

I. CERTIFICATION OF COMPLIANCE

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

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

2. REORGANIZATION

OATH OF OFFICE

Mr. Jackson gave the oath of office to the Planning Board members

- Class I Member- one year appointment to December 31, 2010
- Class II Member- one year appointment to December 31, 2010
- Mayor’s Designee to serve to December 31, 2010
- Class III Member- one year appointment to December 31, 2010
- Class IV Member –four year appointment to December 31, 2013 (3 openings)
- Planning Board Member alternate #1 (2 year term) to December 31, 2011

ELECTION OF OFFICERS FOR THE CALENDAR YEAR OF 2010

- Chairman

Michael Neiman was nominated by Mr. Fink seconded by Mrs. Koutsouris.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

Mr. Neiman thanked the members for putting their faith in making him chair and hope they work as a team this year.

- Vice Chairman

Mr. Fink was nominated by Mr. Herzl seconded by Mr. Akerman

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

- Secretary

Kevin Kielt was nominated by Mr. Akerman seconded by Mr. Herzl

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

■ Recording Secretary

Chris Johnson was nominated by Mr. Fink seconded by Mr. Akerman

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

Mr. Neiman said the board was going into closed session to discuss the next item, which is the selection of consultants and other personnel. Motion was made by Mr. Herzl seconded by Mrs. Koutsouris

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

Mr. Neiman called the meeting back to order. He said they reviewed the bids and announce the following.

SELECTION OF CONSULTANTS AND OTHER PERSONNEL

■ Attorney

John Jackson was nominated by Mr. Percal and, seconded by Mr. Herzl

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

■ Planner & Engineer

Remington, Vernick & Vena Engineers was nominated by Mr. Percal, seconded by Mr. Fink

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

3. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Fink, Mr. Neiman, Mrs. Koutsouris, Mr. Akerman, Mr. Banas, Mr. Follman, Mr. Percal

4. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

5. MEMORIALIZATION OF RESOLUTION

1. SD # 1430D (Variance Requested)
Applicant: Pine River Village/Somerset Walk
Location: Pine Street
Blocks 830.01-830.07 Lots all
Re-Adoption of resolution for Amended Preliminary & Final Subdivision and Site Plan

Motion was made by Mr. Akerman, seconded by Mr. Herzl, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; abstain, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

Mr. Kielt said there were 2 changes in the agenda. Item # 4 -SD 1586B Thompson Grove- requested by the applicant to be carried to February 2, 2010

Motion was made by Mr. Herzl, seconded by Mr. Fink, to table the application to February 2, 2010

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

Mr. Kielt said item # 6 -SP 1927 Four Corners Partners LLC was requested to be carried to February 2, 2010

Motion was made by Mr. Akerman, seconded by Mr. Herzl to table the application to February 2, 2010

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

6. NEW BUSINESS

1. SD # 1700 (Variance Requested)
Applicant: Cedarwood Partners
Location: St. Nicholas Avenue, north of Berkeley Street
Block 278 Lot 5
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated November 24, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide existing Lot 5 in Block 278, a lot along the western side of St. Nicholas Avenue, north of Berkeley Street, into two (2) new lots to be known as Lots 5.01 and 5.02. The existing 150' X 150', (22,500 SF) property currently contains an existing dwelling which will be removed. Proposed single family dwellings will be situated on 75' X 150' proposed Lots 5.01 and 5.02 of 11,250 SF each. Public water is available in St. Nicholas Avenue; the nearest public sewer is indicated at the intersection of Berkeley Street and St. Nicholas Avenue. Therefore, the proposed dwellings for proposed Lots 5.01 and 5.02 will be serviced by individual septic systems. The proposed lots will have frontage along St. Nicholas Avenue. They are situated within the R-12 Single Family Residential Zone. Variances are required to create this subdivision. The surrounding land uses are predominantly residential. We have the following comments and recommendations: Zoning- The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use. Minimum lot area variances are requested for both proposed lots. Lot areas of 11,250 SF are proposed for each lot, where twelve thousand square feet (12,000 SF) is required. Minimum lot width variances are requested for both proposed lots. Lot widths of seventy-five feet (75') are proposed for each lot, where ninety feet (90') is required. The applicant should address the positive and negative criteria for the required variances. *At the discretion of the Planning Board, supporting documents may 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.* Review Comments - The NJ R.S.I.S. requires 2.5 off-street parking spaces for four (4) bedroom single-family dwellings and when the number of bedrooms is not specified. The Schedule of Bulk Requirements indicates that both proposed lots will provide the three (3) required off-street parking spaces. No proposed driveways or garages are shown on the plan. The plan indicates that either basements or slabs may be proposed for the new dwellings. If basements are proposed, test pits should be provided to identify the local seasonal high water table. Parking shall be provided to the satisfaction of the Board. Proposed spot elevations and contours are required to evaluate any grading and improvements for the project. The plans show existing curb and sidewalk within the right-of-way. The proposed depressed curb and driveway aprons along St. Nicholas Avenue are not located. Existing grades are indicated along the site frontage, but the text must be increased in size. The Board may wish to require the cost of the improvements along the proposed lot frontages to be bonded or placed in escrow to avoid replacing them at the time of development. Per review of the plan, public water is available and public sewer does not appear available. The lots will be serviced by public water and individually owned septic systems. The sufficiency of the proposed lots to allow such facilities should be addressed. *It should be noted that our office received a communication from an adjacent property owner regarding local ground water and surface water concerns.* Locations of existing septic systems (if any) on properties adjacent to the site must be provided, or a note added to the plan indicating none are present. The Schedule of Bulk Requirements shall be revised to indicate an aggregate total for the proposed side yards is twenty-five feet (25'). General Note #4 regarding water and sewer shall be clarified. The proposed joint filler between the curb and pavement on the concrete curb construction detail is not required since the pavement is asphalt. A road repair detail must be added to comply with applicable Township standards unless specific relief is requested in the current application (and justification for relief). The proposed lot numbers must be approved by the Lakewood Tax Assessor's office and the plat signed by the Tax Assessor. A proposed six foot (6') wide shade tree and utility easement is depicted on the plan along the property frontage of both lots. Areas of easement dedication for the individual proposed lots are required. Shade trees should be provided (unless waived by the Board). Compliance with the Map Filing Law is required. At a minimum, monuments or pins are necessary for the proposed lot subdivision line. Outside

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agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Board of Health (septic); Ocean County Soil Conservation District; New Jersey American Water Company will construct water services; and all other required outside agency approvals.

Mrs. Miriam Weinstein Esq. appeared on behalf of the applicant with Mr. Glenn Lines as the engineer. Mr. Lines stated he does not have any problems with the comments in the review letter. With regard to the ground water comment, Mr. Lines said they will go out and do a test pit or something similar and will be able to address prior to the public hearing. Mrs. Weinstein said they have no problems addressing the remaining comments. Mr. Neiman said the board would like to see all the lots in the area to see if this conforms with those lots and Mrs. Weinstein agreed. Mr. Lines said there are sidewalks on St. Nicholas. Mr. Neiman said they are also looking for 4 off street parking spaces because with the latest snow, it was almost impossible to plow the streets with all the cars parked. Mrs. Weinstein agreed.

Motion was made by Mr. Herzl, seconded by Mr. Follman, to advance to meeting of February 16, 2010

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

2. SD # 1708 (Variance Requested)
Applicant: S&H Builders/Mary Shannon
Location: Hope Chapel Road- west of Clear Stream
Block 2.01 Lot 25
Minor Subdivision to create 4 lots

Mr. Neiman asked Mr. Kielt if there was any reason application #2 & #3 were not combined to create 7 lots and Mr. Kielt said they are adjacent properties but there are different owners.

Mr. Vogt prepared a letter dated December 22, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing lot totaling 79,159 square feet (1.82 acres) in area known as Lot 25 in Block 2.01 into four (4) new residential lots, designated as Lots 25.01-25.04 on the subdivision plan. The site contains an existing two-story dwelling which will be removed. Public water and sewer is not available. The site is situated in the western portion of the Township on the north side of Hope Chapel Road, a County Road, west of Clear Stream Road and Hope Hill Lane. Proposed Lots 25.01-25.04 will all have frontage along Hope Chapel Road. Hope Chapel Road will be widened across the frontage of the property as part of this application. The application proposes an easement to the County of Ocean for the road widening as opposed to a right-of-way dedication. Curb is proposed along the street frontage, but sidewalk is not. The lots are situated within the R-40 Single Family Residential Zone. Variances are required to create this subdivision. We have the following comments and recommendations: Zoning- The parcels are located in the R-40 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Area (proposed Lots 25.01, 25.02, 25.03, and 25.04, 18,930 SF, 19,602 SF, 20,379 SF, and 20,250 SF respectively, 40,000 SF required) – proposed conditions. It should be noted that the proposed areas are based on the County accepting a Road Widening Easement as opposed to a Right-of-Way Dedication. Should a dedication be required the proposed lot areas would be

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reduced to 17,308 SF, 18,090 SF, 18,941 SF, and 18,927 SF respectively. Minimum Lot Width (proposed Lots 25.01, 25.02, 25.03, and 25.04, 120.14 ft., 112.00 ft., 106.50 ft., and 98.00 ft. respectively, 150 ft. required) – proposed conditions. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents may 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. Review Comments - The applicant is proposing a 13.50' road widening easement to the County of Ocean on Hope Chapel Road. It appears the proposed curb associated with the road widening will be set twenty-five feet (25') from the centerline, this dimension must be confirmed on the plan. No sidewalk is proposed along Hope Chapel Road. Existing storm sewer is shown within Hope Chapel Road, but no improvements involving the widening have been proposed. The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be provided for each unit. Proposed driveways must be dimensioned to confirm that the driveways are large enough to accommodate four (4) spaces. Testimony should be provided as to whether basements are proposed for any of the proposed dwellings. Parking shall be provided to the satisfaction of the Board. General Note 2 states that the outbound and topographic survey was prepared by Charles Surmonte, P.E. & P.L.S., based on an assumed datum. A copy of the survey must be provided along with a bench mark. General Note 8 states that the proposed lot and block numbers have been approved by the tax assessor's office. The map must be signed by the tax assessor. General Note 9 must be corrected to indicate that all future dwellings to be serviced by individual septic systems and wells. An overwrite needs to be corrected for the owners signature block giving consent to the subdivision. A legend is required on the Minor Subdivision Plan. Proposed dimensions and setbacks must be added for the proposed driveways, disposal fields, and wells. No shade tree and utility easement or shade trees are proposed along the property's frontage. Landscaping should be provided to the satisfaction of the Board. The Plan indicates a number of mature trees exist on the site. Many of these trees are unsalvageable if the lots are developed as proposed, but some of these trees appear salvageable. The proposed grading should be revised to better limit the area of disturbance. The proposed grading also encroaches onto the neighboring property to the east, this must be corrected. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, final plot plans submitted for Township review should include tree protective measures to save mature vegetation where practicable. If the Board requires a proposed shade tree and utility easement, the driveway turnarounds will have to be relocated further from the street. Due to no construction of new dwellings 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. Compliance with the Map Filing Law is required. At a minimum, monuments or pins are necessary for the proposed lot subdivision lines, and at all property corners. Unless the requirement for sidewalk is waived the following construction details must be provided: concrete sidewalk & concrete aprons. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District (if necessary); Ocean County Board of Health (well & septic); and all other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Lou Filicetta Esq. appeared on behalf of the applicant with Mr. Charles Surmonte as the engineer. Mr. Neiman said it shows they are only proposing curbs and no sidewalks and they

better be ready to address that at the public hearing. Mr. Neiman also requested a map showing the surrounding lots in the area so the board can see the size. Mr. Neiman said they show 2.5 parking spaces but the board is asking for 4 and Mr. Surmonte agreed. Mr. Surmonte said the comment relating to grading and tree save he will discuss with Mr. Vogt or Mr. Magno. They agreed to the remaining items in the review letter.

Mr. Kielt made a statement before the motion and said he had conversations with Mr. Doyle on previous applications and Mr. Doyle said if there was any concern by the Planning Board with a layout, number of lots, etc. it should be discussed at the technical meeting- it should not be discussed at the public hearing and get "shot down"; they should have all the items addressed. In this case, the zoning here might lead to that kind of question so he thought he should bring it out so there are no surprises later. Mr. Neiman agreed and said they should address it now. Mr. Akerman said he was wondering about that himself.

Mr. Filicetta said those particular issues, the ones pertaining to the planning and what they are requesting in this application are better left to the public portion of this application and said the Master Plan requires that there be more housing opportunities in this particular area and Mr. Neiman said there are zones and Mr. Filicetta said the surrounding area lends itself to this type of development and that testimony is better served for Mr. Flannery at the public hearing. Mr. Akerman said if there is a density issue then it is not in their jurisdiction and Mr. Kielt said that does not come into play here. Mr. Neiman said he thinks the board is saying there are too many lots in this subdivision and maybe 3 lots or 2 lots would be a plan that could be passed as opposed to 4. Mr. Filicetta asked if he was hearing that the board was totally opposed to this development as they have it in this application and said if that is the sense, he will talk to Mr. Doyle and the applicant and they can discuss that.

Mr. Jackson said the issue that Mr. Kielt raised is that maybe some applicants have been concerned that they are caught off guard and then at the public hearing they hear there is opposition. He told the applicant to be prepared that these issues have been raised so it shouldn't be a shock if it comes up at the public hearing.

Mr. Banas said the board has always insisted on sidewalks on new development and this plan does not show any sidewalks and Mr. Surmonte said the applicant is prepared to put those sidewalks in and will revise the plans.

Mr. Percal said he is grateful that it has become part of their procedure to request an aerial so they can compare the size of the lots requested to what is already there and asked if it would be possible to have that by the tech meeting because they have a situation here now where he does not have the faintest idea if this is going to be the first undersized lot in this neighborhood or is this a common situation. That will determine his vote because he is not going to ruin a neighborhood with smaller lots. Mr. Banas suggested the key map could be changed to show that visual representation rather than the miniscule aspect they have listed.

Mr. Kielt said his suggestion is take a 100 scale tax map and identify the lots in the proximity and also identify if there is a house on one lot or 2 lots or vacant lots.

Motion was made by Mr. Akerman, seconded by Mrs. Koutsouris, to advance to meeting of February 16, 2010

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

3. SD # 1709 (Variance Requested)
Applicant: S&H Builders/Emily Wooley
Location: corner of Clear Stream & Hope Chapel
Block 2.01 Lot 24
Minor Subdivision to create 3 lots

Mr. Vogt prepared a letter dated December 29, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing lot totaling 60,555 square feet (1.39 acres) in area known as Lot 24 in Block 2.01 into three (3) new residential lots, designated as Lots 24.01-24.03 on the subdivision plan. The site contains an existing two-story dwelling which will be removed. Public water and sewer is not available. The site is situated in the western portion of the Township on the northwest corner of the intersection of Hope Chapel Road (a County Road) with Clear Stream Road (a Township Road) across from Hope Hill Lane. Proposed Lot 24.01 will have frontage along Hope Chapel Road. Proposed Lot 24.02, a proposed corner lot, will have frontages on both Hope Chapel Road and Clear Stream Road. Proposed Lot 24.03 will have frontage on Clear Stream Road. Hope Chapel Road will be widened across the frontage of the property as part of this application. The proper right-of-way is in place except for a radial dedication which is required at the intersection with Clear Stream Road. A sight triangle easement will be dedicated to the County at the intersecting streets. Curb is proposed along the Hope Chapel Road street frontage and curb already exists along the Clear Stream Road street frontage. No sidewalk exists and is not proposed. The lots are situated within the R-40 Single Family Residential Zone. Variances are required to create this subdivision. We have the following comments and recommendations: Zoning- The parcels are located in the R-40 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Area (proposed Lots 24.01, 24.02, and 24.03, 20,003 SF, 21,285 SF, and 19,260 SF respectively, 40,000 SF required) – proposed conditions. It should be noted that the proposed area of new Lot 24.02 will be slightly decreased once the radial Right-of-Way Dedication is added to the plan. Minimum Lot Width (proposed Lots 24.01, and 24.03, 121.66 ft., and 145.49 ft. respectively, 150 ft. required) – proposed conditions. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents may 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. Sidewalk is not proposed; therefore a design waiver appears necessary. Review Comments- The proper half right-of-way width of thirty feet (30') already exists on Hope Chapel Road. Only a radial dedication to the County of Ocean will be required at the intersection. A proposed Sight Triangle Easement will be dedicated to the County of Ocean which will be slightly reduced in area by the radial right-of-way dedication. The proposed curb associated with the road widening will be set twenty-five feet (25') from the centerline. No sidewalk is proposed along Hope Chapel Road. No roadway improvements involving the widening have been proposed and must be added. The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be provided for each unit. Proposed driveways must be dimensioned to confirm that the driveways are large enough to accommodate four (4) spaces. Testimony should be provided as to whether basements are proposed for any of the proposed dwellings. Parking shall be provided to the satisfaction of the Board. The Schedule of Bulk Requirements shall be corrected to eliminate the rear yard setback from proposed Lot 24.03 since it will be a three (3) sided lot. General Note 2 states that the outbound and topographic survey was prepared by Charles

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Surmonte, P.E. & P.L.S., based on an assumed datum. A copy of the survey must be provided along with a bench mark. General Note 8 states that the proposed lot and block numbers have been approved by the tax assessor's office. The map must be signed by the tax assessor. General Note 9 must be corrected to indicate that all future dwellings to be serviced by individual septic systems and wells. A legend is required on the Minor Subdivision Plan. Proposed dimensions and setbacks must be added for the proposed driveways, disposal fields, and wells. No shade tree and utility easement or shade trees are proposed along the property's frontages. Landscaping should be provided to the satisfaction of the Board. The Plan indicates a number of mature trees exist on the site. Many of these trees are unsalvageable if the lots are developed as proposed, but some of these trees appear salvageable. The proposed grading should be revised to better limit the area of disturbance. The proposed driveway locations should be reviewed with respect to the possibility of saving existing trees. The proposed grading also encroaches onto the neighboring property to the west, this must be corrected. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, final plot plans submitted for Township review should include tree protective measures to save mature vegetation where practicable. Proposed grading should not only be revised in an attempt to save existing vegetation, but also to better direct proposed runoff to the roads as opposed to backyards and adjoining properties. If the Board requires a proposed shade tree and utility easement, the driveway turnaround for proposed Lot 24.01 will have to be relocated further from the street. Due to no construction of new dwellings being 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. Compliance with the Map Filing Law is required. At a minimum, monuments or pins are necessary for the proposed lot subdivision lines, and at all overall outbound property corners. Unless the requirement for sidewalk is waived the following construction details must be provided: concrete sidewalk, concrete aprons and handicapped ramps. A Township pavement repair detail must be added for repairs associated with proposed driveway construction along Clear Stream Road. The spelling of Clear Stream Road must be corrected on the plan due to a typographical error. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District (if necessary); Ocean County Board of Health (well & septic); and all other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Lou Filicetta Esq. appeared on behalf of the applicant with Mr. Charles Surmonte as the engineer. Mr. Filicetta said they received the review letter and Mr. Surmonte said the application is very similar. Mr. Surmonte said this is the lot he wanted to clarify some tree and grading issues and got the applications confused. He said along Clear Stream Road, the first 100 ft. of it, there are significant trees between the curb and the right of way and said he assumes the board would like the sidewalks along the entire frontage and Mr. Neiman said yes and Mr. Surmonte asked if the board would like him to work around the existing trees in the form of a sidewalk easement and Mr. Neiman said they usually ask to meander the sidewalks and come up with some options and the same comments that Mr. Kielt said before.

Motion was made by Mr. Herzl, seconded by Mrs. Koutsouris, to advance to meeting of February 16, 2010

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

4. SD # 1586B (No Variance Requested)
Applicant: Thompson Grove Assoc.
Location: Drake Road-opposite Neiman Road
Block 251.01 Lots 32 & 88
Amended Preliminary & Final Major Subdivision

Tabled until February 2, 2009

5. SD # 1710 (Variance Requested)
Applicant: Moshe Sonnenschein
Location: Times Square Boulevard-north of Biltmore Avenue
Block 435 Lot 1
Minor Subdivision to create 3 lots

Mr. Vogt prepared a letter dated December 29, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing 200' X 220' lot totaling 44,000 square feet (1.01 acres) in area known as Lot 1 in Block 435 into three (3) new residential lots, designated as Lots 1.01-1.03 on the subdivision plan. The site contains an existing two-story dwelling which will remain on proposed Lot 1.01. However, many improvements associated with the dwelling will be removed to accommodate the proposed subdivision, such as the existing shed, pool, garage, and driveway. A new driveway is proposed on the opposite side of the lot to provide off-street parking. Public water and sewer is not available, all dwellings shall be serviced by individual well and septic. The site is situated in the southern portion of the Township with frontages on three (3) streets. Times Square borders the property on the east side and is an improved street in a sparsely developed residential neighborhood. Elmhurst Boulevard is an unimproved street on the north side of the site and Netherwood Drive is an unimproved street on the west side of the tract. The right-of-ways of all three (3) streets are fifty feet (50') wide. The applicant proposes to subdivide the property into three (3) residential lots. Proposed Lot 1.01, the southernmost lot with the existing dwelling will contain 14,042 square feet and have double frontage on Times Square and Netherwood Drive. Proposed Lot 1.02, the middle lot, will contain 14,000 square feet and also have double frontage on Times Square and Netherwood Drive. Proposed Lot 1.03, the northernmost lot, will contain 15,958 square feet and have frontages on Times Square, Elmhurst Boulevard, and Netherwood Drive. Variances for lot width will be required for all three (3) proposed lots. Road widening improvements are proposed for Times Square along the property frontage. No improvements are proposed for Elmhurst Boulevard and Netherwood Drive, the unimproved streets. The proposed lots are situated within the R-12 Single Family Residential Zone. Variances for lot width are required to create this subdivision. The surrounding land is predominantly vacant with some sparsely developed residential uses. Except for frontage improvements along Times Square and alterations to the existing improvements associated with the existing dwelling, no other construction is proposed. We have the following comments and recommendations: Zoning- The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Width (proposed Lots 1.01, 1.02, and 1.03, 70.21 ft., 70.00 ft., and 79.79 ft. respectively, 90 ft. required) – proposed conditions. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents may 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. Review Comments-

The proper right-of-way widths of fifty feet (50') already exist on the adjoining streets. Of these adjoining streets, improvements are only being proposed along Times Square. No improvements are proposed along Elmhurst Boulevard and Netherwood Drive which are currently unimproved. The Board should consider the limits of improvements to be required. The proposed curb associated with the road widening along Times Square will be fifteen feet (15') from the centerline. Sidewalk is proposed along Times Square and must be dimensioned within the right-of-way for its proposed location. Roadway widening plans are required and must be provided. At a minimum, we recommend transitioning the proposed edge of pavements from the proposed end of curbs to the existing edge of pavements at a 15:1 ratio. The NJ R.S.I.S. requires three (3) off-street parking spaces for five (5) bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be provided for each unit. Proposed driveways must be dimensioned to confirm that the driveways are large enough to accommodate four (4) spaces. Basements are proposed for the new five (5) bedroom dwellings. Testimony should be provided regarding the number of bedrooms for the existing dwelling. Parking shall be provided to the satisfaction of the Board. General Note 2 states that the outbound and topographic survey was prepared by Charles Surmonte, P.E. & P.L.S., based on an assumed datum. A copy of the survey must be provided along with a bench mark. The Schedule of Bulk Requirements shall be corrected to eliminate the rear yard setback from the table since all proposed lots have at least double frontage. The Schedule of Bulk Requirements for proposed Lot 1.01 must be corrected to the conditions being proposed with respect to setbacks. Proposed setback dimensions being created must be to the hundredth of a foot to insure compliance since no setback variances are being sought. The aggregate side yard for proposed Lot 1.03 shall be removed from the Schedule of Bulk Requirements since it will have three (3) frontages. General Note 8 states that the proposed lot and block numbers have been approved by the tax assessor's office. The map must be signed by the tax assessor. A legend is required on the Minor Subdivision Plan. Proposed dimensions and setbacks must be added for the proposed driveways, disposal fields, and wells. The proposed building setback line from Netherwood Drive must be corrected to thirty feet (30'). Proposed building setback lines must be added to new Lot 1.01. The removals associated with the existing dwelling to remain must be better defined. Unlabelled improvements are shown on the plan with no information regarding their future status. An existing inlet is shown within the future road widening limits of Times Square. The future status of this inlet as well as existing and proposed drainage has not been addressed. Review of the proposed grading indicates that proposed runoff will be trapped on the proposed subdivision properties. A better scheme for proposed grading and drainage design must be incorporated. A six foot (6') wide shade tree and utility easement is shown along the Times Square and Elmhurst Boulevard frontages, but not along the Netherwood Drive frontage. No shade trees are proposed along the property's frontages. Landscaping should be provided to the satisfaction of the Board. The Plan indicates a number of mature trees exist on the site. Many of these trees are unsalvageable if the lots are developed as proposed, but some of these trees appear salvageable. The proposed grading plan attempts to save many existing trees. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, final plot plans submitted for Township review should include tree protective measures to save mature vegetation where practicable. No sight triangle easements are proposed. The Board should consider requiring the easements at the intersecting streets, even if the roads remain unimproved. In addition to the proposed road widening, the Board may wish to require the cost of the other improvements to be bonded or placed in escrow to avoid replacing them in the future. Compliance with the Map Filing Law is required. At a minimum, monuments or pins are necessary for the proposed lot subdivision lines, and at all overall outbound property corners. If the subdivision is approved, construction details will be reviewed

in depth at a future time since they will depend on the scope of improvements required by the Board. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Ocean County Board of Health (well & septic); and All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mrs. Miriam Weinstein Esq. appeared on behalf of the applicant with Mr. Brian Flannery testifying for the applicant. Mr. Flannery said they will make the changes and provide the testimony at the public hearing. Mr. Neiman asked about sidewalks and Mrs. Weinstein said of course.

Motion was made by Mr. Herzl, seconded by Mr. Fink, to advance to the meeting of February 16, 2010

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

Mr. Neiman told Mr. Flannery that there was one item he wanted testimony at the public hearing on and that was on the road improvements in the area and Mr. Flannery said he would provide that.

6. SP # 1927 (Variance Requested)
Applicant: Four Corners Partners LLC
Location: northeast corner of East County Line and Squankum Roads
Block 169 Lot 34
Preliminary & Final Site Plan for proposed catering kitchen

Tabled until February 2, 2009

7. CORRESPONDENCE

- none at this time

8. PUBLIC PORTION

- none at this time

9. APPROVAL OF MINUTES

- Minutes from December 15, 2009 Planning Board Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; abstain, Mr. Banas; abstain, Mr. Follman; abstain, Mr. Percal; abstain

10. APPROVAL OF BILLS

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted
Johnson
Board Recording Secretary

Respectfully

Chris
Planning