

I. CERTIFICATION OF COMPLIANCE

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

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

- SD 1818** (No Variance Requested)
Applicant: Israel Klein
Location: Todd Court, north of E. County Line Road
Block 186.04 Lots 12 & 13
Minor Subdivision to realign existing two (2) lots

Motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Arecchi, Mr. Rennert, Mr. Banas, Mr. Neiman, Mr. Percal

Abstained: Mr. Herzl, Mr. Schmuckler

- SD 1815** (Variance Requested)
Applicant: John Sasooni
Location: Northwest corner of Central Avenue & Circle Place
Block 12.04 Lot 51
Minor Subdivision to create two (2) lots

Motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Arecchi, Mr. Rennert, Mr. Banas, Mr. Neiman, Mr. Percal

Abstained: Mr. Herzl, Mr. Schmuckler

3. **SD 1816** (Variance Requested)
Applicant: Iris Road, LLC
Location: Southeast corner of Iris Road & Arbutus Drive
Block 20 Lot 11
Minor Subdivision to create two (2) lots

Motion was made and seconded to approve.

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

4. **SD 1814** (No Variance Requested)
Applicant: J & J Group, LLC
Location: Cushman Street, west of River Avenue (Route 9)
Block 430 Lot 60
Minor Subdivision to create four (4) zero lot line lots (2 duplexes)

Motion was made and seconded to approve.

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

5. **SD 1680**
Applicant: Jacob Lipschitz
Location: Old Brook Road
Block 175 Lots 8 & 99
Applicant requests minor changes to approved plan to accommodate review comments from NJDEP

Motion was made and seconded to approve.

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

5. NEW BUSINESS

1. **SP 1963** (Variance Requested)
Applicant: Lakewood Cheder School
Location: Southwest corner of Clifton Avenue & Courtney Road
Block 101 Lots 1, 3 & 18
Preliminary & Final Major Site Plan for proposed junior high school

Project Description

The applicant is seeking Preliminary and Final Major Site Plan approval for the construction of a two-story junior high school building and associated parking mainly on Lots 3 and 18 in Block 101. An existing school building, trailers, and parking lots on Lot 1 in Block 101 will remain. The two (2) school buildings will be separated by an access driveway connecting a proposed parking lot behind the junior high school to Clifton Avenue. The proposed junior high school will mainly consist of classrooms, tutor rooms, some offices, a computer room, small library, and gymnasium. The architectural plans indicate the proposed first floor of the junior high school building will contain ten (10) classrooms, six (6) tutor rooms, and two (2) offices. The second floor will contain ten (10) classrooms, six (6) tutor rooms, a library, and an office. Therefore, the proposed building will require thirty-six (36) parking spaces. The site plans indicate the existing school building contains forty-four (44) offices and classrooms, thereby requiring forty-four (44) parking spaces. Based on this information, a total of eighty (80) spaces are required for the site. We have the following comments and recommendations per testimony provided at the 9/6/11 Planning Board Plan Review Meeting, and comments from our initial review letter dated August 30, 2011: 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. Except for Lot 3 which is vacant and cleared, the project is a developed site consisting of most of Block 101. Topographic features, contours, and man-made features are shown on-site and on all fronting roads. The Board granted the waivers from the Land Development Checklist at the September 6, 2011 Plan Review Meeting. II. Zoning 1. The parcels are located in the R-12 Residential District. Public and private schools are permitted uses in the zone. Statements of fact. 2. A variance is being requested for Maximum Building Coverage. A 34.6% building coverage is proposed, while a twenty-five percent (25%) building coverage is permitted. Testimony shall be provided regarding the extent of the coverage variance requested (35.2% proposed). 3. Per review of the Site Plan and the zone requirements, the following variance is required for the proposed project: • 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 southerly property line (adjacent to Lots 4 and 17), where relief is necessary. The plans proposed a buffer of about ten feet (10') with a single row of Green Giant Arborvitae. Landscaping should be provided to the satisfaction of the Board. The Board shall take action on the approximately ten foot (10') relief required from the buffer requirements. III. Review Comments A. Site Plan/Circulation/Parking 1. The General Notes state that outbound and topographic information was obtained from a topographic survey plan. A signed and sealed copy of an Outbound and Topographic Survey must be provided. The applicant's professionals indicate that the Survey will be provided as a condition of approval. 2. Additional proposed dimensions are required on the Site Plan, to confirm zoning compliance. Additional proposed dimensions are also required for the layout of proposed improvements, and can be provided as a condition of approval. 3. The Schedule of Bulk Requirements should include existing and proposed building square footage since a variance is being requested for Maximum Building Coverage. The existing and proposed areas of the buildings have been added to the Schedule of Bulk Requirements. The proposed building area on the site plan does not match the proposed building area shown on the architectural plans. 4. Our review indicates a fifty (50) space

parking lot with two (2) van accessible handicapped spaces being provided for the proposed junior high school. Our interpretation of the architectural plans is that thirty-six (36) off-street parking spaces are required for the proposed junior high school. The proposed thirteen (13) space row is actually twelve (12) spaces. Therefore, fifty (50) spaces are proposed with an overall site total of ninety-three (93) spaces, which is in excess of the eighty (80) spaces required per the UDO. 5. The Schedule of Bulk Requirements states there are forty-four (44) off-street parking spaces required for the existing school building. The site plan shows there are forty-four (44) existing off-street parking spaces. However, three (3) of the spaces are not delineated and no handicapped spaces are indicated. Per communications with the applicant's professionals, this issue will be addressed. The three (3) parallel parking spaces have been indicated and proposed parking reconfiguration for handicapped spaces provides forty-three (43) spaces for the existing developed portion of the site. This is satisfactory. 6. Testimony is necessary from the applicant's professionals regarding site operations, such as how the bus drop off and parking areas will be used, including but not limited to times, sizes, and types of vehicles anticipated (i.e., buses, vans, cars, others). The applicant's professionals indicate that testimony will be provided. 7. No refuse enclosures are depicted on the site. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. Any waste receptacle area shall be screened and designed in accordance with Section 18-809.E. of the UDO. A trash area has been indicated at the end of the proposed access driveway from Clifton Avenue. The applicant's professionals propose collection by the Township and a meeting will be conducted with DPW to determine the adequacy of the location. Construction details and screening should be added to the plans. 8. The limits of proposed site improvements need to be clarified. Proposed pavement, sidewalk, aprons, and curbing must be shown. Gymnasium doors are opening directly to an access drive. Layout revisions are required. Testimony should be provided on rectifying the conflict of the gymnasium doors opening directly to the access drive. 9. Per communications with the applicant's professionals, new handicapped ramps will be provided per Township requirements along the Courtney Road frontage and where existing handicapped ramps are not in compliance. The applicant's engineer indicates that new handicapped ramps will be provided along Courtney Road. 10. The Courtney Road frontage, particularly at the driveway intersections is in poor condition. Corrective work should be considered. The applicant's engineer indicates that corrective work will be considered. 11. A note should be added to the plans to replace deteriorated or damaged existing curb and sidewalk. Much of the existing on-site sidewalk is either settled or in poor condition. The note added to the plans should be amended to include existing on-site sidewalk and curbing. The revision may be a condition of approval. 12. Sight triangles have not been provided at the intersection of Courtney Road and Clifton Avenue or any access driveways. Testimony on sight triangles should be provided. The applicant's engineer indicates that sight triangles will be proposed. Deeds of easement and descriptions shall be provided to the Planning Board Attorney and Engineer for review and approval prior to filing with the County, should site plan approval be granted. 13. Shade trees, along with shade tree and utility easements have not been provided. Unless provided, waivers will be required from the Board. A waiver has been requested from providing shade tree and utility easements along the property frontage. The Board shall take action on the waiver request. 14. Survey data must be provided for any proposed

easements. The applicant's engineer has agreed to provide survey data once the proposed easements and project have been approved by the Board. 15. The site plan does not show all the proposed building access points. The main entrance and gymnasium access points must be added. The revisions may be a condition of approval. B. Architectural 1. The applicant's professionals should provide testimony regarding the facades and treatments of the proposed new building. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. The applicant's professionals indicate testimony regarding the architecture will be provided. 2. We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. The applicant's professionals indicate that the air conditioning unit locations will be shown. C. Grading 1. Per review of the existing elevations and per review of site conditions during our 8/23/11 site inspection, the undeveloped portion of the site generally slopes to a depression where Lots 3, 4, and 17 intersect. Proposed grading and/or storm sewer revisions are required to correct runoff being trapped on adjoining Lot 4. These revisions may be a condition of approval. 2. Per review of the proposed grading plan, the design concept is feasible. Final grading will be addressed during compliance review if/when approval is granted. The applicant's engineer has agreed to address final grading during compliance. 3. Based on the architectural plans, the proposed first floor elevation should be four inches (4") above the outside grade. The applicant's engineer has agreed to revise the proposed outside grades during compliance. D. Storm Water Management 1. A proposed storm sewer management system has been designed. A combination of proposed underground detention/recharge system is located beneath the parking area behind the junior high school building and continues beneath the access driveway on the north side of the building. An eighteen inch reinforced concrete pipe (18" RCP) from a proposed on-site outlet structure connects to the Township's existing system in Clifton Avenue. Collection of runoff will be from proposed inlets within the on-site paved areas. Per review of the design, the storage volume of the system needs to be increased and can be finalized during compliance review if/when board approval is granted. The applicant's engineer has agreed to increase the storage volume. The revisions may be a condition of approval. 2. The Narrative Section of the Storm Water Management Report needs to address more design matters, such as permeability testing and water quality. Our office can review design matters with the applicant's engineer as a condition of approval. 3. The locations of Soil Borings #1, #2, and #3 are not shown on the plans. Therefore, we cannot determine whether a two foot (2') separation will be maintained from the seasonal high water table elevation to the bottom of the recharge bed. The locations of the borings have been added. The design for Recharge Trench #2 will have to be revised as a two foot (2') separation from the seasonal high water table will not be maintained. The revisions may be a condition of approval. 4. Predevelopment and Post Development Drainage Area Maps have been provided to assist in the review of the design. Revisions will be required since the wall will be removed to allow the vehicular circulation between the existing and proposed sites. This matter can be dealt with during compliance review. 5. Storm water collection for the roof of the proposed junior high school building has been designed. The design may be finalized during compliance should site plan approval be granted. 6. A Storm Water Management Facilities Maintenance Plan must be provided. Confirming testimony shall be provided that the operation and maintenance of the proposed on-site storm water management system will be the responsibility of the applicant. An Operations and

Maintenance Manual has been provided which we will review after design revisions are made to the storm water management system. Confirming testimony should be provided that the ownership of the on-site storm water management system will be the responsibility of the applicant. The ownership of the on-site system may be a condition of approval.

E. Landscaping

1. No shade tree and utility easements are proposed across the frontages of the property. Three (3) existing shade trees are shown within the Clifton Avenue right-of-way and some ornamental trees are proposed in front of the junior high school. A waiver has been requested from providing shade tree and utility easements across the frontages of the property.
2. Confirming testimony should be provided that compensatory landscaping is not necessary. Our site investigation revealed no existing trees of consequence would be removed. The applicant's professionals indicate that confirming testimony will be provided.
3. Landscaping should be provided to the satisfaction of the Board. The Board should provide landscaping recommendations, if any.
4. A final review of landscaping can be conducted during compliance, should site plan approval be granted.

Statement of fact.

F. Lighting

1. Our site investigation noted missing site lights along the Courtney Road bus drop off. The adequacy of existing site lighting on the already developed portion of the site should be addressed. The applicant's professionals indicate that additional lighting along the Courtney Road side of the project will be provided. The adequacy of existing site lighting may be addressed as a condition of approval.
2. Lighting should be provided to the satisfaction of the Board. The Board should provide lighting recommendations, if any.
3. Final lighting design can be reviewed during compliance should site plan approval be granted.

Statement of fact.

G. Utilities

1. Approvals will be required from the New Jersey American Water Company for water and sewer since the project is within their franchise area.

Statement of fact.

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. The applicant's professionals indicate that no ground signage will be proposed, all signage will be on the building. Testimony should be provided on proposed building signage.

I. Environmental

1. A waiver was requested from submission of an Environmental Impact Statement (EIS) due to the developed nature of the project site. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmentally-sensitive areas exist per available mapping. Per communications with the applicant's professionals, there are no known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property. A waiver was granted from providing an Environmental Impact Statement.
2. A waiver was requested from submission of a Tree Protection Management Plan because virtually no existing trees will be removed with the construction of the project. A waiver was granted from providing a Tree Protection Management Plan.

I. Construction Details

1. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is

approved. Review of construction details may be a condition of approval. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance (if applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; and e. All other required outside agency approvals.

Mr. Abraham Penzer on behalf of the client asked to have Mr. Flannery sworn in.

Mr. Brian Flannery, P.E., P.P. was sworn in. He stated a junior high school is being proposed which is a permitted use in the zone. We are looking for a variance for building coverage. The ordinance permits 25% coverage, we are asking for 35.2% coverage. Also, the ordinance requires a 20 ft buffer from the school to the adjoining property and along the southern boundary line. We have 10 ft which we are doing landscaping there to compensate for that. The remainder of the site is compliant with the ordinance. The ordinance requires 80 parking spaces, we are providing 93. If you look at Terry's report on page 4, item 6 he indicates we should provide testimony as far as the drop off area. The Board, I am assuming, is familiar with the site and the existing school is along Courtney Road at the intersection of Clifton Avenue. The proposed school is to the south of that and there will be a parking area behind it. The existing parking would be to the west of the existing building which was sufficient for that and with the additional parking we exceed the parking requirements.

Mr. Neiman asked about the bus drop off.

Mr. Flannery stated the buses are going to pull along Clifton Avenue and drop off and they will load into the school. Item 8 on Terry's report refers to doorways that we have shown coming out of the gymnasium and we agree that if the Board acts favorably we will make revisions that will satisfy the Board engineer so that it is a job that complies with all safety and design requirements. On the landscaping we are asking for a waiver on the street trees. There are three existing street trees which we are going to leave and we are providing nice landscaping along the building. If you look at a rendering of the building, it is a very nice building so we feel the landscaping we provided along the building dresses it up nicely. Terry also stated in his report that we give confirming testimony that there are no compensatory landscaping that is required and in accordance with the tree save ordinance we do not require any. Concerning the signage, there is going to be no free standing signage. The only signage will be building signage which will comply with the ordinance.

Mr. Penzer stated that most of the buses will be coming on Courtney Road, not Clifton Avenue.

Mr. Flannery said the access from the building will be on Clifton Avenue.

Aharon Rottenberg, 207 Carey Street was sworn in.

Mr. Penzer stated that Mr. Rottenberg is one of the members of the board at the Cheder school. Aharon worked on the plan.

Mr. Neiman said that currently the bus comes from Madison Avenue, they turn into the driveway and drop the children off and then the bus leaves.

Mr. Rottenberg stated that will still be the case because we feel that the Township will not give us new bussing. All of our bussing is still going to continue to drop off in front of the main school and the older children will be walking.

Mr. Banas stated he is concerned about the safety and asked about Courtney Road being closed off.

Mr. Penzer stated that was his suggestion and he would like to see Courtney Road closed except during the hours of the bussing.

Mr. Banas asked to hear how they propose to get the children into the school.

Mr. Rottenberg said the children we are talking about are in 7th and 8th grade. The children will be walking on the sidewalk on Courtney Road turning onto Clifton Avenue. On a rainy day, they can enter through the old gym doors.

Mr. Banas discussed the safety issues concerning the gym doors on Courtney Road where the children will utilize on a rainy day or if there was a fire.

Mr. Penzer said they could put cones there during the hours of operation.

Mr. Neiman stated that teachers would be using that driveway to access the parking lot and it would be unsafe to have children entering and exiting those doors.

Mr. Flannery said the normal access would be in the front and back of the building.

Mr. Neiman stated it may be safer to move the doors to the front.

Mr. Flannery and Mr. Penzer agreed.

Mr. Banas asked about the sidewalks on Clifton Avenue.

Mr. Flannery stated that one of the comments in Terry's report would be that they would replace any curb and sidewalk that needs repair.

Mr. Arecchi asked if the current parking lots are used as recreation areas for the children and they don't actually park cars there at this point. They are parking out in the street. He asked if that was going to continue.

Mr. Penzer stated we are not going to have cars come off the street. It is going to continue to be a recreational area. It is only used as a parking area at night when there are weddings. During the day we do not want any cars because the kids play there.

Mr. Rottenberg stated that one of the agreements we made with the neighbors is that the first 25 spaces in the existing school would be used for parking.

Mr. Neiman said he would take the existing lot and use it and move all the recreation to the new lot.

Mr. Penzer stated that he and the Cheder school would like to thank the neighbors for spending the time in his office instead of at the meeting.

Mr. Michael Flam, 18 11th Street was sworn in. Mr. Flam stated that his main concern was the traffic on 12th Street during two periods of time. During the day when the teachers and at night when there are functions in the existing hall. 12th Street, between Clifton Avenue and Lexington Avenue, is a very narrow street and you have parking on both sides so there is really no room for two cars to come through. Additionally, people have parked in front of driveways thereby blocking people. One of the things we have proposed is that during the day was the first part of the existing parking lot there is about 25 parking spaces in an area where right now there are a few trailers for remedial and tutoring purposes. Being as there will be a new building and there will be accommodations for these types of rooms to remove those trailers and to rope off that area for teachers to park. When it was mentioned about teachers coming in from Clifton Avenue, we were told in unequivocal terms, the existing parking lot is currently used as a playground and the new parking area behind the proposed building will be used for playground area as well. Part of the agreement that we worked out was that at least being now that they have these extra 50 spaces in the back in the new building that they would give us 25 spots at the beginning of the parking lot so they still have playground area and it could expand into another area because they are crammed.

Mr. Neiman said to use the whole old parking lot as parking and the whole new parking lot as a recreation area during the day.

Mr. Flam stated as neighbors he has nothing against there being a school. They should be able to have both their studies and the recreation that they deserve. Our idea is simply that the quality of life, on 12th Street, shouldn't be affected by this. It is a large school with approximately 1,300 children so if they are playing in the old existing parking lot they are cramped as it is with the trailers, etc. so you are basically opening up another area of a 50 car, roughly, parking space. What they are hoping to do is to expand so they have somewhere to play. The comment that was made to us was they want to get as much space as possible and our reply was you are getting 50 parking spaces because the teachers park on 12th Street.

Mr. Penzer stated that although they are not increasing the amount of students we really wanted to give the girls some place to move. Giving the 25 spaces should alleviate the real problem of 12th Street where the teachers park.

Mr. Flam stated at night when there is a function, besides for it not being very well lit, again there is the same problem on 12th street. Effective immediately there should be cones put down on 12th Street on both sides so there is no parking there. Also a security person should be posted on 12th Street to alleviate the parking problems. The cones alone did not work. Also, the driveway from the side of the new proposed building and the old building runs just about directly into 12th Street, the neighbors are worried that should somebody pull into the parking lot and come out and not find parking the first place they will go is 12th Street. What was agreed was that there will be a "One Way" sign in from Clifton Avenue into the new parking area on the other side there will be a "Do Not Enter" so that will force people who come in from Clifton Avenue to either circle the building and come back later or to go around and come out on Courtney Road which is a wider street and the main doors are there. So the three items we have agreed to are the security watchman at night, the signage and third, during the day, the 25

parking spaces to give us. Mr. Flam said he would like to see these items be put in the resolution.

Mr. Jackson suggested the witness prepare a list of the specific items that were agreed to with the applicant. Through Mr. Penzer they will review and approve them and then we can attach them as an addendum to the resolution saying that the parties have privately agreed to the following and to see addendum "A".

Mr. Penzer agreed.

Mr. Neiman opened the microphone to the public.

Ms. Selma Lieber, 1202 Clifton Avenue was sworn in. Ms. Lieber asked when they destroy the existing building how close will the proposed building be to her property.

Mr. Flannery stated that it will be 11 ft from her lot. There will be landscaping and a fence.

Ms. Noreen Gill, 102 Coventry Drive was sworn in. Noreen discussed the problem around Lakewood with children currently playing in parking lots where there are cars. She was concerned about the school taking on more students in the future there would not be enough room.

Mr. Larry Simons was sworn in and asked Mr. Rottenberg about having a sign that said "Do Not Enter". Mr. Simons does not think the sign alone would be enough to stop people from entering that driveway on Clifton Avenue.

Ms. Chana Mayer was sworn in, 246 12th Street. Ms. Mayer discussed another alternative for cars to enter and exit on Clifton Avenue.

Mr. Baruch Framovitz, architect was sworn in.

Mr. Framovitz said in order to accommodate what Ms. Mayer was suggesting they would have to loop around the building and it would make the building much smaller.

Mr. Neiman asked about an entrance to the old school from the parking lot.

Mr. Penzer said there was an existing entrance there.

Mr. Bill Hobday, 30 Schoolhouse Lane was sworn in. Mr. Hobday discussed his concerns, how in the future, schools will be placed and expanded.

Ms. Mayer asked about the current entrance from the parking lot. She asked if that entrance is within where driving is going on or passed there.

Seeing no one else he closed this portion to the public.

Mr. Penzer introduced a rendering as Exhibit "A". Exhibit "B" is a site plan which is page 3 of 11 which was given to the Board.

A motion was made and seconded to approve.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Arecchi, Mr. Banas, Mr. Neiman, Mr. Percal

2. **SP 1965** (No Variance Requested)
Applicant: Route 70 Real Estate Holdings
Location: Route 70
Block 1248 Lot 8
Preliminary & Final Major Site Plan approval for a proposed addition to an existing medical building

Project Description

The applicant is seeking Site Plan approval to construct a two-story addition to the existing building within a proposed seventeen thousand eight hundred square foot (17,800 SF) footprint. Most of the addition floor space, approximately fourteen thousand eight hundred square feet (14,800 SF), will house oncology treatment equipment. New office space, about six thousand seven hundred square feet (6,700 SF), is also proposed. Site improvements are proposed to be constructed to provide additional parking for client use. It is proposed to expand the property into a larger medical facility. Parking will be increased to provide one hundred nine (109) off-street parking spaces. The property slopes to an existing flared end section in the southwest corner of the site. Additional storm water management facilities have been designed to incorporate the additional impervious area proposed for the site. The surrounding lands are all improved. Leisure Village abuts the project site to the south and west, but no housing units are in close proximity. The other surrounding land uses are all commercial properties. We have the following comments and recommendations per testimony provided at the 9/6/11 Planning Board Plan Review Meeting, and comments from our initial review letter dated August 29, 2011: I. Zoning 1. The site is situated within the B-5, Highway Development Zone. Testimony shall be provided on the proposed uses. Statements of fact. 2. No variances have been requested. Per review of the Site Plan and the zone requirements, it appears no variances are required for the proposed project. Statements of fact. 3. Per review of the project and discussion at the workshop hearing, the following design waivers are required: • Curbing along portions of the access drive. • Sidewalk along Route 70. However, existing on-site sidewalk connects Leisure Village to the commercial property to the east. • A shade tree and utility easement. However, there are existing shade trees between the front property line and the parking lot which are now shown on the revised plans. The Board shall take action on the required design waivers. II. Review Comments A. Site Plan/Circulation/Parking 1. The Parking Requirements indicate that one (1) space for every one hundred fifty square feet (150 SF) of office space is required for medical office use. The existing building is listed as having 9,649 square feet of office space, requiring sixty-four (64) off-street parking spaces. The proposed addition lists six thousand seven hundred square feet (6,700 SF) of new office space, thereby requiring an additional forty-five (45) spaces. Therefore, the total number of spaces required is shown to be one hundred nine (109), and one hundred nine (109) spaces are being provided. The applicant has submitted a Traffic and Parking Impact

Analysis. The analysis concludes the existing site driveway will operate at a level of service "C" after expansion of the site. The analysis also concludes the proposed parking supply will be more than adequate after expansion of the facility. We concur with the traffic engineer's analysis. The applicant's traffic engineer indicates that testimony on the analysis will be provided at the Public Hearing. 2. Our review indicates there are one hundred nine (109) proposed parking spaces on-site, six (6) of which are handicapped spaces. All of the handicapped spaces will continue to be located in front of the existing building. The spaces need to be delineated; the field conditions do not match what is shown on the plans. Detectable warning surface must be added for all existing handicapped curb ramps. Detectable warning surface is proposed for the existing handicapped ramp in front of the building entrance. Detectable warning surface is required for all existing handicapped curb ramps. The existing parking configuration in front of the building has been corrected, but the facilities need to be delineated since the old pavement markings are almost worn away. The upgrades may be a condition of approval. 3. There are two (2) existing reserved parking spaces on the site. The site plans should show whether these two (2) parking spaces will remain reserved. The reserved parking signs have been indicated on the site plans and will remain. 4. The site plan shows a proposed refuse enclosure at a turn of a vehicular access aisle near the rear of the site. Testimony is required regarding the removal of recyclable material and solid waste. The refuse area shall be screened and designed in accordance with Section 18-809.E. of the UDO. The refuse area has been revised in accordance with Section 18-809.E of the UDO. Testimony is required regarding the removal of recyclable material and solid waste. B. Architectural 1. The applicant's professionals should provide testimony regarding the facades and treatments of the proposed new building. Per communications with the applicant's, the existing façade will be continued. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. Testimony on the building addition will be provided at the Public Hearing. 2. New proposed water and sewer connections will service the building addition. The final design will have to meet applicable fire protection requirements. General Note #14 on the Site Plan indicates the new building shall meet applicable fire protection requirements. 3. The architectural plans show roof-mounted equipment is proposed for the addition. The equipment will be adequately screened. General Note #13 on the Site Plan confirms all roof mounted mechanical equipment shall be screened. 4. The final building design will have to meet applicable ADA accessibility requirements. General Note #15 on the Site Plan indicates the new building shall meet applicable ADA accessibility requirements. 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 during compliance submission should approval be granted. D. Storm Water Management 1. A proposed storm water management system has been designed utilizing a combination of piping and curb cuts to convey storm water runoff into a proposed storm water management basin. The proposed basin is located to the southwest of the proposed site improvements. As indicated in the Storm Water Management Narrative, impervious area will be increased by more than 0.25 acres and disturbance will exceed one (1) acre, thereby classifying the project as major development. We recommend adding proposed storm sewer to the new section of the project, since the curb cuts will not be able to properly handle the runoff to the storm water management basin. The revisions may be a condition of approval. 2. The

proposed design is feasible, but requires revisions that can be addressed as a condition of Board approval. Per communications with the applicant's professionals, these items can and will be addressed. The applicant's professionals have agreed to work with our office on the storm water management design as a condition of approval. 3. An emergency spillway should be designed to allow runoff to flow from the storm water management basin should there be a failure of the proposed system. An emergency spillway is required in addition to the proposed grate on top of the outlet structure. The revision may be a condition of approval. 4. Additional storm sewer should be provided to alleviate a low lying area where a paved access drive connects to an adjoining commercial site to the east. The applicant's engineer indicates the low lying area between the two (2) sites has existed for many years without creating substantial flooding problems. However, the applicant's engineer proposes to inspect this area to judge the necessity for additional drainage. This is satisfactory. 5. A Storm Water Management Operations and Maintenance Manual 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. A Storm Water Management Operations and Maintenance Manual has been provided which lists the applicant as the responsible party. The Manual will be reviewed in detail during compliance after design revisions are made to the storm water management system. E. Landscaping 1. Existing and proposed utilities should be added to the plan to eliminate proposed planting conflicts. Existing and proposed utilities have been shown on the landscaping plan. Proposed planting conflicts still need to be eliminated and can be corrected as a condition of approval. 2. Existing and proposed easements should be added to the plan to eliminate proposed planting conflicts. Existing easements have been shown on the revised landscaping plan. 3. The landscape design is subject to review and approval by the Board. The Board should provide landscaping recommendations, if any. 4. Final review of the landscaping design can take place during compliance should site plan approval be granted. Statement of fact. F. Lighting 1. The point to point diagram indicates areas where existing and proposed lighting must be supplemented to meet the standards. The applicant's engineer has provided additional lighting. Final design revisions can be made a condition of approval. 2. The lighting design is well prepared, and subject to review and approval by the Board. The Board should provide lighting recommendations, if any. 3. Final review of the lighting design can take place during compliance should site plan approval be granted. Statement of fact. G. Utilities 1. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. The site plan shows new public water and sewer services proposed for the building addition. The project will require approval from the Lakewood Township Municipal Utilities Authority. H. Signage 1. Existing signs are mapped, but not identified on the site plan. Existing signs have been identified on the site plan. The site identification sign is in the "large" Route 70 right-of-way. 2. Per communications with the applicant's professionals, no new signage is proposed at this time. Statement of fact. I. Environmental 1. Tree Management A Tree Protection Plan has not been submitted and is required. The plan shall locate existing trees having a diameter greater than ten inches (10"). An inventory is required, compensatory planting must also be addressed. The Plan may be a condition of approval, should site plan approval be granted by the Board. A Tree Management Plan has been submitted. The plan will be finalized as a condition of site plan approval, if forthcoming. 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. The construction details have been updated and will be reviewed in detail should site plan approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance (as applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. New Jersey Department of Transportation (if applicable); and f. All other required outside agency approvals.

Mr. Banas recused himself from this application.

Mr. Abraham Penzer, Esq. on behalf of the applicant introduced Exhibit "A", an aerial photograph of the proposed site. Exhibit "B" is an architectural rendering of the existing site and the proposed addition. Exhibit "C" is another aerial photograph showing the existing site superimposed with the lot enlarged. Dr. Berkowitz is one of the principals of Route 70 Real Estate Holding, LLC. This is an ecology lab that does various treatments. There is no such facility for many miles around. He proposes to put in two machines that weight about 200 tons. It will cost approximately forty million dollars. Most of it consists of equipment and there is about 6,700 sq ft which is proposed. This type of facility is limited where a person comes in for treatment, he or she is there for approximately fifteen minutes. It is an in and out type of thing. He has quite a few patients in Leisure Village that could walk over and they use the facility. Mr. Penzer said he can take care of all the comments in Terry's report. There are no variances. The main purpose for tonight was that Terry wanted the Board to see what it would look like. Mr. Penzer did want a waiver for sidewalks and curbs which are existing. In that area there is an easement so everything is set back about 200 ft as well as the shade tree easements. We are not doing anything to the front, everything is to the rear of the property. It does not impact on Leisure Village at all because that is where they have their maintenance yard.

Mr. Bill Stevens, P.E., P.P. was sworn in.

Mr. Penzer stated that Mr. Stevens contacted Sean Gertner, the attorney for Leisure Village, and told them exactly what we are doing and asked him if he wanted to present tonight.

Mr. Jackson stated that Mr. Stevens needs to provide some testimony to the comments made by Mr. Penzer. He needs to confirm that the level of service is safe for the site.

Mr. Penzer said the traffic expert is here.

Mr. Jackson said the civil engineer can reply.

Mr. Stevens stated that they did prepare a traffic impact statement for this facility that confirms that both the parking is adequate and the level of service for the traffic, is level C which is acceptable.

Mr. Jackson stated that testimony is required concerning the removal of recyclable material and solid waste.

Mr. Stevens stated the applicant is proposing to construct a new refuse and recycling center at the rear of property. It will be located at the end of the main drive aisle within that facility. We will have private trash pick up. There will be a dumpster that will be collected as well as recyclables. All we have done privately and will not be done by the Township.

Mr. Neiman asked about any medical waste that may cause pollution.

Mr. Stevens stated that this particular process causes almost no medical waste. If there were they will be disposed of in accordance with New Jersey state law.

Mr. Jackson stated that you are also governed by the Board of Health and you would have to comply with all regulations pertaining to the medical field and the Board of Health.

Mr. Stevens affirmed.

Mr. Penzer stated that the machinery has to be approved by the Board of Health as well.

Mr. Neiman opened the microphone to the public.

Seeing no one from the public this portion of the meeting was closed.

A motion was made and seconded to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Arecchi, Mr. Neiman, Mr. Percal, Mr. Schmuckler

Mr. Neiman stepped down and Mr. Banas took over as Chairman.

- 3. SD 1817** (Variance Requested)
Applicant: Berstone Group
Location: Ocean Avenue, east of Oakland Street
Block 548 Lots 31, 270 & 271
Preliminary & Final Major Subdivision to create seven (7) duplexes on fourteen (14) zero lot line lots

Project Description

Plans have been revised to include Lot 30 in Block 548 as part of the application. The applicant is seeking a Zero Lot Line Major Subdivision approval in accordance with Section 18-902F.1.b of the UDO. The applicant now proposes the subdivision of four (4) existing lots to create fifteen (15) proposed lots, fourteen (14) residential and one (1) storm water management, with seven (7) duplex structures. The existing four (4) lots of 3.17 acres are known as Lots 30, 31, 270, and 271 in Block 548 are proposed to be subdivided into proposed Lots 31.01 – 31.15 on the Major Subdivision Plan. The subdivision would create a cul-de-sac for the project, which is proposed to be called Waverly Court, upon which all lots would front. The subject property is located on the southerly side of Ocean Avenue (Route

88), a State Highway, in the north central portion of the Township, west of Oakland Street. Route 88 has recently been improved and new pavement, curb, and driveway aprons have been constructed across the frontage of the site. There is no existing sidewalk along this portion of Route 88. An NJDOT Access Permit is required for the proposed intersection. The existing right-of-way width of Ocean Avenue is thirty-three feet (33'), and no additional right-of-way dedication has been proposed. The site is currently occupied by three (3) single-family homes, but is mostly unimproved and wooded. The existing dwellings are located on Lots 30, 270, and 271. All existing improvements will be removed to make way for the proposed residential subdivision. Besides the existing single-family dwellings the site contains mostly woods. The land slopes from north to south with existing elevations dropping from fifty feet (50') MSL to thirty-five feet (35') MSL. The southwestern edge of the tract is bordered with freshwater wetlands from Lake Shenandoah which is along the South Branch of the Metedeconk River. Lake Shenandoah is approximately two hundred feet (200') from the southern property boundary. 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 mapped on the Subdivision Plan. A Letter of Interpretation has already been obtained for the project, and a fifty foot (50') transition area is associated with the freshwater wetlands. Transition area averaging is proposed for the development. Proposed storm water management facilities and utilities are associated with this project. The project site discharges runoff to a Special Water Resource Protection Area. Accordingly, a proposed Water Quality Basin to be constructed upstream of a Recharge Basin will provide water quality for all runoff from pavement and lawn surfaces. The proposed Recharge Basin, as well as individual roof recharge systems, will address water quantity. Proposed sanitary sewer will connect to an existing system in Ocean Avenue. Proposed potable water for the subdivision will connect to an existing main on the north side of Ocean Avenue. Four (4) off-street parking spaces are proposed for each duplex unit. The number of bedrooms for the units is not specified on the subdivision plans. The project is also proposing curb and sidewalk throughout. The subject site is located within the R-10 Single Family Residential Zone District. Duplex housing is a permitted use in the zone district. The site is situated within a predominantly residential area. We have the following comments and recommendations per testimony provided at the 8/2/11 Planning Board Plan Review Meeting and comments from our initial review letter dated July 26, 2011: 1. Zoning 1. The site is situated within the R-10, Single-Family Residential Zone District. Per Section 18-902 F. 1. b., of the UDO, "Two Family and Duplex Housing, with a minimum lot size of twelve thousand (12,000) square feet" is listed as a permitted use. Zero lot line subdivisions for duplexes are permitted in the R-10 Zone. Statements of fact. 2. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are required for the zero lot line subdivision approval requested: • Minimum Front Yard Setback – Proposed front yard for Lot 31.03 is 22.2 feet, where thirty feet (30') is required. • Minimum Side Yard Setback – Proposed side yard for the deck on Lot 31.03 is 4.3 feet, where ten feet (10') is required. • Minimum Rear Yard Setback – Proposed rear yards for the decks on Lots 31.01, 31.03, and 31.12 are 10.6 feet, 17.9 feet, and 10 feet respectively. A rear yard of twenty feet (20') is required. The applicant's professionals should confirm that the revised plans no longer require setback variances. Accordingly, the provided Zoning Requirements on the Final Plat should be revised to reflect the proposed plans conditions. 3. No variances have been requested for Maximum Building Coverage.

However, the inclusion of decks will create proposed building coverage variances for Lots 31.01, 31.02, and 31.09 – 31.12. The maximum allowable building coverage is twenty-five percent (25%). Our review of the revised plans indicates variances for Maximum Building Coverage will be required for proposed Lots 31.02 and 31.03. 4. 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. Statement of fact. 5. The applicant shall comply with recently adopted Ordinance 2010-28 which adds new Section 18-403 Developers Agreements to the UDO. A General Note has been added to the plans. 6. The applicant shall comply with recently adopted Ordinance 2010-98, Protection of Trees. A General Note shall be added to the plans. 7. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments A. General 1. The General Notes state that Boundary & Topographic information is taken from a plan entitled "Wetlands Delineation Plan of Lots 31, 270, and 271, Block 548", prepared by Maser Associates. A copy of this Plan must be submitted, along with any more recent Surveys. A copy of the approved Wetlands Delineation Plan must still be submitted. A copy of the Survey of Lots 29 and 30 in Block 548 has been submitted since Lot 30 has been added to the project. However, the Boundary for the proposed project must be corrected since it depicts the limits based on the Tax Maps instead of the Survey. 2. Off-street parking: According to the plans provided, a typical dwelling will have a basement and no garage. The applicant is proposing four (4) off-street parking spaces per unit which is enough to be in compliance with the RSIS standards of three (3) off-street parking spaces for unspecified number of bedroom units. Up to six (6) bedrooms per unit will be permitted for this project to also comply with parking ordinance 2010-62. Statements of fact. 3. Curb and sidewalk is proposed throughout the development. New curb exists along Ocean Avenue, some of which would be removed for the proposed street intersection. Since no right-of-way dedication is proposed along Route 88, sidewalk easements will be required along the Ocean Avenue frontage. Therefore, the proposed shade tree and utility easements shown along the Route 88 frontage should be shifted behind the sidewalk easements. The proposed sidewalk easements must still be added and the shade tree and utility easements shifted. 4. The General Notes indicate trash and recyclable collection 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 site plans and architectural plans have not been submitted. The proposed areas designated for the storage of trash and recycling containers must still be added. 5. A new road name, Waverly Court, has been proposed for the project. A copy of the approval shall be provided. 6. The applicant's professionals indicate the proposed lot numbers have been approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. The Plat must be signed prior to filing should approval be granted. 7. The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of two (2) basic house designs are required for developments consisting of between four (4) and six (6) homes. A third basic house design is required since a seventh duplex building is proposed. 8. 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. Statements of fact. B. Plan Review 1. The sum of the proposed lot depths and the right-of-way of Waverly Court is less than the total frontage of the project along Ocean Avenue. The discrepancy must be resolved. The project outbound requires correction. The area of Lot 30 which has been added to the project was based on the tax map instead of the survey. 2. Sight Triangle Easements have not been proposed at the intersection of Waverly Court with Ocean Avenue. Since Route 88 is a State Highway, sight triangle easements requirements will be dictated by the New Jersey Department of Transportation. Statements of fact. 3. The General Notes shall address the ownership of the various components of the proposed storm water management system. The revised plans propose the storm water collection system, water quality/recharge basin, and associated appurtenances to be owned and maintained by Lakewood Township. Approval will be required from the Department of Public Works and a one time maintenance fee of seven thousand dollars (\$7,000.00) must be paid. Proposed recharge beds are to be owned and maintained by the individual lot owners. The recharge beds shall be designed to not conflict with the drainage easements which will be dedicated to the Township. 4. Horizontal and Vertical Datum shall be addressed, a benchmark shall be indicated. Datum and benchmark information has yet to be provided. 5. Proposed off-street parking spaces shall be provided with minimum dimensions. The revised plans indicate that all off-street parking spaces shall be a minimum of 9' X 18'. The proposed locations should be revised to minimize conflicts with intersections and drainage easements. 6. Dimensions should be provided for all the proposed building boxes. Based on scaling of the proposed building boxes it appears the units will comply with the maximum lot coverage of twenty-five percent (25%). However, the inclusion of decks on the smaller lots creates proposed building coverage variances. The revised plans provide dimensions for all the proposed building boxes. Based on the proposed building boxes provided, Lots 31.02 and 31.03 will not comply with the maximum allowable lot coverage of twenty-five percent (25%). 7. A Freshwater Wetlands line with a fifty foot (50') transition area is shown along the southwestern edge of the property. The General Notes state that Freshwater Wetlands and Buffer are based upon LOI File # 1514-10-0006.1, Activity # FWW-FWL14-1000001. A copy of the Letter of Interpretation and the approved plan should be submitted. A copy of the Letter of Interpretation has been provided. A copy of the approved plan must still be submitted. 8. A three hundred foot (300') Riparian Buffer crosses proposed Lots 31.06 and 31.07 beyond the proposed cul-de-sac. No improvements, including proposed grading, encroach upon the Riparian Buffer Line. Survey data must be provided to establish the location of the Riparian Buffer Line. The layout has been revised and the Riparian Buffer crosses Lots 31.07-31.09. The location of the Riparian Buffer Line must be tied to the proposed project. 9. The proposed subdivision is relying on Transition Area Averaging for approval of the current configuration. Statement of fact. 10. Proposed sidewalk width shall be dimensioned along with distances from face of curb and right-of-ways. The respective typical dimensions should be provided for Waverly Court and Route 88. C. Grading 1. Detailed grading is provided on a Grading & Drainage Plan which is Sheet 3 of 17. A storm sewer collection system is proposed to collect runoff and recharge it within bio-retention systems and the proposed right-of-way of Waverly Court. Revised grading is provided on a Grading Plan which is Sheet 3 of 18. A

revised storm sewer collection system is proposed to collect runoff and recharge it within a storm water management basin located on Lot 31.07. 2. A walkout basement is proposed for Building #3. A proposed retaining wall also surrounds the rear of this building. Transition Area Averaging and the filling of Lots 31.05 and 31.06 are proposed. The revised plans propose walkout basements for Buildings #3 and #5. Retaining walls are proposed on portions of Lots 31.04 – 31.07. Transition Area reductions are proposed on Lots 31.05 – 31.07. 3. A profile has been provided for proposed Waverly Court. The following revisions are required: a. The proposed grading shall be designed to intersect the existing gutter station and elevation of Ocean Avenue. The proposed 0+00 station of Waverly Court shall be the centerline of Ocean Avenue. The proposed centerline slope for Waverly Court shall start at the intersecting existing gutter station and elevation of Ocean Avenue. b. Proposed horizontal control points should be added. The horizontal control points include curb returns, points of curvature, points of reverse curvature, and points of tangency. We calculate the top of curb stationing around the cul-de-sac to commence at station 2+49.41. c. Proposed vertical curves must be added. A vertical curve is required near the intersection and at the end of the top of curb stationing to match the vertical curve at the beginning of the top of curb stationing. d. Proposed low points should be forced at the cul-de-sac inlets. The revised plans now propose the Waverly Court low point outside of the cul-de-sac bulb. 4. Off road profiles are required for the proposed storm drainage easements. A section through the storm water management basin should also be included. 5. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved. It is noted that there are no test pits at the proposed storm water management basin location. Based on the other test pits shown on-site, a two foot (2') separation to seasonal high water table may not be provided. Furthermore, proposed access to both the water quality and recharge portions of the storm water management basin is too steep for access by Public Works maintenance vehicles. D. Storm Water Management 1. A proposed storm sewer collection system has been designed to convey storm water runoff into a proposed recharge system. The proposed collection system discharges into Stormceptors prior to reaching bio-retention facilities. The combination of Stormceptors and Bio-retention provides the water quality measures necessary for a Special Water Resource Protection Area. The majority of the proposed recharge system is located under the site access road. The revised plans propose a storm sewer collection system designed to convey storm water runoff into a proposed water quality/recharge basin. It is proposed for the Township to own and maintain all aspects of the storm water management system, except for the individual lot recharge beds. If approved, we recommend a follow up meeting with DPW during compliance. 2. Our review of the Post Development Drainage Areas indicates corrections are required. As a result, areas shown for collection are actually bypassing the proposed system thereby requiring additional storage volume and less discharge from the recharge system. The area behind Building #3, which has walk out basements, is proposed for the collection system, but should be part of the bypass area. Revisions are required which can be reviewed during compliance should approval be granted. 3. Four (4) soil boring locations have been provided within the proposed project to confirm the seasonal high water table. The permeability rate used in the recharge calculations is acceptable based on the soils information provided. A soil boring for the proposed water quality/recharge basin is required to determine whether there is a two foot (2') separation from the seasonal high water table. 4. Roof recharge beds are

proposed for most of the lots to allow recharge of runoff from roof leaders. Only the roof area from proposed Lot 31.06 has not been accounted for. In instances where proposed units abut the bio-retention areas, roof leaders are directed to these facilities. Testimony should also be provided confirming the roof recharge beds will be owned and maintained by the individual lot owners. The revised plans propose roof recharge beds for all residential lots, except for Lots 31.06 and 31.08. The revised plans confirm the proposed roof recharge beds will be owned and maintained by the individual lot owners. 5. The proposed roof recharge bed for Lot 31.05 appears too low and will be within the seasonal high water table based on the soils information provided. The revised plans propose roof recharge beds that should provide adequate separation to the seasonal high water table. However, the proposed roof recharge beds should not conflict with the drainage easements being provided to the Township. 6. The Storm Water Management Report and Design will be reviewed in detail after revisions to the Post Development Drainage Areas are made. Our office can review design nuances with the applicant's engineer. Storm water management design can be finalized during compliance reviews should subdivision approval be granted. 7. A Storm Water Management Operation & Maintenance Manual must be submitted per the NJ Storm Water Rule (NJAC 7:8) and Township Code. Submission of a Storm Water Management Operation & Maintenance Manual may be a condition of approval and shall address the differing ownerships of the proposed systems components. E. Landscaping 1. A Landscaping & Tree Protection Plan has been provided on Sheet 6 of 17. A Landscaping & Tree Protection Plan has been provided on Sheet 7 of 18 of the revised plan set. 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. Per our site inspection of the property, the majority of the site is wooded. The revised plans propose nine (9) White Oaks and six (6) Red Maples for shade trees on the project. The Board should provide landscaping recommendations, if any. 3. The Tree Protection Plan shows individual trees ten inches (10") or larger. The Tree Save Notes state there are no historic, extraordinary, or specimen trees located within the project area. An inventory of the existing on-site trees has not been provided. Compensatory plantings have not been addressed. Testimony should be provided on an inventory and compensatory plantings. 4. The Landscape Architectural Notes need to be edited. Statement of fact. 5. Landscaping shall be reviewed in detail during compliance should subdivision approval be granted. Statement of fact. F. Lighting 1. A Lighting Plan has been provided on Sheet 7 of 17. A Lighting Plan has been provided on Sheet 8 of 18 of the revised plan set. 2. Proposed lighting has been provided for the cul-de-sac area. The Plan indicates six (6) pole mounted fixtures are proposed. However, the Schedule indicates eleven (11) pole mounted fixtures are proposed. Confirmation on the proposed height of the fixtures should be provided. According to the Lighting Fixture Detail, it appears the height will be fourteen feet (14'). The revised plans propose seven (7) pole mounted fixtures. Testimony should be provided on the proposed height of the fixtures. 3. A point to point diagram must be provided to verify the adequacy of the proposed lighting. Providing a point to point diagram may be a condition of approval. 4. A Note states that all lighting will be owned and maintained by the property owner. Testimony should be provided regarding street lighting ownership. There is no indication a Homeowners Association is proposed. The Note regarding ownership has been removed from the revised plans. Testimony should be provided regarding street lighting ownership. 5. The reinforcing for the foundation on the Lighting Fixture Detail is

partially complete. Reinforcing for the foundation on the Lighting Fixture Detail must be clarified as a condition of approval. G. Utilities 1. The proposed sanitary sewer will connect to an existing system in Ocean Avenue. Only a preliminary layout has been designed. The applicant's professionals will be obtaining existing inverts for the system in Route 88. The proposed sanitary sewer design has been completed. It will not be possible to service the basements by gravity and ejector pumps are proposed. 2. Potable water is proposed to be extended from an existing main on the north side of Ocean Avenue. Two (2) water laterals are proposed for each unit. H. Signage 1. No project identification signs are proposed. Confirming testimony should be provided. I. Environmental 1. Site Description Per review of the site plans, aerial photography, and a site inspection of the property, the tract has two (2) existing residential dwellings located in the northeastern part of the property adjacent Ocean Avenue. The site contains mostly forested woodland with freshwater wetlands bordering the fringe from Lake Shenandoah. The existing on-site topography slopes from north to south towards the freshwater wetlands on the southwestern edge of the site. Lot 30 which contains a third existing residential dwelling has been added to the project. 2. Environmental Impact Statement An Environmental Impact Statement (EIS) report was prepared and submitted for the project, and addresses environmental concerns as applicable. Freshwater Wetlands and a three hundred foot (300') Riparian Buffer have been mapped for the site. A copy of the Letter of Interpretation and the approved plan are required for subdivision approval. Transition Area Averaging is proposed to create this subdivision. A copy of the Letter of Interpretation has been provided. The approved plan must be submitted. 3. Tree Management A Tree Protection Plan has been submitted, but is incomplete. The plan only locates existing trees having a diameter greater than ten inches (10"). An inventory is required, compensatory planting must also be addressed. Testimony should be provided on Tree Management. J. Construction Details 1. Construction details are provided on Sheets 8 through 11 of the plans. The revised plans provide construction details on Sheets 9 through 12. 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. All revised details must specify the correct class of concrete. 3. The Pavement Section Detail must be updated to current 2007 NJDOT Standards. The revised plans reference the 1989 NJDOT Standards. 4. Minor corrections are required to the Post & Rail Fence Detail. Post and rail sizes have not been clarified. 5. Township and State Concrete Curb Details must be clarified. The Type 1 Detail shall be labeled as Township Curb. The Type 4 Detail provided is not consistent with the State Curb Detail. 6. It is not clear whether the Type "E" Inlet Detail is Overflow Outlet Structure #3. The Type "E" Inlet Detail is not an outlet structure, but requires corrections and is proposed in some lawn areas. 7. Construction details must be added for the following: a. Recharge Bed. b. Depressed Curb. c. Driveways. The above details must still be provided, as well as additional details from the revised design. 8. Final review of construction details will take place during compliance review, if/when this project is approved by the Board. Final review of the construction details may be a condition of approval since the project has been revised. K. Final Plat (Major Subdivision) 1. The three hundred foot (300') Riparian Buffer Line needs to be tied to the project boundary. It is only graphically represented. 2. The General Note referencing the Maser plan requires correction to 2009. The note lists 3009. 3. A Sidewalk Easement should be proposed for the Ocean Avenue frontages of new Lots

31.01 and 31.12. The proposed Shade Tree and Utility Easement shall be relocated behind the Sidewalk Easement. Proposed survey information should be completed and easement areas provided for the individual lots. A Sidewalk Easement on the revised plans should be proposed for new Lots 31.01 and 31.15. The proposed Shade Tree and Utility Easement shall be relocated behind the Sidewalk Easement. Proposed survey information must be completed and easements areas provided for the individual lots. 4. Proposed Sight Triangle Easements should be added. The sight triangles will be at the discretion of the NJDOT. 5. Dedications for the proposed easements should be added. No dedications have been provided on the revised plans. 6. According to the Final Plat dimensions, the width of the property at Ocean Avenue is 227.20 feet. However, an outbound dimension of 227.38 feet is shown. As confirmed with the applicant's engineer, the outbound will be revised. The proposed 98.18 foot dimension on new Lot 31.15 must be corrected to 98.00 feet. 7. The non-radial line between proposed lots 31.03 and 31.04 shall be labeled. The proposed layout has been revised. Any non-radial lines shall be labeled. 8. The width of the proposed Storm Drainage Easements shall be labeled. The width of the Easements for the Bio-retention Systems shall be increased to twenty feet (20'). The revised Storm Drainage Easements are twenty feet (20') wide and shall be labeled. 9. The Owner's Certification lists the wrong Blocks and Lots. Lot 30 needs to be added to the "record holders" on the Certification. 10. Compliance with the Map Filing Law is required. Statement of fact. 11. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. The revised map provided is incomplete and must be finalized as a condition of approval. 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); g. NJDEP Transition Area Averaging; and h. 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 there are variances requested for minimum front yard setback, minimum side yard setback and minimum rear yard setback. Also, under comment zoning section, item 3, we also interpret that building coverage variances are also necessary for proposed lots 31.02 and 31.03.

Mr. John Doyle, Esq. on behalf of the applicant, stated we have three setbacks and five lot coverages solely caused by the decks.

Mr. Graham MacFarlane, P.E., P.P. was sworn in.

Mr. Doyle stated that we came before the Board at the technical review meeting for a use and a recent zoning change that would allow duplexes on 12,000 ft lots. We did it in the area near North Oakland Street and off of Route 88 which was an area in need of rehabilitation where two houses would be removed and new modern housing would be provided. Since the meeting, the applicant was able to acquire an adjacent lot and appropriately fit, with some very limited variances, seven duplexes thus fourteen units which would be on their own lot and a street would be created, Waverly Court. The overriding concerns of drainage, lighting, landscaping will all be met.

Mr. MacFarlane referred to an aerial map of the site showing the location of the project fronting on Ocean Avenue. Behind the property is Lake Shenandoah. The subject property is in a residential area. There are currently three homes on the subject property and the back portion is occupied by woods. The property does have some restrictions in the form of wetlands and category one associated with Lake Shenandoah. By state rule we are required to have a 300 ft buffer and that is shown on the plans. There are also freshwater wetlands located in the south side and there will be a 50 ft buffer. Our application does include some disturbance to the buffer in accordance with DEP regulations. The DEP allows us to reshape that transition area as long as the total area is maintained and we are preparing an application for submission to the DEP and any outside agency approvals that we are required to obtain. Looking at the final plat which was submitted as part of our application, you can see the proposed street is ending in a cult-de-sac and the proposed lots which are laid out. This application now includes seven buildings for a total of fourteen units. As you recall, the original application that was submitted included six buildings for a total of twelve units. That application did have some variances associated with it for side yard and front yard setback. Those variances have been eliminated by our client's ability to obtain lot 30 on the west side of the project along Route 88 so that property has been integrated into the design. The drainage concept has also changed from the original submission. On the original plan we were proposing a little different system with a couple of bio-retention systems and underground recharge. When this additional property became available we were able to change the concept to a more standardized design which the Township is much more familiar with which includes an extended detention basin having two separate components that provide the water quality and water quantity. The plan also includes individual recharge beds for as many homes as possible so that we can reduce and minimize the amount of runoff that goes to the detention basin.

Mr. Doyle stated that given the nature of Lake Shenandoah we first had to get a letter of interpretation and the buffer averaging is going to be an approval from the State which would typically come after the Planning Board process. With respect to Terry's report, we will submit the wetlands delineation plan, we do provide sufficient off-street parking.

Mr. MacFarlane stated that we have four spaces for each unit in accordance with the requirements.

Mr. Doyle stated we will provide sidewalks and curbs as required.

Mr. MacFarlane affirmed as well as sidewalk along Ocean Avenue.

Mr. Doyle stated we have appropriate areas for the storage, trash and recycling containers.

Mr. MacFarlane said they will be worked into the final architectural plans.

Mr. Doyle stated that we will acknowledge that given we now have seven homes we will have to provide a third basic house design and through the owner we will provide the use, maintenance and repair of the common areas and facilities that are related to the drainage.

Mr. MacFarlane stated that since this application has been revised from its original approach we don't believe there is any need for an association at this point.

Mr. Doyle stated that that points out we have made it a more common place and standardized on the drainage side. There are changes that have to be made because of the addition of lot 30, which we will do. We acknowledge the need to pay a one time maintenance fee of \$7,000.00.

Mr. Vogt asked if the drainage and trash were going to be publicly provided and maintained.

Mr. MacFarlane affirmed.

Mr. Vogt asked that the final design would be subject to review and approval by the DPW on stormwater, trash and recyclables.

Mr. Doyle stated there was a meeting for the drainage plans on the original application which was a more complicated plan. Moving to a more standard plan we did not have a second meeting but if there are any problems we can respond now.

Mr. Franklin asked who would be cleaning up the yard drains.

Mr. MacFarlane stated it would be Township's responsibility.

Mr. Vogt stated the Township does not want the yard drains. What they have done on previous applications is to put manholes in the right-of-way where you can access them.

Mr. Franklin stated that there is no way the Township can maintain yard drains.

Mr. Doyle asked if the yard drains can be reached in normal fashion by your normal equipment that would be our preference. There was a question raised in Terry's report about the riparian buffer line and the layout which will be resolved.

Mr. MacFarlane stated they will satisfy all the comments concerning grading. Terry had asked for an additional soil boring in the footprint of the basin which we did not conduct initially since the original design was different and we will agree to provide that.

Mr. Doyle stated with respect to stormwater management we will provide the roof recharge beds which will not interfere with the easements.

Mr. MacFarlane stated that they will reshape them so they have no conflict with any easements and they will provide adequate separation to the seasonal high water table. Mr. MacFarlane affirmed that they will meet the Stormwater managements rules under the New Jersey administrative code.

Mr. Doyle inquired about landscaping.

Mr. MacFarlane states that the plan does call for street trees. We do have to compile some further information to the satisfaction to the Township's tree replacement ordinance during compliance.

Mr. Doyle inquired about the lighting.

Mr. MacFarlane stated that they currently have 14 ft high poles town and country type fixtures we think is an upgrade over the standard overhead light fixture. The street lights would be owned by JCP&L subject to the Township lease lighting program.

Mr. Doyle inquired about the utilities and ejector pumps may be necessary and will be provided if appropriate.

Mr. MacFarlane affirmed that they will be necessary for basements in the units.

Mr. Doyle asked about signage.

Mr. MacFarlane stated that there is no signage proposed.

Mr. Doyle confirmed, with respect to the environmental impact statement, they will have to provide statements with the State application and we will copy the Township. With respect to tree management, we will provide whatever inventory they want. Construction detail conditions will also be met. The final plat for the major subdivision, the 300 ft buffer is mentioned and we will provide what we have to including the sidewalk easement, sight triangle easements will be provided within the discretion of the NJDOT. We will revise the outbound and make the other changes. When we examined all 14 lots we do not exceed the 25% coverage that is allowed.

Mr. MacFarlane agreed and showed a building display coverage map. Lots 31.02, 31.03 and 31.11 we ask for variance relief on rear yard so we can build decks. On lots 31.02 and 31.03 we ask for relief of 14.4 ft where 20 ft is required. On lot 31.11 we ask for relief of 10 ft where 20 ft is required. In connection with the construction of the decks we also encounter a variance in building coverage. We have a unique circumstance in this zone with the duplex lots where the zone criteria establishes a minimum area size. On this project we do have lots that total 12,000 sq ft. In particular if we look at lots 31.03 and 31.04 which together make up one building. Those two lots in total are 12,000 sq ft and that satisfies the ordinance requirements. However, the ordinance requirement for building coverage limits a particular lot to 25% maximum building coverage.

Mr. Doyle stated that when you take that paired lot which makes up 12,000 sq ft the coverage of the buildings will be less than 25% but on of those it will be slighter more and on another it will be slightly less.

Mr. Vogt stated that based on the zero lot line ordinance, if you treat each of these duplex building units they do allow exactly that if the lot is irregular.

Mr. MacFarlane stated that when you apply that and you add the decks the total lot coverage amounts to 21.9%. He believes the variances requested will not have any negative impacts and are consistent with the master plan.

Mr. Schmuckler asked about the widening of Route 88 when there are new developments.

Mr. MacFarlane made an application to the NJDOT for a street intersection. Our plan does show what the NJDOT calls desirably typical section. He does not believe they have any plans for widening Route 88.

Mr. Schmuckler asked about the architectural plans.

Mr. MacFarlane stated they have not developed any architectural plans yet.

Mr. Schmuckler asked about a fence around the drainage basin.

Mr. MacFarlane said there will be a post and rail fence.

Mr. Franklin inquired about the yard drains.

Mr. MacFarlane showed Mr. Franklin the original grading and drainage plan.

Mr. Franklin stated they must have a HOA because they can not maintain the rear yard drains.

Mr. Doyle said they will design it to the satisfaction of the Board and hope that it is publicly cared for because we think that is the best solution.

Mr. Banas opened the microphone to the public.

Noreen Gill, 192 Coventry Drive was sworn in. Ms. Gill discussed her development which had an HOA and she stated the season high water table in this area is high and there is a serious drainage problem.

Seeing no one else from the public this portion of the meeting was closed.

Mr. Doyle stated the individual yard drains needs to be maintained, the question is who maintains them. An option that may make sense is the individual homeowner by way of a restriction in the deed so they know what they are buying.

Mr. Franklin said that is a problem because if the homeowner does not maintain that drain you load up the whole main drain. So when you go and try to clean the main drain you have to go back to all the individual lots or the system doesn't work.

Mr. Doyle asked if the approval could be fashioned in a way put the burden on use if we can not please the Board to come up with what you see as the necessary resolution of that issue.

Mr. Banas stated they should come back at a later time and remedy the drainage issue.

Mr. Kielt stated they can be on the October 25, 2011 meeting.

A motion was made to table the application to the October 25, 2011 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Arecchi, Mr. Banas, Mr. Percal, Mr. Schmuckler

Mr. Jackson stated this application will be continued on the meeting of October 25, 2011, in this room. No further notice is required.

4. Discussion/Adoption of 2012 Planning Board schedule

A motion was made and seconded to approve.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Arecchi, Mr. Banas, Mr. Percal, Mr. Schmuckler

6. CORRESPONDENCE

1. SP 1894 (No Variance Requested)

Applicant: Congregation Rachmistrivka

Location: Block 171 Lot 2.02

Request to modify previous approved site plan to construct an additional 10 ft to the east of the building. The main sanctuary area will be increased, however, the parking required will be 17 spaces and 21 spaces are provided.

Mr. Glenn Lines, P.E. on behalf of the applicant. The applicant is concerned that the building is too small and they would like to add an additional 10 ft to the building. The ordinance does allow for a 1,500 sq ft addition to an existing building as an exempt site plan. Technically we could build the building as is and then add an addition but we would like to do the addition now and we are here to request an exemption from coming back to re-approve the project. We meet all the parking requirements and I have submitted documentation to Terry that the small addition to the building will not affect the storm drainage or the recharge system on site.

Mr. Jackson said he would not call this an exemption. It is more of a confirmation that a ratification by the Board that this type of increase complies with the ordinance and/or does not require site plan approval because it is not material. This was discussed with Mr. Vogt and he takes the position that since no variances are requested it would not require an approval. It meets the parking, it meets everything and it is not material. It passes in one of two ways. One is that it doesn't require an approval because there is no requirement that it be built to get an addition of an additional 1,500 ft or this modification is non material. What constitutes material is case and context specific and that would be the judgment of the Board. Mr. Kielt has passed this on to the Board to see if they think it should go to a hearing or if it can be done administratively.

Mr. Vogt confirmed that there are no bulk variances created as a result of this and it meets parking requirements, adequate drainage and utilities. It has no impact on the site plan design whatsoever.

The Board unanimously agreed that this change can be approved administratively.

7. PUBLIC PORTION

8. APPROVAL OF MINUTES

A motion was made by Mr. Percal and seconded by Mr. Franklin to approve.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Arecchi, Mr. Banas, Mr. Percal
Abstained: Mr. Schmuckler

9. APPROVAL OF BILLS

A motion was made by Mr. Franklin and seconded by Mr. Herzl to approve.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Arecchi, Mr. Banas, Mr. Percal, Mr. Schmuckler

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary