

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, Mr. Rennert, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. DRAFT ORDINANCES FOR DISCUSSION

- Hospital Support Zone (new zone)

Mr. Neiman does remember speaking about this ordinance before as there was an issue with the residential. It looks like they pulled the residential out entirely. He believes the Board was find with the uses in this zone.

Mrs. Morris did confirm that the R-7.5 zone in the back has been removed. The public notice was revised to reflect that.

Mr. Adam Pfeffer, Esq. on behalf of the hospital said the Board did vote in favor of the zoning but there were questions regarding the residential portion. The residential portion has been taken out of the hospital support zone. It is now only commercial.

Mr. Schmuckler has an issue with the 65' height of the buildings.

A few of the Board members believe that is consistent with that zone.

A motion was made by Mr. Follman, seconded by Mr. Schmuckler recommending this ordinance to the Township Committee.

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

- Airport Business Commercial Zone (new zone)

Mr. Neiman asked if the Industrial Committee reviewed this ordinance.

Mrs. Morris has not seen anything from them.

Mr. Neiman would feel more comfortable if they made a recommendation to the Committee that an approval from the Industrial Committee is sought.

A motion by Mr. Schmuckler, seconded by Mr. Follman to recommend to the Township Committee that they seek approval from the Industrial Commission before the ordinance is adopted.

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

- Impact Fees

Mr. Schmuckler recommends a few changes. The removal of item "F". He believes that goes against the Smart Growth Plan. Number 5 under item "G" is very hard to understand. He would take that out or have it clarified.

Mr. Neiman has a comment about item "E". There has to be someone to oversee where these impact fees are going.

Mr. Schmuckler believes there is a commission that Smart Growth calls for to be set up.

A motion was made by Mr. Schmuckler, seconded by Mr. Rennert to recommend the ordinance to the Township Committee including the changes.

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

5. PLAN REVIEW ITEMS

- 1. SD 1902** (Variance Requested)
Applicant: Abraham Soloff
Location: 60 Carasaljo Drive
Block 12.04 Lot 140, 141, & 142
Minor Subdivision to create 2 lots

Project Description

The applicant is proposing to subdivide an existing residential property into two (2) single family residential lots. The site, consisting of existing Lots 140 through 142 in Block 12.04 would be subdivided into proposed Lots 140.01 and 140.02 as designated on the subdivision plan. The existing tract is irregular in shape containing 73,546 square feet, or 1.69 acres and has an existing two-story dwelling with a pool and pool house. The subdivision would create two (2) new proposed irregular lots. Proposed Lot 140.01 would be a 27,255 square foot new building

lot. Proposed Lot 140.02 would be a 46,291 square foot lot and still contain the existing dwelling, pool, and pool house. Some of the existing chain link fence which would encroach onto new Lot 140.01 would be removed and relocated. The site is situated in the northwestern portion of the Township on the south side of Carasaljo Drive, east of Forest Drive. The property around the vicinity of the existing dwelling has been cleared; otherwise, much of the land remains wooded. Many trees exist on the site, some of which are quite large. The property slopes generally downward towards a gully which runs across the southern half of the property behind the existing dwelling and pool. The gully contains freshwater wetlands which are shown to be delineated by Trident Environmental Consultants. A fifty foot (50') wide transition area is proposed from the wetlands limit line. Carasaljo Drive is an improved municipal road with a fifty foot (50') right-of-way and a pavement width of approximately twenty-four feet (24'). The street is in fair condition. Bituminous curb exists in front of the property, except for at the low point which allows runoff to flow from the roadway through a ditch on the east side of the property to the wetlands. Sidewalk does not exist in front of the property. However, both new curb and sidewalk is proposed for this project. Potable water and sanitary sewer are both available. Overhead electric is present on the south side of the right-of-way. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are residential. A minimum lot width variance for proposed Lot 140.01 would be required to create this subdivision. The proposed subdivision line has been designed such that proposed Lot 140.02 with the existing dwelling would remain totally conforming. We have the following comments and recommendations: I. Zoning 1. The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. 2. Per review of the Subdivision Map and the zone requirements, a variance is required for Minimum Lot Width – New Lot 140.01, sixty-six feet (66') proposed, ninety feet (90') required – proposed condition. 3. The applicant must address the positive and negative criteria in support of the requested variance. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. An Outbound and Topographic Survey has been provided for Lots 140 through 142. The survey should be revised to include the following: a. Bearings and distances of all lot lines. b. Areas of the individual lots. c. Bearings and distances for the wetlands limit lines. d. Tie distances from existing property corners to the intersections of the wetlands limit lines with property lines. e. Adding existing sidewalk and curb to the east of the site in front of Lot 139. f. Showing the limits of bituminous curb in front of the site. g. Showing the location of the existing low point along the south side of the Carasaljo Drive gutter. 2. A sliver of the existing asphalt driveway serving Lots 140 through 142 encroaches onto neighboring Lot 143. Any approvals shall be conditioned upon rectifying this encroachment. 3. The Minor Subdivision shows a fifty foot (50') wide transition area associated with the wetlands limit line. Bearings and distances shall be added to the transition area limit and the intersection of this line with property lines tied to property corners. Pins shall be proposed for all intersecting points and changes in direction. Any approvals shall be subject to a Letter of Interpretation from the New Jersey Department of Environmental Protection. 4. According to our investigation, we believe a Category One Waterway is associated with the wetlands crossing the site. However, no riparian buffers are shown. Testimony should be provided. 5. The required minimum rear yard setback in the table shall be corrected to twenty feet (20'). 6. Coordinates are provided on three (3) outbound corners. Horizontal datum has been assumed. 7. The bench mark shown on the survey must be provided on the Minor Subdivision Plan which indicates an assumed vertical datum. 8. A portion of the existing chain link fence which would encroach onto proposed Lot 140.01 would

be removed and some of it relocated onto proposed Lot 140.02. The proposed subdivision line is being set to hold a minimum ten foot (10') side yard to the existing dwelling to remain on proposed Lot 140.02. 9. The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. The Zoning Data indicates that four (4) off-street parking spaces are required and being provided. The proposed asphalt driveway shown on the Improvement Plan for new Lot 140.01 is large enough to accommodate four (4) vehicles. The existing asphalt driveway for new Lot 140.02 is large enough for more than four (4) vehicles. Testimony should be provided on the number of bedrooms anticipated for the proposed dwelling on new Lot 140.01. Testimony on off-street parking shall be provided. 10. The General Notes on the Improvement Plan require editing. General Note #9 indicates that seasonal high water table will be determined prior to plot plan submission. A minimum two foot (2') separation must be provided from seasonal high water table for the walkout basement proposed for the new dwelling. Testimony should be provided on whether the basement proposed will be unfinished. 11. A proposed six foot (6') wide shade tree and utility easement is shown along the property frontage. Areas have been provided for the proposed easement on an individual lot basis. 12. The Improvement Plan shows proposed dimensions for the size and location for the construction of curb and sidewalk. However, the plan must be revised to meet the existing curb and sidewalk to the east of the site. The proposed sidewalk in front of the site has been designed to be five feet (5') wide. 13. The proposed concrete curb construction and widening of Carasaljo Drive will create a low point in front of new Lot 140.01. Therefore, drainage must be constructed. A proposed drainage easement is recommended on proposed Lot 140.01 to allow storm water to flow to the wetlands, similar to the current situation. Department of Public Works approval will be required and the proposed width of the drainage easement will be determined by DPW. 14. Testimony should be provided on the disposition of storm water management for the proposed development of new Lot 140.01. 15. The Improvement Plan shows proposed site grading. Unless storm drainage is added to new Lot 140.02, the proposed lot grading must be revised to eliminate a low point being created in the front yard. 16. The project is located within the New Jersey American Water Company franchise area. The future dwelling will be connected to the existing water main on the north side of Carasaljo Drive shown on the Improvement Plan. The future dwelling will also be connected to the existing sanitary sewer in the center of Carasaljo Drive. 17. New lot numbers should be assigned by the Tax Assessor. The map shall be signed by the Tax Assessor should approval be granted. 18. Three (3) Red Maple shade trees are shown within the proposed six foot (6') wide shade tree and utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. 19. Our site investigation indicates many large trees on the property which have been located in the future building area. The Improvement Plan should be revised to indicate the large trees to be removed. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lot 140.01. 20. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 21. Compliance with the Map Filing Law is required. 22. Construction details have been included on the Improvement Plan. Construction details will be reviewed after plan revisions are submitted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Lakewood Department of Public Works; b. Township Tree Ordinance (as applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. New Jersey Department of Environmental Protection; and f. All other required outside agency approvals.

Mr. John Doyle, Esq. On behalf of the applicant said this is an application to create two lots. One would have an existing house on a 45,000 sf lot. The second lot would be twice the size required at 27,000 sf. It is a narrow lot so we seek a variance for minimum lot width. The developer will meet all other bulk requirements. There is a drainage problem noted in the engineer's review letter that they will resolve.

Mr. Neiman said to be ready at the public hearing to address the variance.

A motion was made by Mr. Follman, seconded by Mr. Herzl to advance the application to the October 29, 2013 meeting.

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

2. **SD 1903** (Variance Requested)
Applicant: 1416 East Spruce Street LLC
Location: Spruce Street
Block 855.02 Lot 31.01 & 31.02
Minor Subdivision to realign lot line

Project Description

The applicant seeks minor subdivision approval to realign existing lot lines in order to eliminate a flag lot and create two (2) rectangular single family residential lots. An existing 150' X 300' rectangular property totaling forty-five thousand square feet (45,000 SF) or 1.03 acres in area is known as existing Lots 31.01 and 31.02 in Block 855.02. Existing Lot 31.01 is a rectangular 130' X 166.67' tract containing 21,667 square feet with a one-story dwelling and a shed. Existing Lot 31.02 is a vacant 23,333 square foot flag lot with twenty feet (20') of frontage. The proposed realignment of the existing property lines would create two (2) single family residential lots of equal dimension and size. The two (2) proposed rectangular lots would be 75' X 300' twenty-two thousand five hundred square foot (22,500 SF) properties designated as new Lots 31.01 and 31.02 on the subdivision plan. The proposed lots would each have seventy-five feet (75') of frontage on East Spruce Street. The site contains an existing one-story dwelling and a shed. All existing improvements are to be removed. Public water has recently been constructed on the north side of East Spruce Street, but is still far from this site. Public sewer is not available. The site is situated in the central portion of the Township on the southwest side of East Spruce Street, southeast of its intersection with Albert Avenue. East Spruce Street is a paved municipal road in good condition without existing curb and sidewalk in front of the site. The existing right-of-way width is fifty feet (50') with a pavement width of approximately twenty-eight feet (28'). Construction of sidewalk is proposed with this application, but curb is not. Existing utility poles with overhead electric are located on the north side of East Spruce Street. Gas is also available to the site. The Survey and Improvement Plan shows the location of individual trees on the site. The topography indicates the property to be sloping northeastwards. In addition to the dwelling and shed, fences, a well, a septic system and a driveway have been located. The proposed lots are situated within the R-20 Single Family Residential Zone. The surrounding uses are entirely residential. Waivers and variances are being requested for the realignment of proposed Lots 31.01 and 31.02. We have the following comments and recommendations: I. Zoning 1. The parcels are located in the R-20 Single-

Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. 2. Per review of the Minor Subdivision Map, the application, and the zone requirements, the following variances are required: • Minimum Lot Width (proposed Lots 31.01 and 31.02, 75 feet; 100 feet required) – proposed condition. 3. Per review of the Minor Subdivision Map, the following waiver is required: • Construction of curb along the project frontage. It should be noted that all other minor subdivision applications approved on this street have been required to construct curb. 4. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. The General Notes reference the Outbound and Topographic Survey map submitted which has been used for the base map of the Minor Subdivision and Improvement Plan. 2. A benchmark must be provided on the Minor Subdivision Plan. 3. General Note #2 references the Outbound and Topographic Survey submitted. Horizontal and vertical datum has been assumed. 4. General Note #3 should be edited. 5. The aggregate minimum side yard setback for new Lot 31.02 should be revised to twenty-five feet (25'). 6. General Note #8 states the proposed dwellings shall be served by individual septic and well. 7. A proposed six foot (6') wide Shade Tree and Utility Easement to Lakewood Township is shown along East Spruce Street. Proposed easement areas have been shown on an individual lot basis. 8. 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 proposed driveways on the Improvement Plan must be dimensioned to show that the parking configuration will provide at least four (4) off-street parking spaces per lot. 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. Durable surface driveways will be required. 9. 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. 10. A proposed Green Vase Zelkova street tree is shown on the Improvement Plan within the shade tree and utility easement. It appears existing trees will remain within the proposed easement area. 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 notes the larger existing trees on-site have been located on the Survey and Improvement Plan. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review. 11. The General Notes on the Improvement Plan indicate that soil borings shall be performed prior to plot plan submission to determine the seasonal high water table information. 12. The proposed dwellings on new Lots 31.01 and 31.02 would be substantially setback from East Spruce Street to allow septic systems to be constructed in the front yard. The existing septic system for old Lot 31.01 would be abandoned. Approvals will be required from the Ocean County Board of Health. 13. Proposed wells for the future dwellings on new Lots 31.01 and 31.02 would be in the rear yards. The existing well which services the dwelling to be removed from old Lot 31.01 would be abandoned. Approvals will be required from the Ocean County Board of Health. 14. Drywells are proposed to address storm water from the development. Drywells shall be sized at the time of plot plan submission. 15. Testimony should be provided on proposed site grading. Proposed grading is indicated on the Improvement Plan and proposed slopes should be increased. The existing site is very flat. The existing trees to be removed should be indicated. 16. Proposed five foot (5') wide concrete sidewalk will be provided along East Spruce Street according to the Improvement Plan. The proposed sidewalk location is dimensioned two feet (2') from the right-of-way line. 17. A proposed gutter

reconstruction design is required along East Spruce Street to provide adequate slope for drainage. 18. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 19. Compliance with the Map Filing Law is required. 20. Construction details should be revised on the Improvement Plan in accordance with the any conditions of approval required by the Board. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health (potable wells and septic systems); and e. All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. John Doyle, Esq. on behalf of the applicant said this is an unusual application but one that will be most attractive. Back when flag lots were allowed, this lot was subdivided and you can faintly see the darker line that reflects the flag lot. The applicant seeks to go back to the more traditional rectangular lot configuration. The width variances are typical in this area. The lots will more than meet the square footage. They seek no other bulk variances.

Mr. Neiman foresees that everyone else on that road is going to want to come in and ask for a 75 ft frontage.

Mr. Doyle said there are others on that street that have been granted that variance.

Mr. Schmuckler said they have been giving that variance on Albert. The Percal map will show that.

A motion was made by Mr. Follman, seconded by Mr. Herzl to advance the application to the October 29, 2013 meeting.

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

- 3. SD 1904** (Variance Requested)
Applicant: HD Trust
Location: 115 Monmouth Ave & 28 Eighth Street
Block 156 Lot 2, 3, & 4
Minor Subdivision to create four lots

Project Description

The applicant seeks minor subdivision approval to create a single family residential lot, two (2) zero lot line properties for a duplex, and a new lot with a two-family dwelling. The existing irregular property totaling thirty thousand square feet (30,000 SF) or 0.69 acres in area is known as existing Lots 2 through 4 in Block 156. The existing lots contain a couple of dwellings and have frontages on Monmouth Avenue and Eighth Street. Existing Lot 1, which is not part of this project, prevents the site from being a corner property. Existing Lot 2 is an "L-shaped" tract around the two (2) non-right-of-way sides of Lot 1, and contains four thousand seven hundred fifty square feet (4,750 SF) with a two-story dwelling. This lot has fifty feet (50') of frontage on Monmouth Avenue and ten feet (10') of frontage on Eighth Street. Existing Lot 3 is an "L-

shaped” property around two (2) sides of Lot 2, contains seventeen thousand seven hundred fifty square feet (17,750 SF), and is mostly vacant except for the existing backyard fence from the dwelling on Lot 2. This lot has seventy-five feet (75’) of frontage on Monmouth Avenue and sixty-five feet (65’) of frontage on Eighth Street. Existing Lot 4 is east of Lot 3 and is a 50’ X 150’, seven thousand five hundred square foot (7,500 SF) rectangular lot with a one-story dwelling. This lot has fifty feet (50’) of frontage on Eighth Street. The proposed subdivision of the existing property lines would create two (2) zero lot line properties totaling twelve thousand five hundred square feet (12,500 SF) for a future duplex, a rectangular 50’ X 150’ seven thousand five hundred square foot (7,500 SF) lot for a future single family residence, and an irregular ten thousand square foot (10,000 SF) lot for a two-family dwelling. The two (2) proposed zero lot line properties would become new Lots 2.01 and 2.02. Proposed Lot 2.01 would have 37.50 feet of frontage on Monmouth Avenue and fifty-five feet (55’) of frontage on Eighth Street. The proposed unit would face Monmouth Avenue. Proposed Lot 2.02 would be a rectangular lot with 37.50 feet of frontage on Monmouth Avenue. Proposed Lot 2.03 would become a 50’ X 150’ seven thousand five hundred square foot (7,500 SF) rectangular property for a future single-family dwelling fronting Monmouth Avenue. New Lot 4 on the subdivision plan would become an irregular ten thousand square foot (10,000 SF) tract for the two-family dwelling fronting on Eighth Street. Public water and sewer is available, as well as gas and overhead electric. The site is situated in the northern portion of the Township on the east side of Monmouth Avenue and the south side of Eighth Street. Eighth Street is a paved municipal road with a sixty foot (60’) right-of-way, which has been turned into a cul-de-sac at this location to eliminate a five-way intersection. Monmouth Avenue is a wide paved municipal road where the existing right-of-way width is eighty feet (80’) with a pavement width of approximately fifty-five feet (55’). Curb and sidewalk in fair condition exists across the site frontages. The Survey and Improvement Plan shows the location of individual trees on the site. The topography indicates the property to be sloping to an existing onsite depression. The proposed lots are situated within the R-M Multi-Family Residential Zone. The surrounding uses are mostly residential. We have the following comments and recommendations: I. Zoning 1. The parcels are located in the R-M Multi-Family Residential Zone District. Single Family Detached Housing, Two Family Housing, and Duplex Housing are all permitted uses in the zone. 2. Per review of the application, the following two (2) variances are being requested: • Minimum Lot Area (proposed Lot 2.02, 4,875 square feet; 5,000 square feet required) – proposed condition. • Maximum Building Coverage (proposed Lot 2.02, 38.5%; 30% permitted) – proposed condition. However, the combination of proposed Lots 2.01/2.02 (zero lot line property) is twelve thousand five hundred square feet (12,500 SF), which exceeds the ten thousand square foot (10,000 SF) minimum. Furthermore, the proposed size of the duplex building (3,750 SF) would be thirty percent (30%) of the area for the combination of new Lots 2.01/2.02. 3. The Survey shows an existing one-story dwelling on old Lot 4, which our site investigation confirms. The Minor Subdivision Plan indicates this same building to be an existing two-story, two-family dwelling to remain on proposed Lot 2.04. This discrepancy must be addressed. 4. Per review of the Minor Subdivision Map, it appears no waivers are required: 5. The applicant must address the positive and negative criteria in support of any 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 and Topographic Survey has been provided for Lots 2 through 4. The survey should be revised to include the following: a. Bearings and distances of all lot lines. b. Areas of the individual lots. c. All signs, poles, and chain link fencing along the Eighth Street frontage. d. Identification of an existing line drawn between the curb and

sidewalk in front of Lot 4. 2. The General Notes reference the Outbound and Topographic Survey map submitted which has been used for the base map of the Minor Subdivision and Improvement Plan. Horizontal and vertical datum has been assumed. The date of the Survey shall be corrected in the General Notes and Surveyor's Certification. 3. The benchmark shown on the Survey must be provided on the Minor Subdivision and Improvement Plan. 4. General Note #5 should indicate that the property is situated in the Multi-Family Residential Zone. 5. The Requirements of the R-M Zone shall be edited. Three (3) scenarios shall be used in accordance with Section 18-902H.4., of the UDO; Single Family Standards, Two Family Standards, and Duplex Regulations. 6. The limits of existing improvements to be removed shall be clarified. Any encroachments shall be eliminated. 7. Both proposed side lines of new Lot 2.02 are one hundred thirty feet (130') long and both proposed side lines of new Lot 2.03 are one hundred fifty feet (150') long. The plan shall be revised accordingly. 8. The rear setback line of proposed Lot 2.01 should be dimensioned as fifteen feet (15') and extend to the front yard setback line along the Eighth Street frontage. 9. Proposed setback lines shall be added to new Lot 2.04. 10. Proposed outbound corner monuments shall be added. The proposed outbound corner markers shall be offset where necessary. 11. A proposed six foot (6') wide Shade Tree and Utility Easement to Lakewood Township shall be added along the Eighth Street frontage. Proposed easement areas shall be shown on an individual lot basis. 12. 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 proposed driveways on the Improvement Plan have been dimensioned to show that the parking configuration will provide at least four (4) off-street parking spaces per lot. The existing driveway on proposed Lot 2.04 is long enough to accommodate four (4) vehicles. 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 required. 13. 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. 14. The Improvement Plan provides a Deciduous Tree Planting Detail. However, proposed street trees are not shown on the Improvement Plan within the shade tree and utility easement. Unless a waiver is granted, proposed street trees are required. 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 notes the larger existing trees on-site have been located on the Survey and Improvement Plan. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review. A large existing tree which is displacing the curb and sidewalk along Monmouth Avenue would be removed for a proposed driveway apron. 15. The General Notes on the Improvement Plan indicate that soil borings shall be performed prior to plot plan submission to determine the seasonal high water table information. 16. The proposed dwellings would be serviced by public water and sewer. The project is within the New Jersey American Water Company franchise area. Approvals will be required from the New Jersey American Water Company. 17. A proposed six foot (6') high solid vinyl fence is shown within the Eighth Street front yard setback of new Lot 2.01. A waiver will be required unless the height is reduced to four feet (4'). 18. Drywells are proposed to address storm water from the development. Drywells shall be sized at the time of plot plan submission. 19. Proposed grading is indicated on the Improvement Plan. As mentioned previously, the existing site slopes to an onsite depression. The proposed grading and drainage scheme must be revised. Proposed runoff will be transported across other lots. In addition, runoff will be trapped in the corner of neighboring Lot 1 by the proposed retaining wall on new Lot 2.01. It is also not clear whether it is intended to remove all the large trees in the Eighth Street front yard of proposed Lot 2.01. Proposed storm drainage would be

required to save these trees. The existing trees to be removed should be indicated on the Improvement Plan. 20. The existing detectable warning surface along the Eighth Street frontage requires replacement. 21. No existing curb and sidewalk is being replaced along the Eighth Street frontage of the project. The wide driveway apron servicing neighboring Lot 1 and existing Lot 2 is not being reduced in size. 22. Five foot (5') wide concrete sidewalk exists along both Eighth Street and Monmouth Avenue. 23. The existing concrete sidewalk along Monmouth Avenue shall be replaced with driveway aprons where the new driveways are proposed. Consideration should be given to replacing all the curb and sidewalk along the Monmouth Avenue project frontage because of the amount of anticipated disturbance. 24. A proposed gutter reconstruction design is required along Monmouth Avenue for curb replacement and to provide adequate slope for drainage. 25. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 26. Compliance with the Map Filing Law is required. 27. Construction details should be revised on the Improvement Plan in accordance with the any conditions of approval required by the Board. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. New Jersey American Water Company; and e. All other required outside agency approvals.

Mr. Vogt said variances are requested for minimum lot area and maximum building coverage. As noted, the combination of the two in aggregate meets the two respected standards.

Mr. John Doyle, Esq. on behalf of the applicant said if you add up the duplex lots they will have 12,500 sf which exceeds the ordinance. The coverage will be no more than the 30% that's permitted. In totality they meet the bulk requirement but it is because of the unusual configuration of this lot with two frontages and around a lot they do not own.

Mr. Schmuckler asked if there is any way to reconfigure it to get the coverage down a little bit.

Mr. Doyle said the configuration makes it physically impossible. The applicant ensured the duplex meets the minimum square footage and does not exceed the coverage.

Mr. Schmuckler would like him to look into it further for the public hearing.

A motion was made by Mr. Follman, seconded by Mr. Herzl to advance the application to the October 29, 2013 meeting.

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

- 4. SD 1906** (Variance Requested)
Applicant: Sheldon Newmann
Location: Spruce Street
Block 778.06 Lot 61
Minor Subdivision to create two fee-simple duplex lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing lot totaling twenty-one thousand four hundred fifty square feet (21,450 SF) or 0.492 acres in area known as Lot 61 in Block 778.06 into two (2) new residential lots consisting of a duplex unit on two (2) zero lot line parcels. The proposed properties are designated as proposed Lots 61.01 and 61.02 on the subdivision plan. The site contains an existing one-story frame dwelling, a detached framed garage, and a shed. It appears the structures will be removed from existing Lot 61 along with all other existing site improvements. Proposed Lots 61.01 and 61.02 will become two (2) zero lot line properties for a duplex unit. Public water and sewer is available, as well as gas and overhead electric. Curb and sidewalk exist across the frontage of the tract. The site is situated in the central portion of the Township on the north side of Spruce Street between Route 9 and Sharon Court. Spruce Street has a fifty foot (50') right-of-way and is a heavily traveled improved municipal road in poor condition with numerous patches. Proposed Lots 61.01 and 61.02 will be equal 32.50' X 330' zero lot line properties of ten thousand seven hundred twenty-five square feet (10,725 SF) each in area. The topography of the site slopes northward away from Spruce Street. The rear portion of the tract is wooded. The lots are situated within the R-10 Single Family Residential Zone. The existing site is nonconforming with respect to lot width. Therefore, lot width variances are required to create this subdivision. The surrounding area is almost exclusively residential. We have the following comments and recommendations: I. Zoning 1. The parcel is located in the R-10 Single-Family Residential Zone District. Duplex housing on zero lot line properties is a permitted use in the zone. 2. Per review of the Subdivision Map and the zone requirements, the following variances are required: • Minimum Lot Width for zero lot line properties (proposed Lots 61.01 and 61.02, 32.50 feet, 37.50 feet required) – proposed condition. • Minimum Aggregate Side Yard for the combination of proposed Lots 61.01/61.02 (proposed 20 feet, 25 feet required) – proposed condition. 3. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. A Survey Plan with topography has been submitted for review. The date on the Survey Plan supersedes the dates on the Minor Subdivision and Improvement Plan. The date on the Survey Plan must be corrected. 2. The edge of woods on the Survey Plan must be reversed. Except for the existing improvements, the front portion of the site has been cleared and the rear portion of the site has been left wooded. 3. The existing framed garage and shed shown on the Survey Plan have not been indicated on either the Minor Subdivision Map or Improvement Plan. 4. The Survey Plan indicates elevations are based on an assumed datum. A bench mark must be provided. Horizontal datum should be specified. 5. Zones and Zone Boundary Lines shall be added to the Minor Subdivision Plan. 6. Since the monuments have not been set, we recommend the Legend be revised to "monument to be set" to allow the proposed monuments to either be bonded or set at an appropriate time. 7. The Owner shown in the Certification is in conflict with the Owner shown in the General Notes. 8. The General Notes of the Minor Subdivision Plan indicate coordinates are based on an assumed datum. The assumed vertical datum should be mentioned and a bench mark referenced. 9. The Zoning Data should be revised to indicate the Minimum Aggregate Side Yard variance required for the combination of proposed Lots 61.01/61.02. 10. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be required for each unit. The Improvement Plan shows a proposed circular driveway configuration for the future duplex which is an excellent design along a heavily traveled road. The circulation proposes the four (4) off-street parking spaces for each lot behind the circular driveway portion. Since the proposed lots are extremely deep, the duplex unit has been moved further back from the road to configure

the parking in the front yard to provide adequate maneuverability. The proposed driveway and parking areas shall be properly dimensioned, including radii. Parking shall be provided to the satisfaction of the Board. 11. The Improvement Plan indicates basements will be proposed for the future dwellings on proposed Lots 61.01 and 61.02. Therefore, a minimum of four (4) off-street parking spaces would be required to comply with the Township Parking Ordinance. 12. Since basements are proposed, seasonal high water table information will be required. The Notes on the Improvement Plan indicate seasonal high water table is greater than ten feet (10') as determined by Lines Engineering, LLC. However, the seasonal high water table information has not been provided. 13. 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. 14. The project will be serviced by New Jersey American Water Company since it is located within their franchise area. 15. Six foot (6') wide shade tree and utility easements dedicated to the Township are proposed along the property frontages of new Lots 61.01 and 61.02. The proposed easement areas shall be shown on an individual lot basis. 16. Three (3) "October Glory Maple" street trees are proposed within the shade tree and utility easements of Lots 61.01 and 61.02. Ten (10) "Japanese Holly" are proposed to break up the parking area. 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 indicates the rear portion of the property is wooded. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 61.01 and 61.02. 17. The applicant proposes to construct new curb, sidewalk, and driveway aprons along the property frontage of new Lots 61.01 and 61.02. The limits of proposed sidewalk and aprons shall be indicated. The existing sidewalk on neighboring properties will be matched. 18. The Improvement Plan shall be revised to provide proposed grades for the curb and gutter. Based on the Survey Plan, the gutter is very flat and drainage may be required. A Typical Half Pavement Section shall be provided to show the reconstruction limits with mill and overlay limits of the road to the centerline. The existing pavement is in poor condition and the proposed grading and utility connections will disturb more than twenty percent (20%) of the asphalt area. 19. Testimony is required on the disposition of storm water from the development of proposed Lots 61.01 and 61.02. The property slopes northward toward the rear. The proposed grading requires revision since proposed runoff is being directed off-site. The General Notes on the Improvement Plan state that roof drains are to be directed to rear of the property. 20. Testimony should be provided on proposed site grading. The proposed grading is indicated on the Improvement Plan and is directing runoff off-site. Proposed spot grades are required for the circular driveway area. Proposed grading revisions shall be submitted. 21. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 22. Compliance with the Map Filing Law is required. 23. Construction Details on the Improvement Plan shall be revised in accordance with the conditions of any approvals. 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; and d. All other required outside agency approvals. New Jersey American Water Company will be responsible for water and sewer service.

Mrs. Miriam Weinstein, Esq. on behalf of the applicant. The variances will be addressed at the public hearing.

Mr. Brian Flannery, P.E., P.P. said the items in the engineer's review letter will be addressed.

Mr. Schmuckler asked that they reach out to the neighbor's about this application. He also asked that the Percal map be provided.

A motion was made by Mr. Follman, seconded by Mr. Herzl to advance the application to the October 29, 2013 meeting.

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

- 5. SP 2026** (No Variance Requested)
Applicant: Bais Medrash of Central Jersey
Location: Marlin Avenue
Block 1159.02 Lot 7

Site Plan to convert single-family residence to boys' college and future dormitory (Phase I) with plans for Bais Medrash building and trailers (Phase II)

Project Description

The applicant is seeking Site Plan approval for conversion of an existing one-story single-family residential dwelling (with crawl space) at 715 Marlin Avenue into a Bais Medrash and dormitory. Temporary classroom trailers would be installed until and an additional building and septic system are constructed. The property is situated in the south central portion of the Township on the east side of Marlin Avenue south of its intersection with Oak Street. Marlin Avenue is an improved municipal road in fair condition having a right-of-way width of fifty feet (50') and a pavement width of twenty-six feet (26'). Curb and sidewalk do not exist, but are proposed as part of the site plan application. As noted on the Site Plan, an additional building is proposed to the north of the existing one-story dwelling. The existing one-story dwelling would be converted to a Bais Medrash and dormitory. The additional building would be a proposed school. The site also contains an existing shed which would have to be removed for the construction of the additional building. The site is very flat and contains lots of trees, many of them large. A proposed interior parking area consisting of six (6) off-street parking spaces would be served by the existing paved driveway. The minimum off-street parking space size would be 9' X 18'. The plans indicate the proposed project would be serviced by a potable well and septic system. We offer the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1.B1 - Topography of the site. 2.B2 - Topography within 200 feet thereof. 3.B3 -Contours on the site. 4.B4 - Contours of the area within 200 feet of the site boundaries. 5.B10 - Man-made features within 200 feet thereof. 6.C10 -Shade Trees. 7.C14 -Tree Protection Management Plan. 8.C15 - Landscaping Plan. 9.C16 - Soil Erosion & Sediment Control Plan. 10.C17 -Design calculations showing proposed drainage facilities. 11.C20 -Shade Tree and Utility Easement. We can support the requested submission waivers from a completeness standpoint, provided all of the necessary design information is submitted for resolution compliance should site plan approval be granted. II. Zoning 1. The property is located in the R-20 (Single-family) 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 Site Plan, no bulk variances are necessary for the application. 3. Per review of the 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. An existing stockade fence does surround

much of the property. • Curbing for the proposed off-street parking area. III. Review Comments

A. Site Plan/Circulation/Parking

1. A Survey for the property has been provided. The following revisions are required:
 - a. Topography must be added for the site and as necessary for design purposes.
 - b. The plan must be to scale with a graphic scale added.
 - c. The lot area should be checked.
 - d. The location for some of the chain link fence across the frontage.
 - e. The location of the utility poles. The revised Survey may be provided with resolution compliance submission should approval be granted.
2. The General Notes indicate boundary and existing conditions taken from a survey by Mager Associates, dated 5-16-13. Horizontal and vertical datum should be provided. A nail set in the centerline of the road is shown as a bench mark. The additional information can be provided with resolution compliance submission should approval be granted.
3. The General Notes should be edited to match the current site plan submission. Corrections can be provided with resolution compliance submission should approval be granted.
4. The provided lot area and other zone requirements data should be checked. Corrections can be provided with resolution compliance submission should approval be granted.
5. Testimony should be provided by the applicant to the Board summarizing the proposed use of the school, including but not limited to the following:
 - a. Number of students proposed for the school.
 - b. Will any students (or parents) drive and park at the school.
 - c. Number of buses (if any) proposed.
 - d. Will any students will be dropped off and picked up (by car).
 - e. Proposed construction phasing.
 - f. Maximum anticipated occupancy of the dormitory (when constructed).
6. As indicated previously, the existing driveway on the property provides access to six (6) off-street parking spaces. However, the existing driveway is too narrow to provide sufficient aisle width for the perpendicular off-street parking spaces proposed. Therefore, the existing driveway must be widened. In addition, one (1) of the proposed parking spaces shall be a van accessible handicap space. Furthermore, the number of proposed off-street parking spaces required shall be confirmed. Parking should be provided to the satisfaction of the Board. Corrections can be provided with resolution compliance submission should approval be granted.
7. The site plan indicates trash and recyclables to be collected curbside of by the Township. A proposed storage area shall be provided. The proposed storage area can be provided with resolution compliance submission should approval be granted.
8. Coordination between the site plans and architectural plans is required for the buildings, such as access points and handicap ramps. Revised site plans and final architectural plans shall be provided with resolution compliance submission should approval be granted.
9. The proposed site plan must be drawn to scale in order to confirm the proposed dimensions provided. Corrections can be provided with resolution compliance submission should approval be granted.
10. A Legend should be provided. The Legend can be added for resolution compliance submission should approval be granted.
11. Regulatory signage should be completed on the site plan, such as stop signs and handicap signs. Regulatory signage can be added for resolution compliance submission should approval be granted.
12. A four foot (4') wide concrete sidewalk is proposed along the site frontage. The proposed location of the sidewalk shall be dimensioned within the right-of-way. An existing utility pole which may be located within the proposed sidewalk area may require relocation. Additional information can be provided with resolution compliance submission should approval be granted.
13. Concrete curb is proposed fifteen feet (15') from the center of the right-of-way. Minor road widening will be required in front of the site and shall be transitioned back to the existing edge of pavement. The design can be finalized for resolution compliance submission should approval be granted.
14. A proposed Sight Triangle Easement complete with bearings, distances, and an area shall be provided at the access driveway such that the Board Attorney and Engineer may review and approve a deed of easement prior to filing with the Ocean County Clerk. This information can be provided with resolution compliance submission should approval be granted.

15. A proposed Shade Tree and Utility Easement shall be provided along the project frontage. Proposed bearings, distances, and an area shall be added such that the Board Attorney and Engineer may review and approve a deed of easement prior to filing with the Ocean County Clerk. This information can be provided with resolution compliance submission should approval be granted. 16. The limits of the different fence types must be shown. This information can be provided with resolution compliance submission should approval be granted. B. Architectural 1. A preliminary architectural plan has been provided for the conversion of the existing dwelling to a Bais Medrash and dormitory. The plan includes floor plans and elevations. The building is a one-story structure with a partial walk in basement and a crawl space. The building height is far less than the allowable thirty-five foot (35') height. 2. A preliminary architectural plan has also been provided for the proposed school. The plan includes floor plans and elevations. The proposed building includes a first floor and an unfinished basement. The proposed first floor elevation would be two feet (2') above grade and the proposed basement would be nine feet eight inches (9'-8") below the first floor. The proposed building height will be far less than the allowable building height of thirty-five feet (35'). 3. The applicant's professionals should indicate whether the buildings will include sprinkler systems. 4. The location of proposed HVAC equipment for the buildings should be shown on the site plan. Said equipment should be adequately screened. 5. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. C. Grading 1. Per review of the proposed grading, the following should be addressed: a. Proposed elevations for accessible routes and the handicap parking area to insure slope compliance. b. Proposed elevations provided at control points, such as building landings. c. Completion of existing and proposed contour lines. d. The proposed gutter elevation associated with the top of curb elevation of 100.49 shall be 99.99. e. Proposed grading shall be revised to increase overland slopes and direct runoff towards Marlin Avenue and minimize runoff being direct to adjacent properties. Final grading can be addressed during compliance review if/when approval is granted. 2. Per review of the existing elevations and per review of site conditions during our 9/3/13 site investigation, the on-site grades have minimal relief. 3. The proposed basement floor elevation shall be added and seasonal high water table information provided to insure a two foot (2') separation is maintained. D. Storm Water Management 1. Calculations shall be provided to address the increase in storm water runoff from the site. The calculations shall indicate whether the project will qualify as major development and meet the requirements of the New Jersey Department of Environmental Protection Storm Water Management Rules (NJAC 7:8). E. Landscaping 1. In accordance with Section 18-906A of the UDO, a twenty foot (20') wide perimeter landscape buffer is required from residential uses and zones. Said buffer is required along the property lines. It should be noted the lands surrounding the project are residentially zoned. The perimeter landscape buffer provided should be to the satisfaction of the Board. 2. Shade trees should be provided along Marlin Avenue. Screening should be added around the proposed refuse enclosure. Foundation plantings should be provided for the buildings. 3. The overall landscape design will be subject to review and approval by the Board Engineer and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. 4. We recommend all proposed sight triangles, utilities, and easements be added to the plan to prevent any planting conflicts. 5. A detailed review of the landscape design will be undertaken when plans are submitted for resolution compliance should approval be granted. F. Lighting 1. Testimony should be provided regarding proposed lighting (none is proposed at this time). Lighting shall be provided to the satisfaction of the Board. G. Utilities 1. The plans indicate the site will be served by a proposed septic system. 2. An area proposed for a septic disposal field has been designated on the east side of the site behind the buildings. 3. An existing potable well has been shown in the front

yard near the southwest corner of the site. 4. Approvals will be required from the Ocean County Board of Health. H. Signage 1. Per review of the design documents, no signage is proposed at this time. A full signage package for free-standing and building-mounted signs identified on the site plans must be provided for review and approval as part of the site plan application. 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. 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. Data layers were reviewed to evaluate potential environmental issues associated with development of this property. Testimony should be provided on any known areas of environmental concern that exist within the property. 2. A Tree Protection Management Plan must be provided as a condition of approval to comply with the Township's Tree Ordinance. J. 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 (as applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. Ocean County Board of Health; and f. All other required outside agency approvals.

Mr. Rennert stepped down for this application.

Mr. Vogt said there are a number of submission waivers which are supported as noted in the review letter.

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

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

Mr. Abraham Penzer, Esq. on behalf of the applicant stated the existing building in phase I would be used as a study hall and dormitory for college age students. In phase II, another building would be erected and that would be the new study hall. The old building would be converted entirely for dormitory use. There is a question concerning the trailers which he will have Brian Flannery address. No variances are requested.

Mr. Brian Flannery, P.E., P.P. said they are asking for a design waiver for not providing curbing for the parking area on site. Due to the nature of the use and the beneficial use for the school, the applicant is requesting a design waiver on that.

Mr. Neiman questioned that.

Mr. Flannery said there is not a lot of curbing in that area. The curbing directs the runoff and concentrates it as opposed to allowing it to run into the sand. It's a very sandy area. It would recharge and it would save the school money.

Mr. Schmuckler asked if they are paving the parking lot.

Mr. Flannery said yes. They do not want to provide curbing.

Mr. Penzer would like the application to be advanced to the September 17, 2013 meeting.

Mr. Neiman saw that there are a lot of people here for this application and explained they will be able to speak at the public hearing.

Mr. Percal suggested that the applicant reach out to the neighbors as there are many people here.

Mr. Penzer said he will set up a meeting with the neighbors.

A motion was made by Mr. Herzl, seconded by Mr. Follman to advance the application to the September 17, 2013 meeting.

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

6. **SP 2033** (Variance Requested)
Applicant: Zev & Chaya Hess
Location: Rosebank Street
Block 228 Lot 17.04
Site Plan for proposed residence with an office in the basement

Project Description

The applicant is seeking Preliminary and Final Site Plan approval to demolish the existing dwelling on-site and construct a new dwelling on an undersized lot with a classroom and apartment in the basement along with site improvements, on the subject premises. The project site is Lot 17.04 in Block 228, situated in the R-10 Zone. The site is in the northern portion of the Township, on the north side of Rosebank Street, east of Park Avenue. Rosebank Street is an improved municipal roadway in fair condition with a fifty foot (50') right-of-way. Curb and sidewalk in good condition exist, and may only need to be replaced as necessary. Sanitary sewer is available in the centerline of the street. Potable water exists on the south side of the road. Overhead electric runs within the south side of the right-of-way. According to the site plan and our investigation, the property is surrounded by residential property on all sides. The title survey submitted indicates the property is an undersized 55' X 150' rectangular lot, containing eight thousand two hundred fifty square feet (8,250 SF) or 0.19 acres. The site is currently residential seeking approval to be transformed into a new single-family residence with a basement apartment and classroom. Per our site investigation, the land appears relatively flat and gently slopes generally downward from north to south. Site access is proposed via a

concrete apron and depressed curb on the east side of the lot. No onsite driveway or off-street parking has been shown. Proposed storm water management facilities have also not been included in the Site Plan. The General Notes indicate that existing utilities are to be reused. We have the following comments and recommendations: I. Waivers A. The following submission waivers have been requested: 1. B1 - Topography of the site. 2. B2 - Topography within 200 feet thereof. 3. B3 - Contours on the site to determine natural drainage of the land. 4. B4 - Contours within 200 feet of the site boundaries. 5. B10 - Man-made features within 200 feet of the site. 6. C13 - Environmental Impact Statement. 7. C14 - Tree Protection Management Plan. 8. C15 - Landscaping Plan. 9. C16 - Soil Erosion and Sediment Control Plan. 10. C17 - Design calculations for drainage facilities. We can support the B-Site Features waivers only for completion purposes. Topography of the site with contours must be submitted prior to the public hearing as there is not enough information provided for design. We support the waiving of an Environmental Impact Statement due to the developed nature of the site. The applicant will be required to comply with the Township Tree Protection Ordinance as a condition of Board approval (if/when granted). The submission waiver for landscaping should only be from a completeness standpoint and should be required prior to the public hearing. The submission waiver for a Soil Erosion and Sediment Control Plan may only be from a completeness standpoint. A Soil Erosion and Sediment Control Plan will be required should disturbance exceed five thousand square feet (5,000 SF). The submission waiver from design calculations for drainage facilities should only be from a completeness standpoint. Drainage facilities should be proposed to eliminate the increase in runoff by the development from impacting adjoining properties. Identify proposed drainage prior to the public hearing. II. Zoning 1. The parcel is located in the R-10 Zone. Single Family Detached Housing with a basement apartment would be permitted in the zone. Schools (basement classroom) are a permitted use in this zone, subject to the provisions of Section 18-906 of the UDO. 2. The site has an existing nonconformance with respect to lot area. The lot area is eight thousand two hundred fifty square feet (8,250 SF), whereas ten thousand square feet (10,000 SF) is required. 3. The property has an existing nonconformance with respect to lot width. The lot width is fifty-five feet (55'), whereas seventy-five feet (75') is required. 4. A new variance is requested for Side Yard Setback. Based on the preliminary architectural plans, we calculate the proposed side yard setback to be 7.58 feet, whereas ten feet (10') is required. 5. A new variance is requested for Aggregate Side Yard Setback. Based on the preliminary architectural plans, we calculate the proposed aggregate side yard setback to be 15.17 feet, whereas twenty-five feet (25') is required. 6. A new variance is required for Maximum Building Coverage. Based on the preliminary architectural plans, we calculate the proposed building coverage exceeds thirty-three percent (33%) and the maximum allowable coverage is twenty-five percent (25%). 7. A waiver is required from Section 18-906A.2., of the UDO, which requires a twenty foot (20') buffer from a residential use or district. 8. A waiver is also required from Section 18-906A.3., of the UDO, since no landscaping or fencing is proposed. 9. A waiver is required from Section 18-906B of the UDO, since parking will undoubtedly be proposed within the required buffer. III. Review Comments A. Site Plan/Circulation/Parking 1. A topographic survey is necessary for design purposes. General Note #2 implies a topographic survey is being prepared. The survey can be provided with resolution compliance submission if/when approval is granted. 2. The base map not only needs to be revised to add topography, but the following items shown on the title survey must be added: a. The existing tree in the right-of-way where the sidewalk has been constructed around. b. Utility poles, boxes, meters, valves, and cleanouts. This information can be provided with resolution compliance submission if/when approval is granted. 3. The site plan does not address off-street parking. A proposed concrete apron and depressed curb is shown

on the east side of the lot. However, no onsite driveway is associated with the proposed curb cut. Testimony should be provided on off-street parking. 4. The provided data should be revised under the "Schedule of Bulk Requirements for R-10 Zone". 5. Horizontal and vertical datum shall be addressed. A bench mark shall be provided. This information can be provided with resolution compliance submission if/when approval is granted. 6. The plan must be revised clarifying existing improvements to remain and to be removed. This information can be provided with resolution compliance submission if/when approval is granted. 7. As depicted on the site plan, sidewalk exists along the property frontage. The sidewalk has been constructed around an existing tree within the right-of-way. A sidewalk easement should be proposed where the sidewalk encroaches onto the property. A proposed deed of easement and description should be provided such that the Board Attorney and engineer may review and approve prior to filing with the Ocean County Clerk. This information can be provided with resolution compliance submission if/when approval is granted. 8. No notes are included on the site plans regarding the pick up of trash and recyclables. It is anticipated that the DPW will be responsible for this matter. 9. A proposed Shade Tree and Utility Easement has been shown. A proposed deed of easement and description shall be provided such that the Board Attorney and Engineer may review and approve prior to filing with the Ocean County Clerk. This information can be provided with resolution compliance submission if/when approval is granted. 10. Proposed dimensions shall be provided with the completion of the design. This information can be provided with resolution compliance submission if/when approval is granted. B. Architectural 1. A preliminary architectural plan has been provided. The drawing includes floor plans and a front elevation. The proposed building includes an unfinished basement for a future apartment and classroom, a first floor plan, a second floor plan, and an attic floor plan. The proposed first floor elevation is four foot eight inches (4'-8") above grade. The proposed building height will be less than the allowable building height of thirty-five feet (35'). 2. Testimony should be provided as to where HVAC equipment is proposed for the building and how the equipment will be adequately screened. C. Grading 1. A dedicated grading plan has not been provided. A review of the final grading plan will be performed during compliance, if/when Board approval is granted. 2. The General Notes indicate that seasonal high water table at 2.8 feet was determined by Lines Engineering. Therefore, construction of the proposed basement floor over five feet (5') below grade as shown on the architectural plans would not be feasible. D. Storm Water Management 1. As indicated previously, no proposed storm water management facilities have been provided. Storm water management can be provided as a condition of Board approval, if/when granted. 2. We recommend the installation of storm water management facilities such that the increase in runoff from the site will not adversely impact adjoining properties. E. Landscaping 1. No landscaping has been provided with the submission. Landscaping shall be reviewed in detail during compliance should site plan approval be granted. 2. The final landscape design is subject to review and approval by the Board and should conform to recommendations (if any) from the Shade Tree Commission as practicable. F. Lighting 1. No site lighting information has been provided with the submission. The final lighting design shall be reviewed during compliance review, if/when Board approval is granted. 2. Lighting should be provided to the satisfaction of the Board. G. Utilities 1. As indicated previously, water and sewer service is available. The General Notes indicate that it is intended for existing utilities to be reused. Approval will be required from New Jersey American Water Company since the project is in their franchise area. H. Signage 1. No signage has been proposed. We recommend that final signage and markings be provided as a condition of Board approval, if/when forthcoming. 2. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. I. Environmental 1. Site Description To assess the site for

environmental concerns, a natural resources search of the property and surroundings was completed 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. No significant impacts were noted. 2. Environmental Impact Statement A waiver has been requested. 3. Tree Management Plan Although there are few existing trees onsite, a Tree Management Plan must be provided. The applicant must comply with the plan, and the Tree Protection ordinance requirements as a condition of Board approval (if/when granted). J. Construction Details 1. No construction details are provided. Final review of construction details will take place during compliance (if/when approval is granted). 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. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement (if required, at the discretion of the Township); b. Township Tree Ordinance; c. Ocean County Planning Board; d. Ocean County Soil Conservation District (if required); and e. All other required outside agency approvals.

Mr. Rennert stepped down for this application.

Mr. Abe Penzer, Esq. on behalf of the applicant said that Rabbi Hess is the principal and founder of one of the largest schools and he has 12 children. This is for his house, it is not a school. He is very devoted to having the children come to the house. It's really only an office. He would like school removed from the description.

Mr. Flannery said it is an office for the school so it is really a school use. They wanted to be clear with the Board.

Mr. Vogt said there are various submission waivers that need to be acted upon. The B-site features waivers are supported for completion purposes only. Topography with contours must be submitted prior to the public hearing.

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

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

A motion was made by Mr. Herzl, seconded by Mr. Follman to advance the application to the October 1, 2013 meeting.

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

7. **SP 2035** (No Variance Requested)
Applicant: Bnos Rivka
Location: West Cross Street
Block 251.01 Lot 16
Site Plan for 33,528 sf two-story school building

Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a new two-story girl's school building, which includes an improved basement, within a 16,762 square foot footprint. The site plan also shows a future gymnasium and future pool. Our review of the architectural plans indicates the proposed school building will contain a total of fifty-five (55) classrooms, tutor rooms, libraries, meeting rooms, and offices. Therefore, fifty-five (55) off-street parking spaces would be required. The site plan proposes an off-street parking area in front of the building, comprised of ninety-five (95) parking spaces. The minimum parking space size would be 9' X 18'. Minimum aisle and driveway widths would be twenty-four feet (24'). Two (2), two-way access driveways are proposed near the edges of the site frontage. An interior circulation drive with a twenty-four foot (24') width is also proposed, which includes a one-way counterclockwise section to be used for a five (5) space bus drop-off/pickup area. The proposed project is located in the western portion of the Township on the northeast side of West Cross Street, southeast of its intersection with White Street. West Cross Street is an improved County Road with a fifty-five foot (55') right-of-way width in front of the site. The existing half width right-of-way measures thirty feet (30') on the northeast side and twenty-five feet (25') on the southwest side. A three foot (3') dedication is proposed which would bring the half right-of-way width in front of the site to thirty-three feet (33') wide. Per the site plans a septic system is proposed behind the building on the northwest side of the site to service the new school. Potable water has not been addressed. A proposed grass play area is indicated behind the building. A future gymnasium and future pool are shown even further to the rear of the site. A detention basin is proposed for storm water management in the eastern corner of the tract. The property is wooded and the lands bordering the sides consist of residential uses.

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. The Survey and Site Plan show enough topography to prepare the design. Therefore, we can support the "B-Site Features" requested waivers. A waiver has been requested from the submission of an Environmental Impact Statement. Our site investigation on 9/3/13 revealed the property appears to consist of wooded uplands with no wetlands. We can support the requested waiver from C13. The existing property is completely wooded. Therefore, a Tree Protection Management Plan must be provided as a condition of approval to comply with the Township's Tree Ordinance.

II. Zoning 1. The parcels are located in the R-40 Residential District. Private schools are a permitted use in the zone subject to the requirements of Section 18-906. 2. Per review of the Site Plan and the zone requirements of Section 18-902B of the UDO, no variances are being requested for the proposed project. 3. In accordance with Section 18-906A.2., of the UDO, a waiver is required from providing a twenty foot (20') wide buffer from a residential use or district. 4. A waiver is required from Section 18-906A.3., of the UDO, providing a perimeter landscape buffer. 5. Testimony should be provided as to whether relief is required from any other design waivers, such as constructing curb and sidewalk along West Cross Street. 6. The applicant must address the positive and negative criteria in support of any variances that may be required. 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. Site Plan/Circulation/Parking 1. A Survey for the property has been provided. The following revisions are required: a. A graphic scale added. b. A reference meridian added. c. Horizontal and vertical datum noted. The bench mark provided is a monument found at the eastern property corner. d.

Wooded areas added. 2. There are lot area discrepancies between the survey and site plan sheets. The existing and proposed lot areas shall be provided. 3. The "Index of Sheets" and the "General Information" require editing on the Title Sheet. 4. As indicated previously, an off-street parking area, comprising ninety-five (95) parking spaces is proposed in front of the school building. Interior circulation drives and aisles are also proposed, which are twenty-four feet (24') wide. The proposed number of handicap spaces shall be increased to four (4). 5. Based on one (1) space required per classroom, tutor room, library, meeting room, or office as described per Section 18-906C of the UDO, we calculate fifty-five (55) parking spaces are required. Testimony should be provided by the applicant as to whether this figure is correct. Parking should be provided to the satisfaction of the Board. An accurate off-street parking breakdown shall be provided on the Title Sheet. 6. Testimony should be provided by the applicant's professionals as to whether all students will be bused, or will be allowed to be driven to the site, as well as the maximum number of staff professionals at the site during school operations. 7. Testimony should be provided regarding the number of potential buses anticipated to service the school. A dedicated five (5) space bus drop-off/pickup area is identified. Testimony should be provided based on the anticipate number of buses that could stage on site for drop-off or pickup at any one time, including but not limited to times, sizes, and types of vehicles anticipated (i.e., buses, vans, cars, others). 8. Testimony should be provided by the applicant's professionals regarding proposed ingress and egress from the property. Except for the one-way aisle for bus parking, both proposed accesses into the site as well as the interior access drives and aisles are all designed for two-way traffic as depicted. 9. Testimony should be provided on internal pedestrian circulation and as to whether any students are anticipated to walk to or from the school. Internal pedestrian circulation has been somewhat addressed on the plans, but is incomplete. Additionally, a handicap accessible ramp and sidewalk shall be added for the proposed doors at the main entrance of the school building as depicted on the site plans. 10. Per cursory review of the proposed parking and access layout, there appears to be adequate space provided for the maneuvering of buses and other large vehicles within the site. However, a vehicle circulation plan should be provided for review prior to the public hearing. 11. Sight triangles must be provided for both proposed access driveways. 12. A proposed 10' X 20' trash enclosure is depicted at the far end of the proposed bus parking area. Testimony should be provided whether DPW or private pickup is necessary. The proposed waste receptacle area shall be screened and designed in accordance with Section 18-809E of the UDO. 13. The anticipated timetable for the "future" pool and gym facilities should be addressed by the applicant. 14. Survey data must be provided for all proposed easements. 15. Coordination between the site plans and architectural plans is required for the proposed two-story building with basement, such as access points, handicap ramps, and dimensions. Proposed building square footage should be added on a per floor basis. 16. Proposed dimensions and radii must be completed on the site plan for the sizes and locations of improvements. An adjustment is required to the drawing scale, in order to confirm proposed dimensions. 17. Regulatory signage should be completed on the site plan, such handicap signage. 18. Any proposed sidewalk along the site frontage shall be five feet (5') wide, unless pedestrian bypass areas are designed. B. Architectural 1. Architectural plans have been provided for the proposed school. The set includes floor plans and elevations. The proposed building includes two (2) floors and a finished basement. We calculate the proposed floor area for every level to be 16,762 square feet. The proposed building height is thirty-four feet (34') high. The allowable building height is thirty-five feet (35'). 2. As depicted on the building elevations, the façade will be split face block as selected by the owner. We recommend that the applicant bring color renderings for the Board's consideration at the forthcoming public hearing. 3. Seasonal high water table information is

required to substantiate the proposed basement floor elevation. The architectural plan shows a sixteen foot (16') difference between the first floor and basement floor, while the site plan only shows an eleven foot (11') difference.

4. As noted on the proposed architectural plans, the basement is finished and provides the use of the basement space.

5. Based on our review, we believe an on-site well is required for water service. Testimony should be provided as to whether the proposed building will include a sprinkler system.

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

C. Grading

1. Per review of the proposed grading plan, the design concept is feasible. However, the following should be addressed:

a. Additional proposed elevations for accessible routes and the handicap parking spaces to insure slope compliance.

b. Additional proposed elevations provided at control points, such as building landings, curb corners, and curb returns.

c. A retaining wall is needed along the eastern property line because of the proximity of the proposed sidewalk. Final grading can be addressed during compliance review if/when approval is granted.

2. Per review of the existing elevations and per review of site conditions during our 9/3/13 site investigation, on-site grades generally slope towards the adjoining properties.

3. The proposed grading should be coordinated with the architectural plans. The architectural plans indicate a first floor elevation varying between three feet (3') and six feet (6') above grade. The proposed basement floor is sixteen feet (16') below the first floor elevation.

4. Profiles are required for proposed storm sewer.

5. The Grading Notes reference a Soils Report which must be provided. No soil boring information is indicated on the drawings. Seasonal high water table information must be provided to justify the proposed basement elevation of the school and the depth of the storm water recharge system.

D. Storm Water Management

1. A schematic storm water management design for the project is proposed by a network of inlets, collection, and recharge piping for the site. A proposed roof drainage system for the building leads to a proposed detention basin toward the rear of the site. The basin includes a discharge pipe and outfall. The design requires completion, as well as the submission of a Storm Water Management Report.

2. The proposed project is large enough to qualify as major development and must meet the requirements of the New Jersey Department of Environmental Protection Storm Water Management Rules (NJAC 7:8). Per review of the schematic design, it is feasible and can be finalized during compliance review if/when board approval is granted.

3. Seasonal high water table information is required to justify the proposed depth of the storm water recharge system. The results of Soil Logs should be provided to indicate that a two foot (2') separation will be maintained from the seasonal high water table elevations to the bottoms of the recharge beds.

4. The Drainage Calculations should indicate a permeability rate to be used for the proposed recharge system. Permeability testing results must be provided to justify the design.

5. A design is required for the storm water collection piping for the roof of the proposed school building.

6. Predevelopment and Post Development Drainage Area Maps must be provided for the review of the design.

7. Pipe design calculations should be provided.

8. A means of vehicular access to the basin is required for maintenance purposes.

9. A fence around the basin should be considered for safety purposes.

10. The proposed design should account for the future gym and pool facilities, or additional measures will be required at a later date.

11. A Storm Water Management Facilities Maintenance Plan must be provided. Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. This plan can be provided during compliance review if/when Board approval is granted.

E. Landscaping and Lighting

1. A dedicated lighting and landscaping plan is provided with the submission; proposed landscaping is depicted on Sheet 4 of the plans.

2. In accordance with Section 18-906A of the UDO, a twenty foot (20') wide perimeter landscape buffer is required

from residential uses and zones. Said buffer is required along the side and rear property lines. It should be noted the lands surrounding the project are residentially zoned. The perimeter landscape buffer provided should be to the satisfaction of the Board. 3. A six foot (6') wide shade tree and utility easement is proposed across the frontage of the property. Four (4) pin oak shade trees are proposed within the easement. 4. The only other landscaping proposed, are white pines in front of the building and red maples around the parking area as depicted on the plans. Additional landscaping should be proposed. 5. The overall landscape design is subject to review and approval by the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. 6. We recommend all proposed sight triangles, utilities, and easements be added to the plan to prevent any planting conflicts. 7. A detailed review of the landscape design will be undertaken when plan revisions are submitted. 8. As evidenced per a site inspection of the property, a significant amount of vegetation within the interior must be cleared to construct the proposed project, most of which is unavoidable. Final grading will be reviewed during compliance (if/when approval is granted) to minimize clearing where practicable, and to provide measures such as snow fencing along limits of disturbance intended to remain. 9. According to the schedule, the Lighting Plan shows eighteen (18) pole mounted lights around the proposed parking area. 10. A point to point diagram has been submitted for review. The Lighting Plan shall be revised to provide a minimum intensity of 0.5 foot-candles, an average intensity of 1.0 foot-candles, and a uniformity ratio of no more than 15:1. 11. According to the details provided, all proposed lighting will have a mounting height of sixteen feet (16'). 12. A detailed review of the lighting design will be undertaken when plan revisions are submitted. F. Utilities 1. The plans indicate the site will be served by a proposed septic system. 2. An area proposed for a septic disposal field has been designated on the northwest side of the site. 3. Potable water has not been addressed. 4. Outside agency approvals from the Ocean County Health Department are necessary. 5. If not done already, the applicant should ensure that adequate source well water is available to service the proposed school, including but not limited to fire suppression systems (if proposed) for the building and amenities such as the future pool facility. Otherwise, public water service may be necessary. 6. Fire hydrants (if proposed) should be indicated on the plans. G. Traffic 1. Traffic information should be provided with a revised submission. 2. Detailed traffic testimony should be provided for the Board's consideration. At a minimum, a traffic generation report should be provided to quantify potential traffic generation from the school using industry standards (e.g., ITE manual trip generation rates), and potential traffic impacts. Testimony from a qualified traffic consultant should be provided at the forthcoming public hearing. 3. As cited previously, testimony should be provided as to whether significant pedestrian traffic is anticipated for the school. 4. Ocean County Planning Board approval will be necessary for the proposed West Cross Street access driveways. H. Signage 1. No signage information is provided. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. 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 from preparing an Environmental Impact Statement (EIS) was requested for this project. 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. Data layers were reviewed to evaluate potential environmental issues associated with development of this property. Testimony should be provided on any known areas of environmental concern that

exist within the property. 2. The existing property is wooded. A Tree Protection Management Plan must be provided as a condition of approval to comply with the Township's Tree Ordinance. J. 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 (as applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. Ocean County Board of Health; and f. All other required outside agency approvals.

Mr. Follman stepped down for this application.

Mrs. Miriam Weinstein Esq. on behalf of the applicant asked that this be heard as both the tech and public hearing. The reason is that the lender has put a deadline on their mortgage. The notice does not make any mention of a technical hearing.

Mr. Neiman asked if there was anyone here for this application and if they were comfortable hearing this application in its entirety.

They were OK with that.

Mr. Neiman asked them to proceed knowing that this is a tech/public meeting in one.

Mr. Vogt said they conditionally support the submission waivers.

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

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

Mr. Vogt said there are no bulk variances, however, there are design waivers with respect to 20 ft perimeter buffer, construction curb and sidewalk along West Cross Street.

Mrs. Miriam Weinstein stated that this school was founded several years ago and has a full elementary school with grades primary through eight. Approximately 200 girls are currently attending the school. This school has been renting space up until now and has embarked on a project of purchasing land and constructing a new state of the art school building.

Mr. Brian Flannery, P.E., P.P. was sworn in. The application is on a 5 acre property formerly a residential property. This neighborhood was an A-1 zone at one point and now is currently an R-40 zone. It is a 16,000 sf two story plus basement school on a County Road. The parking proposed exceeds the requirements. The applicant has met with the neighbor across the street. He has asked for more landscaping across the front that would shield his property from any of the headlights. The applicant would provide the additional landscaping subject to the engineer's review. They have also met with the neighbor to the South who has indicated he would like a fence along his property line and the applicant would agree to do that as well. The only relief

asked for is waivers for the 20 ft buffer which the fence will provide the intent of the buffer. A waiver from providing curb and sidewalk along West Cross Street is also requested. It would become a large process with the County if they did that.

Mr. Abe Auerbach was sworn in. He said the County eventually would like to widen Cross Street. If they put in the curb and sidewalk now it would be a waste. They have met with the County and agreed that if the County does widen the road they would be willing to put in curb and sidewalks at that time. They have proposed a paved walkway in lieu of sidewalk.

Mr. Flannery said there is a dedicated one way bus lane in front of the building. The buses would go out on Cross Street. There is plenty of room for the buses to get in and out.

Mr. Neiman asked about the basement use.

Mr. Flannery said it will be used only for school related uses.

Mr. Neiman wants to make sure that gets in the resolution as Cross Street is overloaded as it is.

Mr. Franklin said the dumpster area should be aligned better with the road.

Mr. Flannery said they will meet with Public Works.

Mr. Neiman opened to the public.

Ms. Sally Wells, 1101 West Cross Street, was sworn in. She is not here to object. She would like to wish them the best of luck. She would like to recommend to the Board that they consider the infrastructure on Cross Street as that area continues to grow. She would like the water in particular extended so there are fire hydrants closer to these schools.

Mr. Neiman believes this is one of the areas in the Smart Growth plan where it was discussed that the water and possibly sewer would be extended.

Mr. Auerbach said they are extending water down. They are actively working with New Jersey American Water Company.

Mr. Flannery said along with Senator Singer they have been trying to work with NJAW and extend the sewer and water.

Ms. Wells also expressed her concern about the removal of the trees.

Mr. Auerbach will make every effort to save most of the trees.

Mr. Neiman closed to the public.

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

6. PUBLIC HEARING ITEMS

1. **SD 1897** (Variance Requested)
Applicant: David Rothenberg and Associates Inc
Location: Third Street
Block 70 Lot 2
Minor Subdivision to create four fee-simple duplex units

Project Description

The revised submission indicates the applicant seeks minor subdivision approval to subdivide an existing rectangular 124.75' X 150' lot totaling 18,712.50 square feet (0.43 acres) in area known as Lot 2 in Block 70 into four (4) new residential lots. The subdivision proposes removal of two (2) existing multi-family structures of six (6) units and two (2) units, and to provide two (2) duplex buildings on two (2) zero lot line properties. The proposed rectangular lots are designated as Lots 2.01 through 2.04 on the subdivision plan. Public water and sewer is available. The existing site is used for multi-family residential housing. Though developed, there are many existing trees on the tract. The property currently slopes to the rear, away from the existing street. The site is situated in the northern portion of the Township on the south side of Fifth Street, between Forest Avenue and US Highway 9 (Madison Avenue). The surrounding area is predominately developed. Fifth Street is an improved municipal road in fair condition with a fifty foot (50') right-of-way. Curb and sidewalk exist along the property frontage and is generally in fair condition, but is quite old. Potable water, sanitary sewer, gas, and electric all exist within the Fifth Street right-of-way. Existing overhead electric and utility poles are generally located on the north side of the street with overhead services. The existing property which would be subdivided falls within the ROP Residential Office Park Zone. Proposed Lot 2.01 would be a rectangular 31.25' X 150', 4,687.50 square foot tract, part of a zero lot line property with proposed Lot 2.02. The revised plans indicate proposed Lots 2.02 and 2.03 would all be rectangular 31' X 150', 4,650 square foot zero lot line sites. The revised plans increase proposed Lot 2.04 to a rectangular 31.50' X 150', 4,725 square foot parcel, which would be part of a zero lot line property with proposed Lot 2.03. Variances will be required to create this subdivision. We have the following comments and recommendations per testimony provided at the 7/9/13 Planning Board Plan Review Meeting and comments from our initial review letter dated June 27, 2013: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B1 - Topography of the site. 2. B3 - Contours on the site. We can support the granting of the requested B-Site Features waivers for completeness purposes provided topography with contours and an Improvement Plan are submitted prior to the notification deadline for the Public Hearing. The applicant's engineer requested that the Site Features be waived until resolution compliance submission, should approval be granted. The Board granted the request for submission waivers. II. Zoning 1. The parcel is located in the ROP, Residential Office Park Zone District. Per Section 18-903I.1.e., Multi-family housing in accordance with the R-M District design regulations as specified in Section 18-902H.4., is permitted. Section 18-902H.4.d., Duplex Regulations requires a minimum lot size of ten thousand square feet (10,000 SF) and a minimum lot width of sixty feet (60') for newly created lots. Zero lot line subdivisions for duplexes are permitted in the R-M Zone. The revised submission increases the total existing lot area to 18,712.50 square feet. General Note #8 shall be revised accordingly. The correction can be provided with resolution compliance submission

should approval be granted. 2. Per review of the Subdivision Map and the zone requirements, the following variances are required for the proposed duplexes on Lots 2.01 through 2.04: • Minimum Lot Area – 9,337.50 square feet proposed for the combination of new Lots 2.01/2.02 and nine thousand three hundred square feet (9,300 SF) proposed for the combination of new Lots 2.03/2.04, ten thousand square feet (10,000 SF) required – proposed condition. The revised submission increases the lot area of proposed Lot 2.04 to 4,725 square feet. Therefore, the lot area for the combination of new Lots 2.03/2.04 shall be increased to 9,375 square feet in the Zoning Data. • Minimum Side Yard (One Side) – 6.25 feet proposed for new Lot 2.01 and six feet (6') proposed for new Lots 2.02 through 2.04, seven feet (7') required for all – proposed condition. The revised submission increases the lot width of proposed Lot 2.04 to 31.50 feet. Therefore, the lot width for the combination of new Lots 2.03/2.04 shall be increased to 62.50 feet in the Zoning Data. Accordingly, the side yard for new Lot 2.04 shall be increased to 6.50 feet in the Zoning Data and on the plan. • Minimum Side Yard (Both Sides) – 12.25 feet proposed for the combination of new Lots 2.01/2.02 and twelve feet (12') proposed for the combination of new Lots 2.03/2.04, fifteen feet (15') required – proposed condition. As noted previously, the revised submission increases the side yard for new Lot 2.04 to 6.50 feet. Therefore, the aggregate side yard for the combination of proposed Lots 2.03/2.04 shall be increased to 12.50 feet in the Zoning Data. • Maximum Building Coverage – 36.2% proposed for the combination of new Lots 2.01/2.02 and 36.4% proposed for the combination of new Lots 2.03/2.04, thirty percent (30%) allowed – proposed condition. The revised submission decreases the proposed building coverage for new Lot 2.04. Therefore, the building coverage for proposed Lot 2.04 shall be decreased to 35.8% and the building coverage for the combination of new Lots 2.03/2.04 shall be decreased to 36.1% in the Zoning Data. The Board shall take action on the variances required with the revised submission. 3. The proposed building coverage does not account for any covered front access ways. The applicant's professionals should consider modifying the maximum building coverage percentages for the variances being requested. Statements of Fact. 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 aeriels and/or tax maps of the project area and surroundings to identify the existing character of the area. III. Review Comments 1. The General Notes reference a Survey dated 2-18-2013. Submission of signed and sealed copies of the Survey is required. The date was changed to 6-26-13 in the General Notes, which is incorrect since it is subsequent to the preparation of the Minor Subdivision. Submission of a signed and sealed Survey, as well as corrections to General Note #5 shall be provided with resolution compliance submission should approval be granted. 2. The horizontal datum, vertical datum, and bench mark should be referenced on the Minor Subdivision Plan. This information can be provided with resolution compliance submission should approval be granted. 3. General Note #9 indicates that solid waste and recycling to be collected curbside by the Township. Enclosures shall be added to the sides of the buildings in accordance with the General Note. Proposed refuse areas have been added to the side of each building. General Note #9 can be amended for resolution compliance submission should approval be granted. 4. General Note #12 states that any existing sidewalk and curb damaged during construction shall be replaced at the direction of the Township Engineer. Virtually all of the existing curb and sidewalk will be disturbed during construction for the new driveways. Since all of the curb and sidewalk is old, we recommend replacement across the entire project frontage. General Note #12 can be amended for resolution compliance submission should approval be granted. 5. The following corrections shall be made to Schedule of Bulk Requirements: • Proposed lot areas for new Lots 2.01 and 2.02. • Minimum side yard dimension

of 6.25 feet for proposed Lot 2.01. • Minimum side yard (both sides) of 12.25 feet for the combination of proposed Lots 2.01/2.02. • Minimum side yard (both sides) of twelve feet (12') for the combination of proposed Lots 2.03/2.04. The increase in lot area provided by the revised submission requires corrections to the Zoning Data as outlined in the Zoning Section above. 6. Testimony should be provided whether basements are proposed for the future dwellings on Lots 2.01 through 2.04. If basements are proposed, seasonal high water table information will be required. Testimony should be provided by the applicant's professionals. 7. Unless waived by the Board, street trees are required along the property frontage of proposed Lots 2.01 through 2.04. 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 6/26/13 indicates there are many large existing trees located on the property. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 2.01 through 2.04. Two (2) Willow Oak shade trees have been added between the proposed curb and sidewalk along Fifth Street. The proposed shade trees shall be relocated within the shade tree and utility easement. The Deciduous Tree Planting Detail and Tree List shall be eliminated from the Minor Subdivision Plan and correctly shown on the Improvement Plan. These corrections can be provided with resolution compliance submission should approval be granted. 8. The date needs to be corrected in the Surveyor's Certification. The date has been changed, but a survey has not been provided for confirmation. This information shall be supplied with resolution compliance submission should approval be granted. 9. The incorrect owner is listed in the Notary Public signature block. An individual shall be listed in the Notary Public signature block. The correction can be provided with resolution compliance submission should approval be granted. 10. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. Statements of Fact. 11. Storm water management from development of proposed Lots 2.01 through 2.04 must be addressed. The property slopes southward toward other developed land. The Improvement Plan indicates roof drains to be directed to the rear of the property. This is unacceptable since increased runoff will flow onto adjacent properties. Any approvals shall be conditioned upon designing appropriate storm water management facilities. 12. Testimony should be provided on proposed site grading. We recommend proposed grading be included on the Improvement Plan to be submitted, which will provide guidance during any future plot plan reviews. Proposed site grading can be provided with resolution compliance submission should approval be granted. 13. Compliance with the Map Filing Law is required. Statement of Fact. 14. An Improvement Plan must be provided to include grading and construction details as required. Conditions imposed by any approvals will impact the Improvement Plan and construction details. Therefore, a revised Improvement Plan with layout, grading, construction details, and possibly drainage, may be provided with resolution compliance submission should approval be granted. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance; b. Ocean County Planning Board; c. Ocean County Soil Conservation District; and d. All other required outside agency approvals. New Jersey American Water Company will be responsible for water and sewer service. Mr. Vogt stated the variances requested for this project include minimum lot area, side yard and maximum building coverage.

Mr. Adam Pfeffer, Esq. represented this applicant.

Mr. Brian Flannery, P.E., P.P. was sworn in. He stated currently there are two multi-family structures on the lots. This application will replaced those buildings with two duplexes. In order to get the duplexes they are asking for a minimum lot area of 9,337 sf. Side yard setbacks will be 6.5 and 6 ft. The combined setback will be 12.5 and 12 ft. Also the impervious coverage will be 36%. He explained the need for redevelopment in the area.

Mr. Schmuckler knows this site well and he said this will be a vast improvement.

Mr. Neiman said normally they would not approve duplexes with side yard variances but because of the current condition this looks to be an improvement to the neighborhood.

Mr. Banas expressed his concern about the maximum lot coverage variance.

Mr. Flannery said that unless they went with a different form of housing they can't change that.

Mr. Banas suggested bringing the decks down to within the requirements of the zone.

Mr. Flannery made his case that if they were to build townhouses the coverage limit would be 40%.

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

Mr. Pfeffer reiterated that they are improving the property significantly.

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

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

No: Mr. Banas

- 2. 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: 1. 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. Vogt said variances requested include minimum rear yard setback as well as maximum building coverage. Additional potential variances would be from the existing dwelling.

Mrs. Miriam Weinstein, Esq. on behalf of the applicant said that this application would create a new cult-de-sac off Ocean Avenue in an area that is certainly in need of rehabilitation.

Mr. Brian Flannery, P.E., P.P. was sworn in. This application is for a total of 21 lots with 9 duplexes. A rendered version of the plan was marked as A-1 and an aerial map as A-2. An existing commercial building will remain and the intent is to have further commercial in the future. Another lot will contain an existing home and the last lot is for future development. Mr. Flannery went through the various variances requested explaining the de minimis nature of each. Four parking spaces are provided for each duplex lot. The applicant will be coming back with a site plan for the commercial lot. Mr. Flannery contends the one-time maintenance fee referenced is for detention basins and not applicable for this project. He also said they would like to work out the landscaping to the satisfaction of the engineer and may not follow the recommendations of the Shade Tree Commission.

Mr. Schmuckler said there is currently not enough parking for the two existing buildings. He asked how they would make sure they don't park on the new road.

Mr. Flannery would work it out with the township engineer and perhaps put no parking signs in the appropriate locations.

Mr. Schmuckler asked for a fence as an additional buffer to the existing buildings as well as working out the landscaping with the township engineer.

Mr. Flannery said the applicant agrees to that as well as the rest of the items in the engineer's report.

Mr. Banas believes the applicant has more than enough land to eliminate the variances requested.

Mr. Flannery said there is a 300 ft stream corridor buffer. The variances relate to minor things. Two of them are for the decks.

Mr. Jackson suggested a conservation easement.

Mr. Flannery said that would not be fair to the applicant to encumber the rest of the land. There are future plans for that piece of property as soon as they find out what they can do there. They would agree to deed restrict an area that would compensate for the extra lot coverage they are asking. That would be worked out with the township engineer.

Mr. Schmuckler is concerned that when the applicant comes back to the Board they would ask for similar variances. He suggested calculating the amount of square footage it would take to not have any variances and conserve that area in the corner.

Mr. Flannery said they will do a conservation easement on a compensatory area. He will work it out as part of resolution compliance.

Mr. Banas asked if there is a playground proposed.

Mr. Flannery said they don't. The ordinance calls for a playground when 25 units are proposed. There are back yards for the kids to play in as well as Ocean County Park down the road.

Mr. Neiman said if in the future they build more units the Board would like to see a playground built.

Mr. Flannery said they could put a note on the plan to include a playground in the future.

Mr. Schmuckler asked about the safety of the new residents with those existing buildings in the back as it is a mess.

Mrs. Weinstein said the applicant agreed to put a fence back there.

Mr. Schmuckler wants the small parking lot shaped like a plus sign removed from the plans.

Mr. Flannery agreed to that.

Mr. Neiman opened to the public.

Mr. Arthur Burns, 763 Marlin Avenue, was sworn in. He would like the water runoff addressed as well as the traffic ingress and egress on Ocean Avenue.

Mr. Flannery said the road grades toward the front and there is a stormwater collection system there. It has been reviewed by the township engineer. The DOT governs Ocean Avenue (Rte 88) and they would need a permit from them.

Mr. Vogt said if any unsuitable materials are found they would be removed and replaced with clean backfill.

Mr. Neiman closed to the public.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the application including but not limited to the following conditions:

Add a note on the map for a future playground;
Conservation easement will be calculated and added with the township engineer's approval;
No parking signs in the appropriate locations;
Buffer between the existing buildings and proposed houses;
Plus sign parking lot shall be removed.

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

- 3. SP 2032AA** (Variance Requested)
Applicant: Congregation Tiferes Eliyahu
Location: Central Avenue
Block 79 Lot 9

Change of Use/Site Plan Exemption to convert existing home into a synagogue

Project Description

The applicant is seeking Site Plan exemption/Change of Use approval for conversion of a 1-1/2 story single-family residential dwelling into a Shul, including 585 sf of sanctuary space, three (3) second story offices, three (3) lobby areas and three (3) bathroom facilities. As noted on the architectural and change of use plans, the only proposed site improvements are for a handicap accessible ramp to the rear of the converted building. The site is located on the north side of Central Avenue, approximately 100 feet east of its intersection with Davis Road. The property is rectangular in shape, and is 7,500 sf in area. The site is surrounded primarily by single-family residential structures. Curbing and sidewalk exist along the property frontage. I. Zoning 1. The property is located in the R-12 (Single Family Residential) Zone. Synagogues are a permitted use in the zone, subject to the requirements of Section 18-905 of the UDO. 2. Per review of the Site Plan and the zone requirements, the proposed synagogue conversion complies with the Bulk requirements of the R-12 zone. No new bulk variances appear necessary for the change of use request. Pre-existing lot variances include Lot Area (7,500 sf existing, 12,000 required), Lot width (50 ft existing, 90 ft required), Front Yard setback (21.5 ft existing, 30 ft required), and side yard setback (6.2 ft existing, 7 ft required). 3. Relief appears necessary for the perimeter buffer requirements set forth in UDO Section 18-905 B(1)b, which requires a 20 foot wide residential buffer to adjacent residential uses, or supplemental vegetative buffer and/or fencing as stipulated in subsection 18-905B(3), to the satisfaction of the Board. The existing structure is situated less than 7 feet from the adjacent Lot 7 to the east, and less than 15 feet from adjacent Lot 10 to the west. 4. The following design waivers also appear necessary: a. Landscaping b. Lighting. II. Review Comments 1. As strictly interpreted, no additional parking is necessary per UDO requirements (18-905A.1) for the proposed sanctuary since the floor area is below the 800 sf net floor area threshold. As indicated previously, three (3) office areas and three (3) lobby areas are identified on the plan. 2. There is an existing asphalt driveway and parking area that covers almost 1/2 of the lot as depicted on the Change of Use Site Plan. This paved area is capable of providing off-street (head-in) parking for at least five (5) cars, and (stacked) parking for at least ten (10) cars. 3. Landscaping (if any) shall be provided to the satisfaction of the Board. 4. Confirming testimony shall be provided that trash will continue to be disposed in robocans stored on the side of the residence that will be put curbside for collection by the

Township DPW. 5. Testimony should be provided regarding any existing or proposed security lighting associated with the proposed use. 6. Any information necessary to document compliance with Section 18-905, "Places of Worship and Religious Facilities" of the UDO.

Mr. Vogt said there are existing variances for lot area, lot width, front yard setback and side yard setback. Relief is requested for the perimeter buffer. The applicant also seeks waivers for landscaping and lighting.

Mr. John Doyle, Esq. on behalf of the applicant stated the site is between two single family homes. A fence is on one side that would make buffering on their side rather immaterial. The other side is a larger parking area. There is currently halogen lighting on the site. The trash would be continued to be collected by the township. There will only be shul/office activities.

Mr. Glen Fishman, the owner of the property, was sworn in. He confirmed what Mr. Doyle had previously said that this property will be operated as a shul.

Mr. Neiman clarified that there is currently a shul there and they are making it legal and there has been no issues in the past with parking.

Mr. Fishman confirmed.

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

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

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

- 4. SP 2029** (No Variance Requested)
Applicant: Congregation Knesses Bais Levi, Inc
Location: Coral Avenue
Block 1159.03 Lot 5
Site Plan for 5,475 sf school building

Project Description

The revised submission indicates the applicant is seeking Preliminary and Final Major Site Plan approval for removal of the existing dwelling on-site and the construction of a two-story school facility with finished basement along with site improvements, on the subject premises. The project site is Lot 5 in Block 1159.03, situated in the R-20 Zone. The site is in the southeastern portion of the Township, on the east side of Coral Avenue, one hundred feet (100') north of Salem Street. Coral Avenue is an improved municipal roadway in fair condition with a fifty foot (50') right-of-way. Curb and sidewalk does not exist, but both are proposed with the project. Sanitary sewer and potable water are not available. Therefore, an individual septic disposal system and a potable well will be required. According to the site plan, the property is surrounded by residential property on all sides. The survey submitted indicates the property is 100' X 218', containing twenty-one thousand eight hundred square feet (21,800 SF) or 0.50 acres. The site is currently a residential use seeking approval to be transformed into a school. Per the

topographic survey and site investigation, the land gently slopes generally downward from west to east. Site access is proposed via a driveway on the south side of the lot that intersects perpendicular to Coral Avenue. The driveway services an eight (8) space off-street parking lot, where one (1) of the proposed off-street parking spaces would be van accessible handicap. A school bus drop off has been proposed along Coral Avenue. Proposed storm water management facilities have not been included in the Site Plan. A septic field is proposed in the front yard and a potable well proposed in the rear yard. We have the following comments and recommendations per testimony provided at the 8/6/13 Planning Board Plan Review Meeting, and comments from our initial review letter dated July 30, 2013: I. Waivers A. The following submission waivers have been requested: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours within 200 feet of the site boundaries. 3. B10 - Man-made features within 200 feet of the site. 4. C10 - Shade Trees. 5. C13 - Environmental Impact Statement. 6. C14 - Tree Protection Management Plan. 7. C15 - Landscaping Plan. 8. C16 - Soil Erosion and Sediment Control Plan. 9. C17 - Design calculations for drainage facilities. 10. C21 - Architectural Plans. We support the B-Site Features waivers as there is enough information provided for design. The submission waiver for shade trees should only be from a completeness standpoint and should be required prior to the public hearing. We support the waiving of an Environmental Impact Statement due to the developed nature of the site. The applicant will be required to comply with the Township Tree Protection Ordinance as a conditional of Board approval (if/when granted). The submission waiver for landscaping should only be from a completeness standpoint and should be required prior to the public hearing. The submission waiver for a Soil Erosion and Sediment Control Plan may only be from a completeness standpoint. A Soil Erosion and Sediment Control Plan will be required since disturbance will be more than five thousand square feet (5,000 SF). The submission waiver from design calculations for drainage facilities should only be from a completeness standpoint. Summary calculations are to be provided for resolution compliance submission if site plan approval is granted. The submission waiver from Architectural Plans should only be from a completeness standpoint. Architectural Plans should be provided prior to the public hearing since waivers and variances are required. The Board granted the submission waivers subject to all the engineering and architectural information being provided. II. Zoning 1. The parcel is located in the R-20 Zone. Schools are a permitted use in this zone, subject to the provisions of Section 18-906 of the UDO. Statements of fact. 2. A variance is requested for Maximum Building Coverage. The proposed building coverage is 25.87% and the maximum allowable coverage is twenty-five percent (25%). The proposed building has been reduced in size with the revised submission and a variance is no longer required. 3. A waiver is required from Section 18-906A.2., of the UDO, which requires a twenty foot (20') buffer from a residential use or district. The Board shall take action on the required waiver. 4. A waiver is also required from Section 18-906A.3., of the UDO, since no landscaping or fencing is proposed. The revised submission proposes a single row of Emerald Green Arborvitae for a landscape buffer. We recommend the buffer be supplemented with a fence of solid material to satisfy the ordinance requirements. 5. A waiver is required from Section 18-906B of the UDO, since parking is being proposed within the required buffer. The Board shall take action on the required waiver. 6. A waiver is required from Section 18-906E of the UDO, since children will have to cross a parking area between the bus loading/unloading area along Coral Avenue and the proposed school building. The Board shall take action on the required waiver. III. Review Comments A. Site Plan/Circulation/Parking 1. The survey shows a fence encroaching onto adjoining Lot 10. The encroachment must be rectified as a condition of any approval. The revised submission indicates the fence encroaching onto adjoining Lot 10 to be removed or relocated at the time of construction. 2. The description on the survey requires

correction. A revised survey shall be provided with resolution compliance submission should approval be granted. 3. It appears that eight (8) off-street parking spaces are proposed, including one (1) van accessible handicap space. The applicant should provide testimony as to how many spaces are being proposed and provide the number required. The revised submission clarifies that eight (8) off-street parking spaces are required and eight (8) off-street parking spaces are proposed. 4. The number of parking spaces being proposed and the number of required spaces must be included on the plans. This should be included under the "Schedule of Bulk Requirements for R-20 Zone". The information has been provided with the revised submission. 5. A General Note shall be added addressing horizontal datum. The General Note can be added and any General Note editing can be provided for resolution compliance submission should approval be granted. 6. The plan must be revised clarifying existing improvements to remain and to be removed. A General Note indicating that all existing structures are to be removed prior to the start of construction has been provided with the revised submission. 7. As noted previously, site access is proposed via a driveway that intersects Coral Avenue. The driveway and connecting parking area are not dimensioned, nor is the material that it consists of labeled. Proposed dimensioning should be provided throughout the site. The revised submission indicates the proposed two-way access driveway would only be twenty feet (20') wide. We recommend the proposed two-way access driveway be increased to a width of twenty-four feet (24'). The recommended revision can be provided with resolution compliance submission should approval be granted. 8. The circulation of traffic is not depicted or stated. A circulation plan shall be provided during compliance review, if/when approval is granted, to ensure adequate ingress and egress for the largest vehicles that will access the site. The circulation plan shall consider onsite trash collection and the bus drop-off/pickup area along Coral Avenue. The circulation plan can be provided with resolution compliance submission should approval be granted. 9. As depicted on the site plan, sidewalk is proposed along the property frontage. A sidewalk easement is shown where the proposed sidewalk would be constructed around the bus drop off. Proposed sidewalk should be added to connect the site frontage sidewalk to the building. The proposed sidewalk connection has been added with the revised submission. The width of the sidewalk easement shall be provided along with a deed of easement and description for review and approval by the Planning Board Attorney and Engineer with resolution compliance submission should approval be granted. 10. The handicapped accessible space must be provided with appropriate markings and signage. Curb ramps shall be proposed where necessary. The required information has been provided with the revised submission. 11. No notes are included on the site plans regarding the pick up of trash and recyclables. It should be noted whether the DPW or a private hauler will be responsible for this matter. A refuse enclosure may be necessary near the building since the property is changing from residential use to a school. A 12' X 12' dumpster enclosure has been added behind the two (2) reserved off-street parking spaces. General Note #10 indicates that the Department of Public Works is responsible for the pickup of trash and recyclables. Therefore, DPW approval is required and could be addressed with resolution compliance submission should approval be granted. 12. Curbing is proposed along Coral Avenue and within the interior of the parking and access area. Statement of fact. 13. Sight Triangle Easements should be depicted at the facility entrance/exit. These easements will be dedicated to the Township. A Sight Triangle Easement can be provided with resolution compliance submission should approval be granted. A deed of easement and description shall be provided for review by the Planning Board Attorney and Engineer prior to filing with the Ocean County Clerk. 14. A Shade Tree and Utility Easement should be added. The revised submission proposes a ten foot (10') wide Shade Tree and Utility Easement. The proposed easement width permits room for an overlapping five foot (5') wide

sidewalk easement. A deed of easement and description shall be provided with resolution compliance for review by the Planning Board Attorney and Engineer prior to filing with the Ocean County Clerk, should site plan approval be granted. 15. The existing utility pole in front of the site shall be added and noted to be relocated. This plan revision shall be provided with resolution compliance submission should approval be granted. 16. Dimensioning of all proposed site improvements shall be provided with resolution compliance submission should approval be granted. 17. The site plans and architectural plans must be coordinated for resolution compliance submission should approval be granted. B. Architectural 1. No architectural plans have been included with the submission. It is imperative that architectural plans are submitted prior to the public hearing. The revised submission provides a preliminary architectural plan for the project. The proposed building would be a two-story structure with a finished basement. The proposed height will be approximately twenty-nine feet (29'). The proposed square footage should be checked. Final architectural drawings will be required for resolution compliance submission should approval be granted. 2. We recommend that (scaled) renderings be provided for the Board's review and use at the public hearing, consistent with the building footprint as depicted on the site plans. Statement of fact. 3. Testimony should confirm if a sprinkler fire suppression system is proposed. As noted previously, the applicant will be subject to fire code review as a condition of approval, if/when granted. Testimony should be provided on fire protection. 4. Testimony should be provided as to where HVAC equipment is proposed for the building and how the equipment will be adequately screened. Testimony shall be provided as this matter has not been addressed by the revised submission. 5. Testimony on ADA accessibility should be provided. It appears only the first floor is accessible. C. Grading 1. A dedicated grading plan has not been provided. The revised submission provides a Grading and Utility Plan. 2. A review of the final grading plan will be performed during compliance, if/when Board approval is granted. Statement of fact. D. Storm Water Management 1. As indicated previously, no proposed storm water management facilities have been provided. Statement of fact. 2. We recommend the installation of storm water management facilities such that the increase in runoff from the site will not adversely impact adjoining properties. The revised submission includes predevelopment and post development drainage area maps. The maps substantiate that the project will not be Major Development. Therefore, a proposed recharge design can be provided (if deemed necessary) in the rear yard with resolution compliance submission should approval be granted. 3. Storm water management can be provided as a condition of Board approval, if/when granted. Statement of fact. E. Landscaping 1. No landscaping has been provided with the submission. The revised submission provides a Landscape Plan. 2. The final landscape design is subject to review and approval by the Board and should conform to recommendations (if any) from the Shade Tree Commission as practicable. The revised submission proposes two (2) Red Oaks within the shade tree easement, one (1) October Glory Red Maple within the parking area island, and sixty-four (64) Emerald Green Arborvitae buffering the dumpster enclosure and surrounding properties. The Shade Tree Commission requested arborvitae evergreen buffer. 3. Landscaping shall be reviewed in detail during compliance should site plan approval be granted. Statement of fact. F. Lighting 1. No site lighting information has been provided with the submission. The revised submission provides a Lighting Plan. 2. Lighting should be provided to the satisfaction of the Board. The revised submission proposes one (1) pole mounted fixture for the parking area. The proposed light would be a two hundred fifty watt (250W) high pressure sodium fixture. A point to point diagram to determine lighting adequacy will be required with resolution compliance submission should approval be granted. 3. The final lighting design shall be reviewed during compliance review, if/when Board approval is granted. Statement of fact. G. Utilities 1. As

indicated previously, water and sewer service is not available. A potable well and individual septic disposal system will be necessary. Approvals from the Ocean County Board of Health will be required. Statements of fact. H. Signage 1. No signage has been proposed. We recommend that final signage and markings be provided as a condition of Board approval, if/when forthcoming. The preliminary architectural plan provided with the revised submission shows a building mounted sign. Information shall be supplied at the public hearing as to whether any variances will be required. 2. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. Statement of fact. I. Environmental 1. Site Description To assess the site for environmental concerns, a natural resources search of the property and surroundings was completed 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. After observing aerial photos and utilizing computer software, it should be noted that this property lies in close proximity to a possible wetland region. This could impact the total design of the project if there is a transition area. Testimony shall be provided on a possible neighboring wetland area. 2. Environmental Impact Statement A waiver has been requested. A waiver was granted. 3. Tree Management Plan As indicated previously, a Tree Management Plan must be provided. The applicant must comply with the plan, and the Tree Protection ordinance requirements as a condition of Board approval (if/when granted). A preliminary Tree Management Plan has been provided with the revised submission. The Tree Management Plan shall be finalized for resolution compliance submission should approval be granted. J. Construction Details 1. No construction details are provided. Construction details have been provided with the revised submission. 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. Statements of fact. 3. Final review of construction details will take place during compliance (if/when approval is granted). 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 (if required, at the discretion of the Township); b. Township Tree Ordinance; c. Lakewood Fire Commissioners; d. Department of Public Works; e. Ocean County Planning Board; f. Ocean County Board of Health; g. Ocean County Soil Conservation District; and h. All other required outside agency approvals.

Mr. Vogt said the applicant has worked to eliminate the maximum building coverage. A waiver is requested for the 20 ft perimeter buffer but that is fairly common with these applications. Landscaping is now shown on the revised submission. A waiver is also needed since parking is being proposed within the required buffer.

Ms. Miriam Weinstein, Esq. on behalf of the applicant. This is for a boys high school that is currently in rented quarters. They opened their doors last year. There are 14 boys in the 9th grade and 8 boys in the 10th grade this year. The max growth will be four classes consisting of 9th, 10th, 11th and 12th grades of around 60-70 students. Since the technical hearing the applicant shrunk the size of the building to remove any variances requested.

Mr. Brian Flannery, P.E., P.P. was sworn in. Terry's report indicates they should provide fencing. They have provided arborvitaes and would provide fencing as well. He does ask that the proposed two-way access driveway remain at 20 ft instead of the 24 ft as suggested. If the drive remains at 20 ft then the utility pole would not have to be relocated. He believes 20 ft is

sufficient since it is only an 8 car parking lot. The other items in the engineer's report can be satisfied.

Mr. Vogt asked if the plan has been designed that the largest vehicles can navigate the site sufficiently.

Mr. Flannery said that is correct. If the Board acts favorable he would provide the turning movements of the vehicles that would use the site.

Mr. Neiman asked about busing.

Mr. Flannery said the bus would pull up in the front.

Mr. Neiman asked if there is a dormitory proposed.

Mr. Flannery said no.

Mr. Neiman opened to the public.

Mr. Eliezer Ansbacher was sworn in. He is concerned about Coral being very narrow. Even though there is a parking lot there people still park on the street. He is nervous about the school getting bigger down the line and the amount of traffic it could case.

Mr. Arthur Burns, 763 Marlin Avenue, was sworn in. He said this application is not far from Kettle Creek. This area is not supplied with city water or sewer. He is concerned about the well water in that area with the amount of students there will be.

Mr. Jackson explained the water, sewer and septic are outside approvals and are beyond the authority, jurisdiction and expertise of the Board.

Mr. Burns also expressed the narrowness of the roads in that area. He is also concerned about the surrounding neighbors being disturbed by the students.

Mr. Flannery said the applicant wants to be a good neighbor and schools are permitted in any zone. The applicant will supervise the children as best they can.

Ms. Christine Agnus, Marlin Avenue, was sworn in. She is concerned about the supervision of the students. She is also concerned about the traffic.

Mrs. Weinstein said this is a boys high school. The buses will come in at about 7:30 am and leave at about 9:30 pm. The principal is Rabbi Erin Krapenya.

Mr. Schmuckler asked how many faculty members there are.

Mrs. Weinstein said there are currently six faculty members.

Mr. Schmuckler said one of the concerns was lighting and he does see a spot where they could possibly put a light pole.

Mr. Flannery said the applicant would be happy to request from the Township Committee that a street light be put there.

Mr. Schmuckler is concerned about the lighting where the children board the busses.

Mr. Flannery said if they would add lighting to the busing area if the street light is not approved.

Mr. Pete Janssen, Marlin Avenue, was sworn in. He is concerned about the buses coming in and out at different times.

Mrs. Weinstein explained that all the students arrive and leave at the same time.

Mr. Neiman closed to the public.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the application including but not limited to the following conditions:

Before the applicant is granted a certificate of occupancy, the bus area must properly be illuminated;
Sufficient buffering

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

5. **SP 2036AA** (No Variance Requested)
Applicant: Bais Reuven Kamenetz
Location: Oberlin Avenue South
Block 1600 Lot 4
Change of Use/Site Plan Exemption to convert existing warehouse into a school

Project Description

The applicant is seeking Site Plan Exemption/Change of Use approval for conversion of an existing one-story vacant industrial building, located at 470 Oberlin Avenue South into a Primary Boys' school with a finished floor area of 22,500 sf. The property is situated in the industrial park, between Oberlin Avenue South and New Hampshire Avenue frontage. No exterior building improvements are proposed per the design plans. The change of use site plan depicts access, car and bus parking, interior sidewalk improvements proposed in the front of the property, and a "Playground Area" and 8-foot high vinyl fencing in the rear of the site. Per review of the submitted architectural floor plan, the proposed school will include the following: • One (1) 53' x 70' (unspecified) area, with two (2) entrances. • Seventeen (17) classrooms. • One (1) Nurse's office. • One (1) Secretary's office. • Two (2) Principal's offices. • One (1) Teacher's Room. • Three (3) Offices. • Two (2) rooms labeled "Large TR" (Large Tutor room). • Nine (9) rooms labeled "TR" (Tutor room). • One (1) room labeled "JC". • One (1) kitchen area. I. Zoning 1. The property is located in the M-1 (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 bulk variances are necessary for the change of use request. 3. Per review of the Change of Use Site Plan, the following design waivers appear to be required for proposed project: • In accordance with Section 18-906A.1., of the UDO, landscaping shall be

provided for the required buffer. No new landscaping is proposed for the ten foot (10') wide buffer area (although a solid fence is proposed to the rear). • Providing landscaping. • Providing (new) lighting. • Providing sidewalk (along Oberlin Avenue South frontage). • Providing on-site curbing (side parking area). • 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 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 illustrated on the Change of Use Site Plan, twenty-seven (27) off-street (car) parking spaces and four (4) bus spaces are proposed. The parking schedule on this plan indicates that parking is provided for seventeen (17) classrooms and ten (10) offices per UDO requirements. However, as summarized above, there appears to be more than ten (10) offices proposed. The applicant's professionals must be prepared to summarize the proposed school layout and number of offices as defined in the UDO, as well as the nature on the (unspecified) 53'x70' area identified on the architectural floor plan; and justify a waiver for off-street parking (if necessary) to the Board's satisfaction (or provide additional spaces). 3. As depicted on the Change of Use Site Plan, the applicant proposes to utilize and expand an existing curb cut and parking area near the southern corner of the property frontage to provide a two-way access drive and off-street car and bus parking. Due to traffic concerns with the proposed design, we recommend consideration of following design revisions: • Make the drive access one-way, with cars and buses entering from the southerly entrance and exiting from the new (northerly) entrance. Design both accesses to accommodate full-size school buses entering and exiting the site. Provide existing and proposed topography • Provide a comprehensive traffic signage package to regulate one-way traffic flow and entrance/exit movements. • Relocate the two (2) proposed handicap accessible spaces to the smaller parking cluster near the southeast corner of the building. If additional car parking spaces are deemed necessary by the Board, expand the smaller (8-space) parking space area proposed on the north side of the building. • Provide detailed grading (existing/proposed) grading and drainage design for the proposed access drive, parking, and entrance and exits. • Provide grading and limit of disturbance for the proposed playground area (and details as to what is proposed). Said design information may be provided during compliance review, if/when Board approval is granted. 4. Per Note 8 on the Change of Use plan, storage is proposed in an on-site refuse area on the side of the building. Collection of trash and recyclables (privately) is proposed. 5. Testimony should be provided regarding proposed lighting (none is proposed at this time). Lighting shall be provided to the satisfaction of the Board. 6. Information and/or testimony should be provided that existing utilities serving the building are adequate for the proposed school use. 7. Given the building's prior use as "industrial", we recommend that the applicant perform environmental (due diligence) environmental investigations, unless performed already, to ensure no contaminant issues exist prior to occupancy of the school. 8. Given the proposed school's location within the Lakewood Industrial Park, we recommend that input from the LIC regarding the proposed school use be solicited as a condition of Board approval, if/when approved. 9. A final review of construction details will be performed during compliance for proposed site improvements as approved by the Board (if approval is granted). 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. Rennert stepped down for this application.

Mrs. Morris read a letter from the chairman of the Industrial Commission into the record.

Mrs. Miriam Weinstein Esq. on behalf of the applicant explained that this is a plan to convert an existing warehouse to a boys elementary school. The grades are from primary through 8th grade. There are approximately 300 students. They have outgrown their existing rented quarters and have therefore purchased this property. This is a fully conforming application. No variances are being sought.

Mr. Brian Flannery, P.E., P.P. was sworn in. This is an existing warehouse that has parking in the front. The circulation would be the bus would come in drop off and students and pull out. The property has a large area in the rear which would be for recreation. The engineer's comments as well as the Industrial Commission's comments can be met.

Mrs. Weinstein said there was a blank area on the architectural plans which was questioned by the engineer. That area is actually a lunch room and sanctuary. It is not offices or additional classes.

Mr. Vogt asked if it impacts the parking requirements.

Mr. Flannery said it does not.

Mr. Schmuckler asked about a rented hall.

Mrs. Weinstein said there will be no rented hall.

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

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

- 6. SP 2037AA** (No Variance Requested)
Applicant: Bais Medrash D' Pine Street
Location: Dr. Martin Luther King Drive
Block 775 Lot 2
Change of Use/Site Plan Exemption to convert a portion of an existing residence into a synagogue

This applicant requested this be carried to the October 1, 2013 meeting. No further notices.

- 7. 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. Graham MacFarlane, P.E., P.P. Displayed an aerial of the project location that adjoins the existing campus. The proposal is to construct 41 townhouse units in accordance with ordinance requirements. No variances are requested. He agrees to all of the comments in the engineer's review letter. A second area displayed showed the traffic circulation display. The traffic will primarily be from the extension of Bellinger Street from Albert Avenue into the site. Traffic currently accesses the site from Oak Street, Funston Avenue and the western portion of Bellinger Street that was improved in connection with the original application. The portion of Bellinger between Yesodei Court and South Bell will not be improved so that can not be used as a cut through. Most of the traffic will gain the site through Albert Avenue.

Mr. John Rea P.E. was sworn in. He said he prepared a report that calculated some trip generation estimates for the peak hours. He has been working with Mr. MacFarlane to develop a circulation plan for the campus in order to provide two ways into and out of the campus. The current plan will extend Bellinger Street from South Bell Avenue to Albert Avenue. This will give residents two ways into and out of the campus and townhomes. They will be able to access the site via Albert Avenue which can get them to Pine or Oak Street. You will still be able to access the site via Bellinger Street, Funston Avenue and Oak Street.

Mr. Schmuckler asked if it would make more sense to have Bellinger Avenue extended straight through so traffic wasn't diverted eight blocks.

Mr. Rea said the decision was made by the applicant not to complete Bellinger Avenue to eliminate of the possibility of through traffic in the neighborhood.

Mr. Schmuckler asked if it makes sense.

Mr. Rea said he believes the plan works either way. Mr. Schmuckler's idea is not bad but they don't need it in order for the site to function properly. They have just elected not to do it.

Mr. Jackson said that at the last hearing there was an issue raised about the ownership of the units and how they can be occupied. Mr. Penzer's argument was that in order to facilitate financing it was required that the individual units could be owned by individuals otherwise they would not be able to obtain financing. The Board raised the issue of whether that could be reconciled with the planned educational campus concept. Mr. Jackson read the ordinance into the record. There are two provisions that seem to contradict one another. He would reconcile this by saying that there is nothing wrong with the university have fee simple ownership. The university can own but it still has to be owned by the university.

Mr. Neiman opened to the public.

Mr. Elliot Zaks, Spruce Street, was sworn in. He concurs with Mr. Jackson that fee simple means it's wholly owned. It is clear from the township's ordinance in the sense that it always has to be owned by the university or yeshiva. He believes this belongs at the Zoning Board of Adjustment. He also said that the Smart Growth plan calls for R20/40 cluster to remain because of the huge amount of schools and traffic.

Mr. Jackson asked for a description of the individual lots.

Mr. MacFarlane said they are proposing the creation of individual lots for each townhouse unit which would be fee simple lots.

Mr. Jackson asked how and by whom the lots would be maintained.

Mr. Yisroel Treff was sworn in. He said common areas are maintained by the Yesodei Hatorah homeowner's association which is run by the school. The people that live there pay an association fee to the school for the sprinklers, lights, etc.

Mr. Schmuckler said he visited the site and he would like to see some assurances that this is going to be done and maintained properly. The current fourteen homes are not in ideal shape. He doesn't like the current parking situation as well.

Mr. Treff did agree that it is very tight because of the are that they had. They will be able to add more parking and open areas with this application.

Mr. Abbi Hirsch, 501 Spruce Street, was sworn in. He explained that the campus ordinance drastically minimizes all the setbacks. He believes the Board would be setting a dangerous precedent if this were to be approved.

Mr. Jackson explained that this would not be a binding precedent. Only the Zoning Board has that authority.

Mr. Hirsch questioned the need for all of these townhomes.

Mr. Yonoson Sanders was sworn in. He said he had no issues with the townhomes however he is worried about the safety and traffic of the students at his school nearby. He does not want to see a portion of Bellinger Street to be improved.

Conversation ensued about the improvement of a portion of Bellinger Street.

Mr. MacFarlane said the applicant does not intend to improve that portion for a number of reasons.

Mr. Bentzi Treisser was sworn in. He is against this application. He complained about the traffic and congestion this would cause.

Mr. Zvi Rottenberg was sworn in. He is against this application. He believes this is to make a profit and it would be a detriment to the town.

Mr. Jackson said perhaps an interpretation is needed from the Zoning Board of Adjustment.

Mr. Neiman agrees with that.

Mr. Herzl said he would vote against this application and believes an interpretation is needed from the Zoning Board.

Mr. Banas would like to go to the Zoning Board.

Mr. Franklin and Mr. Follman agree to go to the Zoning Board.

All were in favor to adjourn this application to the October 29, 2013 meeting. No further notice required.

Mr. Neiman asked that a letter or request be sent to the Committee to remove the word fee simple and make the units rentable only.

7. CORRESPONDENCE

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