

1. 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 Meeting 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 the 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 criteria of the Open Public Meetings Act.”

2. ROLL CALL

Roll Call Mr. Herzl, Mr. Franklin, Mr. Arcchi, Mrs. Koutsouris, Mr. Banas, Mr. Neiman, Committeeman Akerman, Mr. Fink.

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. SP 1764A (No Variance Requested)

Applicant: Somerset Development

Location: Route 70 & New Hampshire Avenue
Block 1248 Lot 2

Amended Site Plan to convert 144 age restricted units to 144 nonage restricted units

Moved by Mrs. Koutsouris, seconded by Mr. Fink

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arcchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman, abstain, Mr. Fink, yes.

2. SD 1799 (Variance Requested)

Applicant: Mordechai Englard

Location: South Street, west of New Hampshire Avenue
Block 855.06 Lots 30 & 31

Minor Subdivision & Variance to create 3 lots

Moved by Mr. Fink, seconded by Mrs. Koutsouris

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman, abstain, Mr. Fink, yes.

5. NEW BUSINESS

1. **SP # 1957** (No Variance Requested)
Applicant: Beth Medrash Govoha
Location: Square block bordered by Forest Avenue, Madison Avenue,
Carey Street & Eleventh Street
Block 63 Lots 1 & 4
Preliminary & Final Site Plan proposed addition to existing library,
proposed dormitory & associated site improvements

Project Description

The applicant is seeking Preliminary and Final Major Site Plan approval. This site plan is for constructing additional library space, a student dormitory, and parking for Beth Medrash Govoha on Lots 1 & 4 in Block 63. The current site is a Planned Educational Campus. The existing 400 Carey Street and 1075 Forest Avenue buildings will be connected. The proposed building will mainly consist of a reference library, classrooms, and offices. The site plan indicates sixteen (16) off-street parking spaces will be required by the tenants of the dormitory. This is based on 0.25 off-street parking spaces required for each dwelling unit. The site plan also indicates eighteen (18) off-street parking spaces will be required for the reference library. This is based on one (1) off-street parking space required for each room containing a classroom, library, or office. Therefore, according to the site plan, the total off-street parking required for the project is thirty-four (34) spaces. Therefore, the total proposed off-street parking provided for the project is one hundred six (106) spaces, five (5) of which are handicapped accessible. The project is located in the northern portion of the Township and is generally surrounded by developed land. The plans list the project as a Planned Educational Campus since it encompasses an entire Block (Block 63) and is more than three (3) acres in area. ***We have the following comments and recommendations per testimony provided at the 6/14/11 Planning Board Plan Review Meeting, and comments from our initial review letter dated June 1, 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. The project is a developed site consisting of an entire Block. Topographic features, contours, and man-made features are shown on all four (4) surrounding roads. Due to the developed nature of the site and the isolation of the property by the bordering streets on all sides, we support the

granting of the requested waivers. **The waivers were granted by the Board at the June 14, 2011 Plan Review Meeting.** (II) **Zoning** (1) Per Ordinance #2009-53, Section 18-902.H.6.b., "A Planned Educational Campus may only be developed on one or more contiguous parcels of land having a minimum gross acreage of three (3) acres". The Schedule of Bulk Requirements indicates that 3.44 acres of land is being provided. Therefore, the Minimum Tract Size is met. **Statements of fact.** (2) The allowable Maximum Building Coverage is forty-five percent (45%) of the gross tract area. The Schedule of Bulk Requirements indicates the Maximum Building Coverage provided is 39.4%. A summary table should be provided. **A summary table has been provided which confirms the Building Coverage of thirty-nine percent (39%).** (3) The allowable Maximum Impervious Surface Coverage is eighty-five percent (85%) of the gross tract area. The Schedule of Bulk Requirements indicates the Maximum Impervious Surface Coverage is seventy-eight percent (78%). **Statements of fact.** (4) No variances are being requested in connection with this application. **Statement of fact.** (III) **Review Comments** (A) **Site Plan/Circulation/Parking** (1) We recommend the existing lots be consolidated since the proposed reference library connecting 400 Carey Street and 1075 Forest Avenue, as well as the proposed parking, cross the existing lot line separating Lots 1 and 4. **The applicant's professionals agree that the lots should be consolidated.** (2) Additional proposed dimensions are required on the Site Plan, particularly building dimensions and distances between buildings. **Distances between buildings have been added and the proposed minimum distance shall be put in the Schedule of Bulk Requirements.** (3) The Schedule of Bulk Requirements should also include proposed dormitory building length and dormitory unit square footage. **Dormitory length, not height, should be 182.7 feet. Per the architectural plan, the minimum proposed dwelling unit size (769 sf) should be added to the schedule as well.** (4) Off-street parking requirements for student dormitories indicate 0.25 spaces shall be provided for each dwelling unit. The plans indicate that sixteen (16) spaces are required. The parking area for the student dormitory proposes twenty (20) spaces. Off-street parking requirements for the remainder of the site according to Chapter 18, Section 906.C indicate eighteen (18) spaces are required. The parking area in the southeast corner of the site proposes eighty-six (86) spaces. **The applicant's professionals indicate that testimony will be provided on off-street parking.** (5) An existing one-way driveway access from Carey Street is proposed to be used for two-way circulation to the proposed dormitory parking area. This driveway is narrow for two-way traffic and will contain an additional restriction from saving a large oak tree. We recommend that the applicant consider realigning this drive to create a center island for the tree, and adequate aisle widths on both sides for entrance and exit. We recommend that the applicant's engineer contact our office to review this issue. **The revised plans indicate the tree will be removed. The existing driveway will remain at 22.8 feet.** (6) New handicapped ramps are required at the Forest Avenue corners. The

Madison Avenue (Route 9) corners have new handicapped facilities. Proposed handicapped ramps with detectable warning surface must be shown throughout the project site and at proposed driveway crossings along the surrounding streets. ***The applicant's engineer has agreed to add the handicapped ramps throughout the project site.*** (7) The existing curb and sidewalk surrounding the property is in varying condition. The General Notes state that any damage to the curb and sidewalk during construction will be replaced at the direction of the Township Engineer. We also recommend grading corrections be undertaken along some of the gutters to eliminate the collection of runoff, particularly along Carey Street. ***Per a note on the revised plans, the applicant has agreed to provide additional grading measures as requested. This item can be addressed during compliance if/when Board approval is granted.*** (8) Sight triangles have not been provided at the intersections. However, the existing fencing and proposed wall locations allow limited sight triangles. Testimony on sight triangles should be provided. ***The applicant's engineer indicates the sight triangles will be completely contained within the large right-of-way widths.*** (9) Shade tree and utility easements have not been provided. Shade trees are being proposed within the right-of-way. Testimony should be provided on this proposal. ***New Jersey Department of Transportation approval will be required for the proposed landscaping within the Route 9 right-of-way.*** (10) Testimony should be provided on the loading area proposed within the dormitory parking area. ***The applicant's professionals indicate that testimony shall be provided on the loading area proposed within the dormitory parking area.*** (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 that renderings shall be provided.*** (2) Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed for the proposed buildings. If so, said equipment should be adequately screened. ***The applicant's professionals indicate the HVAC units will be roof mounted and adequately screened. Revised plans should be submitted.*** (C) **Grading** (1) The proposed grading scheme is difficult to evaluate. We recommend the following: (a) Adding proposed missing contour lines. (b) Numerically labeling all proposed contour lines. (c) Providing more proposed spot elevations, particularly at buildings. ***Proposed final grading will be reviewed during resolution compliance if site plan approval is granted.*** (D) **Storm Water Management** (1) A proposed storm sewer management system has been designed. The proposed underground recharge system is located beneath the parking area in the southeast corner of the site. Collection of runoff will be from proposed inlets within the parking area. Per review of the design, it is feasible and can be finalized during compliance review if/when board approval is granted. ***The design has been further refined in the revised submission. While minor design changes remain, the proposed***

design exceeds applicable stormwater design standards with respect to Water Quality. (2) Permeability testing indicates varying results. The Narrative Section of the Storm Water Management Report shall justify the infiltration rate proposed for the design. **The results of the permeability testing are provided in Appendix C. A Narrative Section shall be added discussing the infiltration rate proposed for design.** (3) Soil borings taken within the proposed recharge area indicates 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 Soil Borings #1 and #2 are not shown on the plans. **Soil Borings #1 and #2 have been added to the plans. The borings are in the vicinity of the proposed dormitory and indicate a two foot (2') separation will be maintained from the seasonal high water table elevation to the lower level floor.** (4) Predevelopment and Post Development Drainage Area Maps have been provided to assist in the review of the design. **We recommend that a (slightly) larger portion of the site should be directed to the proposed recharge facility to reduce the bypass area. This item can be addressed with the applicant's professionals during compliance if/when Board approval is granted.** (5) Review of the Storm Water Management Report indicates revisions are necessary. Runoff reduction rates apply. A final review of the storm water management system will be conducted during compliance if/when approved by the Board. **Per revisions to the stormwater management report and volume reduction calculations, the revised design complies with the volume reduction requirements in the stormwater rule by reducing stormwater leaving the site during the design stormwater events. This item has been addressed.** (6) The submission of a Storm Water Management Operation & Maintenance Manual has been included. 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 Manual will be reviewed in detail during compliance submission should site plan approval be granted. **Testimony has been provided that the applicant shall be responsible for the operation and maintenance of the on-site storm water management system.** (E) **Landscaping** (1) The overall landscape design is subject to review and approval by the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. **The Board should provide landscape design recommendations, if any.** (F) **Lighting** (1) The overall lighting design is subject to review and approval by the Board. **The Board should provide lighting design recommendations, if any.** (G) **Utilities** (1) A Utility Plan should be added to the site plan set. **Utilities have been included on the Grading and Drainage Plan and the plan sheet relabeled.** (H) **Signage** (1) Per review of the design documents, it appears that (only) building mounted signage is proposed at this time. **Statement of fact.** (I) **Environmental (1)** A comprehensive plan entitled "Tree Preservation and Replacement Plan" has been submitted for review and will require revision. The proposed site improvements must be outlined on this plan since some of the existing

trees intended to be preserved will be impacted. ***Per communications with the applicant, compensatory plantings will be provided for any trees that cannot be preserved in accordance with the Township's Tree Protection Ordinance.*** (J) **Traffic** (1) ***An evaluation of the traffic implications for renovations and expansion of the campus has been submitted for review, assessing parking supply and impacts of this project on adjacent streets.*** (2) ***The evaluation indicates that access will be limited to the two (2) local streets abutting the site where traffic volumes are much lower.*** (3) ***The evaluation also indicates that minimal additional traffic will be generated by the proposed uses. In addition, the proposed parking will be more than sufficient to support the site.*** (K) **Construction Details** (1) We recommend the applicant's engineer contact our office to correct construction details based on our cursory review. Final review of details will occur during compliance if/when approval is granted. **Statements of fact.** (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) NJDOT (proposed landscaping in the right-of-way); and (f) All other required outside agency approvals.

Mr. Penzer for the applicant would like have Brian Flannery PE sworn in.

Mr. Brian Flannery PE was sworn and recognized, stating at the tech meeting there were four exhibits marked, A-1 is a rendered version of the site plan, A2 is an aerial perspective of the Library and adjacent building from the south east, A3 is a ground view of the library and adjoining buildings from the perspective of entering on 11th street, A4 is a ground view of the library at the entrance. In addition I would like to mark A5 which shows a minor change from A1 where you will see at the entrance to the parking area off Carey Street there was an existing tree that has been there for a long time and as per the recommendation of the Boards Engineer that we either modify something or remove the tree to provide more safety and we chose to remove the tree. The application that is being submitted tonight is a fully conforming application, under the campus ordinance and there are no variances required. The ordinance requires 34 parking spaces for this facility 16 for the dormitory and 18 for the remaining buildings and we are providing 106 off street spaces. In accordance with the ADA requirements 5 spaces are handicapped accessible. The project site is 3.4 acres which exceeds the 3 acre stipulated in the campus ordinance the maximum allowable building coverage is 45% the plan that is submitted for full development of this site is 39.4%, which complies. The ordinance also allows a maximum pervious coverage of 85% the plan is for 78% pervious coverage. As to the review comments in Mr. Vogt's letter on page 3 it indicates that the two lots should be consolidated and we will do this.

Mr. Fink asked how many dorm buildings are there. Mr. Flannery stated there is one dormitory building with 65 dwelling units; the handicapped spaces are in both of the lots. On page 5 of the

letter it talks about site triangles, they are contained within the roadway on a photo marked A6, it is indicated in red and both of the roadways where we have the stop sign configurations are very large right-of-ways there is enough room in accordance with ASHTO standards that you don't need a site triangle easement on the property because all of the site area is contained within the right-of-way. #9 in the letter is with respect to the trees along Madison Ave. the landscape architect has shown trees in the right-of-way consistent with some of the other tree planting in the area. We would need DOT approval from that and our traffic expert tells us that since they have widened that now to five lanes the DOT would not approve that so we are indicating is that we will eliminate the trees in that right-of-way, there are a lot of other trees proposed on site, if you see the review letter from the shade tree commission they say they are very proud of the plan. The Storm Water management we have provided in accordance with the requirements we have reduced all of the design flows the two year to twenty five year and the hundred year have been reduced by from 68 to 75% and the applicant will be responsible for the maintenance of the Storm Water Plan. The other comments are minimal in nature and we will satisfy the Engineers report in entirety.

Mr. Penzer stated that there is a Traffic report if there are any questions from the traffic expert.

Mr. Neiman asked Mr. Vogt if he was satisfied by Mr. Flannery's testimony. Mr. Vogt stated that he believes that the applicant is going to agree all outstanding conditions in the letter. Mr. Flannery stated that that was correct.

Mr. Neiman opened to the public for any questions.

Mr. Yahuda Shain, 1140 Forest Ave. stated he had sent an OPRA request for a traffic report a few days ago and he was told there was none, therefore he believes the Board should not allow the traffic report of tonight to be allowed as evidence. Yesterday the Township web-site had this application listed as #3 and my lawyer is not here at this time and I asked if this Board could hear this case a little later and I was told no. The neighbors feel very intimidated by the applicant and therefore they are not here this evening. The applicant did not sit down with the neighbors in advance to discuss with them the plan for the simple reason that they are aware that every single neighbor is against this plan. I will be representing these neighbors here tonight. MR. Jackson stated that Mr. Shain can only represent himself this evening and not any of the neighbors. This Board can not accept petitions and it is not appropriate to have neighborhood resident say that they represent others in the neighborhood. The only person that can represent someone else can be a licensed attorney that has been retained by the person making that complaint. Mr. Shain stated that GCU also had an exit onto Carey Street which would flow to Forest Ave. Chairman Neiman stated that he did not remember an exit onto Carey Street. The Environmental Report is insufficient because the area of Forest and 11th Street always floods there should not be any more area coming in of being paved, the area where there is parking that the current campus is using on the corner of 11th and Madison is not paved which is against Township ordinance because you can only have parking where there is pavement but they disregard that. If that is paved there will be a lot more problems with run off

(he showed pictures of the flooding). The current study hall that they have is approved for 700 students, they have 850 students currently in the main study hall and 90 in the side rooms which is a total of 940 students. There other building which is basically the former reformed temple is approved for 200 students, they are overcrowded on the entire campus and they should not be able to open a second building because they are currently over using the space that they have. Forest and Carey parking lot has 83 parking spots there are 95 cars parking there on the grass in the fire lanes and on unpaved lot (he showed pictures of this), they are also parking on the street in a loading zone on Forest Ave., because of the deficiency of parking in the area cars are constantly being parked where the Township has an ordinance no parking –loading zone. When Bais Sholem at 10th and Madison got there approval they included a parking lot which this applicant went and turned it into a playground with a fence around it and no parking. The way the ordinance is written it states .25 parking spaces per dorm room without stating how many students to a dorm room. The original BMG was designed for three students per dorm room, they have put in four or five students per room, the amount of cars that they have on the main campus there is one car per eight students 65 rooms times 8 you have approximately 500 students the parking is very deficient. The temple building use is not on the plan as to when they will open it up and how many students they plan to have there, it is my opinion basically they will not be able to open that up so it is regardless of opening up another building which is just going to aggravate the problem much more that what it is. A permanent trailer was parked in a fire lane on the campus, no Emergency vehicles will ever be able to get into any of the campus based on the situation we currently have. What the applicant should be doing to alleviate the parking problems they should have to build a parking structure several levels at Madison and 11th, I am not addressing even the problems that will mushroom when they open up the second one and when GCU opens up a new exit and the natural traffic flow that will increase based on these openings. I have been living here 42 years and I have seen how the traffic is on a constant increase. At this time it is irresponsible to even consider eliminating any of the current parking spaces from the inadequate parking, we can suggest many solutions for additional dormitory if the applicant truly has any need for a dormitory but the problem the applicant has there is no need for a dormitory because the and other building that they have had an elementary school that is vacating at the end of this month that they can put a dormitory building over there, it is not a hardship case based on the application, it is a hardship case on the entire town and the neighbors. An additional dorm can be constructed on the main campus on 7th Street and Private Way, there are many solutions. When this applicant applied for 120 rental units on the Princeton Ave site with basically no provision for parking per say this Board was railroaded into believing that there will not be any cars because the students that will live in the rental units and use the Princeton Ave. school but all of the rental units are for married students which all have cars. This Board has granted waivers in the past on parking but if you look around you can see that that was very unrealistic and the parking all over town is a mess. This applicant tried to use a shuttle bus from parking by the lake and it did not work trying a shuttle bus from any other area will not work as well. GCU was turned down recently due to there deficient parking plan and traffic, if that is so than this applicant should be turned down as well. Mr. Shain then spoke about making a fair and ethical decision that is best for the Lakewood people.

Mrs. Noreen Gill, 192 Coventry Drive, stated there are 65 swelling units, how many students will be in the rooms and are they going to be married. Mr. Flannery stated that they are single men and each room is configured differently allowing for a different number of students per dorm room. Mrs. Gill stated that she did her own traffic study and she stated that the parking lot on 11th Street and Clifton has 600 cars in it on gravel. The traffic in the area is horrible if she was a neighbor of this project she would show up at this meeting and she feels that the neighbors are intimidated and will not show up. The Township has a responsibility to for not having a plan for all the traffic in the area for this expansion. When GCU wanted to expand and have more traffic in the area over 20 years the whole neighborhood showed up to complain. I would like to know when the Traffic expert was there because it is not getting better it is getting worse.

Mrs. Betty Weinstein 1100 Forest Ave. I live across the street from the Kleinman campus and I can't get out of my driveway it aggravates me and this happens a lot. It bothers me when my garbage gets blocked so my trash is not picked up. The truth is there is no parking, when they opened up the parking lot near the temple it alleviated a lot of the parking in the area but not on my street. Today everybody has a car including all of these students. At 7pm the area clears out and it is wonderful, if another dorm is built there will be an overabundance of cars all over the area. This was a residential area and it has become a business area, the BMG is taking over all the spaces. I would like the Board to think very carefully about this application.

Mrs. Bernice Shain, 1140 Forest Ave. The traffic on Carey Street is horrendous and the cars park all the way to the corner and there is no yellow line at the corners and it is very hard to see oncoming traffic. There is a dining room area on 6th by Private way and these students will have to find a way to get there. These are unmarried boys that are dating and they will be coming and going at all hours. There is flooding all up and down the street.

Mr. Jackson stated that Mr. Shain handed him 42 pictures that are being submitted as evidence. Chairman Neiman stated they can be viewed during testimony.

Mrs. Gelbwahgs was sworn in and stated that because of this application there will be no peace in the area because of the increase of people as well as the traffic. This is a residential neighborhood and should not have a dormitory built in it.

This portion of the application is closed to the public and opened to attorneys.

Ms. Ann Studholm attorney for Bernice and Yehuda Shain, I was delayed by traffic and Mr. Shain put his own testimony in with out my telling him too. There is a point that I would like to introduce him on as an expert I think it will be very helpful to the Board. The Board asked the applicants architect how many people this was designed for and I don't believe there was a full answer but from the plans it is 8 times 65 which would be 520 residents.

Mr. Flannery stated that his testimony was that there will be two different room sizes 769 sq foot and 782 sq foot and that when the plans are finalize the amount of students that are

permitted by code would be the number of students, the architects drawing shows eight beds in the largest room but that is with no other furniture, desks etc.

Ms. Studholm asked if any Board member is relative to this application part of BMG. Committeeman Akerman stated that he is an alumni of BMG and his father-in-law studies there. There were other board members that stated they were students of BMG in the past. Ms. Studholm asked if the Board thinks it is a reason of Recusal.

Mr. Jackson stated that he has not seen in prior applications that a person that was a student would have to recuse himself but it would be up to an individual member if they felt it would play a significant part in their decision making.

Mr. Penzer stated from Hughes vs. Monmouth Univ. 394 NJ super 193 appellate div. surc. denied 192NJ 599 2007 the court found that the Board members who were alumni of the University applicant need not be disqualified where there association with the University had been removed. The court noted that the Board members had received degrees several years prior. In this case both of the members of this Board are far enough removed from the University, but even if these men are removed from this application there will be enough members to vote. Mr. Penzer asked Mr. Akerman if his father in law is a member of BMG or does he just study there. Committeeman Akerman stated that he studies there each morning and at this time Committeeman Akerman recused himself from this application.

Ms. Studholm stated that there is an issue with this being an overlay zone because this is a residential zone with a University in it.

Mr. Brian Flannery stated Ordinance 2009-53 the Campus Ordinance passed on 9/24/2009 the second paragraph "be it further ordained that the Township Committee has decided to permit planned educational campus in the area the Township identified as wherever schools are permitted shall be treated in accordance with the multi-family RM on the Township zoning map in accordance with the permitted conditions and design requirements specified herein." Mr. Jackson asked Mr. Flannery why does he believe this application is in the correct zone, please explain your reasoning. Mr. Flannery stated the applicant is here under the section that was approved for educational campus and it says rather clearly that the Township Committee has decided to permit planned educational campus in the area of the Township identified as where ever schools are permitted, schools are permitted in the RM which half of this lot is, schools are permitted in the R12 which is the other half of the lot is. Clearly the intent of the Ordinance states" be it ordained by the Township Committee of the Township of Lakewood in the State of New Jersey that it has been determined that there has been a growing number of college level institutions in Lakewood that have campuses' that contain a mix of facilities for varying uses such as academic, sports, student residences, dormitories, dining facilities, faculty residences long with ancillary buildings such as maint. and storage and it has been determined that a campus like setting in which student and faculty live, reside and study together is essential to the learning experience and has therefore been determined for good planning principals that a

campus ordinance will allow for the proper planning of such campus parcels. We all know what those colleges are it's BMG and Georgian Court, GCU is entirely in the R12 Zone so to write this that it doesn't apply to the R12 we would have to say that the Township only has one college. Mr. Jackson asked to have opposing council outline why they feel this is not so.

Ms. Studholm stated that she does not have to read the whole ordinance that she will be very concise. The ordained portion is clearly there is a grammatical non sequator it was obviously as enacted not fully drafted now your own planner had said in an RM zone where multi family is permitted we should permit dormitories there is a need for dormitories in the town RM zones already permit multi-family and it makes sense and I would concur with that. I would like to re-read what he read and then read what the actual ordinance said. It says "be it further ordained, again keeping in mind the planner zone testimony that RM is appropriate, that the Township Committee has decided to permit planned educational campus in the area of the Township identified as wherever schools are permitted shall be treated in accordance with the multi-family RM on the Township Zoning Map in accordance with a permitted condition, design requirement specified herein, that's ambiguous. It certainly looks that be it further ordained, that is a preamble, it doesn't necessarily have the full effect of the Ordinance, but even right there you can see that there is a glitch, whether it would be within the RM or shall be treated as RM. Then you get down to section one of the Ordinance, Chapter 28 of the Code of Lakewood Township entitled Lakewood Township unified development ordinance of May 11, 2006, is hereby supplemented by amending sub section 18902.h permitted uses in the RM district as follows, multi family residential, and it adds to the permitted uses in the RM district this does not make the RM district an overlay, your current map does not show the RM district as an overlay, that may have very well been the original conception of this ordinance but it is not what was written and passed. The permitted uses in the RM are a thru g and then it says planned educational campus in those areas identified on the Zoning map for RM, and then it has except for some other areas, for all I know those aren't designated for RM. We see in the preamble that it is not artfully worded there it is in section one what it amends, it amends the RM Zone, how does it do it, it amends the RM zone to permit the following uses including planned educational campus in those areas identified on the Zoning map for RM. Then section two set out the standards for planned educational campus's. I do not believe that this a permitted in the R-12 and I think they need a use variance.

Mr. Jackson stated that the Board should hear what the township Engineer has to say.

Mr. Vogt stated in terms in how the ordinance is written, preamble, non-sequator, I will be honest I have not really analyzed the Ordinance, my understanding of the Ordinance is consistent with what MR. Flannery said, I just want to add one more thing that has not come out that should also bear on this. Keep in mind they are not coming in with a new campus, this is an existing campus according to the definition as I understand it, that they wish to add too.

Mr. Jackson stated in your opinion the Board has jurisdiction and this does not require variances. Ultimately it is the Boards decision.

Ms. Studholm had a response which is they do have an existing lot, I don't know if you call it a campus or not, it has two former synagogues and two parking lots. They are proposing to build a dormitory on one of those parking lots that can house 520 people, that is not existing, that is an RM use, that is a very multi-family use, but they are not even near a multi family district, they are in an R12 where my clients also have a single family house as many other people in the area.

Mr. Penzer stated he was present and took part in the designing of the Ordinance with the Township Committee, GCU was consulted BMG was consulted, the Township Committee was consulted, the Township Committees plan was to allow wherever schools are permitted. The language was used specifically as not to be as you read it but instead wherever schools are permitted. This property is a single solid block. Mr. Jackson stated that he wholeheartedly agrees with Mr. Penzer that this is permitted and that is his recommendation to the Board and they should proceed from here.

Chairman Neiman stated that the Board will proceed with the opinions of the Township Attorney and the Township Engineer.

Ms. Studholm stated she would like to reintroduce Mr. Shain as an expert witness as to the parking issue that this will create, his credentials as a real estate agent, building manager at this facility and a Rabbi qualify him as an expert for parking of Yeshiva students that would be generated at this specific facility

Chairman Neiman stated he can proceed as a witness not an expert.

Ms. Studhold asked Mr. Shain, we have heard some questions from the Board members some suppositions from the audience members some artful ducking from the applicant's architect as to how many people would even be in this dormitory now what I would like to do given that they claim that this ordinance applies those standards to the R-12 Zone and they would then be able to have one parking space per thirty two residents I would like to ask you do you have reason to understand the transformational means of the yeshiva students at an institution such as this and for the members of the Board and people such as myself I tend to think that they are college students. Mr. Penzer objected as to the questioning and asking Mr. Shain what a yeshiva student is makes him an expert on that, as a witness he can only testify as to what he has seen not what he thinks. Chairman Neiman stated that they may proceed. Mr. Shain stated that yes they are yeshiva students. Ms. Studholm then said what I am interested in is do you know how many cars do they drive. Mr. Shain stated when BMG came in front of the Board to build their original dining room building the question was asked of the Yeshiva, who I was a member of at the time, how many cars are there now for the students now. Chairman Neiman stated that this was in 1980. Mr. Jackson asked what is the relevancy of this testimony. Ms. Studholm stated that they put in an OPRA request and as far as she can tell there is no objective criteria, there were no parking studies, there were no other studies. Mr. Jackson stated that that is the municipality's prerogative. Ms. Studholm stated there is absolutely nothing to underlie this one car per four dwelling unit standard as far as we can tell GCU and BMG had a hand in writing this

statute but no one said it. Mr. Jackson stated that she is saying that the municipality has to put a parking requirement in and the parking requirement that they put in should be disregarded. Ms. Studholm stated she is suggesting they put in a multi family type use in a residential neighborhood and once they have chosen put in a parking requirement . Mr. Jackson stated that the problem is with the Township Committee not with the planning Board if the Planning Board has to follow the regulations if the Planning Board starts inventing standards as it goes along then it's decisions are arbitrary and capricious, if the applicant looks at the rules and designs it's project in accordance with the rules I don't think it's appropriate for the Planning Board to start saying that that is an invalid criteria. Ms. Studholm stated that it is appropriate for the Planning Board to see (A) was there anything underlying it and if not and with all due respect it was not. Mr. Jackson stated I think the time for that is when the Planning Board reviews the ordinance which we recently did, I would respectfully disagree with you and I feel the issues regarding parking should be limited to whether the figures add up and not what they are based on. Ms. Studholm stated for the record she is offering a fact witness to support how much parking would be requires by this 520 bed ordinance and I believe that I am being told by the attorney that that testimony is not required by the Board despite what I have offered onto the record, I have not been contradicted, that the Committee when they drafted this ordinance had zero parking standards, so you are to apply something with no standards you are being offered a fact witness who can give you a standard and my understanding is you are electing to not hear from that fact witness. Mr. Penzer objected as to the nature as to she is putting words in the mouth of the Planning Board, for the record what happened is the Township Committee held a hearing sent it to the Planning Board, the Planning Board gave a unanimous recommendation and the recommendation went back to the Township Committee and the Committee made the answer for you to come and say now that it was on a basis you are insulting the Planning Board, you are saying that the Planning Board made a recommendation without knowing what they are doing and that is not what happened. Chairman Neiman stated what we are dealing with here are two things we are dealing with an ordinance and we are also dealing with practicality here. The ordinance might say that one car per four students or whatever, I think being that it is not in a campus like Georgian Court, it is out in a neighborhood you have to deal with the practicality of it too. There are really two things here and as a Planning Board we do that we deal with ordinances but we also deal with practicality and we want to make sure that we hear testimony from neighbors and we know what the potential what we can do to a neighbor we just want to make sure that there will be suffice or next to suffice off street parking. And I think what the attorney is trying to get to. Ms. Studholm stated that part of the OPRA request they asked for there is a letter dated 9/16/09 from Michael Elward on behalf of the Lakewood Township Planning Board to Mr. Edwards in section 3 it states parking standards- the Board reviewed the proposed parking requirements as insufficient, adequate parking ratios should be provided as to residential uses and educational and institutional uses. I don't have any record that actual evidence was taken as to this I think there is another problem here which the Committee may have left for the Board and we might straighten this out in litigation, I hope not, which is one car per four dwelling units. I don't think they contemplated eight people per dwelling unit and I am not sure they contemplated what I was trying , maybe not well is these are graduate students,

these are not 18 year olds, these are young men in their twenties , many of whom own cars as we can see. Part of Mr. Shains photography evidence was maybe back in 1976or 1980 we didn't have very many cars for these students but that is no longer the case and hasn't been for a while. My client will say from his direct long time observation there is one car for at least every eight dormitory students and probably one per every two or three day students and this facility already accommodates roughly 850 to 900 day students and I have not heard that that number will be reduced, they are planning to add 520 dormitory students who can be expected to have at least 65 cars. Chairman Neiman stated that a large portion of the 520 will be the day students too, that is why they are creating this campus to eliminate people driving to this campus. You have these 500 students there when we were discussing these campuses the goal was to try to eliminate traffic and cars going from one area of town to another area of town, if they dorm there they study there also. On the 7th Street Campus they live there let them study there too, to alleviate the driving of one area of town to the study hall. Ms. Studholm stated that that makes a lot of sense and she was wondering if there was a requirement to that effect that these 520 students are going to be a sub-set of the 850 to 900 day students that study there right now in one of the two existing buildings, my clients are very worried that you will have 530 students sleeping there 900 in one study hall and 900 in another, those cars add up, already that parking area is very crowded, already they are way over parking what they claim and again I have a fact witness as to the number of cars that these students are going to be generating. I think it is very important for this Board to have and I don't see how this Board can rule on this application without knowing how many cars it will be generating and if the parking is remotely sufficient in this residential neighborhood that doesn't permit this use anyway. Mr. Penzer stated number one to clarify for the record I would like Mr. Flannery to repeat what he said. Mr. Flannery stated I never said 520, I said there are two different room sizes one is 769 sq feet, one is 782 sq feet and that when the final plans are done how ever many by code are in those rooms will be in those rooms. When further asked what is the maximum I stated the architect showed the maximum is that eight beds can fit in the room without any room for anything else, I find it highly unlikely that they will be put in rooms with no other furniture. Chairman Neiman asked what would the code permit. Mr. Flannery stated that we don't know what the maximum code would permit until we develop the plans and at this point there was no reason to develop finalized plans that we are going to submit for approval. Chairman Neiman asked is the x amount per feet per student lets say 100 sq feet. Mr. Flannery stated that it depends on the building material, access and egress, it is going to depend on a lot of issues that don't get resolved at this point. We had a very specific standard of one parking spot per every four dwelling units we provided more than three times the amount of parking that is required. The whole Board is familiar with where the old Little League field was there will be another parking lot that will be put in there. The parking problems that have all been raised are existing traffic. As you indicated yourself these dormitory units will take some day students out, we know how many cars the day students have, they all have a car. When you provide a dormitory space and you can look at universities throughout the country, several of them the students do not have cars. So when Mr. Shain is introducing his facts about how many cars are there, they are skewed in his direction, and if we were providing only the 34 spaces that were required by ordinance, I

couldn't stand here with a straight face and tell you it was appropriate. Chairman Neiman stated the there is ordinance and then there is reality. Mr. Flannery stated that is why they provided more than three times the amount required. Mr. Shain stated that BMG original dormitory was approved for three and they have five there now so they squeeze in more than is permitted by ordinance so if we have now eight there will be ten or twelve in those rooms. Mr. Flannery stated they will have to sleep in the same bed because the architect only shows eight beds fitting. Mr. Shain stated the little league lot which they want to utilize is already full at this time as the pictures show. Ms. Studholm stated that she has one more item on the flooding, we have seen the Storm Water Management plan which proposes to reduce the current existing run-off, I am wondering if that reduction is also going to alleviate capacity on that storm drain and if any questions were made of the applicant as to whether we are going to have still some degree of flooding in addition to the potentially very massive traffic and parking that we have heard testimony on that now. Mr. Vogt stated that the engineers have looked on the Storm Water Management system and I just want to clarify something, the applicant is not responsible by law as I understand it to solve existing problems, it is the applicants charge in accordance with state and local regulations not to exacerbate problems, towards that this project is currently designs to meet both the State storm water rule as well as local standards, it is not adding to storm water. Chairman Neiman stated there have been a lot of prior applications I can remember the WAWA on the corner of Kennedy & Squankum where there were heavy flooding problems and with the additions and the beatification of that mall they actually made the problem better, so you can't say by adding a building you will have more draining, there is a possibility of improving what is there now and taking away some of the drainage issues and we have seen that in several applications here, where when they added onto or built a new building they also reconfigure the drainage and they alleviate the problem. Mr. Flannery stated that they ran the three storms, the two year, the twenty five year and the hundred year storm and in all of them we have reduced the run-off by 78 to 80% so you are going to have more than 20% less water, additionally the storm water system that we are providing if we just put the buildings in the objectors would have been correct there would have been a problem. We are putting in 2900 linear feet of 36 inch pipe in a drainage field, that is more than a half a mile long in 36 inch pipe in gravel, at an exorbitant cost, but the purpose of that is to reduce the storm flows so I can say the flows on a small storm will be substantially reduced and on the hundred year storm that it will be reduced by 20%. Ms. Studholm stated on the storm water that is an engineered system, they have to be regularly cleaned and maintained the little holes fill up the gravel bed sifts in and we did hear the applicant say if they just built it without that it would worsen the problem so on the Storm water I would urge this Board to have some very strict conditions on the maintenance schedule the requirements that they keep the maintenance file on file with you. Mr. Flannery stated that that has been submitted. Mr. Vogt stated that that will be done. Ms. Studholm stated that she would like to get back to the parking her concern was two-fold, one on the facts of the parking, I really think we have seen what the parking could be, the other concern is about the facts of how the ordinance was drafted, and this use requires a variance as the ordinance is drafted and understandably so, this neighborhood is not RM, it doesn't already have this sort of extremely dense residential use and I don't know what the Board intended by numbers of dwelling units,

one car per dwelling unit, and the other thing I would like to draw the Boards attention to is the current parking requirements are one car per classroom, which makes perfect sense if you are talking about children but if you are talking about adult graduate students who are driving it doesn't make sense and they may be exceeding the parking requirements just not an appropriate parking requirement. There is certainly enough here for the Board to request more information to deny it for now and request resubmittal and I would like to remind the Board that GCU was denied for some similar issues on their master plan. My client during his testimony before I got here alluded to the spot zoning nature of this, certainly the record is replete with references to the potential Princeton Ave and the fact that this ordinance if it was drafted as Mr. Penzer has said really does seem like spot zoning, if it was intended to put a use of this density on this spot. I assume that it wasn't it was not intended to put a use of this density on this spot because it is not in the RM Zone.

Mr. Penzer stated it is our position that whatever the complaint is talking about in our opinion has no credibility; instead of attacking the ordinance the proper body to attack the ordinance would be the Township Committee. This Planning Board is to look at what was the ordinance was created for, it was created with very specific needs and conditions. If we listen to the objectors attorney we would have it be that the Township Committee made an ordinance out of thin air with out any though what so ever, interestingly enough this ordinance provides a number of safeguards #1 it doesn't allow for high schools #2 it does not allow sales only rentals #3 it has to be in a campus like setting #4 it has to be wherever schools are permitted. There are a number of things that were done to make sure that no it is not spot zoning it was an overlay zone to allow a campus, more importantly unfortunately many of the people her I feel very strongly for this area is between two campuses between GCU and BMG for those of us fro Rutgers University in New Brunswick, Rutgers also expanded out into the streets until it became a campus town. One of the things the Yeshiva expanding is that it is a campus town, right now Mrs. Weinstein the issue of expansion is coming forward, there is no dining room here the boys are expected to walk to the main facility on 6th Street to eat, this is purely made for the students in the area instead of having to have so many cars to use a dormitory, and no I can not say that is restricted to that the plan is to do that but I can never say it is restricted because I don't know exactly which persons are going to come in as you know every year students leave students come almost 500 to 800 students come each year 400 leave we have a net of 400 students that come every year increasing approximately. It is very difficult to say who is going to be in a dormitory or not and I would never delude this Board and promise something I couldn't deliver because I don't know myself what will be nor does the Yeshiva knows where it is going to be. To say that this is over crowd I can't say that I can see any dormitory s going to be something that will be a use for the school I can say to you that we would like to meet and we would to meet and as I stand before you I called to the other attorney she never called me back, I offered to sit down and meet and nobody ever talked to me. I find out from Mr. Jackson that there is a request made for adjournment, I find out there is a request for OPRA, I am the other attorney I was not bashful nobody copied me I keep saying that I want to talk to people but nobody wants to talk with me. All of a sudden no one wants to talk to me. To come here now and say that no

one wants to talk I think is unfair. The Yeshiva's door is open, Rabbi Kutler is willing to talk at any time and see if we can solve some problems, but we meet the ordinance without any variances and we have four square exactly what it is suppose to be in fact we surpass it. We are dealing with practicality, the parking lot will be put on Clifton and 9th and people are going t have to walk. To say that there is no parking, in the immediate are there isn't but there is parking in the outer areas. Chairman Neiman asked what could be done about the noise pollution with the boys on the phone at night in the area. Mr. Penzer would like to sit down and see if she is right and see how we can take care of these problems, it is a fair request, I have no problem sitting down and talking about these problems. Chairman Neiman asked if he knew of any plans to pave the little league lot. Mr. Penzer said he was told by Rabbi Kutler that there was a plan to have a multi-level parking garage.

Ms. Studholm stated that her client said that he would talk to him but not with a gun to his head, not with a preliminary and final site plan the clearly hasn't worked out all the details. I think I have made the case that there is enough for the Board to deny this plan tonight and maybe to solicit resubmission with more information. Chairman Neiman asked what more information are you looking for. Ms. Studholm stated structured parking, such as what is going to be on the little league lot. I think what I have heard this applicant say just now is yes, this is going to be difficult but trust us, we have got a plan we know there are going to be a lot of students, we know there will be a lot of cars, we will tell them where to park I am not going to promise that we are not going to bring in 520 extra people and with that promise I think we all know what is going to happen it is likely that there will be 520 extra but with structured parking on a lot that is not far away 1,000 car structured parking lot. That I think my client would love to talk about that I think a lot of the people in the neighborhood would also but you can't give him final site plan approval on this plan. This many problems with the idea that once we have approval and now the gun is to our hand as apposed to our head, then some how the Mexican standoff will work out. At the moment we have a very premature application lots of flaws we have an applicant and an objector both representing people in the community both thinking we would like to talk, I heard gun to my head I have heard that from my client but what I just heard now is structured parking on that other lot and I know that is something that my client would like to talk about I would think that these are all details that this board would like to know before they grant this application with so many problems including the potential for 8 beds per dwelling unit in this proposed dormitory in this R12 Zone.

Mr. Penzer asked where were you for two weeks.

Ms. Studholm stated she would like to say for the record if this is going to go on, I am not positive my client got to say the words" one car per eight students", I would just like to make sure that is on the record. Mr. Penzer objected stating he said it four times already. Ms. Studhol stated if Mr. Penzer will stipulate that fact. Mr. Penzer stated he would not stipulate anything. Chairman Neiman stated we have heard it already. Ms. Studholm stated she just wants her client to say these words for the record. Mr. Shain stated he has gone through the dormitory of Irvington and the dormitory at 6th Street and I have spoken to the students and I have taken a

rough count there are approximately for every eight students there is at least one car. Ms. Studholm stated that that is for the dormitory students we have heard from the applicants mouth that each day student has there own car.

Mr. Banas stated that prior to this meeting he though we had a parking problem in Lakewood but now we have an extremely severe parking problem in Lakewood. Unfortunately, when we discuss and decide the action that we are about to take we aren't going to be talking about parking; we are only going to be talking about the site plan. Mr. Penzer described our position quite clearly and I think we should address the action that we are going to take.

Mr. Banas made a motion to approve this site plan as presented to the Board and it was seconded by Mr. Herzl

Chairman Neiman spoke about the parking not being a part of this plan.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Fink, yes.

Chairman Neiman stated motion approved.

2. **SD # 1803** (Variance Requested)
Applicant: Eliezer Tress
Location: High Street, east of Route 9
Block 782 Lot 21
Minor Subdivision to create two (2) lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 100' X 140' property totaling fourteen thousand square feet (14,000 SF) or 0.32 acres in area known as Lot 21 in Block 782 into two (2) new residential lots, designated as proposed Lots 21.01 and 21.02 on the subdivision plan. The site contains an existing two-story frame dwelling and a shed, both of which will remain on proposed Lot 21.01. Proposed Lot 21.02 will become new residential building lot. Public water and sewer is available. Variances will be required to create this subdivision. The lots are situated within the R-10 Single Family Residential Zone. ***We have the following comments and recommendations per testimony provided at the 6/14/11 Planning Board Plan Review Meeting and comments from our initial review letter dated April 26, 2011: (I) Zoning (1) The parcels are located in the R-***

10 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. **Statements of fact.** (2) Per review of the Subdivision Map and the zone requirements, the following variances are required: (a) Minimum Lot Area (proposed Lots 21.01 and 21.02, 7,000 SF each, 10,000 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lots 21.01 and 21.02, 50 feet each, 75 feet required) – proposed condition. (c) Minimum Side Yard Setback (proposed Lots 21.01 and 21.02, 9.4 feet and 7.5 feet respectively, 10 feet required) – proposed condition. (d) Minimum Aggregate Side Yard Setback (proposed Lots 21.01 and 21.02, 21.5 feet and 15 feet respectively, 25 feet required) – proposed condition. (e) Minimum Accessory Side Yard Setback (proposed Lot 21.01, 0.4 feet, 10 feet required) – proposed condition. (f) Minimum Accessory Rear Yard Setback (proposed Lot 21.01, 9.6 feet, 10 feet required) – existing condition. (g) Maximum Lot Coverage (proposed Lot 21.01, 26%, 25% allowed) – proposed condition. **The Board shall take action on the proposed variances required.** (3) **At the June 14, 2011 Plan Review Meeting, testimony was provided that the applicant would ultimately demolish the existing dwelling on proposed Lot 21.01 and construct a new dwelling. Therefore, Minimum Side Yard Setback Variances of 7.5 feet (15 feet total) are being requested for the future dwelling. Testimony must be provided as to whether the other variances being acted upon for proposed Lot 21.01, such as Accessory Setbacks and Lot Coverage would continue or whether the future dwelling would be complying.** (4) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The General Notes indicate the boundary information was taken from a Survey Plan prepared by Mager Associates and the topographic information was in accordance with a Topographic Survey prepared by Professional Design Surveying. Copies of these survey plans must be provided. **The outbound survey from Mager Associates has been provided.** (2) During our site investigation on 4/20/11 we noted three (3) existing trees of significance on the site and existing wood posts in the vicinity of the eastern property line. These missing items should be added to the plan along with existing curb grades. **The applicant's professionals acknowledge the existing trees present on the subject premises and note they are located within an "Exempt Area" as defined in the Township's Tree Protection Ordinance.** (3) During our site investigation, we observed the existing two-story frame dwelling to remain on proposed Lot 21.01 has a basement. Testimony shall be provided on the number of existing bedrooms. The existing driveway will have to be altered to provide the required number of parking spaces unless Board relief is granted. Parking shall be provided to the satisfaction of the Board. **The applicant's professionals indicate the existing home on proposed Lot 21.01 does not contain a habitable**

basement (6 foot ceiling height). The existing driveway can accommodate two (2) vehicles. Testimony on the number of existing bedrooms is required. (4) Testimony should be provided as to whether a basement is proposed for the future dwelling on proposed Lot 21.02, if so seasonal high water table information will be required. **The revised plan indicates test pits to be conducted to determine depth to seasonal high water table prior to issuance of building permits.** (5) Proposed lot and block numbers must be approved by the tax assessor's office. **The numbers have been approved and the map shall be signed by the tax assessor.** (6) General Note #17 indicates shade trees shall be provided within the shade tree and utility easement for the project. The second sentence of the note shall be modified to "species type and locations shall be provided on future plot plans". A plot plan will be required for proposed Lot 21.01 since a driveway alteration is necessary. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for proposed Lot 21.02. **The applicant's professionals indicate that at such time as the home on proposed Lot 21.01 is replaced, a plot plan including additional parking spaces based upon the number of bedrooms and basement would be prepared. The existing driveway is not proposed to be altered at this time.** (7) Testimony is required on the disposition of storm water from development of proposed Lot 21.02. **The proposed increase in runoff may not drain onto adjacent properties.** (8) The monument certification has not been signed since the monuments have yet to be set. **Statement of fact.** (9) Compliance with the Map Filing Law is required. **Statement of fact.** (10) Construction details will be reviewed in detail during compliance if approval is given. **Review of construction details may be a condition of approval.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Township Tree Ordinance (as applicable); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District (if necessary); and (d) All other required outside agency approvals.

Miriam Weinstein Esq. for the applicant this application is for minor sub-decision of an existing over sized lot in the R10 zone into two new lots upon which single family homes will be constructed. The testimony that you will hear this evening will show that this is keeping with the character of the neighborhood and accordingly satisfies the positive and negative criteria.

Mr. Bill Stevens PE, PP was sworn in stating the subject property that we are discussing is know as lot 21 and block 782 it is a one hundred foot wide lot by 148 feet deep and contains 14,000 sq feet. It is by High Street and is located just to the south of the rehab building on Route 9. High Street running east and west direction on the south side of High Street is a multifamily condo development and on the north side there is a small portion of the R10 Zone that really just comprises the existing houses that are there, other than that there are different zones that

surround the subject property. The applicant's proposal is to take the existing 100 foot wide by 140 deep lot and subdivided it in half, there is an existing dwelling on the subject property that is proposed to remain at this time and there is an accessories structure located on this property which is a shed which is discussed as part of the variances. One of the things that the Board should take note of is along High Street every single lot that is located in the R10 Zone is 50 feet by 140 feet deep, they are all developed single family lots the only exception to this particular rule is the one lot that is shown in blue which is also 50 by 140 feet, does have a single family house on it and that was granted a variance by the zoning board of adjustments here in town to build on an existing isolated undersized lot. So every lot on this street in this block in this portion of the zone is 50 by 140 feet. The applicant's proposal to sub divide this property in half is certainly in keeping with the neighborhood. Ms. Weinstein asked to have the exhibits marked, exhibit A1 is a copy of the minor sub-division plan prepared by Mr. Stevens office, Exhibit A2 is a display map showing the tax map and coloring the lots in the R10 zone, Exhibit A3 is a copy of an aerial photo of the site. Ms. Weinstein brought up one point from Mr. Vogt's letter under section I number 3 it was asked as to whether the variances that are being requested for the lot will be kept once the new house is constructed, the variance for the accessory structure would be remain because we would like to keep the shed. Chairman Neiman asked if the shed would be in the side yard setback. Mr. Stevens stated that the shed would be in the sideyard setback. There was some testimony presented at the technical hearing, the house that is on the property now is proposed to remain however the applicant would like to have the ability to demolish the house and construct a more modern house in the future and has asked that we keep the same setbacks that we are asking for proposed lot 21.02 or 21.01. Chairman Neiman stated that usually when we grant area variances we like to keep the setbacks, if it is existing we have no choice but if he is going to demolish it we would like to keep the setbacks. Mr. Stevens stated the setbacks that are being proposed for this lot are below what is required in the zone but they are in keeping with all the other homes on the subject block if we refer back to the aerial photo you can see the types of homes that are built on these 50 foot lots and the types of setbacks that are being utilized on High street now. The applicant is trying to keep in character with the neighborhood and do exactly what has been done all up and down High Street. High Street is fully developed in this R10 zone with the exception of this one vacant lot. Mr. Banas asked if they want to mark the plans "to be demolished" on the existing structure. Mr. Stevens answered what he would like is the applicant would like to retain the home while they build a new home on the proposed lot, once that home is complete they would like the ability to demolish the existing home and build a new home at some time in the future with the same similar setbacks with what we are looking for in the new lot. Mr. Banas suggested that it be written on the plans to be demolished later or in the future, let's indicate that. Mr. Steven's stated that they would be happy to do that.

Mr. Neiman asked if any one from the public wished to be heard, seeing no one this portion of the application was closed.

A motion to approve this subdivision was made by Mr. Herzl and seconded by Mr. Akerman.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman. Yes, Mr. Fink, yes.

3. **SD 1801** (Variance Requested)
Applicant: MCEF Construction
Location: Corner of East County Line Road, Shafto Avenue &
Fourteenth Street
Block 143 Lot 3.01
Minor Subdivision to create two (2) lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing irregular property totaling about 16,448 square feet (0.38 acres) in area known as Lot 3.01 in Block 143 into two (2) new residential lots, designated as proposed Lots 3.02 and 3.03 on the subdivision plan. The site is vacant and wooded. Proposed Lots 3.02 and 3.03 will become new zero lot line properties for a proposed two-story duplex. Public water and sewer is available. Proposed Lots 3.02 and 3.03 will require front yard setback relief. The lots are situated within the R-10 Single Family Residential Zone. **We have the following comments and recommendations per testimony provided at the 5/3/11 Planning Board Plan Review Meeting and comments from our initial review letter dated April 29, 2011:** (I) **Zoning** (1) The parcel is located in the R-10 Single-Family Residential Zone District. Zero lot line duplex housing is a permitted use in the zone. **Statements of fact.** (2) Per review of the Subdivision Map and the zone requirements, Minimum Front Yard Setback variances are requested. Proposed Lot 3.02 requests a 14.65 foot front yard setback, whereas a twenty foot (20') front yard setback was previously granted from Fourteenth Street by Board of Adjustment Appeal No. 3109. Proposed Lot 3.03 requests a twenty-five foot (25') front yard setback from East County Line Road, whereas thirty feet (30') is required. **The Board shall take action on the proposed variances requested.** (3) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The General Notes reference a Survey dated 10-15-10. The Certifications reference a Survey dated 8-25-10. A copy of the boundary and topographic survey must be provided and the survey dates coordinated on the plan. **A copy of the Outbound & Topographic Survey dated 10-15-10 has been provided. The subdivision map is based on this survey. The new Certification date is 2-17-11 for an updated survey. A copy of the updated survey should be**

provided during compliance (if approval is granted). (2) The existing walkway on adjoining Lot 2.02 is shown encroaching onto the property. Unless the walkway is either removed or addressed with an easement, Lot 2.02 will have to be included in the subdivision application and the lot line adjusted accordingly. **The applicant's professionals indicate the owner of Lot 2.02 will be advised of the encroachment and requested to remove the sidewalk. The plans note the encroachment to be removed.** (3) The plan notes an existing street right-of-way and utility easement along the East County Line Road frontage. Testimony is required expounding upon this note. County approval of this project is required. **The applicant's professionals indicate that testimony will be provided on the right-of-way and utility easement along East County Line Road.** (4) Our site investigation conducted on 4/20/11 noted damaged sections of new curb along the Fourteenth Street frontage. **The existing curb limits have been corrected. Proposed curb is shown between the ends of the existing curb. A note has been added requiring that any existing curb damaged during construction shall be replaced as directed by the Township Engineer. This is satisfactory.** (5) Sidewalk is proposed within the right-of-way of all three (3) surrounding roads. The width of the proposed sidewalk shall be a minimum of five feet (5') and match the existing sidewalk ending at the frontage of adjoining Lot 2.02. There is existing depressed curb at the intersection of Shafto Avenue and East County Line Road for a handicapped ramp. The proper sidewalk design must be shown at this intersection which will require either a dedication or an easement. **The proposed sidewalk shall match the existing sidewalk ending at the frontage of adjoining Lot 2.02. The current design shows a jog between the existing and proposed sidewalk. A sidewalk easement is proposed where the walk will encroach upon Lot 3.03. Proposed curve data and distances must be completed for the easement.** (6) Per Township Ordinance 2010-62, five (5) off-street parking spaces are required for nine (9) bedroom dwellings. **Based on the revised architectural plans in our possession, at least six (6) bedrooms are proposed for each unit, which requires four (4) spaces according to parking Ordinance 2010-62. Communications with the applicant's professionals indicate that four (4) off-street parking spaces per lot will be provided, which complies with Township standards.** (7) A new driveway from Shafto Road is proposed to serve the unit on Lot 3.03. The proposed driveway is very close to the intersection with East County Line Road. If feasible, the applicant should consider revising the proposed driveway to connect to the Fourteenth Street cul-de-sac bulb and a driveway easement be proposed across Lot 3.02. **Communications with the applicant's professionals indicate that they have elected to retain the proposed access to Shafto Road and will add turnaround capabilities to the driveway to eliminate the need for vehicles from backing out near the intersection. The turnaround design can be reviewed during compliance if approval is granted. This item has been addressed for hearing purposes.** (8) Finished basements are proposed for the

future dwellings on proposed Lots 3.02 and 3.03. The required information on the seasonal high water table shall be submitted. **Two (2) copies of the soil boring results dated October 31, 2010 have been provided.** (9) Proposed building coverage must be confirmed. The Zoning Data shows the building coverage percentage of each individual lot to be less than percentage of the initial lot. **The lot coverage percentages have been corrected. A deminimus variance is required for Lot 3.03 (25.9% proposed).** (10) Fourteenth Street has a fifty foot (50') right-of-way. Portions of the proposed sidewalk around the cul-de-sac bulb will encroach onto new Lot 3.02. Therefore, sidewalk easements are proposed at two (2) locations. Survey data must be correctly completed for these two (2) proposed easements. **The applicant's professionals indicate that complete survey data for all easements will be provided during resolution compliance should approval be granted.** (11) A sight triangle easement should be proposed at the intersection of East County Line Road and Shafto Avenue. **A sight triangle has been provided at the corner of Shafto Road and East County Line Road which must be approved by Ocean County.** (12) An existing guy wire for the utility pole located along East County Line Road will conflict with the proposed sidewalk and walkway from the unit on Lot 3.02. The guy wire and walkway should both be relocated. **The walkway should be designed around the existing utility pole which may require a sidewalk easement. The relocation of the guy wire should be noted on the plans.** (13) An existing drain is located in the northwest corner of the property. Testimony is required on the disposition of this drainage structure. **The applicant's professionals indicate the drainage inlet and connecting pipe were required by the Township Engineer as a condition of the improvements to Fourteenth Street. The available information regarding the pipe design has been noted on the plan. A fifteen foot (15') wide Drainage Easement dedicated to the Township of Lakewood is proposed.** (14) Proposed lot and block numbers must be approved by the tax assessor's office. **Proposed lot and block numbers have been approved by the Tax Assessor and should the subdivision be granted, the map must be signed by the Tax Assessor.** (15) Proposed shade tree and utility easements are shown along the property's frontages. Survey data must be added and easement areas for the proposed individual lots must be completed. **The applicant's professionals indicate that complete survey data for all easements will be provided during resolution compliance should approval be granted.** (16) Eleven (11) shade trees are proposed for the project. The quantity in the "Tree List" of the Improvement Plan for Minor Subdivision referencing nine (9) trees must be corrected. Proposed shade trees shall not be located within any proposed sight triangle easements. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. Our site investigation noted a number of fairly large existing trees within the site, at least some of which will be removed at time of construction. This development, if approved must comply

with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. **The proposed quantity in the "Tree List" has been corrected to eleven (11).** (17) The Improvement Plan for Minor Subdivision notes that roof leaders will be directed to the street. Testimony is required on the disposition of increased storm water runoff from development of proposed Lots 3.02 and 3.03. **The applicant's professionals indicate that testimony will be provided.** (18) Compliance with the Map Filing Law is required. The Monument Certification has not been signed since the monuments are not in place. **Statements of fact.** (19) Construction details will be reviewed in detail during compliance if approval is given. **Statement of fact.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Township Tree Ordinance (as applicable); (b) Ocean County Planning Board (c) Ocean County Soil Conservation District (if necessary); and (d) All other required outside agency approvals.

Mr. Glen Lines, PE & PP was sworn in stating in the letter there was one variance that was listed it was for a lot coverage because the original duplex has 21% lot coverage so when we do the zero lot line because of the irregular lot shape one is 25.19 and the other lot is 17% not covered also a 25 foot setback where 30 feet is required.

Mr. Abraham Penzer Esq. for the applicant stated that he would like the Thank Mr. Vogt for working out the two problems in this application one was parking and another was to avoid backing out so that it would be a much safer driveway, we spent quite a bit of time on it and now basically speaking everything that is in Mr. Vogt's letter we can agree to and do. All we did was now make one more minor modification in accordance with Mr. Vogt's plan.

Mr. Vogt stated that that was accurate there were two concerns with regard to the front dwelling, one was that you not have cars back out there given the proximity of Shafto Ave intersecting County Line Road. There is dual frontage but the access to this proposed lot is Shafto Ave but it is near the intersection of County Line Road. The plans that you currently have shows a driveway backing out and it showed three parking spaces, we had concerns with that and we shared that with the applicants attorney and the applicants engineer, we went back and forth and said basically look you either have to get 4 parking spaces or seek a variance and more importantly we are not comfortable with cars backing out, we want some form of turn around. They have handed us a sketch tonight that identifies four 9 by 18 parking spaces as well as turn-around for all four spaces that they will be able to turn around within the driveway and go head out onto Shafto Ave. Mr. lines stated that everything else in Mr. Vogt's letter they can agree to Mr. Banas stated that the Board does not have the new driveway in the plans they have. Mr. Vogt stated that was correct.

Chairman Neiman opened this portion of the application to the public, seeing no one this portion of the application was closed

A motion to approve this application was made by Mr. Banas and seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman. Yes, Mr. Fink, yes.

4. **SD 1802** (Variance Requested)
Applicant: 283 Ridge Avenue, LLC
Location: Ridge Avenue between Nowlan Place & Westwood Avenue
Block 235 Lot 16
Minor Subdivision to create two (2) zero lot line lots & 1 single family lot

Project Description

The applicant seeks minor subdivision approval to subdivide an existing trapezoidal property totaling 16,529 square feet (0.38 acres) in area known as Lot 16 in Block 235 into three (3) new residential lots, designated as proposed Lots 16.01-16.03 on the subdivision plan. Proposed Lots 16.01 and 16.02 will contain a zero lot line duplex unit with five (5) bedrooms each. Proposed Lot 16.03 will contain a new single family residential home with five (5) bedrooms. Public water and sewer is available. Variances are required to create this subdivision. The lots are situated within the R-7.5 Single Family Residential Zone. **We have the following comments and recommendations per testimony provided at the 5/3/11 Planning Board Plan Review Meeting and comments from our initial review letter dated April 26, 2011:** (1) **Zoning** (1) The parcels are located in the R-7.5 Single-Family Residential Zone District. Single-family detached dwellings and duplex zero lot line dwellings are permitted uses in the zone. **Statements of fact.** (2) Per review of the Subdivision Map and the zone requirements, the following variances are requested: (a) Minimum Lot Area (proposed Lot 16.03, 6,529 SF, 7,500 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lot 16.03, 48.90 feet, 50 feet required) – proposed condition. **The Lot Width at the front yard setback of proposed Lot 16.03 is 54.92 feet; however the ordinance states that the mean lot width (48.90 feet) shall not be less than the required lot width. The Board shall take action on the proposed variances requested.** (3) Variances have been requested for the aggregate side yards of proposed Lot 16.01 and 16.02. Side yards of 13.95 feet have been proposed for these zero lot line properties. However, these lots are complying since the aggregate side yards for zero lot line properties are reduced to half the requirement, which for the R-7.5 Zone is 7.50 feet. **The zoning table has been revised and no variances from this requirement will be necessary.** (4) The Board should review whether a right-of-way dedication be considered for this project. A right-of-way dedication will impact the lot areas of all proposed lots and the variances required. **The Board should grant a waiver if no right-of-way dedication is required.** (5) The applicant must

address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The Minor Subdivision notes the field survey work was performed on 03/25/09. The existing dwellings indicated on neighboring Lot 15, one (1) of which is shown encroaching onto the proposed project, have since been removed. An updated survey is required along with the addressing of other existing encroachments previously mapped. **The applicant's surveyor has updated the survey. The old asphalt driveway on neighboring Lot 15 should also be removed. The fence encroachment from adjoining Lot 17 must still be addressed.** (2) The NJ R.S.I.S. requires three (3) off-street parking spaces for five (5) bedroom units. The subdivision plan proposes new stamped concrete driveways capable of providing four (4) off-street parking spaces per unit. **Statements of fact.** (3) Testimony should be provided as to whether basements are proposed for the future dwellings on proposed Lots 16.01-16.03. If so, seasonal high water table information will be required. Based on the number of bedrooms proposed, the parking requirements of the ordinance would be met even if basements are proposed. **The applicant's professionals indicate that testimony will be provided concerning basements.** (4) Proposed lot and block numbers must be approved by the tax assessor's office. **Proposed lot numbers have been approved; the map shall be signed by the tax assessor.** (5) Existing top of curb and gutter grades must be added to the plans to review proposed grading. A note should be added to the plans that existing curb and sidewalk damaged during construction shall be replaced. **The applicant's professionals indicate that existing top of curb and gutter grades will be added to the plans should subdivision approval be granted. A note has been added stating that all existing curb and sidewalk damaged during construction shall be replaced.** (6) Proposed shade tree easements are shown along the property's frontage. The easements shall be revised to shade tree and utility easements. Easement areas for the proposed individual lots must be completed. **A distance of 57.66 feet must be added to the interior easement length for proposed Lot 16.03. The proposed easement areas for Lots 16.01 – 16.03 shall be 224.70 SF, 224.70 SF, and 348.54 SF respectively.** (7) Twenty-six (26) Eastern Juniper, four (4) Red Maple, and five (5) Sweet Bay Magnolia are proposed for the project. However, no trees are proposed within the shade tree easement. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. **The plans have been revised to propose only three (3) Red Maples by saving the largest existing tree on the site instead. Two (2) of these proposed shade trees have been shifted to be within the shade tree easement.** (8) The plans indicate a number of existing large trees on the site, most of which the applicant is attempting to save.

We recommend consideration be given to shifting the driveway on proposed Lot 16.03 in an attempt to save the forty-eight inch (48") diameter tree, the largest existing tree on the project. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. ***The proposed driveway has been shifted to allow the forty-eight inch (48") existing tree to remain.*** (9) The applicant is proposing subsurface infiltration basins under the driveways and drywells in the rear yards to account for the increased storm water runoff from development of proposed Lots 16.01-16.03. We recommend shifting the proposed location of Drywell #1 to the opposite side of the existing thirty-six inch (36") tree attempting to be saved to negate the need for an easement from the proposed adjoining property. ***Drywell #1 has been shifted to the opposite side of the existing thirty-six inch (36") tree to negate the need for a drainage easement.*** (10) A correction is required to the Surveyor's Certification. ***A typographical error shall be corrected to "provisions".*** (11) Compliance with the Map Filing Law is required. ***Statement of fact.*** (12) Construction details will be reviewed in detail during compliance if approval is given. ***Review of construction details may be a condition of approval.*** (13) ***The proposed building coverage for Lot 16.03 is only 24.35% and should be corrected in the zoning table.*** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Township Tree Ordinance (as applicable); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District; and (d) All other required outside agency approvals.

Mr. Moshe Klein Esq. on behalf of the applicant would ask that this application be heard at the next available meeting, July 26, 2011.

Mr. Ron Gasiorowski Esq. attorney for the objector objected to moving the application at this time. He stated with great respect he recognizes that the Board is made up of volunteers that are citizens, it is very expensive for an objector to retain an attorney to retain a planner and have this matter adjourned for really no reason. Mr. Jackson stated that it is the Chairman's prerogative because there are also several applications and the application you are objecting to will take some time and the board could reach 3 or 4 other applications that are hear at this time, so the Chairman is trying to balance the competing interest of all the people in the room. Mr. Gasiorowski stated that his client would like to be the first one heard on July 26th. Mr. Kielt stated that they do not make such promises. Chairman Neiman stated that earlier in the meeting Mr. Gasiorowski stated that he would go home right now and that is what prompted Chairman Neiman to ask Mr. Klein if he would move the application.

Mr. Jackson stated this application is adjourned to July 26, 2011 6:00 pm this meeting room, there will be no further notices.

5. **SP 1955** (No Variance Requested)
Applicant: Nitto Denko Automotive NJ, Inc.
Location: Rutgers University Boulevard, east of Swarthmore Avenue
Block 1607 Lot 7
Amended Site Plan for proposed additional parking

Project Description

It is our understanding the applicant is seeking an Amended Preliminary and Final Major Site Plan approval of the Phase 2 approval associated with SP# 1740. The applicant proposes to amend the Phase 2 site plan by eliminating the previously approved Phase 2 building addition and replace it with additional parking spaces. It is also proposed to construct three (3) dumpster pads along the westerly access and construct more additional parking by expanding the primary parking lot. The previously approved Phase 1 building addition has been constructed. The previously approved Phase 3 and Phase 4 building additions will not be affected by this request for Amended Site Plan approval of Phase 2. The existing facility is located on the north side of Rutgers Boulevard, east of Swarthmore Avenue within the Lakewood Industrial Park. Access to the site is provided from four (4) existing driveways spaced throughout the site. A fifth exit only driveway is proposed for the parking area contemplated in place of the Phase 2 building addition. Parking for employees will be provided throughout the property. The revised plans propose a total of one hundred thirty-three (133) off-street parking spaces at the above-referenced location, five (5) of which are handicapped. There are eighty-nine (89) existing spaces and forty-four (44) spaces are proposed. According to the parking tabulation, fifty-nine (59) off-street parking spaces are required. This is based on one (1) space per employee on the maximum work shift, which would be thirty-nine (39) employees, and twenty (20) spaces for executives. ***We have the following comments and recommendations per testimony provided at the 5/3/11 Planning Board Plan Review Meeting and comments from our initial review letter dated April 21, 2011:*** (1) **Zoning** (1) The site is situated within the M-1, Industrial Zone. Per Section 18-903M.1., of the UDO, numerous "permitted uses" are listed in the M-1 Zone. Testimony shall be provided on the proposed use to confirm it is consistent with the zone. ***Testimony was provided that the existing manufacturing use is a permitted use.*** (2) The minimum front yard setback of fifty feet (50') is nonconforming since the existing pump house has a front yard setback of only 24.6 feet. However, the front yard setback for the main building exceeds fifty feet (50'). ***The zoning schedule indicates that the pump house front yard setback of 24.6 feet is an existing condition.*** (3) Per review of the site plans and

application, the following design waivers are required: (a) Providing a driveway of less than twenty feet (20') in width (Subsection 18-807.C.4.). A proposed one-way exit driveway of eighteen feet (18') in width is proposed. ***The one-way exit driveway width proposed is reasonable for passenger vehicles.*** (b) Providing parking facilities closer than twenty feet (20') from the street line (Subsection 18-807.C.6.). The nearest proposed parking facility to the street line is less than ten feet (10'). The existing site is conforming since all parking facilities are beyond twenty feet (20') from the street line. ***The proposed parking facilities closer than twenty feet (20') from the street line will conflict with the sight distance required from the access driveway on the inside curve of Rutgers Boulevard. We recommend the proposed spaces be relocated. Expansion of the proposed parking area replacing Building Addition #2 seems to be the most viable option.*** (c) Providing sidewalk along the site frontage (Subsection 18-814.M.). ***No sidewalk provided along the site frontage in the Industrial Park is commonplace.*** (d) Providing curb for the proposed parking area which replaces the Phase 2 building addition. ***Curb is being provided in the proposed parking area. Therefore, the waiver is no longer required.*** (e) Providing a shade tree and utility easement along the site frontage. ***A waiver is requested for this existing condition.*** (f) Providing shade trees along the site frontage. ***A waiver is requested for this existing condition.*** (g) Any and all other design waivers deemed necessary by the Board. ***An additional waiver is requested from providing trash containers enclosed behind a wall at least five feet (5') high with a self closing gate. Also, an additional waiver is requested from providing a survey within twelve (12) months of the site plan date. However, we note inaccuracies on the base map.*** (II) Review Comments (A) Site Plan/Circulation/Parking (1) General Notes # 2 and 3 reference boundary and topographic survey information from 1987 and 2003. An updated survey is required since the Phase 1 addition has been constructed after the 2003 topographic survey. ***Professional Design Surveying has updated the existing conditions in the area of the Phase 1 addition and a waiver has been requested from providing a new survey. However, the security fencing and gate are incorrectly shown on the northeast side of the site. We recommend a Survey update.*** (2) Proposed phasing limits must be clarified on the plans. ***Phasing limits have been delineated on the plans. The proposed four foot (4') high chain link fence around the detention basin expansion shall be included in Phase 3.*** (3) We count one hundred twenty-eight (128) parking spaces are proposed for the site. This figure is based on eighty-four (84) existing spaces to remain and forty-four (44) proposed spaces. A combination of 9' x 20' and 10' X 20' spaces are proposed. The plans only indicate two (2) existing spaces for handicapped use. Additional handicapped parking is required and handicap accessibility must be brought up to the current code. Also, the Parking Tabulation requires correction. ***The revised plans propose one hundred thirty-three (133) parking spaces. Therefore, five (5) handicapped spaces are***

required. The revised plan show eighty-nine (89) existing spaces and forty-four (44) proposed spaces. The five (5) spaces identified for handicapped use are not to current code. Obstacles such as steps, full height curb, lack of detectable warning surface, and van accessibility must all be dealt with. (4) Three (3) proposed concrete dumpster pads are shown on the plans. Testimony is required regarding the removal of recyclable material and solid waste. Any waste receptacle area proposed should be designed in accordance with Section 18-809.E. of the UDO. **The applicant's professionals indicate that testimony will be presented to the Board regarding removal of recyclable materials and solid waste. A design waiver has been requested from providing an enclosed area with self closing gates for the dumpsters that are to be relocated to this area.** (5) An existing security gate on the northeast side of the project is not shown. An existing fence on the southwest side of the project is shown. These security measures did not allow us to investigate the rear of the site during our 4/15/11 site visit. Based on the plans, it appears loading and deliveries take place within the security fencing areas of the site. Testimony on loading and deliveries should be provided. **The existing security gate and fencing on the northeast side of the project is shown in the wrong place. The gate and fencing is west of the existing light pole. The applicant's professionals indicate that deliveries and loading shall continue to take place within the fenced area of the site.** (6) No sight triangles associated with the existing and proposed vehicular site access points have been indicated. Furthermore, the parking spaces proposed in front of the main entrance may conflict with Rutgers Boulevard sight distances since they are close to the road on an inside curve. The applicant's engineer must check the proposed design. **Sight distances per AASHTO standards have been added to the plans. Parking spaces proposed in front of the main entrance conflict with the sight distance for the curve of Rutgers Boulevard and must be relocated. Once the design is finalized, sight distance easements shall be provided.** (7) Rutgers Boulevard is improved with utilities, curbing, and pavement. No sidewalk exists within the right-of-way and none is proposed. This is consistent with the other site plans in the Industrial Park. A note should be added to the plans to replace sections of curbing along the site frontage in need of replacement. **Based on our review of the site, a note shall be added to the plans to replace damaged sections of curbing as required by the Township Engineer.** (8) **The first sentence in General Note #5 shall be revised to state "it is proposed to amend the site plan by eliminating the previously approved Phase 2 building addition and replace it with additional parking spaces.** (B) **Grading** (1) A grading plan is provided on Sheet 3. 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. **Statement of fact.** (C) **Storm Water Management** (1) The Storm Water Management Report requires clarification as to whether the amended site plan is major development. Calculations are required as to whether the proposed project

will result in the construction of less than a quarter acre of new impervious surface and less than one (1) acre of disturbance. **The applicant's engineer indicates the amended site plan will not be major development. The Storm Water Management Report shall be revised accordingly.** (2) The existing storm water management area in the center of the site shall be expanded to the southwest to account for additional runoff from the proposed parking. The peak rate of runoff should be reduced for all required design storms. **Proposed contours are required for the expansion of the storm water management area in the center of the site to the southwest. Proposed storm water management is required for the parking area replacing the building addition. The previously approved site plan had a storm water management basin in front of Building Addition #2 which is missing from the amended plan.** (D) **Landscaping** (1) A phased Landscaping Plan has been provided for review. The plan references a previously approved Schoor DePalma plan. A copy of the Schoor DePalma plan must be provided for comparison purposes to determine what adjustments are necessary for the amended design. **A copy of the previously approved Schoor DePalma plan has been provided. Accordingly, adjustments are required to the amended design.** (2) Two (2) areas of proposed landscaping designated for Phase 4 Site Improvements should be accelerated to Phase 2 Site Improvements since the locations border detention basin and parking expansion being constructed during Phase 2. The proposed landscaping around the Phase 4 building addition will not be impacted by this amended site plan. **The correct phasing for the amended landscaping needs to be added.** (3) Plant lists are required for Phases 2 and 4. **An incomplete plant list has been added to the landscape plan. Complete plant lists by phase are required.** (4) The Phase 2 landscape design is subject to review and approval by the Board. **The previously approved Phase 2 landscape design on the southwest side of the project needs to be amended.** (5) The applicant has not provided a six foot (6') shade tree and utility easement along the property frontage, a sight distance easement along the interior curve of Rutgers Boulevard, and sight triangle easements for the existing and proposed site access driveways. **A waiver was requested from providing a shade tree and utility easement. Sight distance and sight triangle easements will impact the amended landscape design.** (6) Final review of the landscape design can take place during compliance should amended site plan approval be granted. **Statement of fact.** (E) **Lighting** (1) The Phase 2 lighting design is subject to review and approval by the Board. **The Board should provide lighting recommendations, if any.** (2) Final review of the lighting design can take place during compliance should amended site plan approval be granted. **Statement of fact.** (F) **Signage** (1) An existing sign is located in front of the building and properly setback. No new proposed free-standing site identification sign or building signage has been provided on the site plans and no zoning information for existing or proposed signage has been provided. Testimony on signage should be provided. **The applicant's**

professionals indicate that no new signage is proposed. (G) **Environmental (10 Tree Management Plan** No Tree Management Plan was submitted. The project must comply with Ordinance 2010-98, "Protection of Trees". **The applicant's professionals indicate the project will comply.** (H) **Construction Details (1) Corrections** are required to the Parabolic Flow Channel Detail. **The call out locations and dimensions require corrections.** (2) Minor corrections are required to the Chain Link Fence Detail. **Some corrections have been completed. The two inch (2") minimum dimension should be between the bottom of the fence and the ground.** (3) Construction details must be added for the following: (a) Handicap Ramps and Signage. **The existing handicapped facilities are not to code, therefore design and construction details are required. There is a discrepancy with the sizes for the proposed handicapped parking signs. Handicap striping shall be blue.** (b) Trash Enclosure. **A waiver has been requested from providing an enclosed area for the dumpsters.** (4) Final review of construction details can take place during compliance should amended site plan approval be granted. **Statement of fact.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Lakewood Township Industrial Commission; (b) Developers Agreement at the discretion of the Township; (c) Township Tree Ordinance (as applicable); (d) Ocean County Planning Board; (e) Ocean County Soil Conservation District; and (f) All other required outside agency approvals.

Mr. Robert T. Clark Esq. on behalf of the applicant stated he would like to have the planner sworn in.

Mr. William Stevens, PE was sworn in stating a the board may recall from the technical hearing this is a site plan amendment we are doing for Nitto Denko used to be known as Permacell located on Rutgers University Blvd. The applicant has previously received approval from this Board to construct four separate additions to the main building that is located there, the amendment to the plan was to eliminate building addition number 2 if you recall building addition number 1 was constructed building additions 2, 3 and 4 were not, 3 & 4 remain unchanged from the prior application but the applicant is looking to remove building addition number 2, construct some additional parking which is shown shaded on the plan and construct an area for dumpsters to be located along the back side of the building and that is generally the overview of what the applicant is looking to do I know the Board is familiar with the Industrial Park and familiar with what Nitto Denko has done out here, they keep one of the nicer facilities in the Industrial Park and it is something that the town should be proud of. Mr. Vogt and I have had the opportunity to review this application and we have come to the conclusion that we can agree on most of the points, there are a couple of points in Mr. Vogt's June 16th letter that I would like to touch on, looking at item #3 on page 3, which talks about the parking waivers and discussions of that. One of the concerns that Mr. Vogt had is there are actual site triangles for the curb on Rutgers Blvd and the area we were looking to put some of the parking in he was

concerned about what he asked us to do was to relocated the stalls which would be 7 of the 10 stalls that are located in the site triangle somewhere else on the site, what we think we are going to do is work with Mr. Vogt's office and get that done, what our proposal would be is to put them along existing driveway so they would be no closer than the other parking we have on site and would allow this site triangle to continue. Mr. Vogt stated that there was a fair amount of dialog back and forth and we agreed that this can be done during compliance if Board approval is given. Mr. Stevens stated he agrees with that. The other item in that same paragraph deals with the fact that we are asking for a waiver from providing enclosures with the trash enclosures that we are showing along the back side of the building. These pads that we are looking to put here for large size trash boxes but it is not for trash, what it is for is scrap materials that are coming out of the building as part of the manufacturing process and to screen them in would be a detriment to the applicant and his ability to put the scrap materials that they are processing from one place to another so we need those to be opened. They can not be seen from Rutgers Blvd. Mr. Vogt stated that they have to provide an updated survey and there was a basin we have to account for in the Storm Water design. Mr. Stevens stated the other issue, in the prior approval these plans were done by Schoor DePalma's office for these additions they had a detention basin that was located along Rutgers Blvd. the applicant does not want to do that. They have two retention basins on site now that handle the Storm Water runoff from this site, there is no storm water issues here, our calculations show with the expansion of the northernmost basin we can service this site in total and the off site water drains through a very large draining system in Rutgers Blvd. Mr. Vogt's office stated that if we are going to construct this new parking here we have to do something here. What we discussed is to provide some kind of underground storage for this individual parking area. The owner does not want to build a retention basin here because of all of the landscaping and trees that would be destroyed. Mr. Banas asked what would be put under the parking area. Mr. Stevens stated what he would imagine is constructing a couple of inlets on the down side of the parking lot and put a perforated pipe in between them any overflow from that system if there were to be any would then be directed out to Rutgers Blvd. Mr. Stevens stated the only other concern he had was with the landscaping, we have submitted a landscaping plan to the Board and we have shown generally the landscaping proposed by the Schoor DePalma's plan but not all of it. The applicant has this site heavily landscaped and it is really beautiful and when they get done with it it will be every bit as beautiful. We would like to stick with our plan for the most part and we will deal with Mr. Vogt's office to make it what he thinks it should be. Mr. Vogt has looked at the plan and at the site and stated that there really is good landscaping on the site already.

Chairman Neiman opened this portion of the application to the public, seeing no one this portion of the application was closed

A motion to approve this application was made by Mr. Herzl and seconded by Mr. Fink.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman. Yes, Mr. Fink, yes.

6. **SD 1804** (Variance Requested)
Applicant: Tzvi Dessler
Location: Carey Street, west of Lexington Avenue
Block 111 Lot 11
Minor Subdivision to create two (2) lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 110' X 150' property totaling sixteen thousand five hundred square feet (16,500 SF) or 0.38 acres in area known as Lot 11 in Block 111 into two (2) new residential lots, designated as proposed Lots 11.01 and 11.02 on the subdivision plan. The site contains an existing dwelling. All existing improvements on the property will be removed. Proposed Lots 11.01 and 11.02 will become new residential building lots. Public water and sewer is available. Variances will be required to create this subdivision. The lots are situated within the R-10 Single Family Residential Zone. ***We have the following comments and recommendations per testimony provided at the 5/3/11 Planning Board Plan Review Meeting and comments from our initial review letter dated April 27, 2011:*** (I) **Zoning** (1) The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. **Statements of fact.** (2) Per review of the Subdivision Map and the zone requirements, the following variances are requested: (a) Minimum Lot Area (proposed Lots 11.01 and 11.02, 7,500 SF and 9,000 SF respectively, 10,000 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lots 11.01 and 11.02, 50 feet and 60 feet respectively, 75 feet required) – proposed condition. (c) Minimum Side Yard Setback (proposed Lots 11.01 and 11.02, 7.5 feet each, 10 feet required) – proposed condition. (d) Minimum Aggregate Side Yard Setback (proposed Lots 11.01 and 11.02, 15 feet each, 25 feet required) – proposed condition. ***Per review of the revised Subdivision Map and the zone requirements, the following amended and additional variances are required:*** (a) ***Minimum Aggregate Side Yard Setback (proposed Lots 11.01 and 11.02, 17.5 feet each, 25 feet required) – proposed condition.*** (b) ***Maximum Building Coverage (proposed Lots 11.01 and 11.02, 30% each, 25% allowed) – proposed condition.*** ***The Board shall take action on the proposed variances required.*** (3) The applicant must address the positive and negative criteria in support of the requested variances. ***At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.*** (II) **Review Comments** (1) General Note #2 states that the outbound and topographic survey was prepared by Charles Surmonte P.E. & P.L.S. A revised copy of this survey should be provided which

includes the missing driveway apron and concrete walk to the curb we observed during our 4/20/11 site investigation. **The concrete service walk between the curb and sidewalk must be added to the base map.** (2) The Zone Requirements list four (4) off-street parking spaces per dwelling required and four (4) spaces per lot proposed. The subdivision improvement plan proposes new asphalt driveways capable of providing four (4) off-street parking spaces per lot. **The proposed driveways will double stack the vehicles and limit the driveway widths to eighteen feet (18') in order to preserve large existing trees on the project. Accordingly, the proposed dwellings are setback forty-four feet (44') from the right-of-way on the Improvement Plan. The proposed front yard setbacks in the Zoning Table shall be revised to greater than thirty feet (30').** (3) Testimony should be provided regarding whether basements are proposed for the future dwellings on proposed Lots 11.01 and 11.02. If basements are proposed, seasonal high water table information will be required. **Testimony was provided at the Plan Review Meeting that basements will be proposed. Accordingly, a note has been added to the Improvement Plan stating that soil borings shall be performed to determine the seasonal high water table prior to submitting for individual plot plans.** (4) Testimony should be provided regarding the number of bedrooms proposed for the future dwellings on Lots 11.01 and 11.02. Parking shall be in compliance with NJ R.S.I.S. and Township parking requirements. Parking shall be provided to the satisfaction of the Board. **Testimony was provided at the Plan Review Meeting that five to six (5-6) bedroom units will be proposed for the future dwellings. The proposed number of bedrooms combined with basements could provide the equivalent of seven to eight (7-8) bedroom units according to ordinance 2010-62. The four (4) off-street parking spaces proposed, comply with the requirements for seven to eight (7-8) bedroom units.** (5) Per review of the proposed lot grading, minor revisions are necessary. However, the proposed concept is sound, maximizing runoff to the street and attempting to preserve existing trees. **Minor revisions to proposed contours and spot elevations are necessary. The 7.5 foot dimensions shown on the west side of proposed Lot 11.02 must be revised to ten feet (10').** (6) Proposed lot and block numbers must be approved by the tax assessor's office. **The map shall be signed by the tax assessor.** (7) The design proposes to save three (3) large existing shade trees for the project which will be located within the proposed shade tree and utility easement. No additional trees are proposed. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. The plans indicate a number of existing trees ten inch (10") diameter or greater within the site, some of which will be removed at time of construction. The design attempts to maximize the preservation of existing trees. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. **The proposed units will be setback and the driveway widths minimized to maximize**

tree preservation. (8) Testimony is required on the disposition of storm water from development of proposed Lots 11.01 and 11.02. **We do not agree with the applicant's engineer's assessment that impervious area will be reduced with the development of this project. The water surface area of the existing pool to be removed does not count as impervious area. We recommend dry wells be installed.** (9) Due to no construction proposed at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. **Statement of fact.** (10) Compliance with the Map Filing Law is required. **Statement of fact.** (11) We recommend a stabilized base course layer be used for the driveways. The stone and surface course thicknesses may be reduced. **The end location of the leader arrow for the surface course must be corrected.** (12) The concrete sidewalk is five feet (5') wide and this shall be reflected in the construction details. **A four inch (4") thick sidewalk detail shall be added for the replacement of damaged sidewalk areas.** (13) Final review of construction details will be conducted during compliance if approval is given. **Review of construction details may be a condition of approval.** (14) **The revision box must be corrected on the Minor Subdivision map. Revision #1 was accidentally duplicated.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Township Tree Ordinance (as applicable); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District (if necessary); and (d) All other required outside agency approvals.

Mrs. Miriam Weinstein for the applicant stated this application is for a minor subdivision of an existing oversized lot into two new lots upon which single family homes will be constructed. Our case is a simple one the applicant can construct a duplex on the subject property as of right what we are proposing will yield the exact same number of living units the exact same number of families the exact same number of cars, however with two single family homes the applicant is actually adhering to the character of the neighborhood as were the applicant to construct a duplex it would actually be the first duplex on the block additionally our testimony will show that there are many similarly sized lots in the neighborhood on the adjoining blocks as well as on this block itself.

Mr. Brian Flannery PE was sworn in stating he would like to mark exhibit A1 which is an unrendered version of the minor sub-division plan it just shows the lot which we proposed into a 50 foot lot and a 60 foot lot and on the flip side of that is A2 which will show the other non-conforming lots in the area. As a background on what has been indicated as A2 on Carey Street the subject property is highlighted in yellow, in that same block 111 the 50 foot wide lots have also been highlighted and some of the surrounding lots that have lot width variances are highlighted, but just in block 111 8 out of the 17 lots are insufficient in width consistent with what the applicant is proposing this evening. This is a 16,500 sq foot lot and as we are aware in Lakewood there is definitely need for housing, a lot of that size is not going to stay as a single family home it will either be a duplex or something else. This is a classic C2 variance what we

need to show the Board is five different criteria, one that relates to a specific piece of property, the courts don't want something that will be continually happening, this certainly is a specific piece of property, it is in a neighborhood it falls squarely into re-development as stipulated in the Lakewood Master Plan. We have to show secondly that the purpose of the MLUL would be advanced and if you look in NJAC 40:55 D2 A0 is to encourage municipal action to guide the appropriate use of development of all lands in the state and it is my testimony this is appropriate, it is a single family detached neighborhood and we are proposing single family detached homes. The applicant by right could build a duplex. We are proposing a building that is 25% we are asking for a variance for the deck, the way the Lakewood ordinance is if the deck is less than 3 feet above the ground, we could have the same deck by having a couple of steps down to get it at 3 foot. Certainly it is a benefit to the home owners not to have to take those steps up and down. The next thing we need to show is that the variance can be granted without substantial detriment to the public good, there you look at the character of the neighborhood is that it is single family detached of this same size and it would not look out of character. We have to show that the benefits outweigh the detriments. In my testimony there is no detriment, you have the same number of units, you have the same number of cars you have the same number of coverage, When we come here and ask for this you get the opportunity to ask for dry well so that the drainage will be improved so that is a benefit, you get the additional housing opportunities that will occur by the granting of this variance consistent with the area and it is consistent with the area. We have to show that this doesn't impair the intent or purpose of the Master Plan and certainly the zone plan or master plan stipulate a density that is consistent with what we are proposing. As we look through Mr. Vogt's report the comments are rather minor in nature with the exception of the variances but also if you look at the Lakewood Master Plan of March 13, 2007 on page 56 it says we should encourage growth in appropriate locations consistent with established land uses and encouraged development and redevelopment based on Smart Growth Plan principals and that is exactly what we are proposing. The specific variances that we are proposing are lot area we are proposing 7,500 and 9,000 sq feet were 10,000 is required, lot width we are proposing 50 feet and 60 feet were 75 feet is required, minimum side yard setback we are proposing 10 feet with the adjoining neighbors and 7.5 feet to the individual uses, obviously if we had a duplex there would be zero to the internal uses we feel that the 7.5 is consistent and exceeds what are immediately adjoining neighbor who is only five feet away is and other houses in that area are less than 7.5 but to be fair to the neighbors as stipulated in the tech meeting to the existing neighbors we are giving 10 feet so we have a composite of 17.5 where the ordinance requires 25 and the building coverage as I indicated where we are asking for 30% , 25% would be for this dwelling which is permitted by the ordinance and we are asking for another 5% for a deck so the applicant doesn't have to have steps down to the deck. It is my testimony that the benefits of granting this application outweigh the detriment, there really is no detriment but by coming to the Board rather than just building a duplex the board gets the opportunity to ask for dry wells for the storm water management , we get to see that the type of houses and the location of it and the parking are all in conformance so my testimony is this is an application that should be granted and the Board can grant it with out any detriment to zone planning zoning ordinance. If the Board acts

favorably we will provide dry wells for the roof runoff. Committeeman Akerman asked if the lots on 11th Street are they built, are there any wetlands there. Mr. Flannery answered to my knowledge there are no wetlands on 11th Street I know there are houses built there I know there was an approval for two other houses to be built there. When you get further east there is a problem with wetlands. Mr. Banas asked what is the zone of the area. Mr. Flannery stated R10. Mr. Banas asked why can't you live with 25% lot coverage. Mr. Flannery stated that if we live with the 25% lot coverage there will be a couple of steps down from the finished floor to the deck. Mr. Banas stated exercise is good. Mr. Flannery agreed but stated that for the future residents it would be convenient for the kids going in and out. If the Board feels differently certainly the applicant will have to conform. Mr. Banas stated he does. Chairman Neiman asked about the side yard setbacks of the other homes there; you want to go from 25 feet to 17 feet. Mr. Flannery stated for the aggregated side yard setback we want to go to 17.5 feet, each lot has two sides the side to the existing homes we are providing 10 feet which is what is required the lots to the two in between the two homes we are asking for 7.5 feet. Committeeman Akerman asked about the deck and would it be infringing on the setback line. Mr. Flannery stated if the Board approves the deck at 5% then it can't infringe on a setback line because now it is a structure that you have allowed us to exceed the coverage, if we drop it down the couple of steps so it is three feet above it doesn't have to comply with the setbacks, it can extend too close to the property line. Hopefully these are lot sizes that don't need to do that and if the Board acts favorably on the lot coverage variance it will insure that it does not happen.

Chairman Neiman opened this portion of the application to the public.

Hindy Friedman, 220 Carey Street was sworn in the houses that she is showing are all on 11th street, on Carey street there are a very few lots that are small there are only 12 houses on the block and of the 12 houses none of them are oversized, three of them are 50 maybe, most of them are sprawling ranches or capes no big humongous homes, it is a tree lined beautiful block with big lots and there proposal to put two humongous over sized houses on the smallest lots with the biggest houses. There is only one house on this whole block that is over sized and if they make a duplex it is not going to be as wide it won't go back as much as you want. I live next door and my lot does go very close to the end but this is a lot that has been there for a long time I have been living here 14 years, they are cutting down all the trees on the side of the house, the quality of my life is going to go down the drain if they build a house so close to mine I don't want to see an alley way want to see trees, and I do not want to walk through a small alley way to get to my backyard. This is not how I built my house this is not how I am living, and they said single family houses from what I understand from the proposal they are making two family houses, what is single family house a house with a basement for another family or just a single family house.

Chairman Neiman stated a single family home means a house but there is a basement in the home and somehow a lot of these basements end up having families in them.

Mrs. Friedman continued so what they are doing is taking one lot which is 110 wide and making four families where one family is and they said they can do it in duplex, even if they do in duplex it will not conform to the neighborhood look. I would rather see a duplex. There are 8 lots on 11th Street that can be bought and built on, they don't have to make our block look like a city block.

Mrs. Bruria Resnick, 17 Igros Court, Staten Island NY, stated I lived on Carey Street years ago it is a nice street, I know live on Staten Island and the area I live in Staten Island people are buying these lots and they are sub-dividing it down to the barest bones and they are putting these tremendous mansions and they look halousius, you come and you see one house and a house in the backyard and another house in the backyard and they are tremendous and then they have the houses next to each other, they say it is not going to look bad it looks bad, they say it is not going to effect parking it is going to effect parking.

Mr. Irwin Wenger, 235 11th Street, I was standing in front of this Board about 5 or 6 years ago to make a small addition to my home and how times have changed, I had such a hard time even putting a deck to conform, my house is 6 feet from the house next door, it should be 10 feet and I was not allowed to put a deck to the end of my house because I had to go to 10 feet so I had to go over 4 feet and I couldn't even build my deck. I have been in front of this Board to oppose a neighbor of mine that wanted to sub-divide and we one the opposition. Times are changing; my block has become what I think Mrs. Friedman is afraid her block is going to be. A block full of traffic, lots are being sub-divided the whole nature of the block is changing. Instead of having one neighbor you have four neighbors, the parking is going to be terrible, it goes against everything. I am listening to Mr. Flannery say that he doesn't think there is any detriment, he doesn't live there, he is a hired employee to make a case over there. We live there all of these people are here for a reason, it is obviously a detriment or we would not be here tonight. If they want a duplexes and it is the law then let them do that.

Mrs. Londinski, former resident at 217 Carey Street, the area that I grew up in was a very wonderful area it has changed a lot because of the homes that are going up the quality of life is changing. As Mr. Wenger stated if they want to build a home within the law fine but you should not go beyond that. We should preserve what little bit of nice neighborhoods that are left in this town.

Mr. Moshe Friedman, 220 Carey Street, when I talked to Mr. Kielt he told me the map was not clear, if the side yard setback is 7.5 feet or 10 feet it is something I should clarify when I come to the Board. Can I get that clarified? Chairman Neiman answered that his side would be ten feet. Everybody knows what everybody should do and I know what the Planning Board should do just take this application and throw it out. This applicant came in and bought a house in a neighborhood that he didn't live in he knew he didn't have the required amounts for what he actually wants to do and yet he went ahead and he bought it, there is no reason at all that this person should get a variance because there is no hardship there is not any reason but this person coming to try to break a neighborhood. I come from Brooklyn and we grew up in places

where there was such a thing called block busting is where you sell the house to somebody who you knew would actually break the block from the way it was. That is what this applicant has done, there is a reason why we have rules if it is an R10 then it is an R10 you have to find reason why it could be worse if we don't give it or we do give it, somewhere along the line we have to live with the rules. If the applicant doesn't want to live with the rules then the people that are in charge of the rules should actually just tell him no. A preferred duplex is 40 by 30 so if you take that you get 40 by 60 or 80 by 30 would be the total duplex, this applicant is building his house 42.5 by 62.5 that is bigger than a duplex would be by itself so you can't tell me that the duplex is going to look a lot worse than the applicant's house it will be much bigger. The second house is 32 by 69 these are huge houses and they don't belong on small lots. If you wanted to put one of these homes on a single lot very good but the way they have it it is really way out of character for the neighborhood and there is nothing that you could tell me that would change that. I spoke with the applicant to try to find a solution and I am committed to finding a solution we asked for a 15 foot setback on the side of the house and he felt that he could not give up from the house 5 feet. I can't understand what a person is going to do with a 42 foot wide to start with. I live there and I feel if you can't give 15 feet there is something wrong here.

Tzvi Reiner, 240 9th Street apt 29B, Lakewood, was sworn in and stated he grew up in Lakewood for 25 years and like everyone else said before there is no reason why this applicant has to build such a large house it will ruin the quality of life. A single family home in Lakewood usually turns into a three family home with the basement apartments so you would have 6 families living here.

Mr. Yechiel Kesserman, 215 11th Street, was sworn in and asked the Board if they have taken a ride down 11th Street recently because it is very unfair what this block looks like. The applicant says it is going to be one family and it is three or four families. If you have a duplex you will have less families and there will be more safety for parking, less cars is more safe. I feel that I was taken advantage of and I really think that Mr. Friedman has the right to oppose this application.

There were no other comments from the public so this portion of the application was closed.

Mrs. Weinstein stated she would like to point out to the Board members many of the people who got up to speak are actually children of the people on the block not necessarily residents. With regard to the comments on the number of families living in the units these are single family houses and as single family houses a basement apartment is legal. There will only be one basement apartment only. It is illegal to have more than one basement apartment. As far as the sizes of the unit a duplex could be larger than the two single family homes. Mr. Flannery stated that the perception is that it would be a small duplex building, what is permitted there would be an 85 foot wide building, two 42.5 wide units, the typical duplex is 50 feet deep if you have 42 by 50 you have a 2,000 sq foot unit at two floors for 4,000 sq foot duplex units. When I heard the testimony I heard that the Friedman's would like 15 feet from their property and when I look at that lot as a 60 foot lot so the front of the two single family homes would be 75 feet and the duplex would be 85 foot wide. With a duplex you would have the same number of families

the same number of cars there is going to be the same coverage, what we can provide is less building are in the frontage and we can provide to our neighbors a 10 foot and a 15 foot setback so we have the 25 that is permitted by ordinance and instead of building the buildings together we are providing 15 feet open in the middle, you are certainly going to get more green and it will certainly be a better look than is what is permitted by the ordinance and what in my opinion will be built by the ordinance because if you are allowed to have a 2,000 sq foot footprint there is no reason in Lakewood that someone will build something smaller. The law is the MLUL and that is what we are here this evening doing and I can read the MLUL that says what justifies allowing this, I went through the proofs and the Board understands so it is a duplex that when it gets built the neighbors are going to be disappointed, it will not be what they are expecting, the trees are still going to be gone and it will be a more dense area.

Chairman Neiman stated that his recommendation is that he does not think this application will pass so if the applicant would like to table the application and come back with something that everyone would be in agreement with.

Committeeman Akerman stated that the Board always falls back on the alternative, The applicant could have built a duplex without variances and this case it is much harder to do it, it is not like when you propose a flag lot and we say do a conventional sub division and we give you narrower lots we would prefer that it is a lot easier than in this case where the whole neighborhood doesn't want it and although you could build a duplex that would take up almost the entire lot and they may be sorry I feel that it is their prerogative. It may be smarter to table this application.

A motion was made to move this application to the July 26th Public Hearing was made by Mr. Herzl and seconded by Mrs. Koutsouris.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman. yes. Mr. Fink, yes.

Mr. Jackson stated that this application will be continue on July 26th, 2011 this meeting room a t 6:00 pm no further notice is required.

- 7. SP 1951** (No Variance Requested)
Applicant: Tova Trust
Location: Second Street, between Clifton Avenue & Lexington Avenue
Block 120 Lot 13
Preliminary & Final Site Plan proposed addition to existing retail/office building

Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a two-story building addition with unfinished basement to the existing retail/office building for additional retail and office space. The site is located within the downtown section of the Township and fronts on the north side of Second Street, east of Clifton Avenue. The property contains just less than seven thousand square feet (7,000 SF) or 0.16 acres. A two-story building with a basement exists on-site with retail use on the first floor, office use on the second floor, and parking/delivery behind the building. The applicant is proposing 8,897 square feet of addition space among the unfinished basement and two (2) floors. The proposed area for the unfinished basement is 2,991 square feet. The proposed area for the first floor retail use is 2,991 square feet which is planned to be divided among three (3) tenants. The proposed area for the second floor office use is 2,915 square feet which is also indicated to be divided among three (3) tenants. The site is developed and existing utilities are available to the project. The surrounding lands and roadways are all improved with commercial development. Existing sidewalk and curb front the site, and are also located on the east side of the property which is an access driveway to municipal parking. The site is located in the B-2 Central Business Zone. Retail and office facilities are permitted uses in the zone. ***We have the following comments and recommendations per testimony provided at the 5/3/11 Planning Board Plan Review Meeting, and comments from our initial review letter dated March 23, 2011:*** (I) **Zoning** (1) The site is situated within the B-2, Central Business Zone. Retail and offices are permitted uses in the Zone. **Statements of fact.** (2) A seven foot (7') side yard setback with an aggregate of fifteen feet (15') is required. The ordinance indicates a side yard setback is not required between two (2) business uses. While a business use is located on the west side of the project, a municipal parking lot access driveway is located on the east side of the property. No side yard setbacks are proposed as the building addition intends to encompass the entire lot width. It is our opinion a side yard variance is required for the proposed zero foot (0') side yard setback from the east side of the project. Furthermore, it was observed during our 3/17/11 site investigation that the proposed building addition would cover existing doors and windows, and require the removal of roof drains and air conditioning units on the neighboring building to the west of the site. The applicant may wish to contact construction personnel to confirm the proposed footprint is permissible. ***As testified at the 5/3/11 meeting, the applicant intends to provide a four foot (4') setback on the side of the addition to the neighboring property for an access easement. Accordingly, a revised building addition footprint has been submitted which requires an additional variance for rear yard setback. A rear yard setback of 6.3 feet is proposed, where ten feet (10') is required. The Board shall take action on the required side yard and rear yard variances requested. Furthermore, the site plans and architectural plans must be further revised to provide proposed offsets to the hundredth of a foot. Since the property narrows in the rear, we calculate a***

proposed 3.41 foot side yard offset from the rear corner of the addition, which violates the four foot (4') easement agreed upon. (3) All non-residential uses in the B-2 Zone are exempt from parking requirements. **Statement of fact.** (4) The applicant must address the positive and negative criteria in support of any required variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments (A) Site Plan/Circulation/Parking** (1) The General Notes indicate the Boundary and Topography were taken from a survey prepared by DVS & Associates, dated 12-1-10. A copy of this survey must be provided since we note a number of discrepancies. Most importantly, the width of the proposed building addition will exceed the existing lot width near the rear of the tract where the property narrows. Other physical features require correction such as utilities, signs, curb, and drainage. **The requested survey has been provided. However, the survey is out of date and the applicant's professionals have indicated an updated survey is being prepared to allow site design to be properly addressed.** (2) An existing building wall connecting the existing market façade to the adjoining building on the site to the west must be added to the plan. Therefore, the proposed addition will make the side yard area on the west side of the market with the existing compressors and air conditioning units inaccessible. **The existing building wall has been added to the plan and needs to be labeled. The proposed addition will no longer abut the adjacent building leaving access between the structures. However, the existing basement access to the building on neighboring Lot 24 is to be reconstructed within this space. Therefore, the existing compressors and air conditioning units on the west side of the market still appear inaccessible.** (3) The proposed building addition will conflict with an existing basement access to the neighboring building on the west side of the project. Testimony is required as to how this conflict is being handled. **The applicant's professionals indicate the basement stairs will be reconstructed within the proposed alley.** (4) No loading or delivery areas are proposed. The current delivery operations taking place behind the building will be eliminated by the proposed addition. Testimony is required regarding **future** site operations, particularly deliveries for the retail uses. **The applicant's professionals indicate that testimony will be provided.** (5) Proposed building offsets must be clarified. The proposed side yard at the northeast corner of the addition is zero feet (0'), while the proposed side yard at the southeast corner of the addition is 0.4 feet. **The applicant's professionals correctly note the existing building and proposed addition are not square and the existing building wall is not parallel to the property line. Therefore, the offsets are not equal. All existing and proposed building offsets must be provided to the hundredth of a foot since setback variances are required. The Zone Requirements incorrectly list zero feet (0') as the provided combined side yard setback.** (6) The existing adjoining

lots must be correctly shown on the site plan since off-site improvements are being undertaken on the property immediately east of the site. ***The existing lot line between Lots 18 and 24 should be beyond the rear of the building.*** (7) The applicant proposes to replace the existing sidewalk which is in disrepair and partially located on the property, with new sidewalk adjacent the municipal parking lot driveway. Also, the depressed curb accessing the existing parking and delivery behind the current building will be replaced with full height curb. The new sidewalk will require the removal of existing trees and the relocation of existing signage, both of which are not shown on the site plan. ***Since an updated survey is required for design, the applicant's engineer has agreed to provide the revisions during resolution compliance should site plan approval be granted.*** (8) Existing and proposed building access points must be shown. The locations will impact the proposed sidewalk design. Sidewalk should be added behind the proposed addition since there will be building access points at the rear of the addition. ***Existing building access points to the ally from the neighboring building must be added. Sidewalk shall be added for the access on the east side of the existing on-site building. Sidewalk should also be added around the proposed addition for the access easement to be proposed for the neighboring property.*** (9) The General Notes indicate solid waste and recycling to be collected by the Township. ***Approval from the DPW Director is necessary.*** Testimony is required from the applicant's professionals addressing trash and recycling collection. No waste receptacle area is shown. ***The applicant's professionals indicate that solid waste will be collected from robo-cans as is the current means of collection. The General Notes indicate the robo-cans will be stored in the fenced area on the north side of the building. However, it appears access will be blocked because of the limited space.*** (10) A six foot (6') high stockade fence with a gate is proposed around the rear yard. Construction details are required. ***The fence has been changed to board on board and a detail added to the plans. It is not clear whether the four inch (4") dimension below the fence is a mow strip or sidewalk. The footings should be identified as square. A single gate detail must be added.*** (11) Minor corrections are required to the General Notes. ***General Note #9 should identify new impervious surface is less than one quarter acre.*** (A) ***Architectural*** (1) Architectural floor plans and elevations have been provided for the proposed building addition. The proposed building addition includes two-stories and an unfinished basement. The proposed building height is twenty-one feet six inches (21'-6"). The allowable building height is sixty-five feet (65'). ***Changes are still required to the revised architectural plans submitted such as dimensions and square footage. The existing dimension of sixty-seven feet, seven inches (67'-7") is in conflict with the existing building length on the site plan.*** (2) No restrooms are proposed in the building addition. Restrooms must be added since the restrooms in the existing section of the building are not accessible by the future tenants of the addition. ***The applicant's professionals indicate restrooms will be***

provided based on tenant needs within the proposed addition. (3) The labeling of the Elevations need to be corrected. The Rear Elevation is the North Elevation. The North Side Elevation shall be revised to West Side Elevation. The South Side Elevation shall be revised to East Side Elevation. **The applicant's professionals indicate the labels on the elevations will be corrected on the next revision.** (4) The architect should provide testimony on handicapped accessibility. Testimony is required from the architect on the specific uses for the proposed individual floors, as well as the existing building. **The applicant's professionals indicate that testimony will be provided on ADA accessibility and specific uses.** (5) The applicant's professionals should provide testimony regarding the facades and treatments of the proposed new building addition. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. **The applicant's professionals indicate that testimony and renderings will be provided.** (6) We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. **The revised site plans indicate air conditioning equipment will be located on the roof. Revisions are required to the architectural plans.** (C) **Grading** (1) No proposed grading plan has been provided. Proposed elevations and contours are required to complete the project design. **Proposed grading may be provided after the survey is updated, and will be reviewed during resolution compliance if/when site plan approval is granted by the Board.** (D) **Storm Water Management** (1) No storm water management system has been shown or designed for the site. The property is virtually impervious and small, being less than seven thousand square feet (7,000 SF). Testimony should be provided on the existing storm water management conditions. **The applicant's professionals indicate that testimony will be provided on existing storm water management conditions.** (E) **Landscaping** (1) No landscaping has been provided for the project. The only areas available for landscaping are the proposed rear yard and a strip of land adjacent the existing building. **Based on the submission of revised plans, the only area available for landscaping is a strip of land on the east side of the existing building.** (2) Final landscape design (if any) is subject to Board approval and should conform to recommendations from the Township Shade Tree Commission as practicable. **The Board should provide landscaping recommendations, if any.** (F) **Lighting** (1) An existing light pole is shown along Second Street in front of the building. No proposed lighting is depicted on of the plans. Testimony on site lighting should be provided from the applicant's professionals. **Additional existing light fixtures have been added to the plan. No new site lighting is proposed.** (G) **Utilities** (1) The plans state that existing public water and sewer laterals to be reused. It appears new connections will be necessary unless major renovations are proposed to the plumbing of the existing building. Water and sewer approvals will be required from New Jersey American Water since the project is within their franchise area. **New utility connections**

should be shown. (H) **Signage** (1) The Site Plan proposes no freestanding signage. The architectural plans indicate proposed wall sign locations on the east side of the proposed addition. No dimensions or details have been provided to confirm that the signs comply with the ordinance requirements. **The applicant's professionals indicate that all building mounted signage will comply with the Township Ordinance and final signage design will be based on tenant usage.** (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.** (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 (if applicable); and (e) All other required outside agency approvals.

Mr. Jackson announced #7 SP 1951 carried to July 26th, 6:00 pm this room. No further notice will be given.

8. SD 1770 (No Variance Requested)

Applicant: North Lake Realty

Location: Frontage on Lafayette Boulevard, Thorndike Avenue & Cedar Drive

Block 265 Lot 1

Minor Subdivision to create three (3) lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 36,956 square foot lot into three (3) proposed residential lots. The existing property, Lot 1.02, is a vacant, wooded tract created from the minor subdivision of Lot 1 under Application # SD-1694. The tract has frontages on three (3) streets Cedar Drive is an unapproved street on the south side of the property and connects the right-of-way of Thorndike Ave. and Carlton Ave. Thorndike Avenue borders the site to the west, is unimproved, and connects the right-of-ways of Cedar Drive and Lafayette Boulevard. Lafayette Boulevard is an unimproved street on the north side of the lot and connects the right-of-ways of Thorndike Avenue and Carlton Avenue South. The right-of-ways of all three (3) streets are sixty feet (60') wide. The applicant proposes to subdivide the property into three (3) residential lots. Proposed Lot 1.03 will be

irregular, contain 12,956 square feet, and have frontages on Lafayette Boulevard and Thorndike Avenue. Proposed Lot 1.04 will be 100' X 120', contain 12,000 square feet, and have frontages on Thorndike Avenue and Cedar Drive. Proposed Lot 1.05 will be irregular, contain 12,000 square feet, and have frontage on Cedar Drive. Roadway improvements are proposed for Thorndike Avenue and Cedar Drive. Water and sewer are available. ***We have the following comments and recommendations per testimony provided at the 11/30/10 Planning Board Plan Review and Public Agenda Meeting and comments from our initial review letter dated November 24, 2010:*** (I) **Zoning** (1) The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. ***Statements of fact.*** (2) A variance for lot width is required for proposed Lot 1.03. Even though the proposed lot width at the front setback line is more than ninety feet (90'), the average lot width as defined in the UDO is less than ninety feet (90'). The proposed corner lot fronts Thorndike Avenue. ***The revised plan indicates a proposed lot width of 88.31 feet, where ninety feet (90') is required.*** (3) The applicant must address the positive and negative criteria in support of the required variance. ***At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.*** (II) **Minor Subdivision Review Comments** (1) The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. The Schedule proposes four (4) off-street parking spaces per dwelling unit. In order to comply, two-car garages are required since the proposed driveways only have enough room for two (2) vehicles. ***The asterisks shall be removed from the proposed minimum parking requirements since variances are not required.*** (2) The Notes indicate basements are proposed for the new dwellings. Test pit logs provided on the Site Improvement Plans indicate the minimum two foot (2') separation from seasonal high water table has been maintained. Testimony should be provided on whether the basements will be unfinished. In any event, parking shall be provided in accordance with new parking ordinance 2010-62. ***Testimony is required on the finishing of the proposed basements.*** (3) No improvements are proposed for Lafayette Boulevard. On the south side of Lafayette Boulevard, proposed Lot 1.03 accesses Thorndike Avenue and existing Lot 4 accesses Carlton Avenue South. On the north side of Lafayette Boulevard, opposite this project, another Minor Subdivision Application (SD# 1687) was approved by the Board. Proposed Lot 4.01 accesses Thorndike Avenue and proposed Lot 4.02 accesses Carlton Avenue South. Being all proposed lots with frontage on Lafayette Boulevard will access other streets, we recommend Lafayette Boulevard be left unimproved. ***The Board should consider our recommendation to leave Lafayette Boulevard unimproved.*** (4) Should Lafayette Boulevard be left unimproved, we recommend the applicant be required to extend the proposed curb and sidewalk ending at the

edge of proposed Lot 1.03 to the centerline of Lafayette Boulevard. The proposed pavement should be transitioned back to the existing pavement at a 15:1 ratio. **The proposed curb and sidewalk have been extended to the center line of Lafayette Blvd. A note has been added that states "transition to existing pavement at 15:1 ratio to meet existing pavement". A proposed seventy four (74) contour line shall be eliminated behind where the proposed curb has been extended. The proposed pavement transition line should be added.** (5) Drywells are proposed for the roof leaders on the single-family residential lots to be created. Some of the proposed drywells abut the proposed property lines. We recommend a minimum distance of five foot (5') be provided between the proposed property lines and drywells. **A proposed drywell for Lot 1.04 should be positioned in the rear of the proposed dwelling to provide the desired five foot (5') distance from the property line and a ten foot (10') distance from the building.** (6) Proposed lot grading should be revised to direct additional runoff to the proposed surrounding roads and minimize runoff directed towards adjoining properties. **Proposed high points should be relocated to reduce proposed runoff being directed towards adjoining properties.** (7) The proposed construction details shall be removed from the Minor Subdivision Map since Site Improvement Plans for the roads with details have been approved. **The proposed construction details have been removed from the Minor Subdivision Plan and added to the Site Improvement Plans. The details will be reviewed during Resolution Compliance should approval be granted.** (8) The Plan Note that states "the properties will be served by public water and existing and/or proposed by others sanitary sewer facilities" shall be revised. The Site Improvement Plans show existing and proposed sanitary sewer and potable water facilities. The project is located within the New Jersey American Water Company franchise area. **The note has been revised to state the properties will be served by existing public water service and sanitary sewer facilities. However, the improvements plans show existing sanitary sewer and proposed potable water.** (9) The lot numbers should be consistent with the numbers assigned by the Tax Assessor. **The applicant's engineer indicates Lot Numbering Approval from the Lakewood Tax Assessor is pending.** (10) Proposed six foot (6') wide shade tree and utility easements are shown along all the property frontages. Bearings, distances, and areas have been provided for the proposed easements on the individual proposed lots. No shade trees are shown within the proposed six foot (6') wide shade tree/utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board (or waiver sought). **The applicant's engineer indicates that shade trees will be provided to the satisfaction of the Board.** (11) No sight triangle easements are indicated. The applicant's professionals shall provide testimony as to whether the easements are necessary. **The applicant's engineer indicates that testimony will be provided as to whether sight triangle easements are necessary.** (12) Compliance with the Map Filing Law is required. **Statement of fact. (III) Regulatory Agency Approvals**

Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) New Jersey American Water (sewer and water); and (d) All other required outside agency approvals.

Mr. Jackson announced #8 SD 1884A carried to a future meeting of which a new notice will be prepared.

6. Correspondence

#1 1884A

Mr. Abadi stated that the two issues are simple one is that the rooms that they use now for the auditorium and for the food preparation room are upstairs, they wanted to use them as classrooms and there is another classroom is being uses as a computer room and it doubles as an arts & crafts room, what they want to do is use those classrooms this coming year and they want to start finishing rooms downstairs for these accessory uses, food prep, auditorium etc. This was not in the original plans and they want to know if that can be amended. Chairman Neiman asked if this will increase the staff. Mr. Abadi stated only by the one extra teacher for the class upstairs. The approval that they originally got was for the 8 classrooms upstairs. The second issue is with the landscaper wrote in his letter because one area has underground utilities, gas and water, so he can't put the bushes that were originally shown. Mr. Vogt stated that he would look at the plans. Mr. Franklin stated that when this application originally came before the Board the neighbors were up I arms and the landscaping was put in place to protect them, if you start moving the landscaping there will be ramifications. Why were the utilities put where they were suppose to put landscaping. Chairman Neiman spoke about putting the same amount of trees and making sure the protection for the neighbors remains. Chairman Neiman stated that the Board will grant the use of the basement but with the landscaping they will have to meet with Mr. Vogt and discuss a viable alternative that protects the neighbors, if is means pushing the landscaping back there will still be a buffer.

A motion was made to approve the use of the basement and the discussion of the landscaping by Mr. Herzl and seconded by Mrs. Koutsouris.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes.

#2

Mr. Abadi stated that there was a sub-division on the corner of Hollywood and Central Ave. The applicant built on lot 3.01 which is the corner lot on Hollywood and what happened was that the resolution said that there was a 10 foot side yard setback, the minutes said 15 foot side yard setback, if you remember I was up here with Mr. Zell who is the neighbor and I had agreed he

wanted the maximum height of the house he wanted me to be 15 feet instead of 10 feet, my request for the variance was for 10 feet, for some reason it didn't get into the resolution and Mrs. Segal from the Inspection Dept signed a building permit. Somehow two weeks ago someone went to the Township and said that this is illegal and what happened was a stop work order was placed on the house. Mr. Jackson stated that the variance was granted for 10 and it was supposed to be 15, the bottom line is they worked it out with the neighbor they have and agreement, in the mean time the work is stopped on the house and since a variance is involved and it is a modification of what the Board has actually approved that giving the approval to the building dept to let them build at their own risk and then he has to notice and come back and if the Board agrees so be it. Mr. Kielt stated that that is exactly what happened and Mr. Percal's motion is I make it with 10 foot side yard setback and it was not in the resolution.

A motion to take off the stop work order was made by Mrs. Koutsouris and seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes.

7. PUBLIC PORTION

8. APPROVAL OF THE MINUTES

Minutes from June 14, 2011 Planning Board Meeting.

Motion was made by Mr. Franklin, and seconded by Mr. Herzl to approve.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes.

9. APPROVAL OF BILLS

Motion was made by Mrs. Koutsouris, and seconded by Mr. Franklin to approve.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes.

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Mr. Banas asked what Mr. Jackson thought about the GCU lawsuit against the Township.

Mr. Jackson stated GCU put in their allegations in the complaint and Mr. Jackson will have to defend the Boards actions and the Boards decisions.

Chairman Neiman stated that the allegations were not accurate, they said that the testimony of the traffic engineer was suffice, it was not, they really didn't give any testimony how much traffic would be in that area. There were a few other things that were incorrect. Mr. Banas stated that the judge already probably has whoever to side the transcript of all of those dates. Mr. Jackson stated that the judge will get the records in due course, the judge will read the briefs and that will all be outlined and we will do that in some time. If you want he will send an advanced draft to the Board members.

Respectfully submitted
Margaret Stazko
Planning Board Recording Secretary