

## I. CERTIFICATION OF COMPLIANCE

Chairman Neiman called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Mr. Vogt 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, Committeeman Ackerman, Mr. Banas, Mr. Schmuckler, Mr. Rennert

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

- 1. SP 1978** (Variance Requested)  
Applicant: Abraham Newman  
Location: Coleman Avenue, north of Milton Street  
Block 104 Lot 24

Site Plan for proposed gymnasium as accessory use for previously approved dormitory

A motion was made by Mr. Schmuckler and seconded by Mr. Rennert to approve the resolution.

Affirmative: Mr. Herzl, Mr. Franklin, Committeeman Ackerman, Mr. Banas, Mr. Schmuckler, Mr. Rennert

- 2. SD 1839** (Variance Requested)  
Applicant: Park Avenue Realty, LLC  
Location: Southwest corner of East Seventh Street & New York Avenue  
Block 224 Lots 7 & 9  
Minor Subdivision to create three lots (two single family homes and one duplex)

A motion was made by Mr. Schmuckler and seconded by Mr. Franklin to approve the resolution.

**PLANNING BOARD MEETING  
JUNE 26, 2012**

**TOWNSHIP OF LAKEWOOD  
PUBLIC HEARING MEETING**

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Schmuckler  
Abstained: Committeeman Ackerman, Mr. Rennert

- 3. SD 1840** (No Variance Requested)  
Applicant: Diversified Capital-Second St, LLC  
Location: Northwest corner of Route 9 (Madison Avenue) & Second Street  
Block 72 Lots 7 & 8  
Minor Subdivision to create four lots

A motion was made by Mr. Schmuckler and seconded by Mr. Franklin to approve the resolution.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Schmuckler  
Abstained: Committeeman Ackerman, Mr. Rennert

- 4. SP 1980** (Variance Requested)  
Applicant: Diversified Capital-Second St, LLC  
Location: Northwest corner of Route 9 (Madison Avenue) & Second Street  
Block 72 New Lot 7.01  
Preliminary & Final Site Plan for proposed bank with drive through

A motion was made by Mr. Schmuckler and seconded by Mr. Franklin to approve the resolution.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Schmuckler  
Abstained: Committeeman Ackerman, Mr. Rennert

- 5. SD 1836** (Variance Requested)  
Applicant: Homes For All, Inc.  
Location: Vine Avenue, south of Oak Street  
Block 1146 Lot 1  
Block 1147 Lot 1  
Block 1154 Lot 1  
Block 1155 Lot 1  
Block 1156 Lot 1  
Maple Tree Village – Preliminary & Final Major Subdivision to create 71 residential single family dwellings & duplex affordable housing

Mr. Vogt announced that this resolution will be carried to the July 24, 2012 meeting.

- 6. SP 1986AA** (Variance Requested)  
Applicant: Congregation Shaarei Tvunah  
Location: Spruce Street, between River Avenue & Sharon Court  
Block 778.06 Lot 58  
Administrative Change of Use Site Plan from residential to residential/synagogue

A motion was made by Mr. Schmuckler and seconded by Mr. Franklin to approve the resolution.

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

Abstained: Committeeman Ackerman

## 5. PLAN REVIEW ITEMS

1. **SP 1989** (Variance Requested)  
Applicant: Bnos Brocha  
Location: River Avenue, north of Oak Street  
Block 782 Lot 35  
Preliminary & Final Site Plan to construct a 3 story addition to connect 2 existing school buildings

### **Project Description**

The applicant is seeking Preliminary and Final Major Site Plan approval for the construction of a three-story addition to connect two (2) existing buildings. The existing girls school site consists of two (2) existing buildings, a parking lot, playground area, and temporary trailers. An existing one-story building with basement, and an existing two-story building on Lot 35 in Block 782 will remain. The two (2) buildings will be connected by a three-story addition. The proposed girls' school will mainly consist of classrooms, resource rooms, offices, a small library, conference rooms, and a multipurpose room. The architectural plans indicate the proposed school building will contain twenty-eight (28) classrooms, five (5) resource rooms, a library, three (3) conference rooms, and twelve (12) offices. Per our interpretation of the UDO, up to forty-four (44) spaces are required. The site plans indicate there are thirty-nine (39) proposed off-street parking spaces, two (2) of which are van accessible handicap. The site is located in the southern central portion of the Township on the east side of River Avenue (Route 9), between High Street and Oak Street. The project has one hundred sixty-five feet (165') of frontage on River Avenue (Route 9). The tract totals 1.5025 acres in area. Curb and sidewalk exist across the entire frontage of the project. The project will be serviced by sanitary sewer and potable water. Lot 35 is an irregular shaped property because of an additional 25' X 210' strip of land added to the southwest side of the original lot due to the vacation of Wallace Place. Access to the site is afforded from Route 9 by a twenty-five foot (25') wide driveway. The northern half of this existing driveway is on the subject site, Lot 35. The southern half of the driveway is located on Lots 15.01 and 16.02. The surrounding lands are developed. The north side of the project is bordered by a gas station and multifamily dwellings. The east side and part of the south side of the property are bordered by storage buildings. The area south of the site along Route 9 is residentially developed. We offer the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. C13 - Environmental Impact Statement. 2. C14 – Tree Protection Management Plan. The requests are being made since the project site has been previously disturbed. Due to the developed nature of the site, the lack of existing trees, and the detail of the Existing Conditions Plan, we support the granting of the requested waivers. II. Zoning 1. The project is located in the HD-7 Highway

Development Zone. Public and private schools are permitted uses in the zone. 2. A variance is being requested for Minimum Front Setback. A 40.56 foot setback is proposed, while a seventy-five foot (75') setback is required. The existing one-story building with basement is closest to Route 9, while the proposed addition is only marginally farther from Route 9. 3. A variance is being requested for Minimum Rear Setback. A thirty foot (30') rear setback is requested, while a fifty foot (50') rear setback is required. However, the existing building and proposed addition both appear to be in excess of fifty feet (50') from the rear property line. 4. A variance is being requested for Minimum Side Setback. A 1.06 foot setback is proposed, while a thirty foot (30') setback is required. The variance is required for the proposed three-story addition. 5. A variance is being requested for Maximum Building Coverage. A 32.4% building coverage is proposed, while a thirty percent (30%) building coverage is permitted. 6. Relief is required for the location of proposed off-street parking. In accordance with Section 18-903H.6., of the UDO, parking shall be permitted in the required front yard setback for both residential and nonresidential development provided no parking shall be less than sixty-five feet (65') from the centerline of a State highway. Off-street parking is proposed within sixty-five feet (65') of the centerline of Route 9. 7. A variance is required for the number of parking spaces. Forty-four (44) are required. Thirty-nine (39) off-street parking spaces are proposed for the site. 8. Per review of the Site Plan and the zone requirements, the following waivers are required for the proposed project:

- In accordance with Section 18-906A.1., of the UDO, a ten foot (10') wide buffer is required from nonresidential uses and zones, whereas one foot (1') is provided. Said buffer is required along the northerly property line, where relief is necessary.
- In accordance with Section 18-906B., of the UDO, parking is not permitted in any required buffer and off-street parking is proposed in a buffer area. Said buffer being violated is along the southerly property line, where parallel off-street parking is proposed adjacent the storage building site.

III. Review Comments A. Site Plan/Circulation/Parking

1. A Boundary and Topographic Survey has been provided. The Notes indicate "Wallace Place vacated per Road Vacation, Book 8 Page 661, recorded February 25, 1985". The Notes also indicate "Property subject to conditions governing the rights of ingress and egress to the rear of Lot 36, Block 782, as described in the Township of Lakewood Ordinance recorded February 28, 1985". Testimony must be provided regarding the ingress and egress rights among existing Lots 15.01, 16.02, 35, and 36.
2. The Boundary and Topographic Survey should be revised to show the existing depressed curb across the access driveway which is vacated Wallace Place. This existing depressed curb is in poor condition.
3. The Boundary and Topographic Survey should also be revised to show the existing playground. The existing chain link fence surrounding the playground encroaches onto the neighboring storage building property. The existing fence must be relocated and the existing playground modified to be handicap accessible. Furthermore, the playground equipment shall be certified as manufactured and installed in accordance with ASTM Standard F1487-Standard Consumer Safety Performance Specification for Playground Equipment for Public Use, ASTM F1292-99, Standard Specification for Impact Attenuation Under and Around Playground Equipment, CPSC Guidelines (Consumer Product Safety Commission), and manufacturer's recommendations. All equipment shall bear an IPEMA Certification logo. A CPSI (Certified Playground Safety Inspector) shall certify that the equipment is installed properly.
4. The Boundary and Topographic Survey only shows part of the existing wood fence along the northern property line which is in disrepair. The future status of this fence should be indicated.
5. The site plan shows the existing temporary trailers encroaching onto the storage building site are to be removed.
6. Proposed setback lines and additional proposed dimensions are required on the Site Plan, to confirm zoning compliance.
7. The Schedule of Bulk Requirements should include existing and proposed building square footage since a variance is being requested for Maximum Building

Coverage. 8. The off-street parking requirements should be revised in the Schedule of Bulk Requirements. The Off-Street Parking Requirements should state "one (1) space per classroom / tutor room / library / meeting room / office". The total required off-street parking spaces should be revised, and a variance requested indicated. 9. Testimony is necessary from the applicant's professionals regarding site operations, such as how the bus drop off and parking areas will be used, including but not limited to times, sizes, and types of vehicles anticipated (i.e., buses, vans, cars, others). A proposed open pavement area with a minimum fifty foot (50') radius is depicted, presumably for a bus drop off area. A proposed striped island is shown for vehicular traffic control from the vacated Wallace Place access driveway. Proposed painted directional arrows for a counterclockwise flow are recommended to be added. 10. A proposed unscreened trash storage area for individual cans is shown in the front yard where the building addition is contemplated. Based on the current plan, it is assumed Township pickup along Route 9 is proposed, approval from the DPW Director is necessary. Any waste receptacle area should be screened and designed in accordance with Section 18-809.E., of the UDO. 11. The limits of proposed site improvements need to be better clarified, particularly the proposed improvements for the vacated Wallace Place access driveway. 12. New handicapped ramps shall be provided per requirements where existing handicapped ramps are not in compliance. Proposed striping shall be added between the access aisle for the handicap spaces and the curb ramp. 13. Testimony on sight triangles should be provided. 14. Shade trees, along with a shade tree and utility easement have not been provided. Unless provided, waivers will be required from the Board. 15. Proposed building dimensions must be coordinated with the architectural drawings. 16. A Legend should be added to the Site Plan sheet. 17. Minor corrections are required to the General Notes.

**B. Architectural**

1. Architectural plans have been provided for the proposed school addition and two (2) existing buildings. The set includes floor plans and elevations. The proposed building addition is three (3) floors. Being the proposed building addition is the highest part of the structure, it is easily less than the allowable building height of sixty-five feet (65').

2. The applicant's professionals should provide testimony regarding the facades and treatments of the proposed new building. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum.

3. Though not shown, potable water and sanitary sewer connections are proposed for the school building. The architectural plans indicate the proposed building will include a sprinkler system.

4. We recommend that the location of proposed HVAC equipment be shown. Said equipment should be adequately screened.

**C. Grading**

1. A grading plan is provided on Sheet 4. The proposed grading has been designed to generally slope southwards, similar to the existing conditions observed during our 6/15/12 site investigation.

2. Per review of the proposed grading plan, the design concept is feasible. Final grading will be addressed during compliance review if/when approval is granted.

3. Proposed spot shots are required for the handicapped spaces to ensure code compliance.

4. No soil boring locations are indicated on the drawings. Per communications with the applicant's professionals, borings will be provided during compliance if/when Board approval is granted.

**D. Storm Water Management**

1. A proposed storm sewer management system has been designed. A proposed underground recharge system is located beneath the parking area on the south side of the site. A proposed bubbler inlet is located at the site's entrance from the access driveway to serve as an emergency outlet in case of system failure. Collection of runoff will be from proposed inlets within the on-site paved areas and a trench drain on the north side of the building addition. Necessary revisions can be finalized during compliance review if/when board approval is granted.

2. Construction of the Type "B" Inlets proposed along the southerly curb line adjacent the storage building site. We recommend Type "E" Inlets be proposed at the corners of the parking area.

3. The locations of Soil Borings #1

and #2 are not shown on the plans. Necessary revisions can be finalized during compliance review if/when board approval is granted. 4. Predevelopment and Post Development Drainage Area Maps have been provided to assist in the review of the design. 5. A Storm Water Management Facilities Maintenance Plan has been provided. Confirming testimony shall be provided that the operation and maintenance of the proposed on-site storm water management system will be the responsibility of the applicant. The Storm Water Management Operation and Maintenance Manual will be reviewed after all design revisions are completed. E. Landscaping 1. A dedicated landscaping plan is provided with the submission; proposed landscaping is depicted on Sheet 5 of the plans. 2. No shade tree and utility easement is proposed across the frontage of the property. Existing trees in the front yard are not shown on the Landscape Plan. 3. The proposed landscaping on the south side of the existing front school building is comprehensive. 4. Confirming testimony should be provided that compensatory landscaping is not necessary. Our site investigation revealed no existing trees of consequence would be removed. 5. Landscaping should be provided to the satisfaction of the Board. 6. A final review of landscaping can be conducted during compliance, should site plan approval be granted. F. Lighting 1. A dedicated lighting plan is provided with the submission; proposed lighting is depicted on Sheet 5 of the plans. 2. The lighting plan proposes three (3) twenty-five foot (25') high pole mounted lights and nine (9) wall mounted lights for the proposed site. The proposed point to point lighting calculation diagram indicates the site should be adequately illuminated by the design. 3. The Lighting Plan proposes a pole mounted fixture off-site and a wall mounted fixture on an existing utility pole off-site. These proposed fixtures will require an agreement from the neighboring storage building site. 4. Lighting should be provided to the satisfaction of the Board. 5. Final lighting design can be reviewed during compliance should site plan approval be granted. G. Utilities 1. The General Notes indicate the future school will be served by public water and sewer. 2. Approvals will be required from the New Jersey American Water Company for water and sewer since the project is within their franchise area. H. Signage 1. The providing of signage information is required. The future status of an existing free-standing sign has not been indicated. The architectural plans show a proposed building-mounted sign on the south face of the addition. 2. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. I. Environmental 1. A waiver was requested from submission of an Environmental Impact Statement (EIS) due to the developed nature of the project site. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmentally-sensitive areas exist per available mapping. Per communications with the applicant's professionals, there are no known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property. 2. We recommend that all on-site materials from the proposed reconstruction activities be removed and disposed in accordance with applicable local and state regulations. 3. A waiver was requested from submission of a Tree Protection Management Plan because virtually no existing trees will be removed with the construction of the project. I. Construction Details 1. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is approved. 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 (if applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. New Jersey Department of Transportation; and f. All other required outside agency approvals.

Mr. Flannery stated that he reviewed the engineer's review letter and they will make the revisions as necessary and they will be prepared to offer testimony at the public hearing. The ordinance states that they need 44 parking spaces and they are providing 39. They have a large bus turn around area in the middle. Other than when the buses are turning around there is plenty of parking.

Mr. Schmuckler asked that he provide additional information on the bus circulation.

Mr. Vogt stated that this will be on for the July 10, 2012 meeting under public items

A motion was made by Mr. Herzl and seconded by Mr. Schmuckler to advance the application to the July 10, 2012 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Schmuckler  
Abstained: Committeeman Ackerman, Mr. Rennert

## 6. NEW BUSINESS

- SD 1851** (No Variance Requested)  
Applicant: Cedarbridge Development, LLC  
Location: New Hampshire Avenue  
Block 961.01 Lot 2.01  
Minor Subdivision to create two lots

### **Project Description**

The applicant seeks minor subdivision approval to subdivide existing Lots 1.02 and 2.01 in Block 961.01, into two (2) new lots shown as proposed Lots 2.05 and 2.06 in Block 961.01 on the subdivision plan. The applicant is Cedarbridge Development, LLC, of 641 Fifth Street, Lakewood, New Jersey 08701. The owner of the existing lots is Lakewood Township. The 9.813 acre site is situated in the central portion of the Township on the south side of the Boulevard of the Americas and the west side of New Hampshire Avenue. A corner property, Lot 1.03, owned by the Lakewood Township Municipal Utilities Authority is not part of the site. The adjoining roads are improved. The plan shows the Boulevard of the Americas has an existing variable right-of-way width. New Hampshire Avenue is a County Road with an existing right-of-way width of ninety feet (90'). No additional right-of-way dedications are proposed for this minor subdivision. A construction project has recently been completed along New Hampshire Avenue and the right-of-way shown on the minor subdivision plan is consistent with the County Plans. Proposed Lot 2.05 would become a 4.465 acre property with frontage on the Boulevard of the Americas. Proposed Lot 2.06 would become a 5.348 acre tract with frontage on the Boulevard of the Americas and New Hampshire Avenue. An existing sixty foot (60') wide access and utility

easement from the Boulevard of the Americas will split the proposed property line between new Lots 2.05 and 2.06. An existing twenty foot (20') wide sanitary sewer easement traverses proposed Lot 2.05. An existing twenty foot (20') wide gas pipeline easement and an existing twenty foot (20') wide drainage easement runs through portions of proposed Lot 2.06. The lots are situated within the DA-1 Cedarbridge Redevelopment Area. No variances are required to create this subdivision. We have the following comments and recommendations: I. Zoning 1. The parcels are located in the DA-1 Cedarbridge Redevelopment Area. Per communications with the applicant's professionals, the proposed uses will be office and warehouse/storage in nature. 2. Per communications with the applicant's professionals, waivers were granted with the original major subdivision including sidewalks and shade tree and utility easements. Review of the previously filed (Van Note Harvey) Major Subdivision Plats appear to corroborate the applicant's position that necessary waivers for sidewalk, shade tree and utility easements were previously granted. II. Review Comments 1. Per communications with the applicant's professionals, there are no new site plan improvements proposed as part of the current minor subdivision application. 2. The Minor Subdivision title box should include Lot 1.02. 3. Dedications and areas should be added to all easements and restrictions. 4. Survey data should be completed for the existing drainage easement. These data could be supplied during compliance if approval is granted. 5. Under "Parking Requirements" it appears the calculation  $40,000 \text{ SF} \times 4/1,000 = 160$  is not relevant to this plan. 6. The proposed building setback lines should be eliminated from the existing access and utility easement. 7. Proposed parking setback lines are shown on the new lots. The proposed parking setback line should be eliminated from the existing access and utility easement. 8. A bench mark shall be provided for the vertical datum. The vertical datum is NGVD 29 since the aerial topography is from 1987. 9. The filed Major Subdivision Plat which created Lots 2.01 through 2.03 proposes easements which are indicated on the Minor Subdivision Plat submitted. 10. A County Road Improvement project for New Hampshire Avenue has recently been completed. 11. The proposed lot and block numbers must be approved by the tax assessor's office. 12. No shade tree and utility easements are proposed along the property frontages on the Minor Subdivision Plat. 14. Compliance with the Map Filing Law is required. 15. Development for proposed lots 2.01-2.03 will require future site plan applications for development. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Ocean County Planning Board; and b. All other required outside agency approvals.

Mr. Rennert & Mr. Ackerman stepped down.

There was not a quorum.

Mr. Jackson stated that the application will be carried to the July 24, 2012 meeting. No further notices are required.

2. **SD 1847** (Variance Requested)  
Applicant: Arthur Gestetner & Nachman Steger  
Location: Columbus Avenue, north of Central Avenue  
Block 12.04 Lot 38  
Minor Subdivision to create two lots

**Project Description**

The applicant seeks minor subdivision approval to subdivide an existing lot totaling 0.47 acres in area known as Lot 38 in Block 12.04. The project proposes to provide for two (2) new single-family residential lots designated as new Lots 38.01 and 38.02 on the subdivision plan. Proposed Lot 38.01 would be a 60' X 167.80' rectangular lot containing 10,068 square feet. Proposed Lot 38.02 would be a sixty-five foot (65') wide irregular lot containing 10,251 square feet. Public water and is available, public sewer is not available. The surrounding area is predominantly residential. Variances will be required to create this subdivision. The lots are situated within the R-12 Single Family Residential Zone. We have the following comments and recommendations per testimony provided at the 5/1/12 Planning Board Plan Review Meeting and comments from our initial review letter dated April 26, 2012: I. Zoning 1. The site is located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Statements of fact. 2. Per review of the Subdivision Map and the zone requirements, the following variances are required: • Minimum Lot Area (proposed Lots 38.01 and 38.02 – 10,068 SF and 10,251 SF proposed, 12,000 SF required) – proposed condition. • Minimum Lot Width (proposed Lots 38.01 and 38.02 – 60 feet and 65 feet at the front setback proposed, 90 feet required) – proposed condition. • Minimum Aggregate Side Yard Setback (proposed Lots 38.01 and 38.02 – 20 feet proposed, 25 feet required) – proposed condition. The Board shall take action on the requested variances. 3. Unless provided, a waiver from a right-of-way dedication along Columbus Avenue would be required. A waiver from right-of-way dedication has been added to the plan. The Board shall take action on the required waiver. Should the waiver be granted, the Board should consider whether to require a road widening easement. 4. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. An Outbound Survey of the property with topography has been provided. The survey shows some fence encroachments from adjoining properties. The General Notes indicate that all encroachments caused by the proposed subdivision shall be removed from proposed lots. The encroachment note has been removed from the plans. Testimony must be provided on the future disposition of the encroachments. 2. Concrete curb in good condition exists along the frontage of Columbus Avenue. However, the existing gutter slope along the north half of the site is poor. We recommend the curb be replaced with the gutter designed at a minimum slope of 0.40%. The existing gutter grade of 100.11 must be lowered to 100.02 to provide the required slope. Most of the existing curb may be saved. Minor gutter reconstruction is required. 3. Proposed lot numbers must be approved by the tax assessor's office. The signature block for the tax assessor shall be signed, should subdivision approval be granted. 4. The General Notes indicate that shade trees shall be provided within the shade tree and utility easement along the entire property. The species type and locations shall be provided on future plot plans. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. Three (3) proposed Trident Red Maple shade trees have been added to the Overall Development Plan. The Planting Schedule shall be revised since the shade trees are deciduous. Planting details shall also be provided. 5. The proposed grading on the Overall Development Plan will require revision to eliminate a low point being created in the southeast corner of the site, unless drainage is added. The applicant's engineer indicates the low point will be addressed at the time of building permits. 6. Testimony is required on the disposition of storm water from development of proposed Lots 38.01 and 38.02. There is no

existing storm drainage in the immediate vicinity of the site. Testimony should be provided on storm water management. 7. Compliance with the Map Filing Law is required. Statement of fact. 8. The Overall Development Plan should be revised to include drainage and construction details. This Overall Development Plan may be provided during compliance if approval is given. Details have been added to the Overall Development Plan. 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; 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. Vogt stated the variances requested are minimum lot area, minimum lot width and minimum aggregate side yard setback.

Mr. Bill Stevens, P.E. was sworn in. He entered a tax map as exhibit A-1 showing non-conforming lots within the neighborhood. He stated that 7 of the 16 homes located on Columbus Avenue have variance conditions for either lot area or lot width. There are two lots adjacent to this proposed subdivision that are both smaller in lot width and lot area. The homes will front on Columbus Avenue. There is municipal water on Columbus Avenue but there is no sewer so they will have a septic system. They are proposing four parking stalls for each proposed home. There will be only one basement apartment in each home. Concerning the fence encroachments on adjoining properties, they propose to leave the fence where it is as it generally follows the property lines.

Mr. Vogt stated that they were just noting the encroachments.

Mrs. Weinstein stated that they can comply with the rest of the engineer's comment's n the review letter.

Mr. Vogt asked if the applicant is proposed a road widening easement in lieu of a right-of-way dedication.

Mrs. Weinstein confirmed that was correct.

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

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

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

Abstained: Committeeman Ackerman

- 3. SD 1843** (No Variance Requested)  
Applicant: Yehoshua Frankel  
Location: Northwest corner of Linden Avenue & Sterling Avenue  
Block 189.01 Lots 152 & 190  
Minor Subdivision to create four zero lot line lots (two duplexes)

**Project Description**

The applicant proposes to subdivide two (2) existing lots into four (4) new zero lot line properties with two (2) duplex buildings. Existing Lots 152 and 190 in Block 189.01 would be subdivided into proposed Lots 152.01, 152.02, 190.01, and 190.02 as designated on the subdivision plan. There is an existing dwelling on each of the original properties. All existing structures on the tract are to be removed. Public water and sewer is available. The site is situated in the north central portion of the Township on the northwest intersection of Stirling Avenue and Linden Avenue. The surrounding area is predominantly single-family residential. Stirling Avenue is a paved road in fair condition with curb in fair condition and no sidewalk. Stirling Avenue has an existing right-of-way width of forty feet (40'). Linden Avenue is a paved road with the gutter in poor condition, curb in fair condition, sidewalk in poor condition, and utility poles immediately behind the curb. Linden Avenue has an existing right-of-way width of forty feet (40'). New sidewalk is proposed along both property frontages. The existing property which would be subdivided falls within the R-10 Single Family Residential Zone. We have the following comments and recommendations per testimony provided at the 5/1/12 Planning Board Plan Review Meeting and comments from our initial review letter dated April 24, 2012: I. Zoning 1. The property is located within the R-10 Single-Family Residential Zone District. Zero lot line duplex housing is a permitted use in the zone. Statements of fact. 2. We recommend revising the proposed zero lot line location to provide a continuous forty foot (40') lot width for new Lot 190.02. This will eliminate the required variance and equalize the proposed lot areas for new Lots 190.01 and 190.02. The width of the front portion of proposed Lot 190.02 has been increased to 37.50 feet, so a variance for Lot Width is no longer required. The proposed lot dimensions and areas have been corrected accordingly. 3. The Maximum Building Coverage for proposed Lots 152.02 and 190.01 exceed twenty-five percent (25%). However, it should be noted the Maximum Building Coverage for the combination of proposed Lots 152.01 and 152.02, as well as for the combination of proposed Lots 190.01 and 190.02 does not exceed twenty-five percent (25%). The Zoning Data shall be corrected accordingly. 4. No right-of-way dedications or road widening easements are proposed. It should be noted that if the Board requires five foot (5') wide right-of-way dedications, lot area variances will be required for the project. At a minimum, the Board should require road widening easements. Under the current configuration, the utility poles on Linden Avenue will not permit adequate pedestrian circulation for the proposed sidewalk on Linden Avenue. Road Widening Easements of five feet (5') in width have been proposed. The Board shall take action on whether to require five foot (5') wide right-of-way dedications or accept the road widening easements. II. Review Comments 1. The Survey Certification indicates that a Survey was prepared by Harry W. Mager, Jr., P.L.S., dated 3/22/11. A signed and sealed copy of this survey must be provided. The applicant's professionals indicate the subdivision map is the survey for the property and no separate survey map was prepared. Therefore, all existing information must be shown on the base map of the Improvement Plan for Minor Subdivision. 2. General Note #6 should be corrected to indicate "vertical elevations based on NGVD 1929". A bench mark must be provided. A bench mark has been added to the Improvement Plan. The manhole rim at the intersection of Stirling and Linden Avenues is the bench mark for the project. General Note #6 must still be corrected to indicate "vertical elevations based on NGVD 1929". 3. The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The zoning schedule indicates that four (4) off-street parking spaces are required and will be provided for the proposed future dwellings. The applicant should provide testimony detailing the number of bedrooms proposed for the future dwellings. Parking must be provided to the satisfaction of the

Board. Testimony should be provided at the Public Hearing. 4. Testimony should be provided whether basements will be proposed for the future dwellings on proposed Lots 152.01, 152.02, 190.01, and 190.02. The General Notes imply basements will be proposed and a minimum of four (4) off-street parking spaces would be required to comply with the Township Parking Ordinance. Testimony should be provided at the Public Hearing. 5. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. The tax assessor's signature will be required prior to filing the map with the Ocean County Clerk. 6. Six foot (6') wide shade tree and utility easements dedicated to the Township are proposed along the property frontages of new Lots 152.01, 152.02, 190.01, and 190.02. Bearings and distance must be completed for the proposed easement on Lot 152.01. The proposed easement area for Lot 152.01 shall be corrected to 909.06 square feet. 7. Proposed water and sewer connections are incorrectly shown on Linden Avenue. The proposed sewer connections have been labeled on the plan. The proposed sewer connections for Lots 152.01 and 152.02 are incorrectly shown. The applicant's engineer indicates that water lateral will be determined when plot plans are prepared. 8. The combination of sanitary sewer installation and utility connections will disturb more than twenty percent (20%) of Linden Avenue in front of the site. Therefore, the appropriate road restoration details must be added, including a final overlay at completion. New Jersey American Water Company will be involved with the road restoration. The appropriate road restoration details must be added for the utility company to follow and for the Township to inspect. 9. Testimony is required on the disposition of storm water from the development of the proposed lots. The property slopes toward the existing streets. The applicant's engineer indicates that testimony will be provided. 10. Testimony should be provided on proposed site grading. No proposed grading is indicated on the plan. The General Notes indicate that proposed grading will be included on the plot plan submissions. The applicant's engineer indicates that testimony will be provided. 11. Seven (7) October Glory Maple street trees are proposed along the property frontage of new Lots 152.01, 152.02, 190.01, and 190.02. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation on 4/23/12 indicates there are few existing trees on the property. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 152.01, 152.02, 190.01, and 190.02. The Board should provide landscaping recommendations, if any. The applicant's engineer indicates that the Township Tree Ordinance will be addressed when plot plans are prepared. 12. The applicant proposes to construct sidewalk and driveway aprons along the property frontage of the new lots. We recommend the proposed sidewalk be five feet (5') wide and setback two feet (2') behind the back of curb. A proposed curb ramp is required at the intersection. The proposed four foot (4') wide sidewalk has been setback two feet (2') behind the curb with a passing area to comply with Federal ADA requirements. A proposed curb ramp with the requisite details shall be provided at the intersection. 13. Monuments shall be added to the outbound property corners of the existing lots. Proposed outbound property corners must be added. The proposed monuments shall be located at the intersection of the side property lines with the road widening easement to avoid conflict with the proposed sidewalk. 14. The Monument Certification has not been signed and the monuments shown as set have not been installed. Statement of fact. 15. Compliance with the Map Filing Law is required. Statement of fact. 16. Final review of construction details will be conducted during compliance if approval is given. Final construction details will be reviewed with resolution compliance submittal, should approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b.

Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health (septic system removal); and e. All other required outside agency approvals.

Mr. Glenn Lines, P.E. was sworn in. He stated that they comply with all the zone requirements for the lots. As part of the development they will be putting in sidewalk on both frontages of the street. They are providing a five foot wide right-of-way easement rather than a dedication. Proposed lots 190.01 and 190.02 do not exceed twenty-five percent. He requested that review items 3, 4 be put off until plot plan review as they do not know how large the houses will be and how much parking will be required. Comments 9 and 10 they will address at the plot plan phase as well.

Mr. Vogt suggested that if the Board acts favorably, Mr. Lines provide which items he would like to address at time of plot plan.

Mr. Schmuckler asked if there would be one basement per dwelling.

Mr. Lines confirmed there will one basement per dwelling.

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

A motion was made by Mr. Herzl, seconded by Committeeman Ackerman.

Affirmative: Mr. Herzl, Mr. Franklin, Committeeman Ackerman, Mr. Banas, Mr. Schmuckler, Mr. Rennert

4. **SD 1844** (Variance Requested)  
Applicant: Melville Properties  
Location: Northeast corner of County Line Road East & North Apple Street  
Block 172.02 Lots 4 & 5  
Preliminary & Final Major Subdivision to create twelve lots

### **Project Description**

The applicant is seeking a Preliminary and Final Major Subdivision approval. The plans have been revised to propose the subdivision of two (2) existing lots to create twelve (12) proposed lots. Two (2) of the proposed lots would be developed with single-family dwellings. Ten (10) of the proposed lots would be developed as zero lot line properties with five (5) duplex structures. The existing two (2) lots known as Lots 4 and 5 in Block 172.02 are proposed to be subdivided into proposed Lots 5.01 – 5.06 and 4.01 – 4.06 on the Major Subdivision Plan. The subdivision would create a cul-de-sac for the project, which is proposed to be called Posh Court, upon which all residential lots would front. The subject property is located on the easterly side of North Apple Street, a municipal road, in the north central portion of the Township between two (2) County right-of-ways. Kennedy Boulevard East, an unimproved County right-of-way borders the tract to the north. County Line Road East, an improved County road borders the site to the south. The proposed development is also immediately west of Conrail's Main Line – New Jersey

Southern Branch. Curb only exists at the intersection of North Apple Street with County Line Road East. There is no existing sidewalk along any site frontage. Curb and sidewalk along North Apple Street and County Line Road East are proposed with the development of the project. The project is also proposing curb and sidewalk for the proposed cul-de-sac. The subject site is located within the B-4 Wholesale Service Zone District. Excluding multi-family residential, all principal uses permitted in the B-3 district are permitted in the B-4 district. The B-3 district allows all principal uses permitted in the B-1 district, except multi-family dwellings. Therefore, single-family 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 site is situated within a mixed use area. We have the following comments and recommendations per testimony provided at the 5/1/12 Planning Board Plan Review Meeting and comments from our initial review letter dated April 23, 2012: 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, contours, and man-made features are shown on the site and all adjoining roads. We support the granting of the requested B-Site Features waivers, the Environmental Impact Statement waiver, and the Tree Protection Management Plan waiver for completeness purposes. Additional survey work will be necessary on North Apple Street and County Line Road East for final design. A Tree Protection Management Plan should be required as a condition of approval. The Board granted the waivers subject to additional survey work being provided for final design and a Tree Protection Management Plan provided as a condition of approval. II. Zoning 1. The site is situated within the B-4, Wholesale Service 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 required for the subdivision approval requested: • Minimum Front Yard Setback – The proposed decks encroach into the front yard setback along Kennedy Boulevard East for Lots 5.01 and 5.05. A minimum front yard setback of twenty-five feet (25') is required. • Minimum Lot Width – Proposed lot widths for Lots 5.07 and 5.08 are forty-one feet (41'), where fifty feet (50') is required. • The existing billboard shown to remain is a prohibited sign. The plans have been revised to reduce the number of lots and variances. A Minimum Front Yard Setback variance is required for the proposed deck on new Lot 5.01, which is 19.16 feet from the Kennedy Boulevard East right-of-way. A variance is required for the existing billboard to remain as a prohibited sign. This required variance should be indicated on the plans. The Board shall take action on the required variances. 3. A waiver is required to permit a fence height of eight feet (8') within a front yard setback. Section 18-803F.4., of the UDO states that "a fence within the front yard setback area of any lot shall not exceed four feet (4') in height". The Board shall take action on the required waiver for fence height. 4. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. III. Review Comments A. General 1. The General Notes state that Boundary and Topographic information is taken from a survey prepared by Mager Associates. A signed and sealed copy of this Survey must be submitted. A copy of the signed and sealed Boundary

Survey has been submitted. The survey shows multiple easements along County Line Road East. The applicant's engineer indicates that the easements have not been finalized. Improvement Plans for County Line Road East shall be submitted, even if they are only progress drawings. The Surveyor will prepare a Topographic Survey as a condition of approval.

2. A new road name, Posh Court, has been proposed for the project. Approval of the new road name can be provided with resolution compliance submission, should subdivision approval be granted.

3. The applicant's professionals indicate the proposed lot numbers have been approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. The Final Plat must be signed by the Lakewood Tax Assessor prior to filing, should subdivision approval be granted.

4. 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 written agreements for the duplex structures will be prepared and recorded during the resolution compliance phase of the application, should subdivision approval be granted.

**B. Plan Review**

1. The General Notes shall indicate "vertical elevation based on NGVD 1929". NGVD is National Geodetic Vertical Datum. A bench mark must be indicated. Horizontal Datum shall be addressed. The manhole at the intersection of County Line Road East and North Apple Street has been identified as the project bench mark and shall be noted on the Cover Sheet accordingly.

2. The General Notes shall address the ownership of the various components of the proposed storm water management system. General Note #19 on Sheet 3 indicates the Township of Lakewood will own and maintain the proposed drainage system to be installed as part of this project. Accordingly, approval from the Department of Public Works will be required.

3. Curb and sidewalk is proposed throughout the development. Curb only exists at the intersection of County Line Road East and North Apple Street. Proposed sidewalk should be increased to a width of five feet (5'), unless pedestrian passing lanes are provided. Proposed sidewalk width shall be dimensioned along with distances from face of curb and right-of-ways. Revisions to the curb and sidewalk details have been made. Sidewalk widths of four feet (4') are proposed with pedestrian passing lanes. A pedestrian passing lane should be added along the County Line Road East frontage. The terminus of proposed curb and sidewalk along County Line Road East is not clear.

**C. Grading**

1. Proposed finished floor and building corner elevations must be added. Proposed finished floor and building corner elevations have been added. Proposed elevations may be revised when plot plans are prepared.

2. A profile has been provided for proposed Posh Court. The following revisions are required:

- a. The proposed grading shall be designed to intersect the proposed gutter station and elevation of North Apple Street.
- b. The proposed gutter station of North Apple Street should be corrected to station 0+15.
- c. Proposed horizontal control points should be added.
- d. The proposed vertical curve should be shortened to fifty feet (50') to minimize runoff collecting in the gutter at the crest.
- e. Proposed utilities must be added. The profile for Posh Court has been revised. The applicant's engineer should contact our office to review final corrections, which may be provided with resolution compliance submission, should approval be granted.

3. Profiles are required for North Apple Street and County Line Road East for road widening design. The applicant's engineer indicates that Ocean County is in the process of designing improvements for County Line Road East. Therefore, the profile required for North Apple Street shall be made a condition of approval. County Line Road East design information will have to be added to the applicant's plans since the applicant will have to enter into a Developers Agreement with the County.

4. A detailed review of the grading can be completed during compliance submission; if/when this subdivision

is approved. We will review the proposed grading for accuracy and coordination with the County project after resolution compliance submission, should approval be granted.

**D. Storm Water Management**

1. A proposed storm sewer collection system has been designed to convey storm water runoff into a proposed recharge system. The proposed recharge system is located under the site access road. Testimony should be provided on whether the ownership of the storm water management system will be the Township. If so, the applicant's engineer should meet with the Department of Public Works to review the project. The applicant's engineer indicates it is intended for the Township to own and maintain the proposed storm drainage system in Posh Court.

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 applicant's engineer indicates that the storm water management design will be addressed for resolution compliance submission, should approval be granted.

3. Soils information must be provided within the proposed project to confirm the seasonal high water table. Permeability testing is required for use in the recharge calculations. The applicant's engineer indicates that the required information will be provided with resolution compliance submission, should approval be granted.

4. The Storm Water Management Report and Design will be reviewed in detail after revisions to the project are made. We will review the proposed storm water management design for accuracy and coordination with the County project after resolution compliance submission, should approval be granted.

**E. Landscaping**

1. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. The Shade Tree Commission suggests foundation plantings for each residence. Per our site inspection of the property, existing tree locations are sporadic throughout the site. The Board should provide landscaping recommendations, if any.

2. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted. We will review the proposed landscaping design for accuracy and coordination with the County project after resolution compliance submission, should approval be granted.

**F. Lighting**

1. A point to point diagram must be provided to verify the adequacy of the proposed lighting. The applicant's engineer indicates that a point to point diagram has been requested from the lighting supplier and will be forwarded for review when complete.

2. Lighting shall be reviewed in detail after compliance submission should subdivision approval be granted. Final lighting design will be reviewed with resolution compliance submission, should approval be granted.

**G. Utilities**

1. The proposed sanitary sewer will connect to an existing system in North Apple Street. Only a preliminary layout has been designed with a proposed slope less than the allowed minimum. The pipe slope has been corrected. Final approval of the sewer and water extensions are under the jurisdiction of New Jersey American Water Company.

**H. Signage**

1. Proposed regulatory signage has not been shown on the plans and should be added. Regulatory sign details have been provided. Final sign types and locations will be provided with resolution compliance submission, should approval be granted.

2. No project identification signs are proposed. No permanent site identification signage is proposed. Only a temporary 4' X 8' sales sign is proposed.

**I. Environmental**

1. **Tree Management** As a condition of approval, a Tree Protection Management Plan in accordance with the current ordinance shall be submitted. A Tree Protection Management Plan will be prepared and submitted as a condition of approval.

**J. Construction Details**

1. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. Construction details will be reviewed after resolution compliance submission, should approval

be granted. K. Final Plat (Major Subdivision) 1. The proposed Shade Tree and Utility Easement Data shall be corrected for proposed Lots 40.01 – 40.05. The Final Plat has been revised and the proposed easement areas have been corrected. Proposed survey data should be completed for the revised Shade Tree and Utility Easements. 2. A dedication to the Township of Lakewood complete with distances and an area should be provided at the intersection of North Apple Street and County Line Road East. The revised Final Plat shows an unidentified dedication at the intersection of North Apple Street and County Line Road East. 3. Compliance with the Map Filing Law is required. Statement of fact. 4. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. The Final Plat will be reviewed in detail with resolution compliance submission, after coordination with the County project, should approval be granted. 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. Glenn Lines, P.E. was sworn in.

Mr. Pfeffer, Esq. on behalf of the applicant stated that they have no objections the engineer's review letter except for items B 3 under review comments. They have no objection to meeting with the County but the County's plan has not been finalized. They will be meeting and complying with them but they do not want to be held up. That goes for items C 3 and 4 as well.

Mr. Vogt stated that they are asking for permission to file the plans.

Mr. Pfeffer confirmed. They will meet and comply with the County but they do not have a finalized plan yet.

Mr. Lines stated that they will most likely enter into a developer's agreement with the County that the builder would provide a contribution to the County and they would take care of all the improvements along County Line Road.

Mr. Vogt stated that however it will be worked out and it will be done prior to construction.

Mr. Lines affirmed. He stated that they will either provide proof that they posted a bond with the County or a contribution.

The Board is looking for a guarantee that the sidewalks are going to be installed.

Mr. Saul Mizrahi, 21 Cornelius Street, was sworn in. He stated that they have a similar project across the street where the County did not want them to do the improvements. He is very sure that the County will get the project done within two years.

Mr. Vogt suggested that the sidewalk is installed either through the County agreement or by the applicant prior to the first CO.

Mr. Pfeffer stated that is a problem because the County is not ready yet. He stated they agree to have it done within one year from whenever the developer's agreement with the County expires.

Mr. Banas does not like that idea. He doesn't want to ask the people to walk on the grass and assure the safety of the people. He is looking at the possibility of not giving out CO's until there is safety in the road.

Mr. Mizrahi said that they would do something temporary if the County is not ready like a 4 foot temporary asphalt walk.

Mr. Banas stated that you need the curb as well.

Mr. Pfeffer stated that the concern is the County may not let them do it.

Mr. Mizrahi guarantees that they will provide safety to the people prior to issuance of CO's.

Mr. Lines stated that they are requested a front yard setback for the proposed deck. Because the houses back up to Kennedy Boulevard which is a 130' right-of-way they have to provide a front setback. They are proposing 19'. If this were a regular property line it would be a rear setback of 15' and they would not require a variance at all. Out of the entire development they are asking for that one setback variance for that deck. It won't cause any harm to the zone or master plan. Posh Court will be a Township road and it is designed within the RSIS guidelines. The second variance requested is there is an existing billboard on the corner of County Line Road and the railroad right-of-way. They are requesting to let it remain as is.

Mr. Vogt stated that the sign is on lot 4.06 so essentially this sign will be on someone's property. As long as it is disclosed to the prospective property owner, it should be fine.

Mr. Lines stated that they are also requested a waiver to permit an 8' high fence to give the homeowners some extra privacy.

Mr. Franklin stated that there should be gates in the back of the fence so the homeowners can mow the area between the fence and the sidewalk.

Mr. Lines said that is not a problem.

Mr. Lines stated that he has no issues with the rest of the engineer's comments.

Mr. Banas opened the microphone to the public.

The court reporter arrived to the meeting.

Ms. Noreen Grill, 192 Coventry Drive, was sworn in. She thinks that the area is not big enough for 13 lots. She doesn't see how the County is going to widen County Line Road.

Mr. Janus Urbsaitis, 68 Seminole Drive, was sworn in. He is concerned about the safety of the people on County Line Road as there is no shoulder.

Mr. Larry Simons, 7 Schoolhouse Court, was sworn in. He stated that he is having a hard time imagining turning 2 lots into 13 lots.

Mr. Banas gave him a copy of the plan.

Mr. Schmuckler asked if there will only be one basement apartment in each unit as well as four off-street parking spaces per unit.

Mr. Lines affirmed. He clarified that there will be twelve lots, not thirteen (there was an error on the agenda).

Mr. Pfeffer stated that they have no problem putting in temporary walkways to make sure there is safety for any pedestrians.

Mr. Vogt asked if that walkway would meet all applicable standards including ADA access.

Mr. Pfeffer affirmed.

Mr. Banas asked that after the applicant meets with the County, they let the engineer know the outcome.

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

Affirmative: Mr. Herzl, Mr. Franklin, Committeeman Ackerman, Mr. Banas, Mr. Schmuckler, Mr. Rennert

- 5. SD 1845** (Variance Requested)  
Applicant: Michael Herzog  
Location: Negba Street, between East Fourth Street & East Fifth Street  
Block 241 Lot 9  
Minor Subdivision to create two single family & one duplex

### **Project Description**

The site is located within two (2) zoning districts. The northern portion of the tract is situated in the R-7.5 Single-Family Residential Zone. The southern portion of the property is within the B-2 Central Business Zone. The applicant seeks minor subdivision approval to subdivide existing Lot 9 in Block 241 into four (4) lots. Proposed Lots 9.01 and 9.02 will become new zero lot line properties for a proposed duplex within the R-7.5 Zone. Proposed Lots 9.03 and 9.04 will become single-family properties within the B-2 Zone. The site is vacant with remnants of an old service station island. All existing improvements will be removed. Public water and sewer is available. The Minor Subdivision shows a three and a half foot (3.5') wide dedication is proposed for East Fifth Street. This dedication would increase the half right-of-way width in front of the project to twenty-five feet (25'). The plan indicates a seven foot (7') wide Road Widening Easement is proposed along Negba Street. The plan also indicates a ten foot (10') wide Road Widening Easement is proposed along East Fourth Street. Furthermore, a six foot (6') wide Public Access Easement is proposed behind the Road Widening Easement on Negba Street. The surrounding area is predominantly residential. Variances are required to create the proposed subdivision. The property is situated within the R-7.5 Single-Family Residential and

B-2 Central Business Zones. We have the following comments and recommendations per testimony provided at the 5/1/12 Planning Board Plan Review Meeting and comments from our initial review letter dated April 25, 2012: I. Waivers The survey information for the project was obtained from a map entitled "Survey of Property, Lot 9 - Block 241, situated in Lakewood Township, Ocean County, NJ", prepared by Flannery, Webb & Hansen, P.A., and dated 9/16/03. The survey is old and an updated survey should be provided, especially since we observed the construction activity from adjoining Lot 8 encroaching onto the project site. We recommend the Board require the submission of an updated survey as a condition of approval. The applicant's engineer testified at the Plan Review Meeting that an updated survey will be provided. The submission of an updated survey shall be a condition of approval. II. Zoning 1. The project is located in the R-7.5 Single-Family Residential and B-2 Central Business Zone Districts. Zero lot line duplex housing is proposed and is a permitted use in the R-7.5 Zone. Single-Family housing is proposed and is a permitted use in the B-2 Zone. Statements of fact. 2. The right-of-way widths of all surrounding roadways are less than fifty feet (50'). A proposed right-of-way dedication for East Fifth Street brings the half right-of-way width to the proper dimension of twenty-five feet (25'). Road Widening Easements are proposed for Negba Street and East Fourth Street. Testimony must be provided justifying the proposed road widening easement widths. The Board shall take action on the proposed Road Widening Easement widths for Negba Street and East Fourth Street. 3. Minimum Front Yard Setback variances are requested for proposed Lots 9.01 and 9.02. A minimum front yard setback of fourteen feet (14') is proposed from Negba Street, where twenty-five feet (25') is required. The Board shall take action on the proposed Front Yard Setback variances requested for new Lots 9.01 and 9.02. 4. Minimum Rear Yard Setback variances are requested for proposed Lots 9.01 and 9.02. A minimum rear yard setback of seven feet (7') is proposed, where fifteen feet (15') is required. The Board shall take action on the proposed Rear Yard Setback variances requested for new Lots 9.01 and 9.02. 5. A variance from providing Minimum Lot Area has been requested for proposed Lot 9.03. A 5,653 square foot lot area is proposed, where a seven thousand five hundred square foot (7,500 SF) lot area is required. The revised plans calculate areas of 5,652.768 square feet for proposed Lot 9.03, and 7,499.746 square feet for proposed Lot 9.04. Both proposed lots technically require Minimum Lot Area variances. The Board shall take action on the proposed Minimum Lot Area variances required for new Lots 9.03 and 9.04. 6. A Minimum Front Yard Setback variance is requested for proposed Lot 9.04. A minimum front yard setback of twenty-four and a half feet (24.5') is proposed from East Fourth Street, where twenty-five feet (25') is required. The Board shall take action on the proposed Front Yard Setback variance requested for new Lot 9.04. 7. Waivers are required from providing shade trees, as well as shade tree and utility easements. It is not clear whether waivers are being sought from constructing curb and sidewalk along Negba Street. The revised plan proposes curb and sidewalk along Negba Street. The General Notes on the revised plan indicates that shade trees shall be provided. The Board shall take action on the required waiver from providing shade tree and utility easements, which are not shown on the plan. 8. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. III. Review Comments 1. Proposed areas should be provided to the hundredth, especially since many of the values have been rounded. The proposed lot areas have been corrected. The proposed easement areas must still be corrected. 2. There is existing sidewalk and curb along the East Fourth Street and East Fifth Street frontages of the project. Proposed curb ramps with detectable warning surfaces are

required at the Negba Street/East Fourth Street and Negba Street/East Fifth Street intersections. Testimony shall be provided clarifying the extent of improvements proposed for the frontage of Negba Street since none are shown. The applicant's engineer indicates that proposed curb ramps shall be provided during plot plan design and a General Note has been added to the plan. A four foot (4') wide concrete sidewalk is proposed within a six foot (6') wide Public Access Easement. We recommend the sidewalk be widened to five feet (5') since no pedestrian bypass areas have been designed. Curb is proposed along the right-of-way line of Negba Street even though a new seven foot (7') wide Road Widening Easement is shown. We recommend the proposed curb be moved by five feet (5') and pavement widened since the present location will leave a pavement width for Negba Street of only about twenty feet (20'). 3. The plans indicate a minimum of two and a half (2.5) off-street parking spaces are required for each dwelling. The General Notes of the subdivision plan proposes providing four (4) off-street parking spaces per dwelling. Testimony is required on the number of proposed bedrooms for each unit. Our review of the plan questions where the off-street parking spaces could be located for the zero lot line properties. No off-street parking spaces are indicated. The applicant's engineer indicates that testimony on the location of off-street parking spaces will be provided at the Public Hearing. 4. If basements are proposed for the dwellings on proposed Lots 9.01 - 9.04, then seasonal high water table information should be submitted. The applicant's engineer indicates that seasonal high water table information will be provided during plot plan design if basements are proposed. 5. A 30' X 30' sight triangle easement is proposed at the intersection of East Fourth Street and Negba Street. A 12' X 30' sight triangle easement is proposed at the intersection of East Fifth Street and Negba Street. Testimony should be provided on the size of the proposed sight triangle easement at the intersection of East Fifth Street and Negba Street. The applicant's engineer indicates that testimony on the proposed sight triangle at East Fifth Street and Negba Street will be provided at the Public Hearing. 6. Unless a waiver is granted, shade trees are required for the project. Proposed shade trees shall not be located within any proposed sight triangle easements. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. Our site investigation on 4/23/12 noted a few large existing trees within the site. Most of the existing trees are small. Some of the existing trees will be removed at time of construction. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. The General Notes indicate that shade trees will be provided. The applicant's engineer indicates that compliance with the Township Tree Ordinance shall be addressed during plot plan review. 7. Testimony is required on the disposition of storm water runoff from development of proposed Lots 9.01 - 9.04. The increase in impervious area will be significant since the existing lot is vacant. The applicant's engineer indicates that dry wells shall be provided during plot plan design. 8. Testimony is required on grading from the development of proposed Lots 9.01 - 9.04. Our observations note the property to be relatively flat. The applicant's engineer indicates that proposed grading shall be provided during plot plan design. 9. Proposed lot numbers must be approved by the tax assessor's office. The proposed lot numbers have been approved and the map shall be signed by the tax assessor, should approval be granted. 10. Corner markers are required for all outbound corners. An outbound corner marker must be added where the southeast corner of adjacent Lot 8 meets the project. 11. Compliance with the Map Filing Law is required. Statement of fact. 12. Improvement Plans with construction details should be required as a condition of Minor Subdivision approval. An Improvement Plan with construction details must accompany the first plot plan submittal to insure proper layout and grading design of the project area. IV. Regulatory Agency Approvals Outside agency approvals for this project may

include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; and d. All other required outside agency approvals.

Mr. Brian Flannery, P.E., was sworn in.

Mr. Vogt read the variances requested for this application.

Mr. Flannery stated the lot is 5,600 square feet where they are asking for the variances and they are proposing a single family home there. He believes this application is consistent with the neighborhood. They will be providing a 10' road widening easement on 14<sup>th</sup> Street. On 5<sup>th</sup> Street they will be providing a 3.5' road widening easement. They are proposing a 7' road widening easement and a 6' public use easement on Negba Street so the sidewalks will be on the people's property instead of the Township right-of-way.

Mr. Schmuckler asked where parking will be for lot 9.02.

Mr. Flannery stated that they have room on the side of it. It is a duplex which will front on Negba Street. On the left hand side there is room for two stacked parking spaces with a total of four parking spaces. Each of the single family dwellings will have four parking spaces.

Mr. Schmuckler expressed his concerns with the backyard only being 7'.

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

Mr. Flannery stated the applicant will revise the application as the Board sees appropriate.

The Board would like to see three lots instead of four lots.

Mr. Flannery stated that the applicant would rather get approved than denied and they can work with that.

A motion was made by Mr. Franklin, seconded by Mr. Schmuckler to approve the application for three lots.

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

- 6. SD 1846** (Variance Requested)  
Applicant: Shoshana Flohr  
Location: Northwest corner of Somerset Avenue & Ridge Avenue  
Block 223 Lots 72, 73, 74, 76, 77 & 102  
Minor Subdivision to create four new lots with an existing six lots for a total of ten lots

### **Project Description**

The applicant seeks minor subdivision approval to subdivide six (6) existing lots totaling 1.548 acres in area known as Lots 72, 73, 74, 76, 77, and 102 in Block 223 into nine (9) new residential lots. The subdivision proposes to provide for four (4) duplex buildings on eight (8) zero lot line properties, and one (1) duplex building on one (1) lot. The proposed lots are designated as Lots 72.01 through 72.09 on the subdivision plan. Proposed Lot 72.07 will contain the duplex building on a single lot. Proposed Lots 72.01 through 72.06, and proposed Lots 72.08 and 72.09 will contain the four (4) duplex buildings on zero lot line properties. Public water and sewer is available. The site is situated in the north central portion of the Township on the northwest corner of Ridge Avenue and Somerset Avenue. The existing right-of-way width of Ridge Avenue in front of the site is thirty-three feet (33'). A variable width right-of-way exists for Somerset Avenue, varying in width from fifty feet (50') to sixty feet (60'). A waiver from additional right-of-way dedication on Ridge Avenue was granted for the subdivisions approved on the opposite side of the street. An eight and a half foot (8.5') wide right-of-way easement was granted for those projects since the existing right-of-way was only thirty-three feet (33') wide. This project proposes a similar eight and a half foot (8.5') wide right-of-way easement. Ridge Avenue is a narrow paved road in poor condition, curbing and sidewalk in fair condition exists along the property frontage. Somerset Avenue is a paved road in poor condition. Curbing along Somerset Avenue is in poor condition and has been displaced by the existing trees growing immediately behind the curb. No sidewalk exists along the property frontage of Somerset Avenue, but is proposed. The surrounding area to the west of Somerset Avenue is predominantly residential. The surrounding area to the east of Somerset Avenue consists of school and recreational sites. Variances will be required to create this subdivision. The lots are situated within the R-10 Single Family Residential Zone. We have the following comments and recommendations per testimony provided at the 5/1/12 Planning Board Plan Review Meeting and comments from our initial review letter dated April 25, 2012: I. Zoning 1. The parcels are located in the R-10 Single-Family Residential Zone District. Duplex housing with a minimum lot size of twelve thousand square feet (12,000 SF) and zero lot line subdivisions for duplexes are permitted uses in the zone. Statements of fact. 2. Per review of the Subdivision Map and the zone requirements, the following variances are required for the proposed duplex on Lot 72.07: • Minimum Side Yard Setback – 7.5 feet proposed, 10 feet required – proposed condition. • Minimum Aggregate Side Yard Setback – 15 feet proposed, 25 feet required – proposed condition. • Minimum Rear Yard Setback – 10.1 feet proposed, 20 feet required – proposed condition. • Maximum Building Coverage – 25.3% proposed, 25% allowed – proposed condition. The Board shall take action on the required variances. 3. Per review of the Subdivision Map and the zone requirements, the following variances are required for the proposed zero lot line properties: • Minimum Side Yard Setback (proposed Lots 72.02 through 72.06, 72.08, and 72.09 – 7.5 feet proposed, 10 feet required) – proposed condition. • Minimum Rear Yard Setback (proposed Lots 72.03, 72.04, and 72.06 – 16.4 feet, 8.5 feet, and 7.8 feet proposed, 20 feet required) – proposed condition. • Maximum Building Coverage (proposed Lots 72.02 through 72.06 – 37.1% for Lot 72.02 and 28.6% proposed for the other lots, 25% allowed) – proposed condition. The Board shall take action on the required variances. 4. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. A Survey of the property with aerial topography has been provided. The survey shows a fence encroachment from adjoining Lot 9.07. This encroachment must be addressed. The title of the survey should be revised to exclude Lot 75. The survey has been revised to exclude Lot 75.

The applicant's engineer indicates the encroachment will be addressed during plot plan design, should subdivision approval be granted. 2. A proposed rear yard setback variance is required for Lot 72.07. The proposed lot line with a distance of 171.06 feet is a rear property line. A proposed rear setback line of twenty feet (20') should be shown parallel from this property line. The proposed rear setback line on the revised plan has been incorrectly shown. A variance is necessary. 3. Four (4) off-street parking spaces will be provided per unit. This exceeds the three (3) off-street parking spaces which are required for units with five (5) bedrooms to comply with the NJ R.S.I.S. parking requirements. 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. However, the proposed architectural plans indicate finished attics, but no floor plans have been provided for the attics. Therefore, there could be additional proposed bedrooms which would necessitate the need to provide more off-street parking or receive a variance from the Board. Parking should be provided to the satisfaction of the Board and comply with ordinance 2010-62. The applicant's engineer indicates that testimony will be provided at the public hearing. 4. Basements are proposed for the future dwellings on Lots 72.01 through 72.09, seasonal high water table information will be required. The applicant's engineer indicates that seasonal high water table information will be provided during plot plan review, should approval be granted. 5. For the subdivision projects approved on the opposite side of Ridge Avenue, the Planning Board required an eight and a half foot (8.50') wide road widening easement and a physical widening of Ridge Avenue to a sixteen foot (16') half pavement width. The Board should instill the same requirements for this subdivision because of the narrow existing pavement width on Ridge Avenue. Should the Board require the road widening, Improvement Plan layout revisions will be necessary. The Board shall take action on the proposed road widening easement and physical widening. 6. Proposed ten foot (10') wide shade tree and utility easements are shown on the subdivision plan. The proposed easement along the Ridge Avenue frontage overlaps the road widening easement. The proposed shade tree and utility easement shall be located behind the road widening easement and may be reduced to a width of six feet (6'). Survey data with easement areas to the hundredth of a foot for the proposed individual lots should be completed. The proposed Shade Tree and Utility Easement along Ridge Avenue has been relocated behind the road widening easement and has been reduced to a six foot (6') width. Easement areas to the hundredth of a foot should be provided for the relevant individual lots. 7. No sight triangle easement has been provided at the intersection of Ridge Avenue and Somerset Avenue. An AASHTO sight triangle has been provided at the intersection of Ridge Avenue and Somerset Avenue. A proposed area and dedication shall be added for the easement. 8. The concrete curb which is in poor condition along Somerset Avenue should be replaced. Concrete sidewalk is proposed along Somerset Avenue and should be widened to five feet (5') unless pedestrian passing lanes are added. Proposed curb and sidewalk should be provided along Ridge Avenue. A proposed curb ramp is necessary at the intersection of Ridge Avenue and Somerset Avenue. A note has been added indicating that damaged curb along Somerset Avenue shall be replaced during plot plan review at the direction of the Township Engineer. Proposed sidewalk along Somerset Avenue has been widened to five feet (5'). The existing curb and sidewalk along Ridge Avenue should be replaced in accordance with the recommended road widening. A curb ramp shall be provided at the intersection of Ridge and Somerset Avenues. 9. Should proposed utility connections on Ridge Avenue disturb more than twenty percent (20%) of the road length in front of the site, an overlay would be required. The appropriate construction details shall be added to the Improvement Plan. 10. Proposed lot numbers must be approved by the tax assessor's office.

Proposed lot numbers were approved by the tax assessor's office. The Minor Subdivision shall be signed by the tax assessor, should approval be granted. 11. Two (2) Willow Oak and six (6) Autumn Flame Maple shade trees are proposed within the shade tree and utility easements for the project. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. The Board should provide landscaping recommendations, if any. 12. Proposed grading is required on the Improvement Plan. Coordination of proposed grading is necessary because of the numerous lots proposed. The applicant's engineer has agreed to provide an overall proposed grading plan prior to plot plan submittals. 13. Storm water management from development of proposed Lots 72.01 through 72.09 must be addressed. The project is major development since over a quarter acre of impervious surface will be added and over an acre of disturbance will occur. The applicant's engineer has agreed to provide a proposed storm water management design prior to plot plan submittals. 14. Compliance with the Map Filing Law is required. Statement of fact. 15. The Improvement Plan must be revised to include grading, drainage, and construction details as required. This Improvement Plan may be provided during compliance if approval is given. The applicant's engineer has agreed to provide a revised Improvement Plan prior to plot plan submittals. 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. Vogt read the variances requested for the application.

Mr. John Doyle, Esq. on behalf of the applicant stated that they meet the ordinance requirements for density and area. The variances are consistent with the surrounding lots.

Mr. Brian Flannery, P.E., was sworn in. The lot lines are a little strange in nature and the purpose of that is this Board can not grant a variance on a duplex for area or width. In order to come to this Board with the application they had to make sure each lot had 12,000 square feet and each lot was 60' wide. In order to do that, some of the rear lot lines are strange. He has argued to the Township Committee that it should be a permitted use and therefore this Board would have the flexibility to say instead of the odd lot lines. Each of the lots have a rear yard that is usable, has room for the four parking spaces. In the back, probably what would happen is that they would put a play area.

Mr. Schmuckler liked that idea because it is a nice open area and you can not put up fencing.

Mr. Flannery stated the Board granted a similar application across Somerset Avenue. They can satisfy the comments in the engineer's report.

Mr. Schmuckler asked about an easement in the backyard so the neighbors could share it.

Mr. Doyle would like to just let the neighbors decide. They would prohibit fencing in that 100' x 100' rectangle towards the back corner.

Mr. Schmuckler asked if they would have one basement apartment in each duplex.

Mr. Flannery affirmed.

Mr. Banas opened the microphone to the public.

Mr. Eli Fried, 750 Somerset Avenue, was sworn in. He stated that he lives next door to this project. He does support this project. The existing houses on the lot are very old and this will be beneficial to the neighborhood.

Seeing no one further, Mr. Banas closed to the public.

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

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

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

Mr. Vogt announced that this application will be carried to the July 24, 2012 meeting.

## 7. CORRESPONDENCE

1. **SD 1629**  
Applicant: Shimshon Bandman  
Location: Ridge Avenue  
Block 189.01 Lots 6, 7, 8, 11 & 13  
Request to clarify resolution to state that there are not restrictions on development of homes with basements or attics on the subject properties

Mr. Flannery stated that this application was approved in 2008. In the hearing, someone asked about the units and his comment was that the developer didn't plan to do basements or attics. There was no condition put in the resolution that no basement or attics were allowed but an attorney for a potential buyer is saying that there is a comment in the resolution that the developer wasn't contemplating attics or basements. The plans did show four parking spaces for dwelling and meets all building codes. They would just like clarification from the Board that the resolution did not restrict attics or basements.

Mr. Schmuckler does not recall not allowing basements or attics. The four spots per house is fine. It is not different than anything else.

Mr. Herzl stated that as long as they have the parking they shouldn't have an issue.

Mr. Flannery stated that they do not need to change the resolution. They would just need something in writing to the Township Engineer and he could do it administratively. He will ultimately be the one reviewing the plans.

Mr. Vogt stated that he could write a letter as directed by the Board.

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

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

Abstained: Mr. Banas, Mr. Rennert

## 8. PUBLIC PORTION

## 9. APPROVAL OF MINUTES

A motion was made and seconded to approve.

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

## 10. APPROVAL OF BILLS

A motion was made and seconded to approve.

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

## 11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary