. Twelve (12) of the proposed lots would be developed as zero lot line properties with six (6) duplex structures. The existing six (6) lots known as Lots 6, 7, 8, 26, 27.01 & 27.02 in Block 243.01 are proposed to be subdivided into proposed Lots 6.01 – 6.13 on the Major Subdivision Plan. The subject property is located on the southeasterly side of School Garden Street, in the north central portion of the Township between Clover Street and East Fifth Street. The existing 1.75 acre property has approximately four hundred twenty-five feet (425') of frontage on School Garden Street. School Garden Street is a narrow, improved municipal road with a right-of-way width varying from 28.60 feet to thirty-three feet (33'). Clover Street, an improved municipal street with a sixty foot (60') wide right-of-way borders the tract to the west. Existing Lot 26 has about thirty-nine feet (39') of frontage on Clover Street. East Fifth Street, an improved municipal road with a forty foot (40') wide right-of-way borders the site to the northeast. Existing Lot 6 has one hundred fifty feet (150') of frontage on East Fifth Street. There is existing curb and sidewalk along the minor frontages of the project. A consistent half pavement width of fifteen feet (15') along with curb and sidewalk is proposed across the School Garden Street frontage of the project. The site is currently occupied by existing residential dwellings with accessory structures. All existing improvements would be removed to make way for the proposed residential subdivision. The land is pretty flat, but generally the site slopes to the northeast toward East Fifth Street. Proposed storm water management facilities are associated with this project. The proposed drainage system consists of a storm sewer collection system with underground recharge. An outlet control manhole detains storm water in the recharge system before allowing overflow into the existing drainage system. Proposed sanitary sewer laterals will connect to existing sanitary sewer mains in School Garden Street. Proposed potable water services for the subdivision will connect to an existing main on the northwest side of School Garden Street. Four (4) off-street parking spaces are proposed for each unit. The new preliminary architectural plans show five (5) bedroom units with basements instead of seven (7) bedroom units with basements. Therefore, four (4) off-street parking spaces are required per unit, instead of five (5) off-street parking spaces per unit. The subject site is located within the R-7.5 Single-Family Residential Zone District. Therefore, single-family housing and zero lot line duplex housing are permitted uses in the zone district using seven thousand five hundred square foot (7,500 SF) minimum lot areas for single-family and ten thousand square foot (10,000 SF) minimum lot areas for duplex structures. The lands surrounding the site are predominately residential; except for the park on the northwest side of School Garden Street. We have the following comments and recommendations per testimony provided at the 6/11/13 Planning Board Plan Review Meeting and comments from our initial review letter dated May 28, 2013: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours of the area within 200 feet of the site boundaries. 3. B10 – Man-made features within 200 feet thereof. 4. C13 - Environmental Impact Statement. 5. C14 - Tree Protection Management Plan. Topographic features and contours are shown on the site and all adjoining right-of-ways. We support the granting of the requested B-Site Features waivers. The Environmental Impact Statement waiver is justified since the site has been previously developed. The Tree Protection Management Plan waiver can be granted for completeness purposes. The survey work is more than adequate for final design. The site contains plenty of large trees. A Tree Protection Management Plan should be required prior to any construction. The Board approved the submission waivers subject to a Tree Protection Management Plan being required prior to any construction. II. Zoning 1. The site is situated

within the R-7.5, Single-Family Residential Zone District. As stated previously, "Single-Family and Two-Family Housing, with a minimum lot area of seven thousand five hundred square feet (7,500 SF) for single-family and ten thousand square feet (10,000 SF) for two-family structures" are listed as permitted uses. Zero lot line subdivisions for duplexes are permitted in the Zone. Statements of fact. 2. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are requested for the subdivision approval: • Minimum Lot Area – Proposed single-family Lot 6.13, 5,531 square feet; where seven thousand five hundred square feet (7,500 SF) is required. • Minimum Front Yard Setback to East Fifth Street – Proposed setback from East Fifth Street of corner Lot 6.01 is 16.67 feet, where twenty-five feet (25') is required. • Minimum Side Yard Setback – The proposed side yard setbacks for Lots 6.02 through 6.12 are five feet (5'), except for Lot 6.02 which is 5.33 feet, where a minimum side yard setback of seven and a half feet (7.5') is required. • Minimum Combined Side Yard Setback – The combined side yard setbacks for the combination of proposed Lots 6.03/6.04, 6.05/6.06, 6.07/6.08, 6.09/6.10, and 6.11/6.12 are ten feet (10'), where fifteen feet (15') is required. • Minimum Rear Yard Setback – The proposed rear yard setback for the deck on Lot 6.12 is 14.45 feet, where fifteen feet (15') is required. • Maximum Building Coverage – The proposed building coverage of the combination of Lots 6.01/6.02, 6.03/6.04, and 6.09/6.10 are 33.9%; where thirty percent (30%) is permitted. The Board shall take action on the requested variances. 3. Based on the architectural plans provided, a variance would be required for the number of off-street parking spaces proposed on the duplex units. The architectural plans propose seven (7) bedroom units with unfinished basements. Five (5) off-street parking spaces per unit would be required and only four (4) off-street parking spaces per unit have been provided. The new preliminary architectural plans submitted propose five (5) bedroom units with unfinished basements. Therefore, only four (4) off-street parking spaces per unit are required and a variance is no longer required. 4. An eight and a half foot (8.5') right-of-way dedication along School Garden Street is required to provide the proper twenty-five foot (25') half right-of-way width unless a waiver is granted by the Board. Should the Board not require the right-of-way dedication, then an eight and a half foot (8.5') road widening easement shall be proposed. It should be noted that a dedication would impact proposed bulk variances. The revised plans propose a six and a half foot (6.5') road widening easement. This proposed easement added to the existing sixteen and a half foot (16.5') right-of-way would leave the Township with jurisdiction of only a twenty-three foot (23') half width section on School Garden Street, instead of twenty-five feet (25'). Therefore, we recommend that the Board require an eight and a half foot (8.5') wide easement such that a new precedent is not set. The Board shall also take action on whether to accept a road widening easement rather than a dedication. 5. A five foot (5') right-of-way dedication along East Fifth Street is required to provide the proper twenty-five foot (25') half right-of-way width unless a waiver is granted by the Board. Should the Board not require the right-of-way dedication, then a five foot (5') road widening easement shall be proposed. It should be noted that a dedication would impact proposed bulk variances. The revised plans propose a five foot (5') road widening easement. The Board shall take action on whether to accept a road widening easement rather than a dedication. 6. 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. III. Review Comments a. General 1. Off-street parking: According to the plans provided, the applicant is proposing four (4) off-street parking spaces per unit. Up to six (6) bedrooms per unit with an unfinished basement would be permitted for this project to comply with parking ordinance 2010-62. The architectural plans

submitted propose seven (7) bedroom duplex units with unfinished basements. The new preliminary architectural plans propose five (5) bedrooms per unit with unfinished basements. Therefore, only four (4) off-street parking spaces per unit are required. This is satisfactory. 2. The applicant shall confirm that trash and recyclable collection is to be provided by the Township of Lakewood. Each unit shall have an area designated for the storage of trash and recycling containers. The General Note provided on the revised plans shall be corrected as follows: a. "Trash and recycling collection will be provided by the Township of Lakewood. Each unit shall have an individual enclosure designated for the storage of trash and recycling containers." 3. The proposed lot numbers shall be approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. The applicant's engineer indicates the proposed lot numbers have been approved by the Tax Assessor. 4. The project proposes an underground recharge/detention system to be owned and maintained by the Township. Therefore, a one-time maintenance fee shall be assessed. The fee would be six thousand seven hundred fifty dollars (\$6,750.00) based on one (1) single family detached dwelling at seven hundred fifty dollars per unit (\$750.00/unit) and twelve (12) single family attached dwelling at five hundred dollars per unit (\$500.00/unit). The applicant's engineer contends the fee referenced is for detention basins and not applicable for this project. As a condition of any approvals, this matter should be reviewed by the Township Attorney. 5. The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of four (4) basic house designs are required for developments consisting of between seven (7) and fifteen (15) homes. The applicant's engineer indicates that this item will be addressed during testimony. 6. 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. The applicant's engineer indicates that per the ordinance, a written agreement will be provided. B. Plan Review 1. General Note #4 should be revised to list the existing use as residential. General Note #4 has been revised. General Note #25 shall be eliminated for resolution compliance submission should approval be granted. 2. Should the Board waive the right-of-way dedications, the General Notes and Plans shall be revised to show road widening easements with shade tree and utility easements directly behind. Road widening easements have been requested with proposed shade tree and utility easements directly behind. Assuming the road widening easements are accepted by the Board, the proposed six and a half foot (6.5') easement along School Garden Street must be increased to eight and a half feet (8.5'). 3. The General Notes indicate Drainage Easements are to Lakewood Township. This would require approval from the Department of Public Works. It should be noted the proposed Drainage Easements would only be ten feet (10') wide, the proposed distance between the duplex units. We recommend the onsite drainage be owned and maintained by a Homeowners Association with storm manholes proposed at the right-of-way line to differentiate ownership responsibilities. The revised plans propose five foot (5') wide adjoining Drainage Easements dedicated to the neighboring lots. The applicant's engineer indicates that the individual homeowners will be responsible for these proposed easements. This matter will be discussed during the public hearing. The revised plans also show ten foot (10') wide Drainage Easements dedicated to the Township extending beyond the transition manholes. These proposed easements shall be removed since the transition manholes will be within the Shade Tree and Utility Easement which would be dedicated to the Township. 4. Centerlines and stationing for the adjoining roads must be added to the plans. The centerlines and stationing for the adjoining roads must be clarified because of

plan overwrites. Corrections can be provided with resolution compliance submission should approval be granted. 5. A proposed Sight Triangle Easement to the Township of Lakewood at the intersection of East Fifth Street with School Garden Street should be added. A proposed Sight Triangle Easement to AASHTO standards has been provided to avoid off-street parking being located within a symmetrical easement. 6. Dimensions should be provided for all the proposed building boxes. The proposed front and rear offsets are not correct based on the architectural plans submitted. Dimensions have been provided for all building boxes. Proposed offsets should be checked. We find a one foot (1') discrepancy. 7. The driveway lengths shall be measured from the proposed dedication or road widening easement lines. The driveway lengths are measured from the proposed road widening easement on the revised plans. However, the proposed road widening easement must be increased by two feet (2'). Therefore, the proposed units must be setback an additional two feet (2'). This will create additional variances on proposed Lots 6.12 and 6.13, unless the unit sizes are decreased. 8. Limits of proposed curb and sidewalk should be added to the plan. Proposed sidewalk should be increased to a width of five feet (5') unless pedestrian bypass areas are added. The limits of proposed curb and sidewalk still need to be clarified. C. Grading 1. Grading is provided on a Grading, Drainage and Utility Plan which is Sheet 4 of 13. A storm sewer collection system is proposed to collect runoff and recharge it between buildings and within the right-of-way of School Garden Street. Statements of fact. 2. Profiles have been provided for adjoining roads. The following revisions are required: a. The proposed grade line on School Garden Street should be labeled as top of curb. b. The length of the vertical curve on School Garden Street should be increased. c. The curb line profile at the end of School Garden Street requires clarification. d. The existing sanitary sewer main in School Garden Street is shown to be back pitched. Invert elevations should be checked. Profile revisions have been made. We will check the profile; including the vertical curve, with resolution compliance submission should approval be granted. 3. Off road profiles have been provided for the drainage. The length of the profile between CB7 and CB8 should be corrected. The length between CB7 and CB8 has been corrected. We will review the off road profiles with resolution compliance submission should approval be granted. 4. Areas of new pavement construction should be squared off on the Milling and Paving Plan. Areas of new pavement have been squared off. We will review the Milling and Paving Plan in detail with resolution compliance submission should approval be granted. 5. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved. Final grading will be reviewed with resolution compliance submission should approval be granted. D. Storm Water Management 1. A proposed storm sewer collection system has been designed to collect storm water runoff and recharge it prior to the overflow from an outlet structure manhole connecting to the existing drainage system beneath East Fifth Street. The proposed collection and recharge system is located on-site between buildings and under the curb of School Garden Street. The plans provided indicate the entire ownership of the storm water management system will be the Township. We recommend private ownership for private lands and public ownership for public lands, with proposed storm manholes for the ownership transition points. The applicant's engineer should meet with the Department of Public Works to review the project. The plans have been revised and limits of Township and individual homeowner ownership have been identified. The applicant's engineer indicates a meeting with the Department of Public Works is scheduled. Testimony to the Board should be provided clarifying the proposed limits of ownership. 2. Our review of the project indicates it will be classified as Major Development since more than a quarter acre of impervious surface will be added and over an acre of disturbance will take place. As a result, the project must meet water quality and water quantity reduction rate requirements. The Storm

Water Management Report will be reviewed in detail with resolution compliance submission should approval be granted. 3. The Drainage Area Maps must be adjusted to include the area to at least the centerline of School Garden Street, since the pavement will be widened in front of the site. Consequently, the Storm Water Management Report shall be revised. The applicant's engineer acknowledges the Drainage Areas Maps and Storm Water Management Report will be revised and submitted for resolution compliance review should approval be granted. 4. The Storm Water Management Report and Design will be reviewed in detail during compliance, if/when approved. Statement of fact. E. Landscaping 1. Proposed shade trees along the street frontages and shrubs screening air conditioning units have been provided on Sheet 6 of 13. Statement of fact. 2. 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. Most of the site will be cleared for the construction of the project. Our site investigation noted plenty of existing trees on the site. Compensatory plantings shall be addressed with a Tree Protection Management Plan. The Board should provide landscape design recommendations, if any. 3. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted. Statement of fact. F. Lighting 1. Since the proposed project creates no new streets and fronts existing roads, only existing street light fixtures have been mapped. Statement of fact. G. Utilities 1. The plans should state that all proposed utilities are to be provided underground. A General Note can be added with resolution compliance submission should approval be granted. H. Signage 1. Except for an existing stop sign to be relocated, no proposed regulatory signage has been shown on the plans. Statement of fact. I. Environmental 1. Tree Management Prior to construction, a Tree Protection Management Plan in accordance with the current ordinance shall be submitted. Statement of fact. 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. Final Plat (Major Subdivision) 1. Final Plat corrections should be in accordance with the relevant previous comments of this report. Further revisions will be required and shall be provided with resolution compliance submission should approval be granted. 2. The General Notes require some corrections. General Note #11 shall be removed for resolution compliance submission should approval be granted, since there are different drainage easement dedications. 3. A proposed 25' X 25' Sight Triangle Easement dedicated to the Township of Lakewood should be provided at the intersection of East Fifth Street and School Garden Street. A proposed Sight Triangle Easement in accordance with AASHTO standards has been provided. 4. The proposed Drainage Easements should intersect the dedication or road widening easement line. The proposed Drainage Easements have been revised. Further revisions may be required. 5. Proposed monuments shall be added at the outbound corners and the intersection of side lines with School Garden Street. A "Monument to be Set" symbol is missing from the proposed Shade Tree and Utility Easement intersection with the outbound near Clover Street. 6. Compliance with the Map Filing Law is required. Statement of fact. 7. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. Statement of fact. IV. 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. Magno said several variances are requested. The Board would have to act on the road widening easement or dedication. If the Board were to grant a road widening easement, it should be 8.5 ft.

Mr. John Doyle, Esq. on behalf of the applicant said the current houses have multiple non-conformities and are in bad shape.

Mr. Brian Flannery, P.E., P.P., was sworn in. He said this application is clearly a vast improvement to the neighborhood. The right-of-way width that is there now is horrible. The applicant is asking for a 23 ft half width as apposed to a 25 ft which is typical. It is better than ninety percent of the other roads in the area. It provides all the area they need. It is his professional opinion that the board should grant this variance. The alternative would be to push the houses back and the rear yards wouldn't be as nice as well as additional variances would be needed.

Mr. Banas said the board engineer does not recommend using a 6.5 ft easement.

Mr. Flannery hopes that his testimony was compelling and showed that this will not set a precedent.

Mr. Magno suggests that the Board grant additional variances and go with their recommendation on the road widening easement. This way you don't have other applications coming in down the road trying to do a similar thing.

Mr. Doyle said School Garden Street is a one block street. It presently has a 12 ft pavement width with no drainage, no curbs or sidewalks. That will all be provided with this application.

Mr. Franklin asked if the applicant contacted the Board of Education to see if they could get 5 ft off that side.

Mr. Doyle said that is very difficult. The Board of Education does not have the simple ability to give the 5 ft.

Mr. Flannery said the whole street would be 28 ft which would be a vast improvement. There would be no parking on either side allowing 14 ft in each direction.

Mr. Doyle said they would go through the Township asking for an ordinance for no parking. Signage would be provided by the applicant.

Mr. Schmuckler said there should be no parking on that street. He drove by there last week and saw the curb was all broken down the street. The cars were parking along the street and not in the parking lot. Perhaps the applicant should fix the curbing on both sides.

Mr. Flannery said the applicant is agreeable to that.

Mr. Banas opened to the public, seeing no he closed to the public.

The Board was in agreement to allow the 6.5 ft road widening easement as well as the condition that the applicant provides new curbing on both sides of the road.

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

- 6. SD 1895** (Variance Requested)
Applicant: Ocean Ave Property Holdings, LLC
Location: Ocean Avenue
Block 536 Lots 1, 2, & 4
Major Subdivision for 19 lots (9 duplex units, 1 existing dwelling to remain)

Project Description

The applicant is seeking a Preliminary and Final Major Subdivision approval. The applicant proposes the subdivision of three (3) existing lots to create twenty-one (21) proposed lots. The twenty-one (21) proposed lots would be developed as eighteen (18) lots for nine (9) duplex structures, one (1) future site plan lot, one (1) open space lot, and one (1) lot with an existing single-family dwelling to remain. The existing three (3) lots known as Lots 1, 2, and 4 in Block 536 are proposed to be subdivided into proposed Lots 1.01 – 1.20 and 4.01 on the Major Subdivision Plan. The subject property is located on the southerly side of Ocean Avenue (Route 88), a State Highway, in the central portion of the Township, immediately east of Conrail's New Jersey Southern Branch Main Stem. Route 88 is improved, with some stretches of existing sidewalk, curb, and driveway aprons across the frontage of the site. The subdivision would create a cul-de-sac for the project, which is proposed to be called Regal Court upon which all but one (1) of the residential lots would front. An NJDOT Access Permit is required for the proposed intersection. The existing right-of-way width of Ocean Avenue is fifty feet (50') at this location, and no additional right-of-way dedication has been proposed. Two (2) out parcels, Lots 3 and 152, interrupt the site's frontage along Route 88. An existing two and a half-story frame dwelling is slated to remain on proposed Lot 4.01 which would be immediately east of the out parcels. In addition to the new residential lots, a proposed future commercial lot would be created on the west side of the intersection of Route 88 and Regal Court, as well as an open space lot at the terminus of the cul-de-sac. The site is currently occupied by four (4) buildings. The three (3) existing buildings on Lots 1 and 2 are used as an auto repair facility. The existing two and a half-story frame building on Lot 4 is a residential dwelling. Except for the residential dwelling, all existing improvements will be removed to make way for the proposed subdivision. Most of the existing 5.238 acre area of the site slopes from north the south with elevations dropping from about fifty-five (55) to the low thirties based on NGVD 1929. The south edge of the tract is bordered with freshwater wetlands from the South Branch of the Metedeconk River and a fifty foot (50') transition area is shown crossing the southwest corner of the property. The surface water body is classified as a Category One waterway by the NJDEP and is subject to a three hundred foot (300') riparian buffer which is shown on the subdivision plans. Proposed storm water management facilities and utilities are associated with this project. The proposed drainage system consists of a conventional storm sewer collection system that collects storm water and directs runoff to an onsite underground recharge system. The system has been designed to outlet from a proposed bubbler inlet near Ocean Avenue. Proposed sanitary sewer and potable water for the subdivision will be extended from existing mains in Route 88. Four (4) off-street parking spaces are proposed for each duplex lot. The project is also proposing curb

and sidewalk for the cul-de-sac. The subject site is located within the B-4 Wholesale Service Zone District. The site is situated in a predominately commercial area. We have the following comments and recommendations per testimony provided at the 6/11/13 Planning Board Plan Review Meeting and comments from our initial review letter dated May 28, 2013: I. Zoning 1. The site is situated within the B-4, Wholesale Service Zone District. Single-family detached housing on minimum seven thousand five hundred square foot (7,500 SF) lots and two-family attached housing on minimum ten thousand square foot (10,000 SF) lots are permitted in the Zone. Statement of Fact. 2. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are required for the zero lot line duplex portion of the subdivision approval requested: • Minimum Rear Yard Setback to a Building – Proposed rear yard to the building for Lot 1.13 is 12.83 feet, where fifteen feet (15') is required. • Minimum Rear Yard Setback to a Deck – Proposed rear yards for the decks on Lots 1.08, 1.09, and 1.13 are 4.38 feet, 4.38 feet, and 11.55 feet respectively. A rear yard of fifteen feet (15') is required. • Maximum Building Coverage – Proposed building coverage for the combination of Lots 1.02/1.03, 1.04/1.05, 1.06/1.07, 1.13/1.14, and 1.15/1.16 are 33.3%, 32.8%, 33.4%, 33.4%, and 31.2% respectively. A building coverage of thirty percent (30%) is allowed. The Board shall take action on the required variances. 3. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are required for the existing dwelling to remain on proposed Lot 4.01, the single family lot on the subdivision approval requested: • Minimum Lot Area – Proposed lot area would be 6,260 square feet, where seven thousand five hundred square feet (7,500 SF) is required (proposed condition). • Minimum Front Yard Setback – The existing front yard setback for the dwelling to remain is 18.9 feet, where a front yard of twenty-five feet (25') is required (existing condition). • Minimum Side Yard Setback – An existing side yard setback for the dwelling to remain is 6.0 feet, where a side yard of seven feet (7') is required (existing condition). The Board shall take action on the required variances. 4. A variance is required for the number of off-street parking spaces on proposed Lot 4.01. The plan indicates that four (4) off-street parking are required and less than four (4) off-street parking spaces are being provided. The revised plans show two (2) off-street parking spaces provided on new Lot 4.01. The Board shall take action on the required variance. 5. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are required for proposed Lot 1.01, the future site plan lot on the subdivision approval requested: • Minimum Lot Area – Proposed lot area would be 8,888 square feet, where twenty thousand square feet (20,000 SF) is required (proposed condition). • Minimum Lot Width – Proposed lot width would be 77.52 feet, where a lot width of one hundred feet (100') is required (proposed condition). The Board shall take action on the required variances. 6. It should be noted that if the New Jersey Department of Transportation requires that right-of-way be dedicated along Ocean Avenue (Route 88), either additional variances or a redesign will be required and re-submitted for review by The Board. Statement of Fact. 7. Waivers are required for proposed lot lines which are not perpendicular or radial to the cul-de-sac right-of-way. The Board shall take action on the required waivers. 8. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments A. General 1. A Site Plan application will be required for the future design indicated on proposed Lot 1.01. The applicant's engineer should confirm that the schematic design shown is for illustrative purposes. The applicant's engineer indicates that a future site plan application shall be submitted for Lot 1.01. 2. A Boundary & Topographic Survey has been submitted. Any approvals should be conditioned upon the encroachments extending

off-site to be removed. The applicant's engineer indicates that all encroachments extending off-site will be removed. 3. Off-street parking: According to the plans provided, the applicant is proposing four (4) off-street parking spaces per unit which is enough to be in compliance with the RSIS and Township standards of four (4) off-street parking spaces required. Up to six (6) bedrooms per unit with an unfinished basement are permitted for this project to be in compliance with parking ordinance 2010-62. The preliminary architectural plan indicates that five (5) bedrooms are proposed for the duplex units. The construction plans indicate that basements will be proposed. Statements of Fact. 4. The applicant shall confirm that trash and recyclable collection is to be provided by the Township of Lakewood. Each unit shall have an area designated for the storage of trash and recycling containers. This matter is not addressed on the construction plans and the preliminary architectural plan. The applicant's engineer indicates that a concrete pad shall be provided along the front of the units for the storage of trash and recycling containers. Adequate screening shall be provided in front of the concrete pads and should be depicted on the site plans as well as the architectural plans. This information can be provided with resolution compliance submission should approval be granted. 5. A new road name, Regal Court, has been proposed for the project. Statement of fact. 6. The proposed lot numbers shall be approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. Statements of fact. 7. The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of four (4) basic house designs are required for this development consisting of between seven (7) and fifteen (15) homes. The applicant's engineer indicates the required house designs shall be provided prior to construction. This is satisfactory. 8. Virtually all proposed storm water management has been designed within proposed easements and right-of-ways. Therefore, it is anticipated the Township of Lakewood will be responsible for operation and maintenance. Accordingly, a one-time fee of nine thousand seven hundred fifty dollars (\$9,750.00) should be paid based on one (1) single family detached dwelling at seven hundred fifty dollars (\$750.00) per unit and eighteen (18) single family attached dwellings at five hundred dollars (\$500.00) per unit. Department of Public Works approval will be required. The applicant's engineer indicates a meeting will be held with the Department of Public Works for approval of the storm water management design. As testified to at the Plan Review Meeting, the applicant's engineer contends the fee referenced is for detention basins and not applicable for this project. As a condition of any approvals, this matter should be reviewed by the Township Attorney. 9. 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. The applicant's engineer indicates that the agreements shall be submitted by the applicant's attorney. B. Plan Review 1. Curb and sidewalk is proposed throughout the development. Proposed sidewalk shall be five feet (5') wide, unless pedestrian bypass areas are designed. The limits of proposed curb and sidewalk along Ocean Avenue need to be clarified. Curb and sidewalk is required across the entire project frontage unless waivers are granted. Proposed curb and sidewalk locations along Route 88 will be dictated by the New Jersey Department of Transportation. Limits of proposed Township and State curb should be identified. Pedestrian passing areas are depicted on the plans as 5' X 5'. Sidewalk is proposed as four feet (4') wide and the limits are depicted on the plans. The limits of proposed Township and State curb are identified on the plans. All of these details can be found on page 4 of 12 on the Preliminary and Final Major Subdivision Plans. The turn around at Ocean Avenue east of Regal Court should be revised for proper connection of existing and

proposed sidewalk. The correction can be provided with resolution compliance submission should approval be granted. 2. The Site Development Plan should have typical dimensions and road stationing added. Road stationing has been added and some typical dimensions are evident, however a road width should be added to this sheet. Revisions can be provided with resolution compliance submission should approval be granted. 3. The Schedule of Bulk requires many corrections. In many cases the minimum setback values are not correct. However, we have found no instances where additional variances would be required. In most cases the proposed front setback dimension is shown for the front building corner located further from the right-of-way. Corrections can be provided with resolution compliance submission should approval be granted. 4. A Freshwater Wetlands Line is indicated on the plans just to the south of the project. A fifty foot (50') transition area is shown crossing the southwestern corner of the property. It is our understanding that a Letter of Interpretation/Absence is being applied for. Survey data shall be added for the on-site transition area with resolution compliance submission should approval be granted. 5. A three hundred foot (300') Riparian Buffer crosses proposed Lots 1.11 - 1.13 on the southeast side of the project. No improvements, including proposed grading, encroach upon the Riparian Buffer Line. A proposed wall with either guide rail or fencing will be constructed to prevent encroachment into the buffer. Survey data must be provided to establish the location of the Riparian Buffer Line. Survey data shall be provided with resolution compliance submission should approval be granted. C. Grading 1. Grading is provided on a Grading and Drainage Plan which is Sheet 4 of 12. The design will significantly fill the site in order to provide a proposed gravity sanitary sewer collection system. A wall is proposed at the cul-de-sac terminus which in places exceeds a height of ten feet (10'). Accordingly, guide rail and fencing is proposed on top of the wall. Statements of fact. 2. Walkout basements are proposed for many of the units on the south side of the development to reduce fill and proposed retaining wall height. Statement of fact. 3. Off road profiles are required for the proposed storm drainage easements. An off road profile for CB 10 to 11 has been provided and can be found on page 8 of 12 on the plans. 4. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved. Final grading will be reviewed with resolution compliance submission should approval be granted. D. Storm Water Management 1. A proposed storm sewer collection system has been designed to collect and convey storm water runoff. The majority of the storm water from the development will be directed to an onsite underground recharge system. The system has been designed to outlet from a proposed bubbler inlet near Ocean Avenue. This design would require approval from the NJDOT. If approval is granted, a meeting with the Department of Public Works will be necessary during compliance to review proposed maintenance responsibilities. Statements of fact. 2. Our review of the project indicates it will be classified as Major Development since more than a quarter acre of impervious surface will be added and over an acre of disturbance will take place. As a result, the project must meet water quality and water quantity reduction rate requirements. The Storm Water Management Report must be revised to address water quality. Accordingly, we recommend an extended detention basin with water quality fore bay be designed for the portion of the open space lot which is not subject to wetlands transition areas and riparian buffers. Our recommended design would drastically reduce pipe sizes and virtually eliminate NJDOT approval of the storm water management design. The applicant's engineer indicates the proposed design is to remain as planned with the addition of stormwater filters installed in each inlet. Details of these filters can be found on page 10 of 12. Approvals will be required from the Department of Public Works, as well as the State. 3. Soils information must be completed within the proposed project to confirm the seasonal high water table is deep. The Storm Water Management Report should justify the

permeability rate used in the routing calculations. Test Holes SB-A and SB-B shall be added to the Existing Conditions Plan. The applicant's engineer indicates the seasonal high water table is deep in the area of the site to be developed. The project proposes to significantly fill the site; therefore the seasonal high water table determined from the borings previously performed is sufficient. Furthermore, as stated in the construction details and the Storm Water Management Report, the contractor shall be required to excavate to a permeable layer to be determined in the field and the bottom material of the recharge trench shall have a permeability rate of twenty inches per hour (20 in./hr.), (K5 material). 4. The Storm Water Management Report and Design will be reviewed in detail after revisions to the project are made. Final review of the Storm Water Management Report and Design will be undertaken after resolution compliance submission should approval be granted. 5. A Storm Water Management Operation & Maintenance Manual has been submitted per the NJ Storm Water Rule (NJAC 7:8) and Township Code. The Manual will be reviewed in detail after the storm water management design is found to be acceptable. Statements of fact. E. Landscaping 1. The proposed Easements shall be added to the Plan. Except for the proposed shade tree and utility easements, landscaping should not be located in the easements. Proposed easements have been added on the plans. Trees should be removed from the proposed drainage easements for resolution compliance submission should approval be granted. 2. 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 site will be cleared as necessary for the construction of the project. Compensatory plantings shall be addressed with the Tree Protection Management Plan. The Shade Tree Commission recommended the following: a. Inclusion of foundation plantings. b. Trees at the entrance to Regal Court provided they are not in the sight triangle. c. Evergreen buffering for the rear yards of proposed Lots 1.13 through 1.20. The Board should provide landscape design recommendations, if any. 3. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted. Statement of fact. F. Lighting 1. The Plan indicates that five (5) Cobra Head, one hundred watt (100W) high pressure sodium pole mounted fixtures are proposed for street lighting. A detail shows the proposed height of the fixtures to be twenty-five feet (25'). Statements of fact. 2. The Plan also indicates that one (1) Shoe Box, one hundred watt (100W) metal halide pole mounted fixture is proposed for the future parking lot on the commercial site. A detail shows the proposed height of the fixture to be eighteen feet (18'). Statements of fact. 3. A point to point diagram has been provided to verify the adequacy of the proposed lighting. The proposed street lighting will be conforming, but the parking lot lighting is below the required minimum intensity. The applicant's engineer indicates the proposed lighting for Lot 1.01 will be revised at the time of the site plan application. The proposed Shoe Box fixture shall be removed from the plans and an amended point to point diagram provided with resolution compliance submission should approval be granted. 4. It is anticipated that all lighting within public right-of-ways will be owned and maintained by the Township and all fixtures on individual lots will be privately owned and maintained. Confirming testimony should be provided regarding lighting ownership. The applicant's engineer indicates that all lighting within public right-of-ways shall be owned and maintained by the Township. A note should be added on page 6 of 12 for resolution compliance submission should approval be granted. 5. 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 Ocean Avenue. The proposed design will not be deep enough to provide gravity service to the basements. Statements of fact. 2. Potable water is proposed to be extended from an existing main on the north side of Ocean Avenue. Statement of fact. H. Signage 1. Proposed regulatory signage and details should be completed. Proposed regulatory

signage and details can be found on pages 5 and 9 of 12. Proposed signage will be reviewed with resolution compliance submission, should approval be granted. I. Environmental 1. Environmental Impact Statement It is our understanding that an Environmental Impact Statement (EIS) is being prepared for the project in conjunction with the Letter of Interpretation/Absence submittal. The submittal of the Environmental Impact Statement is required prior to the Public Hearing. An Environmental Impact Statement has been provided. Revisions are required and shall be provided with resolution compliance submission should approval be granted. The report references a Geotechnical Report which also should be provided. 2. Tree Management The Boundary & Topographic Survey locates trees having a diameter of ten inches (10") and larger. A Tree Protection Management Plan will be required as a condition of approval. The plan shall be completed in accordance with current ordinance Chapter XIX, Protection of Trees. A Tree Protection Management Plan is required. The proposed landscaping may be providing enough trees to satisfy compensatory planting. 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. Final Plat (Major Subdivision) 1. Revisions should be made in accordance with previous comments contained in this report. Further revisions will be required and shall be provided with resolution compliance submission should approval be granted. 2. Survey information needs to be added to the three hundred foot (300') Riparian Buffer Line which must be tied to the project boundary. The survey information shall be provided with resolution compliance submission should approval be granted. 3. Non-radial lines shall be labeled. The information shall be provided with resolution compliance submission should approval be granted. 4. Some proposed outbound corner monuments should be added. The information shall be provided with resolution compliance submission should approval be granted. 5. A Legend should be added. The information shall be provided with resolution compliance submission should approval be granted. 6. Coordinates shall be provided on at least three (3) outbound corners. The information shall be provided with resolution compliance submission should approval be granted. 7. The text in the Secretary's Certification should be corrected. The information shall be provided with resolution compliance submission should approval be granted. 8. Compliance with the Map Filing Law is required. Statement of fact. 9. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. Statement of fact. 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; e. New Jersey Department of Transportation Access Permit; f. New Jersey Department of Environmental Protection (LOI/A); and g. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Jackson announced that this application will be carried to the August 20, 2013 meeting. No further notice required.

7. SP 2023AA (No Variance Requested)

Applicant: Shiras Chaim Inc

Location: Albert Avenue

Block 854 Lot 3

Change of Use/Site Plan Exemption from single-family residence to supplemental school building for after hours activities

Project Description

The applicant is seeking Site Plan Exemption/Change of Use approval for conversion of an existing two-story single-family residential dwelling at 270 Albert Avenue into a Girls' school. The property is situated at the southeast corner of Albert Avenue and Pine Street. As depicted on the site plat and as referenced on the architectural plan, the existing building will be enlarged via a 2-story addition along the front and rear facades (projections on second floor). The site plan indicates what appear to be existing stone driveways within the property's Albert Avenue and Pine Street frontages, large enough to provide six (6) off-street parking spaces. Additionally, a 12' x 45' paved bus parking stall is proposed abutting the Albert Avenue cartway along the property frontage. Per review of the architectural plan, the proposed first floor of the school will include a classroom, a covered porch, a lobby and two (2) offices. The second floor will contain three (3) proposed offices, a kitchen and a proposed multi-purpose room.

I. Zoning

1. The property is located in the M-2 (Industrial) Zone. Private Schools are a permitted use in the zone, subject to the requirements of Section 18-906 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. Pre-existing variances include lot width, and side yard setback (to adjacent Lot 37).

3. Per review of the Change of Use Site Plan, the following design waivers are required for proposed project:

- In accordance with Section 18-906A.3., of the UDO, landscaping shall be provided for the required buffer. No new landscaping is proposed for the twenty foot (20') wide buffer area.
- Providing landscaping.
- Providing paved access/off-street parking.
- Providing curbing.
- Providing sidewalk.
- Providing shade trees and utility easements.

II. Review Comments

1. Testimony should be provided by the applicant for the Board summarizing the proposed use of the school, including but not limited to the following:

- a. How many students are proposed at the school.
- b. Will any students (or parents) drive and park at the school.
- c. How many buses are proposed.
- d. Will any students will be dropped off and picked up (by car).

2. As indicated previously, existing driveways on the property provide the equivalent of six (6) off-street parking spaces. As indicated previously, the proposed school will include one classroom, five (5) offices and one meeting room. Per Section 18-906C of the UDO, seven (7) off-street spaces are required. We recommend adding at least one (1) additional space adjoining one of the existing driveways, or seek relief from the Board. Parking should be provided to the satisfaction of the Board.

3. As depicted on the Change of Use Site Plan, a bus parking stall (and access) is proposed along the easterly edge of the Albert Avenue cartway. Lakewood Township approval of this bus parking stall will be required as a condition of the Change of Use site plan approval.

4. Per Note 8 on the Change of Use plan, curbside pickup of trash and recyclables (by the DPW) is proposed.

5. Per communications with the applicant's professionals, final design of the proposed access drive and parking area will be provided during compliance, if/when Board approval is granted.

6. Testimony should be provided regarding proposed lighting (if any). Lighting shall be provided to the satisfaction of the Board.

7. Information and/or testimony should be provided that existing utilities serving the building are adequate for the proposed school use.

8. Construction details will be required for proposed site improvements as approved by the Board. Per communications with the applicant's professionals, this information will be provided during compliance, if/when Board approval is granted.

9. 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 (including but not limited to Lakewood Township approval of the proposed bus parking stall adjacent to Albert Avenue).

Mr. Magno said that no variances are requested but there are design waivers.

Mrs. Miriam Weinstein, Esq. on behalf of the applicant stated the applicant is seeking a change of use approval to convert an existing house to an auxiliary building for a girl's elementary school. The property will be used for special education, tutoring and additional offices. There will be no catering facility. This is an existing school with two classes for next year which will have a primary and 1st grade. Each class will have approximately 25 students for a total of 50 students. No buses will be at this location. All buses, pick ups and drop offs will be at the existing school building. Students and faculty will walk between the two properties. No additional traffic will be diverted onto Albert Avenue.

Mr. Lines, P.E., P.P. was sworn in.

Mr. Schmuckler would like to see how the students and faculty will be going back and forth between this property and the existing school.

Mr. Lines said there is sidewalk along Charity Tull Avenue to the back corner of the property and there is a fence along the property so the students could walk in through that lot. No sidewalk is currently proposed.

Mr. Schmuckler would like to see sidewalk.

Mr. Lines said that wouldn't be a problem.

Mr. Franklin said that Charity Tull is going to be a major road so something will have to be done.

Mr. Lines said the students would be accompanied by the teachers when walking between the two properties.

The Board was in agreement that they would like to see sidewalk between the properties.

Mrs. Weinstein said the applicant will comply with that.

Mr. Schmuckler questioned the amount of cars coming and going at this site.

Mrs. Weinstein said there is an existing daycare also in the existing school building. This proposed building will only be used for tutoring and special educational services.

Mr. Schmuckler wants the assurance that this building will not become a school.

Mrs. Weinstein said they are specifically saying here that there will be no buses to this property. The applicant can not bring buses to the new location without coming back to this Board. In the future, when the school does grow they plan on coming back before this Board to do an addition. That is the ultimate goal.

Mr. Neiman opened to the public.

Mr. Weinstein, Albert Avenue, was sworn in. He is concerned about this application because of the current traffic situation with only two classes in the school. He said a bunch of school buses currently go down Albert Avenue to get to Oak Street.

Mr. Moshe Silberstein was sworn in. He said he purchased a property adjacent but because of this school he is not able to do that. He is now having trouble selling the property. He also said there is a party hall in the basement which brings in a lot of traffic.

Mr. Binyomin Meisels, 295 Albert Avenue, was sworn in. He stated that the applicant promised him that he would not be building on Albert. The applicant also told him that there would be only a total of 9 classrooms as well as sufficient parking. He complained about the parking on Pine Street and Albert Street.

Mr. Neiman wanted to be clear that when they are approving a school, they are not also approving a party hall or a day care center. They are approving a school. If there is going to be such things, the applicant needs to give testimony on that so the engineer can figure out how much parking is needed.

Mr. Neiman closed to the public.

Rabbi Perlstein was sworn in.

Mrs. Weinstein asked him about the catering facility and additional schools on that property which were mentioned by his neighbors.

Mr. Perlstein said there was discussion about a catering hall but it is not happening. He said if he plans on doing it in the future, he will come back before the Board. He said the existing building currently has 9 classrooms with 1 teacher and 10 children per classroom. He said they are very careful not to park on Albert Avenue. He said perhaps on PTA night some parents may park on Albert but the rest of the year they make sure not to park there.

Mr. Schmuckler said the Smart Growth Plan calls for no parking on Pine Street and Albert Avenue. Perhaps an ordinance should be passed to prohibit parking within so many feet of the school and when there is a special event they would have police traffic control.

Mr. Perlstein agrees with that.

Mr. Banas asked about parking.

Mr. Lines said there is a paved driveway which can have six cars parked in it. There is also an existing gravel driveway to fit an additional six cars.

Mr. Banas still does not see the parking on the plans. He also said the gravel should be paved.

Mr. Lines said they don't anticipate anyone parking there. They will be parking at the existing school.

Mr. Magno suggested that the Board act on the design waivers.

Mr. Lines said they are requesting not to landscape the 20 ft buffer on the southerly side of the property.

Mr. Franklin said there should be some kind of landscaping to shield headlights from the cars.

Mr. Schmuckler asked how many parking spots are required.

Mr. Lines said 7. They will pave and stripe the 7 spaces as required.

Mr. Schmuckler also said that sidewalk and curb shall be provided.

Mr. Lines agreed. The shade tree and utility easement will be provided as well.

Mr. Schmuckler asked about the buffer waiver.

Mrs. Weinstein said in lieu of the buffer they will put up a fence.

Mr. Lines said that would address all the waivers.

A motion was made by Mr. Schmuckler and seconded to approve the application with the following conditions: a safe walkway will be provided between the two schools, seven paved parking spots, a fence instead of landscaping, sidewalks and curbing will be provided. The applicant will also petition the Township to allow no parking on Pine Street and Albert Avenue. The applicant will have to come back before the Board if a catering hall is proposed.

Mr. Jackson said the applicant will have to go to the committee to ask for no parking on Pine and Albert. If they do not get it, they will have to come back to the Board.

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

- 8. SP 2024AA** (No Variance Requested)
Applicant: Shiras Chaim Inc, fbo Moreshes Bais Yaakov
Location: Albert Avenue
Block 855.01 Lot 1.01
Change of Use/Site Plan Exemption from single-family residence to girls' school

Project Description

The applicant is seeking Site Plan Exemption/Change of Use approval for conversion of an existing two-story single-family residential dwelling at 270 Albert Avenue into a Girls' school. The property is situated at the southeast corner of Albert Avenue and Pine Street. As depicted on the site plat and as referenced on the architectural plan, the existing building will be enlarged via a 2-story addition along the front and rear facades (projections on second floor). The site plan indicates what appear to be existing stone driveways within the property's Albert Avenue and Pine Street frontages, large enough to provide six (6) off-street parking spaces. Additionally, a 12' x 45' paved bus parking stall is proposed abutting the Albert Avenue cartway along the property frontage. Per review of the architectural plan, the proposed first floor of the school will include a classroom, a covered porch, a lobby and two (2) offices. The second floor

will contain three (3) proposed offices, a kitchen and a proposed multi-purpose room. I. Zoning 1. The property is located in the M-2 (Industrial) Zone. Private Schools are a permitted use in the zone, subject to the requirements of Section 18-906 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. Pre-existing variances include lot width, and side yard setback (to adjacent Lot 37). 3. Per review of the Change of Use Site Plan, the following design waivers are required for proposed project: • In accordance with Section 18-906A.3., of the UDO, landscaping shall be provided for the required buffer. No new landscaping is proposed for the twenty foot (20') wide buffer area. • Providing landscaping. • Providing paved access/off-street parking. • Providing curbing. • Providing sidewalk. • Providing shade trees and utility easements. II. Review Comments 1. Testimony should be provided by the applicant for the Board summarizing the proposed use of the school, including but not limited to the following: a. How many students are proposed at the school. b. Will any students (or parents) drive and park at the school. c. How many buses are proposed. d. Will any students will be dropped off and picked up (by car). 2. As indicated previously, existing driveways on the property provide the equivalent of six (6) off-street parking spaces. As indicated previously, the proposed school will include one classroom, five (5) offices and one meeting room. Per Section 18-906C of the UDO, seven (7) off-street spaces are required. We recommend adding at least one (1) additional space adjoining one of the existing driveways, or seek relief from the Board. Parking should be provided to the satisfaction of the Board. 3. As depicted on the Change of Use Site Plan, a bus parking stall (and access) is proposed along the easterly edge of the Albert Avenue cartway. Lakewood Township approval of this bus parking stall will be required as a condition of the Change of Use site plan approval. 4. Per Note 8 on the Change of Use plan, curbside pickup of trash and recyclables (by the DPW) is proposed. 5. Per communications with the applicant's professionals, final design of the proposed access drive and parking area will be provided during compliance, if/when Board approval is granted. 6. Testimony should be provided regarding proposed lighting (if any). Lighting shall be provided to the satisfaction of the Board. 7. Information and/or testimony should be provided that existing utilities serving the building are adequate for the proposed school use. 8. Construction details will be required for proposed site improvements as approved by the Board. Per communications with the applicant's professionals, this information will be provided during compliance, if/when Board approval is granted. 9. 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 (including but not limited to Lakewood Township approval of the proposed bus parking stall adjacent to Albert Avenue).

Mrs. Morris explained that this application is actually under Moreshes Bais Yaakov but the school has not been legally formed yet so it was filed under Shiras Chaim.

Mr. Jackson asked for a 5 minute recess.

Mr. Neiman said there is an issue with the notice so they will come back to this application later.

Mr. Jackson announced that this application will be carried to the August 6, 2013 meeting. No further notice required.

- 9. SP 2030AA** (No Variance Requested)
Applicant: Congregation Noam Hatalmud
Location: Lanes Mill Road

Block 187 Lot 6
Change of Use/Site Plan Exemption to convert existing house into a school

Project Description

The applicant is seeking Site Plan Exemption/Change of Use approval for conversion of an existing one-story single-family residential dwelling into a school. As depicted on the survey plan, Lot 1 is a trapezoidal-shaped property with frontage on Lanes Mill Road. The lot is situated on the north side of the roadway, opposite of the intersection of Lanes Mill Road and Long Beach Avenue. As depicted on the survey, a one-car garage and 30 lf driveway exists, providing two (2) off-street parking spaces. Curbing and sidewalk exist along the property frontage, with sidewalk terminating near the southwesterly property corner. The property is surrounded by single-family residential development. The property is situated within the R-15 Single Family Residential Zone. As depicted on the Change of Use Site Plan, the applicant intends to provide off-street parking by adding six (6) new paved off-street parking spaces in the front of the property that will be accessible from the existing concrete driveway and curb cut off of Lanes Mill Road. As noted on the architectural floor plan (copy enclosed), approximately 505 sf of sanctuary space are proposed with the conversion. Additionally, three (3) offices, a study, a dining room and kitchen are also proposed as part of the conversion.

I. Zoning

1. The property is located in the R-15 (Single Family Residential) Zone. Schools are a permitted use in the zone, subject to the requirements of Section 18-906 of the UDO.

2. Per review of the Change of Use Site Plan, no new bulk variances appear necessary for the change of use request. A (de minimus) pre-existing variance for lot width exists.

3. Per review of the Change of Use Site Plan, the following design waivers are required for proposed project:

- Providing site lighting.
- Providing landscaping.
- Providing a 20 foot perimeter buffer per Section 18-906A-2 of the UDO.
- Parking proposed within perimeter buffer (Section 18-906B of the UDO).
- Providing curbing.

II. Review Comments

1. Per communications with the applicant's professionals, testimony will be provided at the hearing, summarizing the proposed use of the school, including but not limited to the following:

- a. How many students are proposed at the school.
- b. Will any students (or parents) drive and park at the school.
- c. Will any students will be dropped off and picked up (by car).
- d. Is future expansion of the existing building (dwelling) proposed?

2. As indicated on the enclosed architectural floor plan, no building expansion is proposed with the current change of use application. Information and testimony should be provided to the Board's satisfaction at the forthcoming public hearing (i.e., if any façade or other improvements are proposed).

3. Per Section 18-906C of the UDO, one (1) parking space is required for each classroom, tutor room, library, meeting rooms and office. Using what was previously depicted on a prior submitted architectural plan as 'proposed synagogue' floor space for use as a 'meeting room' for the proposed school use, the UDO requires up to five (5) off-street parking spaces for the proposed school.

4. As indicated previously, a one-car 11'x15' garage and 30-foot long single car driveway exist on the property, providing the equivalent of two (2) off-street parking spaces. These spaces are in addition to the six (6) new off-street spaces proposed as depicted on the Change of Use plan. As depicted, proposed off-street parking now exceeds UDO requirements. Parking shall be provided to the satisfaction of the Board.

5. Design information (grading, etc.) is necessary to support the proposed on-site parking improvements. Per communications with the applicant's professionals, this information will be provided during compliance review, if/when Board approval is granted.

6. Testimony should be provided regarding proposed trash and recyclables pickup (i.e., curbside for DPW pick-up, other).

7. No new landscaping is proposed. As indicated above, a waiver of the perimeter buffer requirement is necessary.

8. Testimony should be provided regarding proposed lighting (if any). Lighting

shall be provided to the satisfaction of the Board. 9. Information and/or testimony should be provided that existing utilities serving the building are adequate for the proposed school use. 10. 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. Magno said there are several design waivers to be acted upon by the Board.

Mrs. Miriam Weinstein, Esq. said this is a school for post high school studies. The students will be living about a block away therefore there won't be many cars.

Mr. Brian Flannery, P.E., P.P. was sworn in. He said they have shown six spaces on the plans but they feel four spaces are more than enough if the Board agrees with that. Design waivers are requested for lighting, landscaping buffer and curbing. This is a rented temporary facility. The school will be moved or expanded at which point they would comply with the other requirements.

Mr. Franklin said there is not enough room to back the cars out of the spaces.

Mr. Flannery said with additional maneuverings it is possible.

Mr. Herzl suggested angling the parking.

Mr. Flannery said that would a viable solution.

Mr. Schmuckler suggested leaving it up to the engineer to resolve.

Mr. Banas opened to the public.

Mr. Abraham Alemany, 1508 Carol Court, was sworn in. He would like to see this neighborhood stay residential and he can not see how they will able to fit the number of vehicles they speak of. He is also concerned about the students being supervised. He requested a privacy fence on his side.

Mr. Flannery said the applicant agrees to put up a privacy fence.

Mr. Miller was sworn in. He said this is more than just a school. There is a dormitory on the other side and there will be a bunch of children traveling back and forth. He has safety concerns about that.

Mr. Steven Schwartz was sworn in. He is concerned about a nearby intersection and feels this application is making it more dangerous.

A motion was made by Mr. Schmuckler, seconded by Mr. Herzl to approve the application with the conditions that a 6 ft solid privacy fence is erected in the back and the parking is worked out with the township engineer. If a fifth spot is feasible, the Board would like to see that done.

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

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