

1. CERTIFICATION OF COMPLIANCE

Chairman Neiman called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ally Morris read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: *The Asbury Park Press*, and *The Tri-Town News* at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

2. ROLL CALL

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

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. **SD 1878** (Variance Requested)
Applicant: Tovia Halpern
Location: Squankum Road
Block 104 Lot 20
Minor Subdivision to create two lots

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve.
Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert

2. **SD 1879** (No Variance Requested)
Applicant: Coldstream Developments, LLC
Location: Gudz Road
Block 11.10 Lot 69
Minor Subdivision to create two lots

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve.
Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert

3. **SD 1880** (No Variance Requested)
Applicant: Mordechai & Chanie Eichorn
Location: Coral Avenue
Block 1159.02 Lot 21
Minor Subdivision to create two lots

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve.
Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert

4. **SD 1881** (Variance Requested)
Applicant: Barbara Flannery
Location: Massachusetts Avenue
Block 443 Lots 3, 4, 7, & 8
Major Subdivision to create twelve lots

A motion was made by Mr. Schmuckler and seconded to approve.
Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman
Abstained: Mr. Follman, Mr. Rennert

5. **SP 2002AA** (No Variance Requested)
Applicant: Yeshivas Ohr Hatorah
Location: Vassar Avenue
Block 1602 Lot 3
Change of Use/Site Plan Exemption to convert existing warehouse into a school

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve.
Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman
Abstained: Mr. Rennert

5. PLAN REVIEW ITEMS

Mr. Jackson announced that SD 1887 and SP 2003 will not be heard and shall be carried to the May 7, 2013 planning board meeting. No further notice is required.

1. **SP 2004** (Variance Requested)
Applicant: Bnos Devorah
Location: Vermont Avenue
Block 1154, 1155 Lots 1, 1
Site Plan for proposed girls school

Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of an Elementary School for Girls along with site improvements, on the subject premises. This site is the same location as Conifer Village which was submitted to the Board last year. The Conifer Village project was not acted upon by the Board. According to the preliminary architectural plans

submitted, the proposed building consists of seventy-nine thousand forty-one square feet (79,041 SF). A twenty-six thousand five hundred two square foot (26,502 SF) footprint which includes a basement and two (2) floors is proposed. The proposed project site consists of Lot 1 in Block 1154, and Lot 1 in Block 1155. Lot 1 in Block 1154 and Lot 1 in Block 1155 are owned by the Township of Lakewood. A previous approval under Resolution SD-1836, Homes for All, used a portion of Lot 1 in Block 1155 for a regional storm water management facility. The regional storm water management facility does not appear on this site plan. The site is in the southern portion of the Township, on the south side of Oak Street. According to the survey submitted, the subject 4.10 acre properties to be developed are surrounded by Lambert Avenue to the east, Madeline Avenue to the south, Vermont Avenue to the west, and Oak Street to the north. Lambert Avenue and Madeline Avenue are fifty foot (50') wide unimproved right-of-ways. A section of Lambert Avenue is proposed to be improved south of Oak Street. School bus egress from the site would be to Lambert Avenue. Vermont Avenue is a sixty-six foot (66') wide unimproved right-of-way. Vermont Avenue has been previously cleared, and poles with overhead electric lines have been constructed on the west side of the right-of-way. A small portion of Vermont Avenue is proposed to be improved as part of this project from where it intersects with a site ingress driveway to the south side of Oak Street. School bus access to the proposed site would be from this improved section of Vermont Avenue. Oak Street is an improved road with a sixty-six foot (66') right-of-way and a forty foot (40') pavement width borders the proposed future development to the north. A proposed access driveway too narrow for two-way traffic connects the parking area in front of the school with Oak Street. The site is currently vacant and wooded. The land generally slopes to the north with existing elevations dropping from about eighty-eight feet (88') MSL to around seventy-five feet (75') MSL. Proposed storm water management facilities and utilities are associated with this project. The project proposes an above ground infiltration basin, along with a separate underground recharge system. The site would discharge some storm water from a large storm event to an existing drainage system which crosses beneath Oak Street. Proposed sanitary sewer service will connect to a pump station which would be constructed on-site. A proposed force main from this pump station would discharge flow into an existing sanitary sewer manhole near the intersection of Vine Avenue and Oak Street. Proposed potable water for the site will connect to an existing main on the south side of Oak Street. A seventy (70) space off-street parking lot with three (3) van accessible handicap spaces is proposed for the project. The project is also proposing sidewalk along the improved portions of its frontages on Vermont Avenue, Oak Street, and Lambert Avenue. We have the following comments and recommendations: 1. Zoning 1. The parcels are located in the R-40/20 Cluster Residential District. Private schools are a permitted use in the zone. 2. A variance has been requested for front yard setback. A front yard setback of thirty-two feet (32') is proposed from Lambert Avenue, whereas a fifty foot (50') setback is required. 3. Our review indicates that variances are required for rear yard setbacks. A twenty-three foot (23') dimension is proposed from the southeast rear property corner of existing Lot 6 to the building. A twenty-nine foot (29') dimension is proposed from the northeast rear property corner of existing Lot 7 to the building. A minimum rear yard setback of thirty feet (30') is required. 4. Based on the preliminary architectural plans submitted a variance is required for the number of proposed off-street parking spaces provided. Our review indicates that seventy-five (75) off-street parking spaces would be required, but only seventy (70) off-street parking spaces are proposed. 5. A waiver is required from the buffer requirements. A twenty foot (20') buffer is required from a residential use or district. The proposed pump station and transformer are within the required buffer area for existing Lot 6. Proposed drainage will clear a portion of the required buffer area for existing Lot 7. Depending upon the final design of

the pump station area, a variance may be required for accessory side yard setback. 6. Partial design waivers are required from completing road improvements across all of the project frontages. 7. 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. Site Plan/Circulation/Parking 1. Maple Tree Village (applicant, Homes for All) was approved under Resolution SD-1836 with a storm water management basin proposed for a substantial portion of existing Lot 1 in Block 1155. This storm water management basin is missing from the site plan submitted. The applicant's professionals must address this matter. 2. The General Notes should be revised to reference the survey submitted. Horizontal datum and a bench mark should be provided. The survey notes topographic information is based on NGVD 1929. 3. The General Notes require some editing. 4. The Zone Requirements need corrections. The provided lot area should be based on the survey submitted. The provided rear yard setback should be twenty-three feet (23'). The provided side yard setbacks do not appear to be applicable. The required accessory setbacks should be ten feet (10'). The provided building coverage based on the preliminary architectural plans and survey submitted is 14.8%, well below the twenty percent (20%) allowable. 5. Off-street parking: Based on the preliminary architectural plans submitted, the off-street parking requirements should be revised. 6. Curb and sidewalk is proposed within the interior of the development. Curb is proposed along both sides of Lambert Avenue and Vermont Avenue with the improvement of the roads. Sidewalk is proposed along the most of the project's improved road frontage. New sidewalk should be extended to the limits of the proposed road improvements along Lambert and Vermont Avenues. Proposed sidewalk must be widened to five feet (5') unless pedestrian bypass areas are designed. 7. A thirty foot (30') pavement width is proposed for Vermont Avenue. The existing right-of-way width for Vermont Avenue is sixty-six feet (66'). A proposed pavement width of forty feet (40') must be provided, consistent with previous approvals. It is likely Vermont Avenue will become a collector road in the future. 8. An eighteen foot (18') wide access driveway which is only wide enough for one-way traffic is proposed between the parking lot and Oak Street. The direction of proposed traffic flow has not been indicated. 9. Proposed school bus spaces of twelve foot (12') wide by forty foot (40') long should be striped in accordance with the ordinance. 10. The access aisle width behind the proposed handicap spaces will be inadequate when a school bus is parked in the vicinity. 11. Testimony should be given regarding proposed circulation with the site layout (parking, access, etc.). There is a one-way counterclockwise bus circulation proposed from Oak Street which enters the site from Vermont Avenue and exits the project to Lambert Avenue. 12. Testimony should also be provided as to the maximum number of staff professionals at the site during school operations. 13. Testimony is necessary from the applicant's professionals regarding how the proposed bus parking and bus drop off areas will be used, including but not limited to times, sizes, and types of vehicles anticipated. 14. The proposed Site Layout Plan requires better coordination with the preliminary Architectural Plans. Significant discrepancies have been noted between the footprints. Proposed dimensions for the building and setbacks must be to the hundredth of a foot, since it impacts the layout and variances required. Proposed building square footage should also be coordinated. 15. Proposed curb radii shall be provided at all locations which are not the typical five foot (5') radii. 16. Refuse and recycling areas are proposed for the project adjacent the terminus of the improvements to Lambert Avenue. The proposed location is poor since any future extension of Lambert Avenue will leave these areas at the front property line next to an improved street. Testimony should be provided on collection. If refuse and recycling

collection is to be provided by the Township of Lakewood, DPW approval will be required. The proposed areas have not been screened. 17. The existing blocks and lots should be consolidated. 18. Sight Triangle Easements have not been proposed at the intersection of streets and should be added. 19. Proposed shade trees shall be added along all improved frontages, and shade tree and utility easements shall be added to all frontages, unless waivers are sought. B. Architectural 1. Preliminary Architectural Plans were submitted for review. Per review of the submitted plans, it is anticipated the proposed two (2) floor building with basement will be around thirty feet (30') in height. The proposed plans should be revised to indicate the proposed building height on the elevation views. Thirty-five feet (35') is the allowable building height. 2. Proposed layout, dimensions, and square footages must be coordinated between the architectural plans and site plans. Proposed setback variances could be impacted. 3. We recommend that renderings be provided for the board's review and use prior to the public hearing, at a minimum. 4. Testimony should confirm a sprinkler system is proposed. A four inch (4") water service connection which branches into fire and domestic service lines near the building is proposed on the site plans. 5. Testimony should be provided as to where HVAC equipment is proposed for the building and how the equipment will be adequately screened. 6. An elevator is proposed for handicap accessibility throughout the proposed building. Handicap access into the proposed building should be addressed. C. Grading 1. Detailed grading is provided on a Grading & Drainage Plan which is Sheet 3 of 20. The grading design generally directs runoff to proposed inlets. A storm sewer collection system is proposed to collect this runoff. Most of the proposed site runoff will be conveyed by piping to a proposed infiltration/detention basin. The school building roof runoff will be conveyed by piping to a proposed underground recharge system. 2. Profiles have been provided for Vermont Avenue and Lambert Avenue, as well as for the off-site force main proposed in Oak Street. 3. Profiles should be provided for the proposed storm drainage system. 4. The elevation for Test Pit #1 should be corrected to 82.4. This raises the seasonal high water table to elevation seventy-five (75). Therefore, the underground recharge system will need to be redesigned with a bottom elevation of seventy-seven (77), two feet (2') above seasonal high water table. 5. The proposed grading concept is feasible. We have not conducted a detailed review of the grading because of the plan revisions anticipated. D. Storm Water Management 1. Proposed storm sewer collection systems have been designed to convey storm water runoff to a proposed infiltration/detention basin. The proposed infiltration/detention basin is located in the northwest corner of the property near the intersection of Oak Street and Vermont Avenue. An underground recharge system has been designed beneath the proposed parking lot, south of Oak Street. The underground recharge system is for the proposed roof runoff from the school building. The plans indicate the ownership and maintenance of each storm water management system will be the responsibility of the property owner. 2. Proposed storm manholes shall be added at drainage piping intersections with the property lines to transition systems ownership between the Township and property owner. 3. The narrative of the Storm Water Management Report should better summarize the proposed design. Our review speculates the proposed separate infiltration/detention basin is being designed to accommodate water quality and quantity, while the proposed underground recharge system would just accommodate water quantity from roof runoff. Therefore, peak site discharges would be controlled by the combination of these two (2) components. 4. The design for the storm water collection piping for the roof of the proposed school building is only schematic at this time. 5. The Storm Water Management Design will be reviewed in detail after anticipated plan revisions are submitted. E. Landscaping 1. Landscaping has been provided on Sheet 5 of 20 of the Site Development Plans. 2. At this time only shade trees are proposed for landscaping. Additional landscaping should be provided. 3. All proposed

shade tree and utility easements, sight triangle easements, and utility lines should be added to prevent planting conflicts. 4. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. Per our site inspection of the property, the site is wooded with the exception of the Vermont Avenue right-of-way which has been cleared. 5. Landscaping shall be reviewed in detail after anticipated plan revisions are submitted. F. Lighting 1. Lighting has been provided for the parking areas of the site on Sheet 6 of 20 in the Site Development Plans. 2. The Plan indicates five (5) pole mounted double fixture lights are proposed on-site. Another pole mounted single fixture light is proposed for the entrance drive near Vermont Avenue. According to the Pole Mounted Lighting Detail, the proposed height will be eighteen feet (18'). 3. A Building Mounted Light Detail has been provided, but no building lights shown. 4. A point to point diagram must be provided to verify the adequacy of the proposed lighting. 5. Lighting has not been provided for Vermont Avenue and Lambert Avenue. 6. Testimony should be provided regarding lighting ownership. 7. Lighting should be provided to the satisfaction of the Board. 8. Lighting shall be reviewed in detail after anticipated plan revisions are submitted. G. Utilities 1. Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company. 2. An on-site pump station is proposed for sewage service. A proposed force main will be constructed from the pump station to an existing sanitary sewer manhole in the vicinity of the Oak Street and Vine Avenue intersection. Testimony should be provided as to whether the reason for not proposing gravity sewer is because of the depth of excavation that would be required. Also, testimony should be provided as to whether the pump station will be temporary since future sanitary sewer is being planned for Oak Street. 3. We recommend a "dry" sanitary sewer service lateral be proposed for future connection to a proposed system by others in Oak Street. A preliminary layout of the system by others was shown on Oak Street with the Conifer Village plans previously submitted to this Board. 4. Potable water service is proposed to be connected from an existing main on the south side of Oak Street. 5. The location of the closest fire hydrant should be added to the plans. H. Signage 1. Some proposed regulatory signage has been shown on the plans. Some regulatory sign details have been provided. 2. No project identification signage or building mounted signage has been proposed. 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. 3. 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 Per review of the site plans, aerial photography, and a site investigation of the property, the tract is wooded with the exception of Vermont Avenue which has been cleared and has utility poles containing overhead electric lines. 2. Environmental Impact Statement An Environmental Impact Statement was provided for review and addresses environmental concerns as applicable. The project is exempt from CAFRA permit requirements as an educational facility. The Environmental Impact Statement (EIS) should be amended in accordance with anticipated plan revisions to the project. 3. Tree Management An incomplete Tree Protection Plan has been submitted. The Tree Protection Plan shall be completed and submitted with the project plan revisions. J. Construction Details 1. Construction details are provided on Sheets 7 – 10 of 20 on the plans. 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. 3. Review of construction details will take place after revised plans are submitted. 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. Fire Commissioners; d. Ocean County Planning Board; e. Ocean County Soil Conservation District; and f. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Vogt stated that there are several variances for this application. Some of them may be modified and eliminated prior to the public hearing meeting. Variances are identified for front and rear yard setbacks as well as a potential variance for the number of parking spaces.

Mrs. Miriam Weinstein, Esq. On behalf of the applicant said that she had spoke with Terry regarding the additional variances. Terry had indicate that some of the setbacks they had considered to be side yard were in fact rear yard setbacks which would in turn require a larger setback. She indicated that they would shift the building forward by one foot which would eliminate the rear yard setback variance. She also said that they would shift the building seven feet to the right which would eliminate that rear yard variance as well. The front yard setback variance requested will now be 25 feet.

Mr. Graham MacFarlane, P.E. stated that they are currently proposing seventy parking spaces but they are still working with the architect. There are additional spaces for drop off that were not counted so a parking variance should not be required. In terms of the circulation, they will be improving Vermont Avenue which will serve as the bus access into the site. The second drive way coming off Oak Street is intended to serve staff and visitors so they are not competing with the buses coming in. The exit on the improved portion of Lambert Avenue will serve everybody. Graham indicated that they can comply with all the comments in the engineer's report.

A motion was made and seconded to advance the application to the May 7, 2013 meeting. No further notice required.

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

5. PUBLIC HEARING

- 1. SP 2000** (No Variance Requested)
Applicant: Sephardic Congregation of Lakewood, Inc.
Location: Spruce Street
Block 782 Lot 82
Site Plan for proposed house of worship

Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a one-story synagogue, which includes a basement, within a 4,681 square foot footprint. The site plans and architectural plans indicate the proposed synagogue will contain two thousand five hundred seventy-five square feet (2,575 SF) of main sanctuary area. An interior parking area consisting of twenty-seven (27) parking spaces, two (2) being van accessible handicapped, and site improvements are also proposed within the property. The minimum parking space size will be 9' X 18' with a twenty-four foot (24') wide two-way access aisle. Access to the site is provided from Spruce Street. The tract consists of an 82' X 279.84' rectangular shaped lot that totals 22,946.88 square feet, or 0.53 acres in area. The property contains a one-story dwelling

with detached garage and shed. All existing site improvements would be removed for the proposed project. The proposed site is located in the south central portion of the Township on the south side of Spruce Street, east of Route 9. Spruce Street is an improved municipally owned collector road in fair condition having a fifty foot (50') right-of-way. Curb and sidewalk in fair condition exists along Spruce Street. The proposed project would be serviced by sanitary sewer located in the centerline of the street. Potable water is available on the north side of Spruce Street. Overhead electric is available on the south side of Spruce Street. The project site is surrounded by residential land. The property is located in the R-10 Zone District. Places of worship are a permitted use. We have the following comments and recommendations per testimony provided at the 3/5/13 Planning Board Plan Review Meeting, and comments from our initial review letter dated February 19, 2013: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours of the area within 200 feet of the site boundaries. 3. B10 - Man-made features within 200 feet thereof. 4. C13 - Environmental Impact Statement. The Survey and Site Plan does not show topography within two hundred feet (200') of the site. However, there is more than enough information provided to prepare the design. Therefore, we can support the "B-Site Features" requested waivers. The Board granted the Site Features waivers. A waiver has been requested from the submission of an Environmental Impact Statement. Our site investigation on 2/13/13 revealed the property has been developed for a long time with a residential dwelling. We can support the requested waiver from C13. The Board granted the waiver from submission of an Environmental Impact Statement. II. Zoning 1. The parcel is located in the R-10 Single-Family Residential District. Places of worship are a permitted use in the zone, subject to the provisions of Section 18-905. Statements of fact. 2. According to Section 18-905B.1. Perimeter Buffer: For properties adjacent to residential properties, if the site leaves a twenty foot (20') undisturbed area then there is no requirements for buffering. If the twenty foot (20') buffer is invaded or disturbed than requirements indicated in Section 18-905B.3., shall be put in place along the invaded area. A waiver is necessary from the twenty foot (20') buffer requirement. 3. Per review of the Site Plan and the zone requirements of Section 18-902F of the UDO, no variances are being requested for the proposed project. Statement of fact. III. Review Comments A. Site Plan/Circulation/Parking 1. General Note #5 indicates boundary and topography taken from Mager Associates, dated 7-19-12. Since the information comes from two (2) separate surveys, both surveys should be referenced. The General Note revision can be provided with resolution compliance submission should approval be granted. 2. General Note #6 indicates vertical elevation based on an assumed datum. A bench mark shall be added. A horizontal datum should also be provided. The additional information can be provided with resolution compliance submission should approval be granted. 3. As indicated previously, a twenty-seven (27) space parking lot with two (2) van accessible handicapped spaces is being provided for the proposed synagogue. Since two thousand five hundred seventy-five square feet (2,575 SF) of sanctuary area is proposed, twenty (20) off-street parking spaces are required. One (1) space is required for every one hundred square feet (100 SF) of sanctuary between 800 to 1,999 square feet. One and a quarter (1.25) spaces are required for every one hundred square feet (100 SF) of sanctuary between 2,000 to 2,999 square feet. The parking requirements can be added to the plans with resolution compliance submission should approval be granted. 4. A proposed Sight Triangle Easement is shown on the project. A proposed tie distance for the Sight Triangle Easement along with a deed of easement and a description shall be provided such that the Board Attorney and Engineer may review and approve a deed of easement prior to filing with the Ocean County Clerk. A proposed tie distance has been added. The proposed legs of the easement shall be added. The deed of easement and description can

be provided with resolution compliance submission should approval be granted. 5. A proposed Shade Tree and Utility Easement has been provided across the Spruce Street project frontage. A description shall be provided such that the Board Attorney and Engineer may review and approve a deed of easement prior to filing with the Ocean County Clerk. The deed of easement and description can be provided with resolution compliance submission should approval be granted. B. Architectural 1. The proposed building height for the proposed one-story structure should be confirmed. The distance between the proposed basement floor and first floor should also be confirmed. The site plan indicates a ten foot (10') difference between the proposed basement floor and first floor. The building should not exceed the allowable height of thirty-five feet (35'). The proposed building height is thirty feet (30'). The distance between the proposed basement floor and first floor is eleven feet, four inches (11'-4"). The site plan shall be revised accordingly with resolution compliance submission should approval be granted. 2. Testimony is required on ADA accessibility. The site plan proposes a ramp to the main floor on the west side of the building. Confirming testimony should be provided as to whether only the first floor is ADA accessible. 3. The proposed basement floor elevation has been designed to be a few feet below existing grade. The basement floor should be set to provide at least a two foot (2') separation from the seasonal high water table. Seasonal high water table information shall be provided with resolution compliance submission should approval be granted. 4. Testimony should be provided as to whether the proposed synagogue will include a sprinkler system. Two (2) proposed service line connections are shown on the site plan. 5. We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. The revised site plans show proposed HVAC units will be located on the east side of the building. Screening can be added with resolution compliance submission should approval be granted. 6. We recommend proposed roof leaders be added to the drawings and piped to the storm water recharge system. Proposed roof drains piped to the storm water recharge system have been added to the site plans. The final designs of the architectural plans and site plans shall be provided with resolution compliance submission should approval be granted. C. Grading 1. Per review of the proposed grading plan, the design concept is feasible. However, the following should be addressed: a. Centerline stationing should be added to the proposed parking lot for coordination with the profile. b. Proposed centerline parking lot grades shall be coordinated with the profile. c. Additional proposed elevations should be provided at all control points, such as building landings, curb corners, and curb returns. d. A correction is required at the proposed eastern curb return where the access driveway meets Spruce Street. Final grading can be addressed during compliance review if/when approval is granted. We recommend the applicant's engineer contact our office to review the proposed grading prior to submitting for resolution compliance should approval be granted. 2. Soil borings and permeability testing should be provided. The proposed basement floor elevation of 65.20 and bottom of recharge system of 59.76 shown on the site plan should be greater than two feet (2') above the seasonal high water table elevation. Soil borings and permeability testing can be provided with resolution compliance submission should approval be granted. 3. Additional information for the storm sewer. The proposed storm sewer lacks cover at the parking lot low points. Revisions must be provided with resolution compliance submission should approval be granted. D. Storm Water Management 1. A proposed storm water management system has been designed. The design proposes storm sewer collection systems with underground recharge systems located on the site. The project qualifies 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 design, it is feasible and can be finalized during compliance review if/when board approval is granted. A Storm Water Management

Report must be provided with resolution compliance submission should approval be granted. 2. Seasonal high water table information is required to justify the proposed depths of the storm water recharge systems. 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. Seasonal high water table information must be provided with resolution compliance submission should approval be granted. 3. The Drainage Calculations should indicate a permeability rate to be used for the proposed recharge systems. Permeability testing results must be provided to justify the design. Permeability testing must be provided with resolution compliance submission should approval be granted. 4. A design is required for the storm water collection piping for the roof of the proposed synagogue. The design of the storm water collection piping for the roof of the proposed synagogue shall be finalized with resolution compliance submission should approval be granted. 5. Predevelopment and Post Development Drainage Area Maps should be provided to assist in the review of the design. The Drainage Area Maps must be provided with resolution compliance submission should approval be granted. 6. Pipe design calculations should be provided. Pipe design calculations must be provided with resolution compliance submission should approval be granted. 7. The submission of a Storm Water Management Operation & Maintenance Manual will be required. The Manual can be provided during compliance submission should site plan approval be granted. The Manual should be provided after completion of the storm water management design. E. Landscaping 1. In accordance with Section 18-905B of the UDO, a twenty foot (20') wide perimeter landscape buffer is required from residential uses and zones. Said buffer is required along most of the property lines. It should be noted the lands surrounding the project are residentially zoned. A perimeter landscape buffer should be provided to the satisfaction of the Board. Perimeter site buffering should be addressed at the Public Hearing. 2. Additional landscaping should be provided. Two (2) shade trees are proposed along Spruce Street. Landscape buffering and screening should be added around the perimeter of the site. Foundation plantings are only provided along the front wall of the synagogue. Additional landscaping can be provided with resolution compliance submission should approval be granted. 3. 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. Landscaping should be provided to the satisfaction of the Board. The Shade Tree Commission recommended a row of trees be planted on the south side of the property. 4. A detailed review of the landscape design will be undertaken when plan revisions are submitted. Final review of the landscaping design will be undertaken with resolution compliance submission should approval be granted. F. Lighting 1. A lighting design has been provided on Sheet 3. The site lighting design proposes three (3) pole mounted fixtures for the parking lot. A point to point diagram will be required for review. The point to point diagram can be provided with resolution compliance submission should approval be granted. 2. The overall lighting design is subject to review and approval by the Board. Lighting should be provided to the satisfaction of the Board. 3. A detailed review of the lighting design will be undertaken when plan revisions are submitted. Final review of the lighting design will be undertaken after resolution compliance submission should approval be granted. G. Utilities 1. Sanitary sewer and potable water has not been addressed. Sanitary sewer exists within the centerline of Spruce Street. A fire hydrant exists on the north side of Spruce Street across from the proposed site. The project is within the New Jersey American Water Company franchise area. The revised plans propose sewer and water connections to the existing utility lines in Spruce Street. 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. No signage is proposed. I. Environmental 1. The existing property has a few large trees. A Tree Protection Management Plan must be provided as a condition of approval to comply with the Township's Tree Ordinance. The Tree Protection Management Plan can be provided with resolution compliance submission should approval be granted. 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. Final review of construction details will take place after 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. 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; and e. All other required outside agency approvals.

Mrs. Miriam Weinstein, Esq. explained that this synagogue differs from other synagogues as their prayers differ slightly as do their customs. This application is fully conforming without any variances.

Mr. Glenn Lines, P.E., P.P. was sworn in. He said they are proposing a synagogue building with sufficient parking which will be handicapped accessible with a ramp on the west side of the building. All the comments can be addressed with exception to the Shade Tree comment which is to provide a row of trees on the south side of the property.

Mr. Schmuckler asked if they could put a fence there.

Mrs. Weinstein said that the school has no issue with that.

Mr. Vogt asked that testimony be provided for the overall perimeter landscape waiver.

Mr. Lines said there are plans to expand the commercial on the corner so they would be buffering against the commercial property. The other side is a residential development and they are kind of a harmonious existence that way.

Mr. Vogt confirmed that the only part of the site where there has been a request for buffering can be addressed with a fence at the rear.

Mr. Lines agreed.

Mr. Neiman would like to see some landscaping at the end of the parking lot in front of the building.

Mr. Lines said there will be landscaping beds.

Mr. Schmuckler asked what the plans are for the basement.

Mr. Lines does not know of any plans for the basement.

Mrs. Weinstein said the applicant does not plan to finish it unless they have the funds to do so. They may be able to come to an agreement with a nearby school to use they parking lot.

Mr. Neiman would like to see the basement be restricted for just Shabbos use as there will be insufficient parking for any other uses. The applicant would have to come back to the Board for any other use (e.g. renting out as a hall).

Mrs. Weinstein agreed but the basement can be finished.

Mr. Neiman said yes but as long as the basement is not rented out.

Mr. Banas questioned the applicant not putting a buffer on the commercial side.

Mr. Lines explained that there is nothing in the ordinance that requires a buffer between a synagogue and commercial. A fence will be provided on the residential side.

Mr. Banas feels that there should be fences on both sides.

Mrs. Weinstein stated that the applicant prefers not to put a fence on the commercial side as it is not required and will be a great expense for the synagogue.

Mr. Neiman asked about the stormwater management.

Mr. Vogt said they have looked at the design and feel it is feasible. It is not 100% perfected yet but they would take care of that at the resolution compliance stage if approved.

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

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

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

No: Mr. Banas

Mr. Herzl arrived at the meeting.

- 2. SP 2005AA** (No Variance Requested)
Applicant: Congregation Bais Medrash Chayim Inc
Location: James Street & Sunset Road
Block 284.06 Lot 22
Change of Use/Site Plan Exemption to change a single-family home into a school and dormitory

Project Description

The applicant is seeking Site Plan Exemption/Change of Use approval for conversion of an existing two-story single-family residential dwelling into a proposed school with a dormitory, via a building addition to the rear. As depicted on the Change of Use site plans, the existing driveway will be enlarged a 24-foot wide interior access drive and eight (8) off-street parking spaces (four spaces proposed as stacked), and interior sidewalk extending from the stacked parking area, along the westerly side of the dwelling and along the rear of the proposed

addition. As indicated on the architectural plan, a 1,013 sf area designated "Bais Medrash", two (2) classrooms, two (2) offices, a kitchen, and dining room are proposed on the first floor. On the second floor, two (2) new bathrooms and four (pre-existing) bedrooms are depicted. The site is located on the northwest corner of James Street and Sunset Road. Per the survey plan, curb and sidewalk exists along both property frontages. The property is irregular in shape, and is approximately 15,194 sf in area. The site is currently surrounded primarily by single-family development. I. Zoning 1. The property is located in the R-12 (Single Family Residential) 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 appear necessary for the change of use request. 3. Per review of the Site Plan, the following design waivers are required for proposed project: • Providing shade trees across the site frontage (unless proposed). • Providing site lighting. • Providing a 20 foot landscape perimeter buffer per Section 18-906A-2 of the UDO. Per review of site information, it appears that there is existing vegetation present in the perimeter of the site. II. Review Comments 1. Testimony should be provided by the applicant for the Board to support the proposed change in use, including but not limited to the following issues: a. How many students (and teachers and employees) are proposed for the school portion of the use. b. Will any students drive and park near the school? c. Is busing proposed? d. How students will be dropped off and picked up (by car)? e. How many students would be housed for the proposed dormitory use? f. How many staffers (rabbi, schoolteachers, maintenance, etc.) will be at the site at any one time? 2. Per Section 18-906C of the UDO, one (1) off-street parking space is required for each Meeting Room, Classroom and Office. Counting the "Bais Medrash" area as a Meeting Room area, and the two (2) classrooms and two (2) offices, five (5) off-street spaces are required per the UDO (excluding the proposed dormitory use). Eight (8) spaces are proposed. Parking will be provided to the satisfaction of the Board. 3. Per Note #9 on the Change of Use site plan, professionals, trash and recyclables will put curbside for Township pickup. 4. Testimony should be provided regarding proposed existing and proposed lighting (if any). Lighting shall be provided to the satisfaction of the Board. 5. Construction details should be provided for any proposed new site improvements deemed necessary (if any), in accordance with Township standards. We note that details have been provided on the current plans. At a minimum, additional design information should be provided for the proposed handicap ramps at the new driveway crossing. This information can be provided during compliance review (if/when approval is granted). 6. Information and/or testimony should be provided that existing utilities serving the building are adequate for the proposed school use. The Change of Use plans show no information regarding existing and proposed utilities (i.e., water and sewer). 7. Per Sheet 3 of the Change of Use site plan, site grading (and disturbance) is proposed to the limits of the property (potentially leaving no existing perimeter vegetation after construction). We recommend that the grading design be revised to preserve existing vegetation along the site perimeter to the maximum extent practicable, otherwise supplemental landscaping or screening may be necessary. 8. Any additional information necessary to document compliance with Section 18-906, "Public and Private Schools" of the UDO should be provided. 9. The site plan waiver (if approved) does not relieve the applicant's obligation to obtain necessary building permits and construction code reviews.

Mr. Rennert stepped down.

Mr. Abraham Penzer, Esq. on behalf of the applicant.

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

Mr. Penzer said that they do not have any issues with the engineer's review letter and can meet all the items. There will be 15-20 full time students and 8-10 part time which will be the maximum. Driving is not permitted by the students. Off campus students will be dropped off and picked up by car. The maximum amount of students coming by car would be 8-10 in the morning and fewer in the evening. There will be no busing.

Mr. Neiman asked about a recreational area.

Mr. Penzer said no. Sunset Park is half a block down. They have met with the neighbors.

Mr. Neiman mentioned the drainage and that there is a low water table in that area.

Mr. Penzer has no problem with satisfying the engineer and will be happy to meet with them.

Mr. Neiman would like to make sure that the students stay on their property and do not walk off onto the neighbor's yards.

Rabbi Moshe Geteinger was sworn in. He explained that he lives right across the street so he will be able to supervise the students. He is a neighbor as well so he shares the same concerns as other neighbors.

Mr. Schmuckler asked about the buffering.

Mr. Lines said that there are existing fences and any gaps that are missing would be fixed.

Mr. Neiman said if it is chain link then it should be replaced with a stockade fence.

Mr. Penzer agreed.

Mr. Neiman opened to the public.

Mr. David Molte, 244 Sunset Road, was sworn in. He read a statement which explained the reasons they are not in favor of this application. He then asked if they will be permitted in the future to add on to the school.

Mr. Vogt said if the addition is more than 1,500 sq ft they would have to come back to the Board.

Mr. David went out and further expressed his concerns about the possible expansion of the school as well as that being a very busy intersection. He is concerned about the parking on days were there will be an event. He believes a fence is not enough buffer and there should be more landscaping. He also questioned the trash.

Mr. Dustin Molte, was sworn in. He said that dormitory is not listed under accessory uses for this zone. He said that this will be a non-conforming lot because they do not want to provide the 20 ft buffer. He read further that the UDO it states that no non-conforming use may be expanded. He also read that the trash setup is not conforming to the UDO. He said the current vegetation,

which is on his property, would not be sufficient to block the light coming in from headlights. He would like to see these rules and regulations be enforced.

Mr. Neiman asked that these items be addressed.

Mr. Penzer had previously spoken with the Township Attorney about a dormitory being allowed and it has been discussed that it is an ancillary use to a school. They are willing to stipulate that will never be more than 20 students at the dorm. If there are more than 20, they will come back to the Board. He explained that this is a small school. It is not a place where there will be different functions etc. He said that they meet the ordinance as far as parking. As far as buffering, they have agreed to a stockade fence. They are willing to make the fence a little higher.

Mr. Neiman asked if they would put an 8 ft vinyl fence.

Mr. Penzer said yes.

Mr. Neiman said they should check with the neighbors first to see what they prefer.

Mr. Neiman brought up the issue of parking.

Mr. Penzer said that the rabbi had spoken to Shop Rite which is located across the street and they would be willing to let people park there but there is no formal arrangement as of yet. This is a corner lot and the intent is to not have anyone park and to maintain the privacy. If they did, they would have to park a few blocks away and walk.

Mr. Jackson explained that they are trying to protect the privacy of the neighbor. They could try putting a dense row of evergreens there and a fence.

Mr. Penzer is willing to meet with Terry as to what type of trees.

Mr. Neiman would also like to hear suggestions from the neighbors.

Mr. Schmuckler asked why they can't stack the parking on both sides.

Mr. Lines said the parking is stacked on one side for the teachers who get there first and are there pretty much the whole day and then on the right would be for part time teachers so there is a free flow of cars in and out.

Mr. Penzer said they would like to try and frost the windows on the addition or try to make them not translucent. The first floor would be covered by the trees and fence.

Mr. Vogt said after looking at the architectural plans, windows are not shown on the second floor.

Mr. Dustin Molte said the existing building has windows across the back.

Mr. Penzer said they would frost those windows. He also mentioned that the shopping center is very full during the day.

Mr. Banas suggested that they put the application on hold for a meeting or two and have the applicant come back with concrete plans that addresses these items.

Mr. Penzer said they need to be open in August and these are things that they are willing to address.

Ms. Risa Malte, 244 Sunset Road, was sworn in. She said she is the one most affected by this. She can not get out of her driveway. People park up and down the street. She does not think it is fair that she has to look at an 8 ft vinyl fence. She has a pool and is worried that the students will try to swim there. She feels that this is turning into a commercial area.

Mr. Penzer said if any of the students are on her property that she should call the police as it is private property and they do not belong there. He asked what she prefers as far as buffering.

Ms. Malte said that she prefers the fence and then the trees on the outside as she does not want to look at a fence.

Mr. Penzer has no problem with that.

Mr. Neiman closed to the public.

Mr. Banas made a motion, seconded by Mr. Franklin to table this application until these issues are resolved including new architectural, landscaping and a letter concerning the parking.

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

Abstained: Mr. Neiman, Mr. Schmuckler

Mr. Jackson announced that this application will be advanced to the May 7, 2013 meeting. No further notice required.

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

Project Description

The applicant is seeking Amended Site Plan approval for the construction of the following: • An 8,982 square foot building addition for parts and bike storage. • Two (2) additions totaling 1,302 square feet, squaring off the front of the building for sales support area. • An additional sixty-four (64) stall paved parking area to the rear of the existing facility. • Striping to provide an additional handicap accessible parking space within the existing parking area. • Removal of the existing tent. The site is in the southern portion of the Township and fronts on Route 70 and Locust

Street, east of Vermont Avenue. Access to the site is afforded from the Route 70 frontage, Route 70 is a State Highway. No access is provided along the Locust Street side of the site, Locust Street is a County Road. The property contains 4.701 acres. A one-story building exists on-site with associated parking and site improvements. Some of the wooded area existing on the site will be removed for the proposed building addition and parking lot. The property gently slopes from west to east. Additional storm water management facilities have been designed to incorporate the increase in impervious area proposed for the site. Except for the adjacent site to the west, the surrounding lands and roadways are all improved. Sidewalk does not exist along the frontages because of the nature of the use which does not lend to pedestrian traffic. We have the following comments and recommendations per testimony provided at the 8/28/12 Planning Board Plan Review Meeting and comments from our initial review letter dated August 23, 2012:

I. Waivers A. The following waivers have been requested from the Land Development Checklist: B2 – Topography within two hundred feet (200') of the site. B4 – Contours within two hundred feet (200') of the site. C13 – Submission of an Environmental Impact Statement. The site features waivers have been requested because the survey overlap provides sufficient information for review of the design. The Environmental Impact Statement waiver has been requested because the dealership is already an existing, established use on the site and the proposed construction will not create any new environmental impacts. We support the requested waivers. The Board granted the requested waivers.

II. Zoning 1. Per review of the site plans and application, the following design waivers are required:

- No curb and sidewalk has been proposed along any of the site frontages.
- No shade tree and utility easements have been provided along any of the site frontages.
- No shade trees have been provided along any of the site frontages.

These same design waivers were granted for the last site plan approval under Resolution SP# 1954. It should be noted the County granted approval to this project with no improvements along Locust Street provided that a note be added to the plan indicating access to Locust Street is strictly prohibited. A note has been added indicating that no site access shall be provided connecting to or fronting upon Locust Street. The Board shall take action on the required design waivers.

III. Review Comments A. Site Plan/Circulation/Parking 1. General Note #13 lists a Parking Tabulation based on ordinance requirements. The number of off-street parking spaces is being increased by sixty-three (63) from eighty-three (83) to one hundred forty-six (146). Testimony must be provided as to how the parking complies with the UDO. The applicant's engineer indicates that testimony will be provided as to the parking tabulation. 2. Testimony must be provided on additional anticipated site traffic from the increase in the number of parking spaces. A summary traffic report may be necessary. The applicant's engineer indicates that testimony will be provided on additional site traffic from the increase in the number of parking spaces. 3. Testimony should be provided by the applicant's professionals as to existing and proposed site operations. General Note #14 lists the existing dealership's hours of operation. The applicant's engineer indicates that testimony will be provided as to the proposed site operations. 4. The Zoning Requirements list a building height of thirty-four feet (34'). The architectural plans submitted show a building height of just over thirty-five feet (35'). The zoning requirement table should show a building height of thirty-five feet, three and a half inches (35'-3.5"). 5. Complete existing and proposed building dimensions shall be added to the site plan. A 113.50 foot dimension shall be added to the addition proposed on the east side of the existing building. 6. The site plan shows existing dumpsters to be relocated. The dumpsters will be enclosed by a six foot (6') masonry block wall to match the building and a self closing chain link gate. Unless waived by the Board, all relocated dumpsters shall be landscaped screened and designed in accordance with Section 18-809.E., of the UDO. Construction details have been provided. The dumpster enclosure has

been revised to have self closing steel panel gates instead of the previously specified chain link. Landscape screening has been added. Corrections are required to the construction detail. A detail note indicates a shop drawing will be provided. 7. The site plan shows three (3) existing equipment containers to remain and one (1) relocated equipment container. The plans indicate the equipment containers are utilized by the owner for storage purposes including snow clearing equipment and special events equipment. The General Notes state that the containers shall be screened at the direction of the review engineer and planning board. Screening should be proposed. 8. The future status of the existing metal canopy on the front of the building should be addressed. The canopy is not shown on the architectural drawings. The applicant's engineer indicates the existing metal canopy above the main entrance shall remain. The canopy shall be added to the architectural drawings. Dimensions shall be provided on the site plans and the front yard setback dimension corrected if necessary. 9. All building access points must be shown on the site plan. Coordination is required between the site plans and architectural plans. The plans have been revised to show all proposed building access points. Final coordination between the site plans and architectural plans is required. 10. The status of an inaccessible bituminous pavement area east of the building should be addressed. The bituminous pavement area east of the building is to remain and will be accessible from a couple of proposed doors on the building addition.

B. Architectural

1. The plans need to better delineate between what exists and is proposed. All dimensioning should be completed. Testimony should be provided on the proposed floor area usage. The applicant's professionals indicate that testimony shall be provided to address the floor area usage. Updated architectural plans will be required for resolution compliance submission, should site plan approval be granted.
2. The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. The applicant's professionals indicate that testimony shall be provided to address the building façade and treatments.
3. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. Air handler equipment at ground level is shown on the site plans and architectural plans. Vegetative screening should be provided. The applicant's professionals indicate that roof-mounted HVAC equipment shall be screened with a white vinyl fence. Since the air handler equipment is located entirely within an existing paved area, no vegetative screening is proposed. The building effectively screens the air handler from the adjacent residential property.
4. Proposed utilities must be addressed. Our site investigation notes existing utilities in different locations than indicated on the Survey. The applicant's professionals indicate that proposed utility connections shall be coordinated and submitted to the Lakewood Township Municipal Utilities Authority for approval.

C. Grading

1. Per review of the proposed grading plan, the design concept is feasible. Final grading can be addressed during compliance review if/when approval is granted. Final grading will be reviewed in detail after resolution compliance submission should approval be granted.

D. Storm Water Management

1. The low values for the runoff coefficients of the pervious areas must be justified in the calculations. Additional storage for the recharge system may be required. Higher runoff coefficients should be used as a factor of safety for the proposed storage volume of the recharge system. A runoff coefficient of 0.30 is recommended for pervious area. A revised Storm Water Management Report can be provided with resolution compliance submission should approval be granted.
2. A new Ocean County Soil Conservation District Soil Erosion and Sediment Control Certification will be required. The certification provided in the Storm Water Management Report is from the previous site plan approved under Resolution SP# 1954. The applicant's engineer has indicated that the project has been submitted to the Ocean County Soil Conservation District for a new Certification.
3. A

Storm Water Management Facilities Maintenance Plan has been provided as an appendix in the submitted Storm Water Management Report. The Plan confirms operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. The Maintenance Plan will be reviewed in detail during compliance submission should approval be granted. The Storm Water Management Facilities Maintenance Plan will be reviewed in detail with resolution compliance submission should approval be granted.

E. Landscaping 1. A Landscaping Plan has not been provided and is required unless a waiver is granted by the Board. At a minimum, we recommend a partial Landscaping Plan be provided for the various improvements that should be screened. Proposed landscaping should be provided on a plan sheet which shows other construction improvements to insure planting installation in the correct locations and to prevent conflicts. 2. Landscape screening shall be designed around the air handler, proposed dumpster enclosure, and around the equipment containers as indicated in the General Notes. Landscape screening has been provided around the proposed dumpster enclosure. We concur with the applicant's engineer that landscape screening will not be practical around the air handler since it is surrounded by either pavement or building. We still recommend landscape screening around the equipment containers to aesthetically screen the containers from the proposed rear parking lot. Visibility from the rear of the building to the rear parking area is limited. Therefore, eliminating the screening for security purposes is unnecessary.

F. Lighting 1. A supplemental lighting plan has been provided. Two (2) proposed twenty-five foot (25') high lighting fixtures are shown within the paved parking area. The previous approval indicated that the only lighting proposed for the rear parking area is security lighting. When the dealership is not operating, the lights will be turned off. Therefore, the point to point diagram indicates the proposed site lighting will be deficient with respect to the ordinance requirements. Construction details for proposed lighting will be reviewed in during compliance submission should site plan approval be granted. The applicant's attorney testified at the Plan Review Meeting that they will request lower levels on the lighting than the ordinance requires for respect of the neighboring properties. The Board will need to take action on any design waivers requested. 2. The overall lighting design is subject to review and approval by the Board. Final review of the lighting design will be undertaken after resolution compliance submission should approval be granted.

G. Utilities 1. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. The site plan does not correctly show the existing public water and sewer services which must have been altered when the addition which received the Site Plan Exemption was constructed. The proposed building addition will require an alteration to the water service at a minimum. LTMUA approval is required. The applicant's engineer indicates that LTMUA approval shall be sought as required.

H. Signage 1. No proposed signage information is provided. However, the site previously received a setback variance for the existing free standing sign. A full signage package for any new 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. The applicant's engineer indicates that no new freestanding or building signage is proposed and that testimony regarding signage will be provided.

I. Environmental 1. A Tree Protection Management Plan has been provided. Revisions to the plan are necessary which we can review with the applicant's engineer. Since the project is commercial, it is our interpretation based on the current plan that the applicant shall either pay a fee of \$1,572.00 based on 0.786 acres of clearing, or plant four (4) replacement trees of two inch (2") diameter or greater based on four (4) trees per acre. Revisions to the Tree Protection Management Plan can be provided with resolution compliance submission, should approval be granted.

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. Final review of construction details will take place after 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. 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. Lakewood Township Municipal Utilities Authority; and f. All other required outside agency approvals.

Mr. Edward Liston, Esq. on behalf of the applicant.

Mr. Jackson said they did go to court on this matter and had a conference with Judge Grasso. Judge Grasso had said that he wanted the Board to make a determination of whether the matter was property before the Planning Board. Mr. Gasiorowski believes this application should be at the Board of Adjustment. The issue is the motor vehicle showroom. The ordinance is not define where the motor vehicle showroom is. He believes that Mr. Gasiorowski takes the position that that is an additional use and since it is not a listed use then that should be in front of the Zoning Board. Mr. Liston believes that motor vehicle showroom is a term that encompasses the normal ancillary activities of a car dealership.

Mr. Neiman asked if there is anything in the ordinance that talks about repairs.

Mr. Vogt says it makes reference to new and used car lots. It does not make any reference as to repairs. Most of the dealerships in the B-4 zone do have a car repair even though the zone that they are in does not specifically require that.

Mr. Gasiorowski objected to some of the comments made by the Board professionals because they are testifying. They do not know the nature of the approvals for those other dealerships.

Mr. Liston provided the board with a copy of an unpublished opinion from a previous case where Mr. Gasiorowski argued that a bar is not necessarily an accessory use to a restaurant and a restaurant is not an accessory use to a hotel which he argued unsuccessfully. Mr. Liston cited two cases which talks about accessory uses. Mr. Liston then made the point that if anytime a car dealership wanted to come in for an addition, they would have to come to the Board of Adjustment.

Mr. Jackson said the dealers on Route 88 are in a different zone so this would not have any bearing on that. He previously brought that up because it is a good thing to compare it to. He does not want the Board to think that this decision would have consequences beyond this case.

Mr. Liston disagrees because this will go to court one way or the other. It may become binding and you will have to deal with this down the road.

Mr. Gasiorowski stated that he is familiar with the decision that Mr. Liston referred to. He said that that was an unreported decision which has limited, if any affect, on the courts and as to concerns to this Board. He explained that that was a different town with different ordinances. He listed the uses of this property which included the sales of used motor cycles, repairs of

motorcycles. The ordinance does not provide for any accessory uses. He then went through the different business zones and what is listed in the ordinance. Mr. Gasiorowski made the argument that nowhere in the B-5 zone does it state that a repair shop is allowed and he believes that they either need to change the ordinance or this application should go to the Zoning Board. He listed several exhibits which he would like to enter on record.

Exhibit B-1 is a copy of the compliant filed by Mr. Gasiorowski.

Exhibit B-2 is a copy of the minutes from the July 16, 2012 Planning Board meeting.

Exhibit B-3 is a copy of the resolution from that meeting.

Exhibit B-4 is a copy of ordinance 2012-4.

Exhibit B-5 is a copy of the public notice for this meeting.

Exhibit B-6 is a printout of the website of this application.

Mr. Gordon Gemma, P.P., was sworn in.

Mr. Liston would like to discuss the public notice first as he had previously heard that Mr. Gasiorowski was going to challenge that.

Mr. Gasiorowski argues that the notice does not indicate that there had never been a complaint filed in superior court and it had not been remanded back by a court to the Board as to whether a use variance is necessary.

Mr. Jackson believes that the notice is sufficient.

Mr. Neiman would like to move on then.

Mr. Gemma stated that when Harley Davidson first went before this board back in 2002 for a change of use from a skating rink to the current facility. The applicant's engineer at that time testified that the use would be for retail sales of motorcycles. He went out to say that Harley Davidson's website advertises the sale of used motorcycles, motorcycle parts, service to motorcycles as well as different events that take place there. The question is the things that they do there now are permitted in the ordinance. He then read several excerpts from the ordinance which support the case that sales and service are not a permitted use in this zone.

Mr. Neiman asked if he appeared before Mr. Grasso.

Mr. Gasiorowski stated that he had a pre-trial conference. The judge did not hear all of this testimony.

Mr. Gemma gave a few examples of motor vehicle showrooms that do not have a repair shop attached.

Mr. Liston questioned Mr. Gemma about an ordinance that was previously brought up and the fact that it is a completely different zone than the one they are currently discussing. Discussion ensued between the two about the ordinance.

Mr. Liston and Mr. Gemma began discussing a different case that is similar in nature which was rejected by the court.

Mr. Gasiorowski would like to ask Mr. Gemma about the public notice.

Mr. Liston objected because they had already settled the notice issue.

Mr. Jackson said they will hear Mr. Gasiorowski's question.

Mr. Gasiorowski asked if there is any reference to a proposed accessory use of a motor cycle repair shop in the notice.

Mr. Gemma said no.

Mr. Liston said there is no requirement and the notice has already been deemed by this Board to be adequate.

Mr. Jackson said the issue is that the definition motor vehicle showroom includes an ancillary use of a repair and service component.

Mr. Liston reiterated that they are coming before the board to extend the repair shop and it is still less than 50% of the building.

The Board was in consent that they should hear this application.

A motion was made by Mr. Schmuckler, seconded by Mr. Renner to hear this application on June 18, 2013. Notice will be provided.

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

6. CORRESPONDENCE

7. PUBLIC PORTION

8. APPROVAL OF MINUTES

9. APPROVAL OF BILLS

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

**PLANNING BOARD MEETING
APRIL 23, 2013**

**TOWNSHIP OF LAKEWOOD
PUBLIC HEARING MEETING**

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary