

## I. CERTIFICATION OF COMPLIANCE

Vice Chairman Banas 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. Rennert, Mr. Banas, Mr. Percal, Mr. Schmuckler

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

- SP 1929A** (Variance Requested)  
Applicant: Bais Rivka Rochele  
Location: Southeast corner of Fourth Street & Monmouth Avenue  
Block 160 Lot 1, 3, 5, 6, 13, 14 & 15  
Final Site Plan for proposed retail & office

A motion was made by Mr. Schmuckler, seconded by Mr. Rennert to approve.

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

Abstained: Mr. Herzl

## 5. CORRESPONDENCE

- SP 1884A**  
Applicant: Chinuch L'Banos  
Location: Block 189.04 Lot 188  
Request to relocate recreation from rear corner of property to the front area of the school

Mr. Rennert recused himself from this application.

Mr. Abraham Penzer, Esq. on behalf of the applicant. On the original approval we had the playground in the back. Since that time, trailers were placed there and buses were turning around there so it is quite dangerous so we moved the playground from the back toward the front and we put a fence and trees up. A neighbor was upset with this so we sent notices to the neighbors.

Mr. Vogt stated there are no variances required. He does not believe it is a major design deviation. They are taking the original playground footprint which was proposed in the back and moving it inside the fenced area in the front. They can make a plan change showing that if the Board acts favorably.

Mr. Banas opened the microphone to the public.

Jacqueline Dunham, 419 Joe Parker Road was sworn in. She stated the playground is being put right next to her backyard. It is about 30 ft from her kitchen window and less than 20 ft from her deck which is facing the playground. She stated they spend a lot of time back there and she can hear the girls playing in the back where the playground is now. She does not understand why they can't keep the playground in the back where there is a vacant lot and they could put a fence in.

Mr. Penzer stated when they first received approval they did not have the trailers in the back. Also, because of the trailers and the buses it is now not safe for the children. The trailers had to be placed there per Catapult. Mr. Penzer stated he has pictures of Ms. Dunham's house and the playground.

Ms. Dunham stated she had no objection to the pictures but it is a different perspective if you are actually there and if the children are on the playground tower they can see over the fence.

Mr. Penzer stated the school put in a fence and landscaping and tried to work around the problem but there are no windows at the closest point.

The pictures were entered as exhibits A-1 through A-4. Mr. Stated that A-1 was a picture of the playground. A-2 is a picture showing the playground and a portion of the house. A-3 is showing where the playground is in proportion to the house where there is no windows and A-4 is a perspective showing how empty the area is and how little there is of a playground.

Mr. Schmuckler asked if they can remove the tower from the playground so the children can't see over the fence.

Mr. Penzer stated that is one of the only pieces of playground equipment but it that solves the problem he can recommend it.

Mr. Banas asked if that would be acceptable.

Ms. Dunham stated it was but there will still be noise.

Mr. Banas stated the original plans were approved by this Board. Catapult is a federal agency that comes in to schools to offer special training for the pupils and as a result they do indicate where the trailers shall be constructed. Prior to having them come in, need has to be assessed to whether or not trailers are necessary therefore trailers can not be identified that early. They looked at the plans that were approved by the Board and they tell the school where the trailers will go.

Ms. Noreen Gill was sworn in. She asked about the about the number of students and their ages.

Mr. Penzer stated he did not know.

Ms. Gill asked if another school uses the trailers.

Mr. Penzer said no.

Ms. Gill asked if they were going to expand or buy a lot.

Mr. Penzer did not know which lot she is referring to.

Ms. Gill stated she does not discourage schools to be built but the Board should give more consideration to neighbors.

Seeing no one else Mr. Banas closed this portion to the public.

Mr. Franklin asked about night activities and lights.

Mr. Penzer said there are no night activities and no lights on the playground.

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

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

Abstained: Mr. Rennert

## **6. PLAN REVIEW ITEMS**

- 1. SD 1828** (No Variance Requested)  
Applicant: Cedarbridge Development, LLC  
Location: Northwest corner of Pine Street & New Hampshire Avenue  
Block 961.01 Lots 2.01, 2.02 & 2.03  
Amended final major subdivision to realign existing three (3) lots

### **Project Description**

The applicant seeks amended final major subdivision approval to subdivide existing Lots 2.01 through 2.03 in Block 961.01, into five (5) lots shown as proposed Lots 2.05 through 2.09 in

Block 961.01 on the subdivision plan. The applicant is Cedarbridge Development, LLC, of 641 Fifth Street, Lakewood, New Jersey 08701. The owner of the existing lots is Lakewood Township. The 17.252 acre site is situated in the central portion of the Township on the south side of the Boulevard of the Americas, the west side of New Hampshire Avenue, and the north side of Pine Street. All surrounding roads are improved. The plan shows the Boulevard of the Americas has an existing variable right-of-way width. New Hampshire Avenue is a County Road with an existing right-of-way width of ninety feet (90'). Pine Street has an existing right-of-way width of sixty-six feet (66'). No additional right-of-way dedications are proposed for this amended subdivision. A construction project is currently taking place along New Hampshire Avenue and the right-of-way shown on the amended subdivision plan is consistent with the County Plans. Proposed Lot 2.05 would become an irregular shaped 4.307 acre property with frontage on the Boulevard of the Americas. Proposed Lot 2.06 would become a 300' X 480" rectangular shaped 3.306 acre tract with frontage on Pine Street. Proposed Lot 2.07 would become an "L" shaped 5.961 acre corner parcel with frontage on Pine Street and New Hampshire Avenue. Proposed Lot 2.08 would become an "L" shaped 3.093 acre piece with major frontage on the Boulevard of the Americas and minor frontage on New Hampshire Avenue. Proposed Lot 2.09 would become a 150' X 170' rectangular shaped 0.585 acre land with frontage on New Hampshire Avenue. A sixty foot (60') wide access and utility easement traverse the site between the Boulevard of the Americas and Pine Street. Another sixty foot (60') wide ingress, egress, and regress easement running into the site from the Boulevard of the Americas mostly overlaps some of the access and utility easement. The lots are situated within the DA-1 Cedarbridge Redevelopment Area. Variances are required for proposed Lot 2.09 to create this subdivision. We have the following comments and recommendations: I. Zoning 1. The parcels are located in the DA-1 Cedarbridge Redevelopment Area. Uses for the proposed lots have not been indicated. Testimony should be provided on the future uses for the proposed lots being created. 2. Per review of the Subdivision Map and the zone requirements, the following variances are required: • Minimum Lot Area (proposed Lot 2.09, 0.585 acres, 3 acres required) – proposed condition. • Minimum Lot Width (proposed Lot 2.09, 150 feet, 300 feet required) – proposed condition. 3. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. Most of the area of an Ingress, Egress & Regress Easement is shown within an Access and Utility Easement. Testimony is required to address the uses of the easements. 2. Testimony should be provided to clarify the meaning of the two (2) "Notes" provided on the plan. 3. The Zoning Data should denote the variances requested. 4. Under "Parking Requirements" it appears the calculation  $40,000 \text{ SF} \times 4/1,000 = 160$  is not relevant to this plan. 5. The proposed setback lines shall be added for new Lot 2.09. 6. Parking setbacks are shown on some of the proposed lots. 7. A fifty foot (50') dimension pointing to the Ingress, Egress & Regress Easement should be corrected to sixty feet (60'). 8. Certifications should be revised to comply with Section 18-604.B.3., of the UDO. 9. The filed Major Subdivision Plat which created Lots 2.01 through 2.03 proposes easements which are not indicated on the Amended Final Major Subdivision Plat submitted. The easements shall either be added or testimony given to explain why they should be eliminated. 10. A County Road Improvement project for New Hampshire Avenue is currently under construction. Accordingly, new utility easements have been created in the vicinity of the Pine Street and New Hampshire Avenue intersection. These easements must be added to the plan. 11. The proposed lot and block numbers must be approved by the tax assessor's office. 12. Proposed Lot 2.08 is listed twice in

the Area Summary. 13. No shade tree and utility easements are proposed along the property frontages on the Amended Final Major Subdivision Plat. It should be noted there are no shade tree and utility easements on the Final Major Subdivision which created Lots 2.01 through 2.03 and was filed in 2006. 14. Compliance with the Map Filing Law is required. 15. The proposed lots will require future site plan applications for development. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following:  
a. Ocean County Planning Board; and b. All other required outside agency approvals.

Mr. Vogt stated that the lot changes require variances for lot area and lot width for lot 2.09. Other than that, there were just plat comments.

Mr. Raymond Shea, Esq. on behalf of the applicant. This is a joint application between Cedarbridge Development and Lakewood Township. We would like to take three lots and reconfigure them into five lots by eliminating the road. Two lots will be on Pine Street, two lots will be on the Boulevard of the Americas and one lot will be on New Hampshire Avenue. No variances are required except for lot 2.09 which was required by the tax office to collect the taxes.

Mr. Banas asked about the bike path being established.

Mr. Shea stated he does not remember the bike path but they will look into it and go over it at the public hearing.

A motion was made by Mr. Herzl, seconded by Mr. Percal to advance the application to the January 17, 2012 meeting.

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

Mr. Jackson stated the application will be advanced to the January 17, 2012 meeting. No further notices are required.

- 2. SP 1971** (No Variance Requested)  
Applicant: Elli Bohm  
Location: Northwest corner of New Central Avenue & Elderberry Court  
Block 11.01 Lot 14.06  
Conceptual change of use site plan from a residential use to a mixed use residential and shul

Mr. Kielt stated there was a problem with the notice and it will be carried to the December 13, 2011 meeting. No notice is required.

## 7. PUBLIC HEARING ITEMS

1. **SP 1954** (Variance Requested)  
Applicant: Harley Davidson of Ocean County  
Location: Route 70, east of Vermont Avenue  
Block 1086 Lot 16  
Amended Site Plan for proposed additional parking

### Project Description

The applicant is seeking Amended Site Plan approval for the construction of a 128' X 216' paved parking area with storm water management system located behind the existing motorcycle dealership building. A total of one hundred forty-six (146) off-street parking spaces are proposed for the project. The existing eight-three (83) spaces in the front of the building will be reduced to eight-two (82) spaces with the creation of five (5) handicapped spaces. Sixty-four (64) spaces are proposed for the new parking area behind the building. According to the revised parking tabulation, ninety-five (95) off-street parking spaces are required. This is based on the following six (6) criteria: • One (1) space is required for every two hundred square feet (200 SF) of showroom. Since the showroom is eight thousand square feet (8,000 SF), forty (40) spaces are required. • One (1) space is required for every four (4) seats of the existing café/snack bar. Since the seating totals forty (40) seats, ten (10) spaces are required. • One (1) space is required for every two hundred square feet (200 SF) of existing sales support area. Since the sales support area is 1,880 square feet, ten (10) spaces are required. • One (1) space is required for every thousand square feet (1,000 SF) of existing service, tech, and parts storage area. Since the service, tech, and parts storage area is 11,422 square feet, twelve (12) spaces are required. • One (1) space is required for every two hundred square feet (200 SF) of existing outdoor motorcycle display area. Since the display area is about 1,480 square feet, eight (8) spaces are required. • One (1) space is required for each employee. A total of fifteen (15) employees have been estimated, thereby requiring fifteen (15) spaces. Some of the wooded area existing on the site will be removed for the proposed parking area. The property gently slopes from west to east. Additional storm water management facilities have been designed to incorporate the additional 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 10/4/11 Planning Board Plan Review Meeting, and comments from our latest review letter dated September 29, 2011: I. Waivers A. The following waiver has been requested from the Land Development Checklist: 1. Submission Waiver from Checklist Requirement #21, Architectural Drawings. We support the requested waiver. There are no buildings or building additions proposed as part of this application. The Board shall take action on the requested waiver. II. Zoning 1. The site is situated within the B-5A, Highway Development Zone. New motor vehicle salesrooms are a permitted use in the zone. Statements of fact. 2. A wing of the existing building which is dedicated to retail sales encroaches into the required fifty foot (50') side yard setback. Therefore, the Zoning Requirements shall be revised to show both the existing and provided Side Yard Setback of 31.3 feet as an existing nonconforming setback. The Aggregate Side Yard Setbacks are also nonconforming and the Zoning Requirements shall be amended to show both existing and provided aggregate side yard setback of 82.2 feet (31.3 feet + 50.9

feet). The existing side yard setback and aggregate side yard setback still require revision. The provided side yard setback has been corrected to 31.3 feet. The provided aggregate side yard setback should be corrected from 82.6 feet to 82.2 feet. 3. An existing tent, which is defined as a Temporary Accessory Structure covers an outdoor patio area with seating. This structure encroaches into the required thirty foot (30') side yard setback. Therefore, the Zoning Requirements shall be revised to show both the existing and provided Side Yard Setbacks of 17.7 feet as nonconforming. An updated survey locates the tent 25.2 feet from the side property line and the edge of pavement 17.7 feet from the side property line. Accordingly, the provided accessory structure side yard setback has been revised to 25.2 feet. The existing accessory structure side yard setback of thirty-one feet (31') still requires correction. 4. No variances have been requested. Per review of the Site Plan and the zone requirements, it appears no "new" variances are required for the proposed project. A setback variance was previously granted for the free standing sign. The existing nonconforming aspects of the site plan have been mentioned above. The updated survey accurately maps the existing nonconformities. It should be noted the 2002 Site Plan Resolution did not grant any side yard setback variances for a building addition or temporary accessory structure. The applicant shall provide evidence that setback variances were previously granted for the nonconforming side yard and aggregate side yard setbacks. Unless the applicant can show previous approvals for the building addition and tent which are the cause of the nonconforming setbacks, the Board should take action on whether to grant variances for the nonconforming setbacks. 5. Per review of the site plans and application, the following design waivers are required: a. No curb and sidewalk has been proposed along any of the site frontages. b. No shade tree and utility easements have been provided along any of the site frontages. c. No shade trees have been provided along any of the site frontages. d. Any and all other design waivers deemed necessary by the Board. 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. Testimony must be provided on the increase in the number of proposed parking spaces for the site since no alterations are proposed to the existing sales and repair facility. The number of off-street parking spaces is being increased by sixty-three (63) from eighty-three (83) to one hundred forty-six (146). Parking calculations have been revised on the Vicinity Plan & Project Data plan, which is sheet 1 of 4. The parking requirement allocation for the existing facility has been revised to be greater than the parking existing on site. The applicant's engineer should testify how the additional parking area meets the new demand. 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 shall be provided on additional anticipated site traffic. 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 shall be provided on site operations. 4. 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. No additional landscaping is proposed. Therefore, a waiver from landscape screening shall be acted upon by the Board. 5. The site plan shows three (3) existing equipment containers to remain and one (1) relocated equipment container. The applicant's professionals indicate the equipment containers are utilized by the owner for storage purposes including snow clearing equipment, special events equipment, and promotional items. Furthermore, one (1) of the containers on-site is used for charitable blood

donation drives. Testimony should be provided at the public hearing on the use of the containers. Screening of the containers should be considered. No additional landscaping is proposed to screen the containers. Testimony should be provided on the use of the containers.

B. Architectural 1. No architectural drawings have been provided since the project does not involve any buildings. Statement of fact. 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 Storm Water Management Facilities Maintenance Plan must be provided. Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. The Storm Water Management Facilities Maintenance Plan has been included as an appendix in the submitted revised Storm Water Management Report. The Plan confirms the applicant will be the responsible party for the operation and maintenance of the proposed storm water management system. The Maintenance Plan will be reviewed in detail during 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. A waiver has been requested from the submission of a Landscape Plan. 2. We recommend landscape islands be proposed in the paved parking area to breakup the expanse of asphalt, protect site lighting poles, and improve aesthetics. The applicant's professionals cite cost as the reason no landscape islands are proposed. 3. Landscape screening is required around the proposed dumpster enclosure and recommended around the equipment containers. The applicant is requesting that no landscape screening be required. F. Lighting 1. A supplemental lighting plan has been provided. Three (3) proposed lighting fixtures are shown within the paved parking area and another proposed lighting fixture shown in the vicinity of the dumpster. Lighting information includes a point to point diagram to evaluate the proposed site lighting. Details are required to complete the lighting plan which must be added to the set of drawings. A revised Lighting Plan has been submitted. Only two (2) proposed twenty-five foot (25') high lighting fixtures are shown as the applicant's professionals indicate the lights will be for security purposes and this rear parking lot will be closed after dark. Therefore, the point to point diagram indicates the proposed lighting will be deficient with respect to the ordinance requirements. Construction details for proposed lighting will be reviewed during compliance submission should site plan approval be granted. 2. The overall lighting design is subject to review and approval by the Board. The Board should provide lighting recommendations, if any. G. Utilities 1. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. The site plan shows existing public water and sewer services. Testimony should be provided that no further extension of the existing water and sewer services are required for this project. The applicant's engineer indicates that testimony shall be provided on utilities. 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 signage is proposed. 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. The applicant's engineer indicates that the applicant will either pay the required fee or plant the required amount of trees. 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 applicant's engineer agrees that details shall be revised as necessary during compliance review. 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. New Jersey Department of Transportation (if applicable); and f. All other required outside agency approvals.

Mr. Vogt stated the variances requested are for side yard setback and aggregate side yard setback.

Mr. Asa Murray was sworn in.

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

Mr. Murray went over the history of the Harley Davidson store located in Lakewood. He stated they sell other things besides motorcycles including clothing and other merchandise. He discussed community service events they hold and awards they have received.

Mr. Timothy Lurie, P.E., P.P., was sworn in.

Mr. Lurie stated the variance request is for an existing expansion to the building which is located on the eastern side of the building. It came in afterwards as a result of being less than 1,500 square feet.

Mr. Liston stated the applicant applied for an exempt site plan to build that and nobody picked up that it was encroached in the setback. As a result of that there was a building permit issued, it was constructed and there was a certificate of occupancy issued.

Mr. Lurie stated that was correct. It is used as sales support area.

Mr. Liston stated it did become a variance and we included it in our notice. It was fully approved by the building department but they did not pick up that a variance was necessary and we are asking for a variance now.

Mr. Gasiorowski objected. He stated he has not seen a permit or certificate of occupancy that was issued from the zoning officer or construction official for the construction of that building.

Mr. Jackson stated that they are asking for a variance now.

Mr. Lurie stated that he is aware there is a building permit issued but not a certificate of occupancy. It was developed five years ago. There is a tent area that is seasonal and can be removed.

Mr. Liston asked if there is a need for additional parking.

Mr. Lurie stated yes. The existing parking lot consisted of 83 parking spots. When we did our calculations, comparing the square footage of the different uses and basing it off of 40 employees we come out with a need of a total of 120 spaces. Therefore we have 83 existing in the front with another 66 in the back and we lose one spot for restriping a handicapped space we come up with a total of 146 spaces. We are not asking for any variances or waivers with regard to the proposed parking lot. We are going to retain the natural buffering on the east side where there is a 50 foot setback. In the rear we have 178 feet. If the applicant were to do clearing the buffers further he understands he would have to come back to the board for approval. We are providing two lights that are 25 feet high for security purposes.

Mr. Vogt asked if the back parking area is going to be operated at night.

Mr. Lurie stated no.

Mr. Vogt stated so you do not need conventional lighting as if it were a shopping center, you are not going to have people back there at night and the only lighting you need is security only. If the applicant were to want to change that they would have to go back to the Board.

Mr. Lurie stated that is correct.

Mr. Jackson asked when they close.

Mr. Liston stated they close at eight 7 or 8 o'clock.

Mr. Vogt asked what happens if it is dark and people are back there.

Mr. Liston stated at the point when it becomes dark that area is going to be fenced off for the four or five months of the year where we don't have daylight savings time. The parking lot is going to generally be used during the daylight hours which is when most of the sales activity takes place.

Mr. Vogt stated we do not want too much light but we don't want to create a safety hazard because of lack of light at a certain time. You can install conventional lighting per the UDO standard with the understanding that the non security lighting will be off via a timer at night time or when that lot is not in use.

Mr. Liston stated whenever the dealership is not operating those lights will go off.

Mr. Lurie stated they are requesting a waiver for landscaping that is around the containers because it is fenced in.

Mr. Vogt believes it is necessary.

Mr. Lurie agreed they will do it.

Mr. Liston stated those were the only two issues which they will comply with and everything else in the letter is satisfactory.

Mr. Percal asked if they had a service department.

Mr. Liston affirmed they do.

Mr. Percal asked about the current needs and usage and if they really feel they require additional parking. He also expressed concern about what that parking lot will be used for other than parking.

Mr. Murray stated it does fluctuate with the amount of parking needed. He stated he can assure that that parking lot will be used only for parking.

Mr. Liston stated he understands the concern because the original application was for a training area and that is what the parking is going to be used for. We ask the Board, should it approve this application, to put a specific condition that it not be used for that purpose without the need to come back to this Board or the Board of Adjustment if a training area is deemed to be a non permitted use in this zone for a further approval. That is not what we are going to do and we know that people are concerned about that.

Mr. Banas asked if they have a school that teaches to drive a motorcycle.

Mr. Liston stated we have a school but it is offsite.

Mr. Murray stated they do the training at the Lakewood Blueclaws parking lot and they have a lease agreement with them.

Mr. Percal stated when you purchase a vehicle or motorcycle they test it. He asked where that occurs.

Mr. Murray stated they would ride around the front of the parking lot initially to get familiar with the vehicle.

Mr. Percal asked about testing the motorcycle when it comes in for maintenance.

Mr. Murray stated that takes place on public roads.

Mr. Jackson asked about the events they hold at the dealership.

Mr. Murray stated they had a wing bowl, fashion shows twice a year, chili cook off, etc.

Mr. Jackson asked about the number of people they would have in the store at peak times.

Mr. Murray stated around 300 people in the store. The busiest time would be Saturdays and they would be as many as 500 people.

Mr. Liston stated they have been in contact with Harrogate and we have agreed with them that the subject premises which is not presently accessed from Locust Street will not be accessed from Locust Street for as long as this site is owned by the applicant or by an entity controlled by the applicant. Another concern of Harrogate was that the parking areas on the site will not be utilized as or for a motorcycle training facility. We would ask that would be placed on the resolution of approval and we agree to it. Finally, the applicant maintains a dense tree buffering in the area between Locust Street and the parking lot. As our engineer has testified it is more than twice what is required under the ordinance, it is natural and we intend to keep it that way. With regard to the access to Locust Street from our property we have agreed to provide to Harrogate a restrictive covenant to that effect.

Mr. Ron Gasiorowski on behalf of Lafayette Green. He asked Mr. Murray about being a good neighbor to Lafayette Green.

Mr. Murray stated his intention is to run his business in a professional manner and to be respectful of the neighbors.

Mr. Gasiorowski asked if every Harley Davidson dealership has as many events as the one in Lakewood.

Mr. Murray stated every one that is successful, yes.

Mr. Gasiorowski stated that they do not only sell motorcycles.

Mr. Murray said that is correct. They sell a variety of merchandise.

Mr. Liston objected. He stated that Mr. Gasiorowski is suggested that it is not a permitted use which it is.

Mr. Gasiorowski stated it was brought up in direct testimony as to products being sold.

Mr. Jackson stated he thinks it is fair for Mr. Gasiorowski to explore this because the issue is that they need more parking.

Mr. Gasiorowski asked specifically what they sell besides motorcycles.

Mr. Murray stated they sell merchandise for people who ride motorcycles and also people who don't ride. We have jewelry, bar type items, clocks and all kinds of clothing as well.

Mr. Gasiorowski stated that this contributes to the need for additional parking.

Mr. Murray agreed.

Mr. Gasiorowski asked how many events they have each year.

Mr. Murray stated approximately twenty six. He described a few events they hold.

Mr. Gasiorowski stated these events are a benefit to the dealership.

Mr. Murray affirmed.

Mr. Gasiorowski asked about the annual event where 1,500 people attend and what benefit would this extra parking be.

Mr. Murray stated many of the people come on motorcycles and we had an overflow on Route 70.

Mr. Gasiorowski stated if they wanted to be a good citizen they would moderate the events so that based upon the parking you have you don't park on Route 70.

Mr. Murray stated they can not operate with the amount of parking spaces they have today.

Mr. Gasiorowski asked if they ever hired a traffic engineer as to how many people are utilizing that parking lot.

Mr. Murray stated he have not.

Mr. Gasiorowski asked about the size of the retail space as apposed to the size of the whole building which is actually 20,000 square feet.

Mr. Murray stated that two thirds of the building is for retail space.

Mr. Gasiorowski asked about the work shifts.

Mr. Murray stated the employees are typically working a forty hour week.

Mr. Gasiorowski asked about the temporary tent.

Mr. Murray stated they keep overflow motorcycles there.

Mr. Gasiorowski stated that they have sufficient space to the rear of the building to easily expand out the back without the necessity of seeking a variance.

Mr. Murray stated he was not sure. It would be an expense to change the back of the building.

Mr. Gasiorowski asked how long the tent has been there.

Mr. Murray stated he was not sure but it may be a few years.

Mr. Gasiorowski if he or his engineer has any type of written document from the Township of Lakewood authorizing the construction of that building and the granting of a certificate of occupancy.

Mr. Murray does not.

Mr. Gasiorowski asked if he made any attempt to locate it.

Mr. Murray stated no.

Mr. Jackson asked if that tent was problematic to the neighbors.

Mr. Gasiorowski stated it is a visual impact.

Mr. Jackson asked if it can be seen from the homes or if is disruptive.

Mr. Gasiorowski reiterated that it is in violation of the zoning ordinance. He asked if the tent could have been placed at the rear of the building.

Mr. Murray stated that there was not enough clearance for delivery trucks to come through.

Mr. Liston objected.

Mr. Jackson stated that they are seeking a variance now with this approval and it does not matter at this stage.

Mr. Gasiorowski asked if that temporary structure was important and it could be removed.

Mr. Murray stated yes.

Mr. Schmuckler inquired about where the residents lived.

Mr. Gasiorowski stated they are in the east.

Mr. Schmuckler asked about who built the structure.

Mr. Murray stated it was a licensed contractor.

Mr. Gasiorowski asked about the buffers.

Mr. Liston objected. We addressed the buffers on the east and south west side along Locust Street. We did not have to address the west side.

Mr. Gasiorowski stated he would like a landscaping plan submitted showing the buffered area.

Mr. Vogt stated they meet the buffer requirements but Mr. Gasiorowski is asking about the quality of that buffer.

Mr. Jackson asked if something can be done to supplement that buffer.

Mr. Vogt stated you can look at fencing.

Mr. Liston stated they are proposing 8 foot fencing. The buffer was approved when the original site plan was approved and we are not changing that buffer.

Mr. Banas stated that if something needs to be done it is done at any level.

Mr. Gasiorowski stated there is nothing presented to this Board exactly the density of the existing buffer and what must be added to supplement it.

Mr. Vogt asked about the 8 foot high chain link fenced and if it could be changed to board on board solid which would be a permanent buffer.

Mr. Lurie affirmed.

Mr. Gasiorowski stated he was looking at the map and was trying to determine what zones the adjacent properties were in.

Mr. Jackson asked how they are not complying with the 50 foot buffer.

Mr. Gasiorowski stated they do not have a landscape plan.

Mr. Banas stated they approved that plan previously in all buffers.

Mr. Gasiorowski asked about the waivers being requested. He stated a sidewalk could be put along the site frontage.

Mr. Lurie agreed. There is no curb or parking islands which we are seeking a waiver for.

Mr. Gasiorowski asked what the display area is used for.

Mr. Lurie stated it varies by the events they are holding.

Mr. Gasiorowski asked if they could move the temporary and permanent structure to the rear of the building.

Mr. Liston objected. He stated he can produce the building permit and certificate of occupancy.

Mr. Gasiorowski asked how many times Mr. Lurie visited the site.

Mr. Lurie stated approximately eight or nine times.

Mr. Gasiorowski asked if he did any counts of cars or had taken any photographs.

Mr. Lurie stated he took photographs but he does not have them with him.

Mr. Gasiorowski asked if he is doing any redrafting with regard to the ingresses and egresses.

Mr. Lurie stated no.

Mr. Gordan Gemma, P.P. was sworn in. He had someone at Lafayette Green take photographs of the site.

Mr. Liston asked that the individual who took the pictures be sworn in.

Ms. Laura Mattera stated she took the photographs at various times between October and November, mostly on Fridays, Saturdays and Sundays.

Mr. Gasiorowski entered photographs as exhibits O-1 through O-3. He confirmed with Ms. Mattera that she did in fact take the photographs and the time stamps are correct. He then entered another set of photographs as exhibits O-1 through O-7

Mr. Percal stated that they have not discussed the noise levels and is confused as to why not.

Mr. Liston stated there are noise ordinances in effect which vary from daytime to night time. He stated his applicant will comply with those noise ordinances and he will accept that as a condition if this Board chooses to approve this application.

Mr. Vogt stated the waivers sought including no curbs or sidewalks along site frontage, no shade trees or utility easements along site frontage, no shade trees along the frontage.

Mr. Gasiorowski asked Mr. Gemma about the plans submitted.

Mr. Gemma stated there are two issues including the existing building which encroaches into the side yard setback and the temporary structure which encroaches on the side yard setback as well. Mr. Gemma discussed the noise ordinances.



Mr. Liston objected as he is not a noise expert.

Mr. Gemma stated the concern is having that property in the rear is going to exacerbate the impact of the noise.

Mr. Liston stated the variances Mr. Gemma spoke about do not relate to the parking area.

Mr. Gemma agreed.

Mr. Liston stated the additional parking the applicant is asking for does not create a non-conforming use situation or a variance situation.

Mr. Gemma agreed.

Mr. Douglas Staples, 577 Woodbine Was sworn in. He stated he has lived in Lafayette Green since 1995 before Harley Davidson was built. He stated he is aware that property is zoned for a business use and he has no objection to that being there. He stated that he works nights and during the day on most occasions the parking lot is not full. He stated when there are events they use the parking area to set up food, entertainment, etc. He believes the size of the lot they are asking for is excessive as well as the lights, pollution etc. The noise is also a problem. There is a tremendous amount of noise coming out of the temporary structure.

Mr. Liston objected. He stated at the plan review meeting he asked if there were any violations or complaints to provide him with the records.

Mr. Staples stated he hears multiple motorcycles.

Mr. Liston objected.

Mr. Jackson he does not know that the Planning Board can deny the application to build a parking lot because there may be some noise.

Mr. Gasiorowski stated if the motorcycles are being used in the temporary structure which is a non-conforming structure thus a non-conforming use.

Mr. Staples stated he hears noise from the temporary structure where they keep motorcycles. They also keep motorcycles outside of the rear of the building. He stated there could be as many as 30 to 50 motorcycles in the rear.

Mr. Schmuckler asked if he had called the health department or code enforcement.

Mr. Staples stated they were told to call the police if the noise got excessive but he felt that would be a waste of time to the police.

Mr. Vogt stated there will have to be testimony from the applicants planner justified the "C" variances that are being sought for the two buildings. If the Board votes to keep the temporary structure it may be reasonable to put walls around it to help with the noise issue.

Mr. Jackson asked if Mr. Staples hears the motorcycles running in the temporary structure.

Mr. Staples stated yes and revving.

Mr. Gasiorowski stated he did retain a sound expert but he is on vacation this week.

Mr. Jackson asked if he took measurements.

Mr. Gasiorowski confirmed yes.

Mr. Banas stated he had some issues with the plans. He stated the temporary tent does not belong there. He would like to see some plans in terms of lighting. Mr. Banas stated he would like to continue this application to another meeting.

Mr. Percal would like to know the restrictions as to the number of social events they can hold.

Mr. Jackson stated he thinks it would be a judgment call. He suggested that the applicant and objector have some discussions about the operations and come up with some sort of agreements.

Mr. Banas stated he would like to adjourn the meeting.

A motion was made by Mr. Franklin, seconded by Mr. Schmuckler to move this application.

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

Mr. Jackson stated the application will be continued on January 17, 2012, no further notices are required.

## **8. PUBLIC PORTION**

Mr. Bill Hobday stated Lakewood needs to be business friendly. He stated he sees no issues with the applicant building a parking lot.

## **9. APPROVAL OF MINUTES**

A motion was made and seconded to approve.

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

## **10. APPROVAL OF BILLS**

A motion was made and seconded to approve.

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

## **11. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary