

## I. CERTIFICATION OF COMPLIANCE

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

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

## 2. ROLL CALL

Mr. Franklin, Mrs. Koutsouris, Mr. Neiman, Mr. Banas, Mr. Follman, Mr. Percal, Mr. Schmuckler

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1694 (No variance Requested)  
Applicant: North Lake Realty LLC  
Location: Lafayette Boulevard  
Block 265 Lot 1  
Minor Subdivision to create 2 lots

Motion was made by Mr. Follman, seconded by Mr. Schmuckler, to approve

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

2. SD # 1701 (No variance Requested)  
Applicant: Abraham Flam (formerly Harvard Community LLC)  
Location: East Harvard, East End Avenue and East End Street  
Block 225 Lots 3, 4, 5 & 6  
Minor Subdivision to create 2 duplex lots

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

PLANNING BOARD MEETING  
MARCH 16, 2010  
MEETING

TOWNSHIP OF LAKEWOOD  
REGULAR

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

3. SD # 1702 (Variance Requested)  
Applicant: 323-325 Realty LLC  
Location: Ridge Avenue, east of Hackett Street  
Block 235 Lots 33, 35, 36 & 41  
Preliminary & Final Major Subdivision – 6 fee simple lots

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

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

4. SD # 1692 (Variance Requested)  
Applicant: JG Ridge  
Location: southeast corner of Leonard Street & Park Avenue  
Block 228 Lot 2  
Minor Subdivision to create 2 lots

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

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

5. 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

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

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

6. 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

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

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

7. 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 2 lots

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

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

8. 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

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

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

9. SP # 1910B (Variance Requested)  
Applicant: Oorah Inc.  
Location: 1805 Swarthmore Avenue- east of New Hampshire Avenue  
Block 1609 Lots 2, 4  
Preliminary & Final Site Plan for office, warehouse and school

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

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

10. SP # 1928 (No Variance Requested)  
Applicant: Wireless Edge Westchester Group LLC  
Location: John Patrick Sports Complex  
Block 1059 Lot 1  
Courtesy Review of a site plan for wireless telecommunication facility on Lakewood Township property

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

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

## 5. NEW BUSINESS

### 1. Highway Development Zone (HD-7)

Discussion/recommendation on proposed ordinance revising the front building setback to 75 ft. for both residential and non residential uses. (The current front setback is 100 ft. for residential and 150 ft. for non residential)

Mr. Jan Wouters, township attorney was present to go over the 2 ordinances. He said there are 2 ordinances- one is dealing with the HD7 zone and the intent of the ordinance is to reduce the setback for Route 9 from 100 ft. for residential and 150 ft. for non residential to 75 ft. for both. He said the township feels the current ordinance is excess and not in line with what the State requirements are for road widening on Route 9 and the proposal is to reduce it to 75 ft. for all uses. The State DOT has a typical desired section for widening along Route 9 of 57 ft. from the centerline and 150 ft. is a lot of setback and the neighboring towns do not have that. Mr. Neiman asked what some of the other towns have and Mr. Wouters said Toms River has 100 ft. for most of their Route 9 corridor and the Township Committee feels that 75 ft. is adequate. They are also running it past the State DOT for their approval. Mr. Kielt said what the DOT anticipates they need to expand Route 9 is 114 ft. total (57 ft. from center to each side) and the Township Committee is recommending 75 ft. from the property line so the difference between where the buildings are going to be permitted to go vs. where the typical desired section is will still have a gap of about 30-35 ft. so it will be nowhere near what they need for expansion. Mr. Neiman asked if there was any mention in the ordinance about parking in the setback and Mr. Wouters said parking will only be allowed within a certain area of setback (65ft.) which is beyond the typical desired section.

Mr. Banas asked how it compared with the Smart Growth Plan that the township has adopted and Mr. Wouters said it doesn't conflict with it and it is in line with the traffic patterns that T&M came up with.

Mr. Banas made a motion to have the Township Committee go forward with this and Mr. Schmuckler offered to add in #6 that it should be for residential and non residential 65 ft. from the minimum setback and Mr. Wouters said he would recommend the committee to add it. Mr. Schmuckler seconded the motion.

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes, Mr. Schmuckler; yes

Mr. Neiman was reminded he needed to open this to the public. Mr. Banas withdrew his previous motion.

Mr. Neiman opened the microphone to the public.

Gerry Ballwanz, Governors Road, Lakewood. She said driving down Route 9 she thought it was nice to see the greenery behind those townhouses and those people must be happy to have that greenery and that their backyards are not right against Route 9. She does not know who this is going to benefit-most likely it will benefit developers and she asked how many residents have

asked the Township Committee to have their houses closer to Route 9 and said probable not many of them. She thinks this is going backwards and she doesn't think it is best thing for the people who are going to have their backyards onto Route 9.

Seeing no one else, this portion was closed to the public

Mr. Banas then offered the previous motion and it was seconded by Mr. Schmuckler.

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Neiman; no, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes, Mr. Schmuckler; yes

2. **Neighborhood Business Zone (B-1)**  
Discussion/recommendation on proposed ordinance to add an additional permitted use (car & can rental agencies)

Mr. Wouters said the other ordinance is an amendment to the B1 zone that would permit car rental and van rental agencies. They are currently not dealt with in the ordinances so this would allow the car rental agencies to be in the B1 zone. Mr. Neiman thought it was a good ordinance.

Mr. Neiman opened the microphone to the public.

Seeing no one, this portion was closed to the public

Mr. Banas made a motion to recommend the change the ordinance and Mr. Schmuckler seconded

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes, Mr. Schmuckler; yes

3. **SD # 1711 (Variance Requested)**  
**Applicant:** Mizz Construction/David Zajac  
**Location:** corner Somerset Avenue and Ridge Avenue  
Block 189.01 Lots 14, 15 & 16  
Preliminary & Final Major Subdivision for 3 duplex structures (6 zero lot line lots)

Mr. Vogt prepared a letter dated March 10, 2010 and is entered in its entirety. The owners are Mizz Construction, Inc., 212 Second Street, Suite 302, Lakewood, New Jersey, and Asher Ben Shimol, 472 Somerset Avenue, Lakewood, New Jersey. The applicant is David Zajac, 212 Second Street, Suite 302; Lakewood, New Jersey. The applicant is seeking a Zero Lot Line Major Subdivision approval with variances in accordance with Section 18-911 of the UDO. The applicant proposes to remove three (3) single-family dwellings and construct three (3) duplexes. The existing three (3) lots known as Lots 14, 15, and 188 in Block 189.01 are proposed to be subdivided into six (6) zero lot line lots shown as proposed Lots 14.01-14.06 on the Major Subdivision Plan. Four (4) parking spaces are proposed for each zero lot line lot. The off-street parking spaces for proposed Lots 14.01 and 14.02 are located along the frontage of the property perpendicular to Ridge Avenue. The off-street parking spaces for proposed Lots 14.03-14.06 are located along the frontage of the property perpendicular to Somerset Avenue. Somerset Avenue has a variable width right-of-way with a half right-of-way width of thirty feet (30') across the

frontage of the property. Ridge Avenue has a thirty-three foot (33') right-of-way and no right-of-way dedication is proposed. The tract totals 0.83 acres in area and consists of three (3) existing residential properties, Lots 14, 15, & 188 in Block 189.01. Associated site improvements are proposed for the major subdivision plan. These improvements include proposed sewer, water, and utility connections; and off-street parking in driveways with depressed curb and aprons. The property is located in the northern portion of the Township on the southwest corner of Ridge Avenue and Somerset Avenue. There is existing curbing and sidewalk along the property frontages. Somerset Avenue has an existing paving width of approximately forty feet (40'), while the existing pavement width of Ridge Avenue is only about twenty feet (20'). Except for the Board of Education lands, the site is situated within a predominantly residential area. *We have the following comments and recommendations per testimony provided at the 2/2/10 Planning Board workshop hearing, and comments from our initial review letter dated January 27, 2010:*

**Zoning-** The site is situated within the R-10, Single-Family Residential Zone District. Per Section 18-902 F. 1. b., of the UDO, "Two Family and Duplex Housing, with a minimum lot size of 12,000 square feet" is listed as a permitted use. Zero lot line subdivisions for duplexes are permitted in the R-10 Zone. *Statements of fact.* According to our review of the Major Subdivision Plan and the zone requirements, the following variances are required for the zero lot line subdivision approval requested: Minimum Lot Area – Proposed areas for proposed Lots 14.01, 14.03, and 14.05 are 5,346.27 SF, 5,999.59 SF, and 5,227.84 SF, respectively. The minimum required lot area is six thousand square feet (6,000 SF). *Statements of fact.* Minimum Lot Width – Proposed widths for proposed Lots 14.05 and 14.06 are 35.75' and 34.30' respectively. The minimum required lot width is 37.5'. *Statements of fact.* Minimum Rear Yard – *Decks have been added to the duplex units on proposed Lots 14.01 and 14.02. Rear yard setbacks of 10' have been requested, where 20' is required. However, the rear yard setbacks for the proposed decks scale 8' on the plans.* Maximum Building Coverage – Proposed building coverage for proposed Lots 14.01, 14.03, 14.04, and 14.05 are 31%, 27%, 27%, and 28% respectively. The maximum allowable building coverage is twenty-five percent (25%). *Proposed decks have been added to the duplex units for proposed Lots 14.01 and 14.02, yet the proposed building coverage has not increased. Testimony must be provided on the correct building coverage for all proposed lots. It appears the proposed decks have not been included in any of the building coverage calculations. Proposed offset dimensions to the hundredth of a foot must be added on proposed Lots 14.01 and 14.02 to confirm front yard and side yard setbacks are in accordance with R-10 requirements. Otherwise, additional variances may be necessary.* The applicant must address the positive and negative criteria in support of the requested variances. *Testimony shall be provided.*

**Review Comments- General/Layout/Parking-** On the adjoining major subdivision project immediately to the west, the Planning Board required an 8.50' wide road widening easement and a physical widening of Ridge Avenue to a sixteen foot (16') half pavement width. The Board should instill the same requirements for this subdivision because of the narrow existing pavement width on Ridge Avenue. Should the Board require the road widening easement, plan layout revisions will be necessary. *A road widening easement of 8.50' and a road widening has been provided to a sixteen foot (16') half pavement width to align with the Major Subdivision immediately to the west of the site. The proposed grading must be improved to carry runoff along the proposed gutter. A curb radius of ten feet (10') should be proposed at the southwest intersection of Ridge Avenue and Somerset Avenue.* **Off-street parking:** According to the architectural plans provided, each duplex unit will have five (5) bedrooms and an unfinished basement. The zero lot line ordinances require parking for each duplex unit as if each unit was a single-family dwelling. The applicant is proposing four (4) off-street parking spaces per unit which is in compliance with the RSIS standards of three (3) off-street parking spaces for five (5) bedroom units. The applicant should also provide testimony regarding basements since the architectural plans indicate that each unit will have a basement. *Testimony shall be provided.* The proposed off-street parking consists of a minimum of 9' X 18'

parking spaces. The proposed parking configuration for proposed Lot 14.02 is cumbersome. We recommend the proposed four (4) spaces be aligned in a single row similar to the layout of proposed Lot 14.01. Construction details are required for the proposed driveways with the off-street parking. Furthermore, no pedestrian access to the dwelling units is shown and should be added. *The proposed parking configuration for proposed Lot 14.02 has been revised to a single row. Construction details for the proposed driveways have been added and are sufficient. Sidewalks have been provided to the entrances for pedestrian access.* The plans only note that all existing dwellings on the three (3) existing lots will be razed. Other existing improvements and their status need to be addressed. A current Outbound and Topographic Survey shall be submitted. *The following Notes have been added: 1.) All existing structures, driveways, and fences to be removed. 2.) All existing curb and sidewalk to be removed and replaced. 3.) Street lighting exists on street poles. An existing conditions map has been provided, but the Outbound and Topographic Survey referenced on the Major Subdivision Plan must be provided.* Each unit shall have an area designated for the storage of trash and recycling containers. This matter is not addressed on either the site plans or architectural plans. Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. *Proposed 3' X 6' fenced trash enclosure areas have been provided for each unit. A construction detail is required. Testimony shall be provided on disposal of trash and recyclables.* Proposed building dimensions are required on the plans to confirm setback compliance. *Proposed building dimensions have been added to the plans. Proposed setback dimensions to the hundredth of a foot must be shown for proposed Lots 14.01 and 14.02 to guarantee compliance.* As a result of the amount of site disturbance involved with this project, such as removal of existing improvements, new driveways, utility connections, and the potential widening of Ridge Avenue, additional site improvements are required. We recommend new curb and sidewalk be installed along the entire property frontage since virtually none of the existing curb and sidewalk will remain. Also, roadway improvement plans should be prepared because of the numerous underground utility connections required. *A note has been added that all curb and sidewalk is to be removed and replaced. The Ridge Avenue Pavement Widening Section is adequate since milling and overlay to the centerline will allow for construction to the proper grades. The Roadway & Pavement Detail for Somerset Avenue needs to be revised to reflect the correct dimensions of improvements. The entire width of Somerset Avenue will need a milling and overlay because of the multiple underground utility connections proposed.* Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required, including provisions to address items associated with the use, maintenance, and repair of common areas and facilities associated with the overall property. Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township. *The applicant requests the agreement be made a condition of approval.* Architectural- Three (3) sets of architectural plans are provided. The plans must be revised to indicate the correct proposed Blocks and Lots. The first plan set is for the duplex unit on proposed Lots 14.01 and 14.02, the second set of plans is for the duplex units on proposed Lots 14.03 and 14.04, and the last set is for the duplex units on proposed Lots 14.05 and 14.06. We recommend that color renderings be provided for the Board's review at the time of Public Hearing. *Revised architectural plans are required.* We recommend that location of air conditioning equipment be shown. Said equipment should be adequately screened. *Air conditioning equipment locations have been provided to the rear of the units as shown on the plans. However, no screening has been provided.* Coordination is required between the architectural plans and site plans with respect to patios, dimensions, and access. Basement access is proposed on the sides of the duplex units. Confirmation is required that no additional variances are required. Full size architectural plans shall accompany any resubmission. *Full scale architectural plans are still required.* Grading- Proposed spot grades are required at the building corners, high points, driveway corners, and property corners on the Grading &

Drainage Plan to allow for proper review. *Additional spot grades have been provided. In general, the project is graded well. Some steeper proposed grading is recommended.* Proposed grading shall be revised to direct more runoff to the street frontages. Too much runoff is being directed around and behind the units with swales to adjacent properties. *The proposed high points between the buildings have been moved towards the rear of the buildings to direct more runoff towards the street.* Proposed basement elevations must be added to the plans and soil borings provided to determine whether a two foot (2') separation from the seasonal high water table is maintained. *Proposed basement elevations are provided. Seasonal high water table borings are still required.* Stormwater Management - A Stormwater Management Narrative has been submitted to reflect that the proposed increase in impervious coverage for the site is minimal. Therefore, no proposed stormwater management measures are proposed. *Statements of fact.* Landscaping- Six (6) October Glory Maples and six (6) Pin Oaks are proposed along the property frontages. The locations of some of these proposed trees need to be adjusted to avoid conflicts with proposed utility connections. The proposed Tree List must be corrected on the plans. *The landscaping has been revised to provide four (4) October Glory Maples, six (6) Willow Oaks, nine (9) Japanese Holly, and thirty-seven (37) Anthony Waterer Spirea. The proposed locations avoid conflicts and the plant list is correct.* Corrections are required to the tree planting detail. *Revised planting details have been provided and are sufficient.* A six foot (6') wide shade tree and utility easement is proposed along both frontages of Ridge Avenue and Somerset Avenue. *Proposed dimensions are required on some non-perpendicular easement lines of the Major Subdivision Plan.* Lighting - Testimony shall be provided on the adequacy of street lighting. No lighting information has been provided. *Testimony shall be provided.* Utilities- Potable water and sanitary sewer service will be provided by New Jersey American Water Company. The project is within the franchise area of New Jersey American Water Company. *Statements of fact.* - Testimony should be provided regarding other proposed utilities. Additional underground connections will be required if gas is proposed. *Testimony shall be provided.* Environmental- Site Description - Per review of the subdivision plans, aerial photography, and a site inspection of the property, the site is residentially developed and has no appreciable vegetation, habitat, or significant environmental value. *Statement of fact.* Environmental Impact Statement- An Environmental Impact Statement (EIS) report was not prepared and submitted for the project, nor does one appear necessary given the nature of the project. Our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas): Wood Turtle and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. No known environmental constraints exist within or adjacent to this site per NJDEP mapping. *Statements of fact.* Tree Management - The applicant must comply with the requirements for tree protection and removal as applicable for this site. *Statement of fact.* Construction Details- Limited construction details are provided on Sheet 2 of the plans. *A construction detail sheet has been provided.* All proposed construction details must be prepared to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific. *Proposed construction details have been prepared to comply with Township or NJDOT standards, no relief is requested.* The plans shall be amended to include handicapped ramp details from Sheet 51 of the 2007 NJDOT Standard Details to account for the proposed ramp crossing at the southwest corner of Ridge Avenue and Somerset Avenue. *The handicapped ramp details provided shall be amended to use a Type 4 curb ramp with truncated domes. The pavement repair detail shall be revised to extend the base*



*course to the top of the trench. The trench shall then be milled to a depth of two inches (2") and milling to extend two feet (2') beyond the trench in each direction. After which, a two inch (2") surface course shall be constructed. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Statement of fact. Final Plat (Major Subdivision) - The symbolism and legend for markers must be clarified. It is not clear which markers exist and which are proposed. Should approval be granted, the southeast corner outbound monument must be set prior to submitting the Major Subdivision Plan for signatures. The northwest corner outbound monument will conflict with the proposed curb. The monument should be set at the intersection of the road widening easement and the westerly tract boundary. The northeast corner outbound monument may be bonded and set after construction is complete. An offset should be used for this corner monument since it will conflict with the proposed curb. The Blocks and Lots indicated for the surrounding properties must be completed. The Blocks and Lots of adjacent surrounding properties have been provided. Dimensions and areas of the easements on the individual proposed lots must be indicated. Proposed easement dimensions need to be added on some non-perpendicular lines. The zoning schedule requires multiple corrections with respect to the variances required. The zoning schedule has been corrected to indicate the requested variances. Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. Proposed lot numbers have been approved by the Tax Assessor's office on January 11, 2010 and the map signed accordingly. Compliance with the Map Filing Law is required. Statement of fact. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; New Jersey American Water Company (Water and Sewer Service); and all other required outside agency approvals. Evidence of approvals will be required.*

Mr. Moshe Klein Esq. appeared on behalf of the applicant and Mr. Lines is the engineer for the applicant. Mr. Lines said they had 2 concerns with the review letter; one was the request to mill and overlay Somerset Avenue and said they should be able to limit the amount of disturbance if they put some of the services closer together- it is a wide road and there is a lot of milling and paving and Mr. Vogt asked if he wanted to evaluate the mill and paving until after it is actually done and Mr. Lines said to see how bad it will be. Mr. Vogt said if the board were willing to accept that as a condition, he asked Mr. Lines if the applicant would be willing to bond necessary work to cover the milling and that could be scaled back when they figure out what is going on and Mr. Klein said in addition to the work on Somerset they will be doing work Ridge and there will be new sidewalks on all sides so there is a lot of work that is already going in and he felt there would be a minimum amount of disturbance on Somerset. Mr. Vogt said he is looking at a way that if the board were to act favorably on the application they can guarantee the improvements- either by a bond or go in and see the work that needs to be done. Mr. Klein said the applicant would prefer not to put up a bond- it is 2 lots and he does not feel there is a need to repave the road; the utilities would be responsible to do that.

Mr. Banas said he does not understand what is being said and asked if they could speak into the microphone. Mr. Klein repeated the request and Mr. Banas said he understood that but the negotiations he does not understand. Mr. Vogt asked Mr. Kielt if they would be bonding the roadwork anyway and Mr. Kielt said yes- it is a township requirement. Mr. Vogt said they may be able to look at the plans at a later date during resolution compliance and decide what is necessary to do the restoration. Mr. Klein said ok. Mr. Lines said the only other comment that needed clarification is the lighting and said there is existing street lighting on 3 of the utility poles around the site and Mr. Vogt said there was no information on the plans but asked Mr. Lines if he felt that lighting was adequate and Mr. Lines said yes. Mr. Banas asked if it met the requirements of the ordinance that said every 50 ft. is a light fixture and Mr. Vogt said it is more

a requirement of intensity and Mr. Lines said they are not the typical colonial fixtures, they are the big cobra heads and that is the way the whole neighborhood is. Mr. Banas said if they are not listed on the plan, Mr. Vogt can't make a decision. Mr. Neiman said they should provide documentation that sufficient lighting exists and Mr. Lines agreed to do that. Mr. Lines said they can address the remaining comments in the report.

With regard to the variances, Mr. Lines said they are requesting minimum lot area variances for Lot 14.01, 14.03, and 14.05; 6,000 sf is required per duplex and Lot 14.01 is part of the corner lot in which the entire lot has 12,000 sf but because they have to provide the 30 ft. setback from Somerset the lot lines offset. Lot 14.03 is .41 sf less than the 6,000 sf and said he could shift the lot line to make them both 6,000.22 sf but he does not think it is too big of a variance. Lot 14.05 is an irregularly shaped lot that has a total lot area of 12,161 sf but when you place the duplex on it in a conforming side setback manner they end up with less. Mr. Lines said he believes the variances are de minimus and said if they did not do the 0 lot line they would all be conforming 12,000 sf lots. Mr. Jackson questioned him on the remaining variances which are the sideyard setbacks and lot coverage and Mr. Lines said he believed the side yard setbacks are because of the irregularity of the lots and as far as building coverage Mr. Lines said that is because the area they are in is R7.5 in the Master Plan and most of the area is a R7.5 zone. They are the last property on the end and showed an exhibit that was marked A2 which is a tax map showing the lots in the area within 500 ft. of their property in the R10 and said the property across the street and to the south are in the R12 zone but they are school properties. Mr. Lines said he marked in yellow the lots that were approved as R7.5 lots and the 2 blue lots on the map are the 2 lots that are conforming with width but are under area and the green lots are all undersized and underwidth and the orange lots are conforming but also underwidth. Mr. Lines said the lot area and the width and lot coverage does not upset the zone plan or zoning ordinance. The lot that is 31% coverage ends up being the 1/2 of the corner lot (Lot 14.01) and that is on the corner lot and they are requesting a rear lot variance of 10 ft. where 20 ft. is required and that is for the decks. Mr. Lines said it is drawn incorrectly and they will correct it. Mr. Lines said because it is a corner lot and they are restricted by all the setbacks they could not provide a normal sized duplex similar to the others and still provide a deck. Mr. Lines said based on the rest of the lots in the area he feels the variances can be granted without any detriment to the zone plan or zoning ordinance and feels it advances the purposes of the Land Use law and provides adequate light, air and open space and lots that conform to the area.

Mr. Neiman said when they grant lot size variances they try to keep the house in the building envelope and not grant the side and rear setback variances and said this is a little on the tight side and Mr. Lines said the units all fit within the building envelope but it is only the decks on those 2 units that need the variance.

Mr. Neiman asked about off street parking and Mr. Lines said they are going to provide 4 spaces per unit so there will be 8 spaces per duplex and they are putting curbs and sidewalks and widen Ridge Avenue so it conforms with the subdivision to the west.

Mr. Franklin said the transition to their sidewalk from the existing sidewalk to their new one, how are they going to do that and Mr. Lines said they can either flair it over and Mr. Franklin said they do not show it on the plans and Mr. Lines said that is because the other subdivision is ready for bonding so he believes they will be moving the sidewalk and they will meet it or provide an transition if theirs is not completed first.

Mr. Banas said he would like to know what the reason is for them to be going above the space they are using. The building coverage is exceeding the ordinance and asked why and Mr. Lines

said on those 2 lots, one is the corner lot and Mr. Banas said they exceed it on 4 lots and Mr. Lines said above the 25% it is keeping with the R7.5 zone and Mr. Banas said this is an R10 and Mr. Lines said the Master Plan calls for it to be rezoned to R 7.5 and Mr. Banas asked if it was an ordinance that it was an R7.5 and Mr. Lines said it is an R10 and Mr. Banas said then they cannot go and pre judge-they can only look at it as an R10 and Mr. Lines said most of the other lots in the zone are already R7.5 sized lots so they are in keeping with the neighborhood. They only go over the 27% when you look at the corner lot which has the property line offset because they subdivided it across the duplex and the lot to the south is an irregular shape. Mr. Banas said he does not wish to argue but the reason that it is overbuilt is that it is overbuilt-you could make that building smaller and still be within the ordinance and Mr. Lines said they could but these are the typical sized duplexes that are being built and Mr. Neiman said he thinks what Mr. Banas is saying is even if it is an R7.5 there are still lot coverages that exceed the 25% and Mr. Vogt said the standard is 30% if you were applying the R7.5 to this. Mr. Banas said it is an argument that you would venture if they were changing the zone but they don't have a zone change here.

Mr. Schmuckler asked if there were many other lots in the area that are over the 25% and what percentage of them are between 25-30% and Mr. Neiman said they can't figure that out and in an R7.5 you are allowed to have coverage to 30%. Mr. Lines said the subdivision next to them (in yellow) are approved at 30% lot coverage. Mr. Banas asked what is the orientation of the buildings that they are proposing and Mr. Lines said the duplex on the corner will face Ridge Avenue and the other 2 duplexes will face Somerset. Mr. Banas asked what side are the balconies on and Mr. Lines said on Lots 14.03 through 14.06 the decks are on the rear of the buildings and Lots 14.01 and 14.02 they are also on the rear which is to the side of 14.03. Mr. Banas said he indicated the reason for coverage is basically the deck asked if he considered the deck may be too large and decrease the coverage and Mr. Lines said if they take the decks off they would be at 25.2%.

Mr. Neiman opened the microphone to the public

Gerry Ballwanz, Governors Road, Lakewood was sworn in. She asked how deep and wide are the driveways going to be because the duplexes across the street from this high school have driveways that are not big enough when you have SUV's have need greater coverage along with putting the garbage cans. Mr. Lines they are standard 9 wide x 18' long parking spaces and the 4 driveways that back out onto Somerset are total 36 from the property line and the buildings are 44' from the property line so there is an additional 8' of space and they are proposing a small trash enclosure on the side of the each unit so they won't be in the front. Mr. Vogt asked if the 36' is outside of the sidewalk area and Mr. Lines said it is.

Seeing no one else, this portion was closed to the public

Mrs. Koutsouris said with regard to the corner lot along Somerset Avenue-she asked if they would consider putting some type of shrubbery to block the backyards and provide screening and Mr. Lines said they could either screen or fence off at that side.

Motion was made by Mr. Schmuckler, seconded by Mr. Percal, to approve the application with the comments they spoke of-the row of shrubbery blocking the alley down to the back; the lighting detail approved by the engineer for adequacy; street paving decided by the engineer as well.

PLANNING BOARD MEETING  
MARCH 16, 2010  
MEETING

TOWNSHIP OF LAKEWOOD  
REGULAR

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Neiman; yes, Mr. Banas; no, Mr. Follman; yes, Mr. Percal; yes, Mr. Schmuckler; yes

4. SD # 1713 (Variance Requested)  
Applicant: Mark Friedman  
Location: 11<sup>th</sup> Street, west of Lexington Avenue  
Block 112 Lot 8  
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated March 10, 2010 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing rectangular 18,750 square foot lot known as Lot 8 in Block 112 into two (2) proposed residential lots. All existing improvements on the property, including a two-story frame dwelling and an existing shed would be removed. Two (2) new single-family lots (Lot 8.01 and 8.02) are proposed, each 9,375 square feet in size. The site is situated within a residential area. Curbing and sidewalk exist along the property frontage, but are in deteriorated condition. New curb and sidewalk are proposed. *We have the following comments and recommendations per testimony provided at the 2/2/10 Planning Board workshop hearing, and comments from our initial review letter dated January 27, 2010:* Zoning- 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.* Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Area (proposed Lots 8.01 and 8.02, 9,375 SF each proposed, 10,000 SF is required) – proposed conditions. Minimum Lot Width (proposed Lots 8.01 and 8.02, 62.5 feet is proposed for both, 75 feet is required) – proposed conditions. *Statements of fact.* The applicant must address the positive and negative criteria in support of the requested variances. *As directed by the Planning Board, supporting documents are 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- As depicted on the subdivision plans, each lot will be developed including one (1) 18'x36' paved driveway, each providing the equivalent of four (4) 9'x18' parking spaces. *Statement of fact.* Testimony should be provided as to whether basements are proposed. *The applicant's engineer indicates that testimony will be provided.* As stated previously, and observed during our site inspection, existing sidewalk and curbing along the property frontage are in a deteriorated condition. The applicant proposes in-kind replacement of all curb and sidewalk along the frontage. *Statements of fact.* No proposed lot grading information is depicted on the subdivision plans. We recognize that detailed lot grading plans would be provided prior to building permits if/when this subdivision is approved. However, we recommend that finished floor elevations and proposed driveway grades be provided, at a minimum. The proposed lots should be graded to direct post-development stormwater runoff towards Eleventh Street and away from adjacent lots to the maximum extent possible. *The applicant's engineer indicates that the information requested will be provided on the grading plans if the project is approved.* The subdivision plans show the locations of several mature oaks present within both lots. Tree protection measures (snow fencing, other) should be provided for mature trees that can be preserved. *The applicant's engineer indicates that tree protection measures will be provided if the project is approved.* The plans indicate proposed water and sewer service will be provided by the New Jersey American Water Company (NJAWC). Existing water and sewerage is within Eleventh Street as shown on the plans. The existing water service (only) to the existing dwelling is depicted. Proposed water services and sewer laterals should be shown as well. Additionally, trenching and road repair construction details must be added to the plan. *The applicant's engineer indicates that the proposed utility connections and construction details will be provided if the project is approved.*

**PLANNING BOARD MEETING  
MARCH 16, 2010  
MEETING**

**TOWNSHIP OF LAKEWOOD  
REGULAR**

**A six foot (6') wide shade tree and utility easement has been provided on the plan along the property's frontage. No shade trees are provided. Landscaping should be provided to the satisfaction of the Board (or a design waiver sought). *The applicant's engineer has agreed to provide landscaping to the satisfaction of the Board.* Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. *The Tax Assessor approved the proposed lot numbers on January 15, 2010. The plat requires a signature from the Tax Assessor.* Compliance with the Map Filing Law is required. *Statement of fact.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation; Water and Sewer Approvals (NJAWC); and all other required outside agency approvals. *The applicant's engineer indicates that all outside agency approvals will be secured as a condition of approval.***

**Mrs. Miriam Weinstein Esq. appeared on behalf of the applicant said this is a subdivision on an oversized lot for single family houses. Mr. Nicholas Graviano was sworn in as the planner for the applicant. Mr. Neiman stepped away and Mr. Banas accepted him and his credentials.**

**Mr. Graviano said he has a copy of the tax map that highlights some of the existing conditions in the area and he handed them out to the board- it was marked exhibit A2. Exhibit A1 was marked and it is the site plan/subdivision map submitted with the application. Mr. Neiman returned.**

**Mr. Graviano said the site encompasses 18,750 sf and said it is the largest parcel in Block 112 and they are proposing 2 single family dwellings on 9,375 sf lots. The variances they are requesting is for minimum lot area; 10,000 sf required and 9,375 ft. is proposed for both lots- a lot width variance is requested-75 ft. is required and 62.5 ft. is proposed for both lots. Mr. Graviano said the applicant meets both the positive and negative criteria under the C1 granting of the variance and said the situation affecting this piece of property is that it is 8,750 sf larger than what is permitted in the zone and while the lots proposed are narrower it is greater in depth than what would otherwise be required in the code-however there is no lot depth required in the ordinance but if you take the requirements of 75 ft. wide coupled with the 10,000 sf lot size the ordinance essential requires that these lots be 133 ft. deep and the applicant has 150 ft. so it is the shape of this piece of property that necessitates the minimum lot width variance. The applicant meets the positive criteria "G" by providing sufficient space in an appropriate location for a variety of residential uses to meet the needs of citizens. Single family homes are permitted in this zone and duplexes are allowed on 12,000 sf so essentially the township has deemed it appropriate for a dwelling to exist on 6,000 sf in this district and the applicant is only proposing 2 dwelling units on 18,750 sf and he feels the applicant has provided a sufficient space and appropriate location for the proposed use. Mr. Graviano said the applicant also satisfies the negative criteria and there would be no substantial detriment to the public with this proposal and said the map he distributed shows the predominance of lots in the area are less than 10,000 sf and this is a section of Lakewood where the RM, R-OP and the R10 zones converge and this is presently some of the denser sections of the municipality. Lots 4 & 12 in the same block are less than 9,000 sf and there is a new development that went in on 11<sup>th</sup> & Clifton with 5 units on 33,750 sf or 6,750 sf per dwelling unit. Across the street in Block 135, 17 of the 20 lots are less than 10,000 sf and only 2 of the 24 lots in Block 134 are 10,000 sf or more so the majority of lots in this area are not 10,000 sf and the minimal reduction in this situation will not cause a substantial detriment to the public good. The applicant also provides the adequate number of parking required and is proposing 4 off street parking spaces per use and they are providing side yard setbacks to adjacent landowners of 17 ½ ft. where only 10 ft is required and the applicant is proposing 45 ft. front yard setbacks where only 30 ft. is required and a 35 ft. rear yard setback where 20 ft. is required. They are also proposing less building coverage (21%)**

than what is required (25%) and development on this site will alleviate the visual aspects of a vacant house that is currently there. Mr. Graviano said he felt that this 625 sf reduction is minor in this circumstance.

Mrs. Weinstein said with regards to the engineer's report, they are in agreement with the comments and said with regard to the basements, she stated the applicant does not have any intention of finishing the basements at this time but the occupants can finish them at a later time. Mrs. Weinstein said they agree to comply with the remaining comments.

Mr. Banas asked if they have a set of sealed documents because his set is not sealed- Mr. Vogt has a set of sealed plans but the members did not. Mrs. Weinstein said the exhibit is sealed. Mr. Neiman said normally the copies of the plans for the members are sealed and none of them are sealed. Mr. Banas said they should not be looking at any plans except sealed plans.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Follman, seconded by Mrs. Koutsouris, to approve the application

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Neiman; yes, Mr. Banas; he said he cannot vote because he is not sure the documents are the real ones so he votes no, Mr. Follman; yes, Mr. Percal; yes, Mr. Schmuckler; yes

5. SP # 1925 (Variance Requested)  
Applicant: Yeshiva Keter Torah  
Location: Squankum Road, north of Apollo  
Block 104 Lots 13 & 54  
Preliminary & Final Major Site Plan for proposed high school

Mr. Vogt prepared a letter dated March 10, 2010 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval for the construction of a two-story boy's high school building, which includes an improved basement, within a 7,352 square foot footprint and to convert an existing one-story dwelling into a *permanent* two-story dormitory, which includes an improved basement. The site plans indicate the proposed high school building will contain five (5) classrooms and four (4) offices. An interior parking area consisting of ten (10) parking spaces, one (1) being handicapped accessible, and site improvements are also proposed within the property, including a one-way bus drop-off area. Access to the site is provided from Squankum Road, a county road. The existing one-story dwelling at 670 Squankum Road is proposed to be converted into a 5,486 square foot *permanent* dormitory. *The architectural plans indicate the proposed addition and alteration of the structure would be designed for occupancy by fifty (50) students.* The plans also indicate an allowable occupancy of 109, based on a 50 SF/occupant calculation. Dormitory rooms are proposed for the basement, first floor, and second floor areas. A seven (7) space parking area with no handicapped spaces is proposed for the *permanent* dormitory. The site is located in the northern portion of the Township on the west side of Squankum Road, north of the intersection with Apollo Road near the Howell Township border. The tract consists of three (3) lots that total 9.7 acres in area. Existing Lot 59 of the site contains an existing one-story dwelling and an existing shed. Existing Lots 13 and 54 are vacant. Most of existing Lot 13, the largest of the three (3) existing lots contain freshwater wetlands associated with the Metedeconk River floodplain. *The existing three (3) lots are*

*proposed for consolidation as part of the site plan approval.* The existing shed would be removed and the existing dwelling converted into a permanent dormitory. Vacant land borders the site to the north and west. An existing residential subdivision exists to the south of the site. Squankum Road borders the entire east side of the tract. *Our comments are based on the proposed dormitory architectural plan revisions only and testimony at the 2/16/10 hearing. We have the following comments and recommendations per testimony provided at the 2/16/10 Planning Board Public Hearing and comments from our most recent review letter dated January 14, 2010:* Zoning - The parcels are located in the R-12 Residential District. Private Schools are a permitted use in the zone. *Per review and testimony at the 2/16/10 hearing, the proposed dormitory will be permanent and permitted as an accessory to the proposed school use.* Per review of the Site Plan and the zone requirements, the following variances are required for proposed project: In accordance with Section 18-906A.2., of the UDO, a twenty foot (20') buffer is required from a residential use or district. No buffer is proposed, and only an 11.1' buffer may be provided from the existing dwelling which is proposed to be converted into a temporary dormitory. *No buffer is proposed, and only a 6.1' buffer may be provided from the existing dwelling which is proposed to be converted into a permanent dormitory since steps and access is now being proposed to the basement.* In accordance with Section 18-906A.3., of the UDO, landscaping shall be provided for the required buffer. No landscaping is proposed for the twenty foot (20') wide buffer area. In addition, the temporary dormitory and the proposed septic system for the proposed high school encroach upon the twenty foot (20') wide area which could be used for landscaping. *A row of Leyland Cypress is proposed along the southwest property line. The proposed septic systems are now outside of the twenty foot (20') wide area which could be used for landscaping. The following additional variances are required: In accordance with Section 18-812A.9.b., of the UDO, no sign shall be erected closer to the street or property line than fifteen feet (15'). A five foot (5') sign setback is proposed. In accordance with Sections 18-812D.1.a. (1) & (2), of the UDO, the freestanding sign shall not exceed twenty square feet (20 SF) and shall not exceed five feet (5') in height. All freestanding signage should be monument style signage. No pole mounted signage is permitted. Testimony should be provided regarding the proposed sign indicated on Sheet 3 of 11 since it does not appear to conform to the requirements.* The applicant must address how the temporary dormitory and associated parking complies with the Zoning requirements. *Testimony is required for how the permanent dormitory and associated parking complies with the zoning requirements.* A partial design waiver is required from providing sidewalk and curb along the entire frontage of the site. It appears these improvements are not proposed along the northern frontage of the site because of existing freshwater wetlands. *Action on the design waiver is required by the Board.* The applicant must address the positive and negative criteria in support of the required variances. *Testimony is required.* Review Comments- Site Plan/Circulation/Parking- As indicated previously, a ten (10) space parking lot with one (1) handicapped space is being provided for the proposed high school. Since a total of nine (9) classrooms and offices are proposed, nine (9) off-street parking spaces are required. In addition a seven (7) space parking lot is proposed for the temporary dormitory. No parking requirements associated with the temporary dormitory are shown. *Parking requirements associated with the permanent dormitory must be addressed.* A one-way bus drop off area, separate from the parking area, is proposed parallel to Squankum Road. Although it appears that adequate turning movements will be provided for the proposed bus drop off area, refuse collection, and deliveries, a vehicle circulation plan should be provided as confirmation. *A Geometric Plan which must be correctly titled has been provided. The proposed bus circulation has been properly indicated. Refuse collection and emergency vehicle circulation must still be addressed, as discussed at the 2/16/10 hearing and subject to DPW approval.* Testimony is necessary from the applicant's professionals regarding how the proposed bus drop off area will be used, including but not limited to times, sizes, and numbers of vehicles anticipated (i.e., buses, vans, cars, others). The General Notes state that "all

students shall be bussed, no student shall be permitted to drive to and from school, and pick up and drop off time shall be between the approximate hours of 8:30 AM and 5:30 PM". *Testimony has been provided.* Per our 9/25/09 site inspection, we note that no sidewalk and curbing exist along Squankum Road in front of the site. Sidewalk and curbing, along with road widening is proposed in front of the southern part of the site. These improvements are not proposed for Squankum Road along the northern part of the site frontage, presumably because of freshwater wetlands restrictions. *Confirming testimony has been provided. The existing front property line along the southern part of the site must be correctly shown along with the proposed dedication to the County. Proposed bulk requirements must be revised accordingly.* A proposed refuse enclosure is depicted behind the proposed school building which should be dimensioned. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. *The proposed refuse enclosure still requires dimensions. Sidewalk access from the proposed dormitory to the proposed refuse enclosure shall be provided.* The General Notes reference an outbound and topographic survey. An Existing Condition Plan shows outbound survey data and a partial topographic survey. A signed and sealed copy of the referenced survey must be provided as a separate document. *An outbound survey from 2007 has been provided. The survey is nearly three (3) years old and should be updated. The site plans do not indicate how and when the partial topography and wetlands points were surveyed or obtained. The survey also shows an existing twenty foot (20') wide drainage easement and an existing flared end section which is not within the easement along the western boundary of Lot 13. The existing drainage easement to the intended party should be modified to correct this situation.* A General Note indicates that the existing lots will be consolidated. The applicant's professionals must testify how this will be accomplished (i.e., lot consolidation plan, other). A Lot Consolidation Plan is recommended because of all the other survey data which will be required for freshwater wetlands, transition areas, transition area disturbance, and easements. *The existing lots are proposed for consolidation.* Survey data is required for the Freshwater Wetlands and Waters Boundary Line, the Transition Area Line, and the Wetlands Transition Area Disturbance Line. If applicable, the wetland flagging points should be indicated on adjoining properties and right-of-ways. *Partial survey data has been added to the Freshwater Wetlands and Waters Boundary Line. Survey data for the Transition Area Line and the Wetlands Transition Area Disturbance Line is incomplete. A copy of the Letter of Interpretation and approved Wetlands Delineation Plan has been submitted.* The limits of proposed interior sidewalk are not clear. The same symbol for the interior site sidewalk shall be used as that used along the road frontage. A Proposed Improvement Plan separate from a Proposed Grading and Drainage Plan is recommended. *The limits of proposed interior sidewalk has been somewhat clarified. Only the material for the proposed handicap ramps has not been indicated.* All proposed curb radii should be shown for accuracy of the layout. In addition, the proposed curb return points should be added. *Most of the proposed curb radii have been added, the proposed tangent points must still be shown.* Site improvements associated with the temporary dormitory are incomplete. A means of access should be provided between the proposed temporary dormitory and proposed high school. *More information on the proposed site improvements for the permanent dormitory has been completed and a means of access between the permanent dormitory and high school provided. Additional dimensioning on the site plan is necessary.* The plans show a Freshwater Wetlands and Waters Boundary Line as verified by NJDEP File No. 1514-08-0007.1 FWW080001. A copy of this LOI shall be submitted with this application, this will also verify the Transition Area Line depicted. A three hundred foot (300') riparian buffer to the Metedeconk River is also shown on the plans. The entire riparian buffer is located between the Freshwater Wetlands/Waters Boundary Line and the River. *A copy of the LOI and approved Wetlands Delineation Plan has been submitted.* Architectural- Progress sketches have been provided for the proposed high school. A completed set of floor plans and elevations are required. Review of the sketches



indicates that the site plans and architectural plan do not match and require coordination. It is also impossible to properly evaluate the parking requirements since the architectural plans are incomplete. *Revised architectural drawings were provided for the dormitory, but not the high school. In accordance with our review of the revised dormitory architectural plans, the following changes were made: A proposed access has been added to the basement on the south side of the building. A new bathroom has been added to an area that was previously to remain as unfinished existing basement area. A proposed study room replaces a new dorm room on the first floor. The proposed rear access to the first floor is from an expanded eating/kitchen area as opposed to the bathroom. A proposed second floor access has been added from an expanded sitting area and the slight decrease in area from a couple of new dorm rooms. As noted on the Proposed Addition and Alteration for 670 Squankum Road architectural plans, new dorm rooms are proposed on the basement, first floor, and second floor levels. It appears only the first floor level will be handicapped accessible. Testimony is required from the architect. Testimony shall be provided. A fire suppression line is shown for the proposed high school building. Testimony should be provided as to whether the proposed temporary dormitory will include a sprinkler system. A proposed fire suppression line has been added for the proposed permanent dormitory. We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. Proposed air conditioning equipment must still be addressed. We recommend that color renderings of the buildings be provided for the Board's use at the forthcoming public hearing for the application. Statement of fact. Grading-Grading information provided on the current design plans is incomplete. Additional proposed elevations and proposed contours are required to evaluate the grading. Proposed elevations should be provided at control points, such as curb returns and corners, access points, and building corners. Missing proposed contours must be added between the proposed building and parking area, as well as between the proposed parking area and the transition area line. Additional proposed grading information has been provided. Our office can review remaining deficiencies with the applicant's engineer. Per review of the existing elevations and per review of site conditions during our 9/25/09 site inspection, on-site grades generally slope to the north towards the Metedeconk River. Statement of fact. The site plans references a survey. A signed and sealed copy of this survey should be provided as part of this application. The Existing Conditions Plan only shows a partial topographic survey. Should the actual survey only include a partial topographic survey, then a waiver must be requested. The Board should act on a waiver request from providing a complete topographic survey for the site. If an insert is added for the proposed pavement transition area on Squankum Road, then the existing topography provided appears adequate to properly evaluate the site plan. Only one (1) soil boring is indicated on the drawings. There is a moderate slope to the site. Therefore, additional borings must be provided to justify the proposed basement elevation of the high school and the recharge system. A second soil boring has been added which justifies the proposed basement elevation of the high school and the recharge system. Stormwater Management- The Stormwater Management Report does not seem to account for all proposed improvements and overland runoff lost from the site that is not collected in the stormwater management system. Revisions to the system and report are necessary. It appears additional underground detention with slower release rates will be required. A revised Stormwater Management Report has been submitted. We recommend the routing be based on the 24 Hour, Type III, SCS Storm to insure there is proper volume in the proposed system. The proposed underground detention facility is subject to review and approval by the NJDEP since the outlet structure is located within the wetlands transition area. We question the need for stone surrounding the pipes since solid pipe is proposed. A larger proposed recharge system for the roof of the proposed high school building may be required because of the lack of cover on the overflow discharge pipe. The size of the proposed recharge system has been increased and must be enlarged further to account for a 7,352 SF building. The proposed invert elevation of the discharge pipe shall be raised to*

**93.30 and a foot of stone shown over the proposed recharge pipe in the profile. While the stormwater management concept for this project appears viable, additional design information must be provided, including the following items at a minimum: Information regarding the proposed roof leaders and their discharge(s) into the proposed stormwater recharge system. *Proposed roof leaders have been added, but their design needs to be coordinated with the architectural plans.* Proposed profiles of the stormwater management system. *Proposed profiles of the stormwater management system have been added and some modifications are necessary.* The Stormwater Management Facilities Maintenance Plan provided as part of the Stormwater Management Report lacks detail. The frequency of inspections and maintenance to the system is inadequate. The section on record keeping must be expanded with more precision for this particular project. *A revised Stormwater Management Facilities Maintenance Plan has been submitted as part of the revised Stormwater Management Report. The revised Plan is more comprehensive. However, it needs to be tailored to the site specifics of the project such as the underground detention and recharge facilities.* Landscaping and Lighting- A dedicated landscaping plan is provided with the submission; proposed landscaping is depicted on Sheet 4 of the plans. *The Landscape Plan is now Sheet 5 in the revised plan set.* A six foot (6') wide shade tree and utility easement is proposed across the developed frontage of the property. The easement shall be dedicated to the Township of Lakewood and include bearings, distances, and an area. *Bearings and distances have been added to the proposed easements. Only proposed areas must be included.* Proposed shade trees shall be removed from sight triangle easements. *The sight triangle easements must be approved by the County in order to determine whether any proposed shade trees are still within the easements.* Testimony should be provided as to whether compensatory landscaping is proposed (or necessary). It should be noted that tree protection details are provided on the plans for mature vegetation that is salvageable during construction. *Testimony shall be provided.* Landscaping should be provided to the satisfaction of the Board. *The Board should provide recommendations to the applicant, if necessary.* Proposed Compact Japanese Holly shrubs encroach onto the parking area proposed for the temporary dormitory. Also, the counts on the plan and plant list require corrections for the Compact Japanese Holly and Winter Green Boxwood. Purple Leaf Sand Cherry shall be corrected in the plant list. *The Landscape Plan has been revised. "Purple" Leaf Sand Cherry shall be corrected in the plant list. The fifty-one (51) count on the plan for the Leyland Cypress shall be corrected to forty-eight (48).* No landscaping is proposed for the converted temporary dormitory. *Landscaping has been proposed on the revised plan for the converted permanent dormitory. However, the design requires revisions because of the proposed access revisions to the building.* Corrections are required to the Planting Notes. *Minor corrections are still required to the Planting Notes which we can review with the applicant's professionals.* A dedicated lighting plan is provided with the submission; proposed lighting is depicted on Sheet 5 of the plans. *The Lighting Plan is now Sheet 6 in the revised plan set.* The Lighting Plan shows five (5) sixteen foot (16') high pole mounted lights and four (4) fifteen foot (15') high wall mounted lights. However, the Luminaire Schedule indicates six (6) pole mounted lights and ten (10) wall mounted lights. Revisions are required including details, photometric data, and a point to point diagram. *The revised Lighting Plan shows six (6) sixteen foot (16') high pole mounted lights and four (4) fifteen foot (15') high wall mounted lights. The point to point diagram indicates that additional lighting should be considered in the vicinity of the proposed refuse enclosure and low level lighting for some of the pedestrian access ways, especially between the proposed buildings.* Lighting should be provided to the satisfaction of the Board. *The Board should provide their recommendations for lighting, if any.* Utilities- The plans indicate the site is served by public water and proposed septic systems. Proposed (new) water services to the proposed high school building from Squankum Road are depicted on the plan. A schematic of a proposed septic system design for the new high school is indicated. No existing or proposed water and septic systems are shown for the existing dwelling to be converted to a temporary dormitory.**

***The revised plans propose new water services, including fire suppression lines, to the proposed buildings from Squankum Road. Schematics of the proposed septic system designs for the buildings are indicated. Ocean County Board of Health Approval and NJDEP Treatment Works Approval will be necessary. The applicant must receive necessary approvals for the increased demands resulting from the proposed addition/alteration to the existing structure, as well as the proposed high school building. At a minimum, approvals will be required from New Jersey American Water Company for water and Ocean County Board of Health for the septic systems. Testimony should be provided on the proposed public water and private septic systems. Public water will be constructed by New Jersey American Water Company. Private septic systems will require approval from the Ocean County Health Department and the NJDEP. Signage- No signage information is provided other than traffic signage. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. Proposed signage information has been provided. Variances are required for the proposed free-standing sign. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Statement of fact. Environmental - No Environmental Impact Statement (EIS) was prepared for this project. Statement of fact. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Wood Turtle and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. Per NJDEP mapping, the undeveloped portion of the site contains potential state threatened species habitat. We recommend that the applicant request and provide results for a threatened and endangered species database search from the NJDEP Office of Natural Heritage, and assess the site for critical habitat (if any). If a habitat assessment was performed during NJDEP's approval for the wetlands letter of interpretation that would be acceptable in lieu of a new assessment. Testimony should be provided by the applicant's professionals as to whether there are any other known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property. Testimony shall be provided. We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. A note should be added to the plans. Construction Details - 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 @ 4,500 psi. A more detailed review of construction details will occur during compliance review; if/when this application is approved. A more detailed review will be completed, if necessary. The Outlet Control Structure detail requires revisions to match the stormwater system design. The detail has been properly revised. Trash Rack detail discrepancies must be corrected. The proposed trash rack has been eliminated. Corrections are required on the Typical Storm Sewer Trench detail. The detail has been properly revised. Corrections are required to the Protective Bollard detail. The concrete for the protective bollard shall be 4,500 psi. The footings for the Trash Enclosure detail and Solid White Vinyl Fence detail must be coordinated. Information on the footings for the details must be completed and the footings must extend at least thirty-six inches (36") below proposed grade. A joint between the pavement and curb is not required since all paving is asphalt. Part of the joint note must still be removed from the plans. Handicapped ramp details must be revised to the current NJDOT standards. Additional handicapped ramp details and locations must be added to the plans. Performance guarantees should be posted for any required improvements***

in accordance with Ordinance provisions. *Statement of fact.* 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 (septic systems); New Jersey American Water Company (water service); NJDEP Treatment Works Approval (septic systems); NJDEP (wetlands buffer encroachment for stormwater outfall); and all other required outside agency approvals. *Evidence of outside agency approvals must be submitted when they are obtained.*

Mr. Neiman said he knows this application is a continuation but the board had some questions about the dormitory so he thinks they should start it as a new application and bring everything back for the record for this application. Mr. Kielt asked if they were creating a brand new application or does he have a problem with votes and Mr. Neiman said they are going to create a brand new application. Mr. Jackson asked Mr. Kelly if he had any objections and Mr. Kelly said no.

Mr. Denis Kelly Esq. appeared on behalf of the applicant with Mr. Charles Surmonte as the engineer for the applicant.

Mr. Surmonte said they are going to consolidate the lots. Mr. Kelly marked exhibit A1 which is a rendered version of the landscaping plan which is the improvement plan that depicts what they are proposing which is a new school building (brown), paved parking areas (gray), and existing residence (rust) which is proposed to be converted to the dormitory, and the balance of the property to be landscaped, lawned and will have 2 septic fields to service each building. Mr. Kelly said the review letter has technical comments and they can comply with the comments. Mr. Surmonte showed the board where the access points were to the school building are along the north face of the building and the south face of the building. Trash collection is at the end of the service driveway and there is sufficient room for a vehicle to come in for collection and that area will be for the school and the dormitory.

Mr. Neiman asked if there were any buses dropping kids off at this high school and Mr. Kelly said all students were being bussed to and from the site. Mr. Neiman wanted them to discuss how they would enter and leave and Mr. Surmonte said the south driveway is the only driveway of entry for the school building so they would come in the south end and go through the horseshoe in front of the property and drop off and pick up the students right there and exit out onto Squankum Road. The bulk of the paved area is to provide parking for the staff. Mr. Neiman asked if they proposed sidewalks along Squankum Road and Mr. Surmonte said yes along the frontage up to the end of north driveway.

Mr. Vogt asked if they were going to propose sidewalk access to the trash container pad and Mr. Surmonte said yes from the dormitory to the refuse area. Mr. Surmonte said they have proposed along both the southerly and the westerly line to plant an evergreen row and a solid 6 ft. fence along a 10 ft strip. Mr. Neiman asked if there are homes behind the property and Mr. Surmonte said there are homes on those 2 property lines.

Mr. Franklin asked how many buses will they be able to stack in the driveway and how many will it take to empty the school at night time and Mr. Surmonte said probably 2 buses and in combination with the dormitory they should only need 2.

Mr. Santoro was sworn in as the architect and he spoke about the dormitory. He marked exhibit A1 which is colored rendering and said one of the comments was in regard to the basement area and referred to exhibit A2 which is sheet 2 of 4 of the architectural plan. His testimony was

not heard on the recording but he talked about adding something on here and opened up this area and mentioned something about a study hall. Mr. Neiman asked if this was in the dormitory and Mr. Santoro said on each floor of the dormitory. He pointed to exits on the exhibit and then pointed to exhibit A3 which is a depiction of the second floor plan. Mr. Neiman said there is an emergency exit from the second floor as well. Mr. Neiman asked how many students will be dwelling in the dormitory and Mr. Santoro said about 50 students. Mr. Kelly said some of these designs were done to address some of the comments about ingress and egress and the additional bathing facilities and said everything is contingent on getting the building department approvals as well.

Mr. Neiman opened the microphone to the public

Gerry Ballwanz, Governors Road, Lakewood was sworn in. She asked if this was the project where the elementary school is now and Mr. Neiman said it is in the vicinity of that but this is not that project. She asked if there was an LOI regarding the wetlands with the Metedeconk nearby and Mr. Neiman said in the comments there is an LOI and Mr. Vogt said there is a wetlands line verified. Mr. Kelly said they did get an LOI dated about 2008 and Mr. Vogt said typically wetlands approvals are good for 5 years. Mrs. Ballwanz asked how far away are they from the wetlands and Mr. Vogt said they are showing the 300 ft. buffer from the top of bank of the Metedeconk is further away than the limit of the wetlands on the plan and that limit is well over 50 ft. from the delineated wetlands and Mr. Surmonte showed her on the plan. She said with the recent rain the Metedeconk was overflowing and it is important that those boundaries be kept.

Seeing no one else, this portion was closed to the public

Motion was made by Mr. Percal, seconded by Mr. Schmuckler, to approve

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

6. SD # 1691 (Variance Requested)  
Applicant: Sam Bauman  
Location: Lakewood New Egypt Road-west of Pine Circle  
Block 261 Lots 3, 3.01  
Minor Subdivision to create 3 lots

Mr. Vogt prepared a letter dated January 12, 2010 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing (irregular) 31,491 square foot property known as Lots 3 and 3.01 in Block 261 into three (3) new residential lots, designated Lots 3.02-3.04 on the subdivision plan. The site is wooded, heavily-vegetated and undeveloped in its current condition. The site is situated within a residential area, and has frontage along Lakewood-New Egypt Road (County Route 528). A paved shoulder with curbing exists along the property frontage. A paved shoulder and curbing also exist along the opposite (northerly) side of the road. *Additionally, as discussed at the workshop hearing, an Alternative Plan was prepared which would increase the size of proposed Lot 3.02 (resultant lots 3.03-3.04 decreasing). We have the following comments and recommendations per testimony provided at the December 1, 2009. Planning Board workshop hearing and comments from our initial review letter dated 10/13/09. We note that our comments (particularly zoning) are based on the originally-proposed subdivision plan. Should the Board elect to approve the "Alternative Plan"*

*configuration, some comments may/may not be applicable, or require further review during compliance.* 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. *Fact.* Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Area (proposed Lots 3.02-3.04, 7,996 SF, 11,680 SF, and 11,815 SF respectively, 12,000 SF required) – proposed conditions. *Fact.* Minimum Lot Width (proposed Lots 3.02-3.04, 68.77 ft., 75 ft. and 75 ft. respectively, 90 ft. required) – proposed conditions. *Fact.* Per review of the *Alternative Plan*, all three (3) proposed lots would require variances for lot area and lot width as noted. 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- As indicated on the subdivision plan, driveways and/or off-street parking spaces are proposed for all three (3) new lots. Four (4) spaces per dwelling are proposed. Turnarounds are recommended for the driveways so vehicles do not back out onto a high speed County road. *Turnarounds have been provided as requested. We recommend that the turnarounds proposed on lots 3.03 and 3.04 be shifted towards the dwellings (i.e., inside of the proposed shade tree easement).* Testimony should be provided as to whether a basement is proposed for any of the proposed dwellings. Parking shall be provided to the satisfaction of the Board. *Per testimony at the workshop hearing, basements are proposed.* As noted above, curbing exists along the property's (County) road frontage, and is in good condition. New sidewalk is proposed by the applicant as indicated on the subdivision plan, connecting to existing sidewalk at the northwest corner of the property. *Fact.* Existing and proposed grades are provided on the subdivision plan. Additional spot elevations are necessary for the proposed driveways and off-street parking spaces for all three (3) new lots. A missing proposed fifty-two (52) contour line should be added to the subdivision plan. *This contour was added to the plan.* The plan indicates that public water and sewer service will be provided for each lot from existing utilities within Lakewood-New Egypt Road. The plan should identify that NJAWC will provide the services. *This item appears unaddressed.* A note should be added to indicate that roof leaders will discharge towards Lakewood-New Egypt Road (unless on-site retention is proposed for each lot by dry wells or similar measures). Grading revisions may be necessary to promote positive site drainage towards the road. *A note that roof leaders for the front of the homes (only) will drain towards the road. The applicant now proposes two (2) drywells to recharge water from the rear portion of each of the proposed dwellings. The proposed design appears feasible, but calculations for the drywells should be provided during compliance review if/when this project is approved by the Board.* Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. *Per the applicant's consultant, the numbers were approved.* A six foot (6') wide shade tree and utility easement is illustrated on the plan along the property's Lakewood-New Egypt Road frontage, but must be labeled on the plan with bearings, distances, and areas. Three (3) Zelkova shade trees are proposed within the easement. Landscaping should be provided to the satisfaction of the Board. *Fact.* Mature trees are indicated on the subdivision plan. Based on available information, there are a number of mature trees within the site. Many of these trees are unsalvageable if the lots are developed as proposed, but some of these trees appear salvageable. 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. *Per our records, the applicant agreed to comply with this item at the workshop hearing. Testimony should be provided at the public hearing.* Proposed lot areas shall be calculated to the hundredth of a foot. *Fact.* Compliance with the Map Filing Law is required. At a minimum, monuments or pins are necessary for the

proposed lot subdivision line, and at all property corners. *Fact.* It should be noted that NJDEP Geographic Information System (GIS) mapping includes this property as potential threatened species habitat, most likely bird species. Per our inspection of the site, no significant wildlife or nests were observed. Given that the overall local habitat area is fragmented by surrounding development, it is unlikely that “critical” habitat exists on this site as defined per NJDEP regulations. However, the applicant should be aware of potential NJDEP restrictions on development of this site if such habitat is found to exist. *Fact.* County construction details should be provided on the subdivision plan since most of the improvements involve a County road. *A County curb detail has been provided, and appears satisfactory.* Outside agency approvals for this project may include, but are not limited to the following (*Fact*): Ocean County Planning Board; Water and Sewer Approvals; Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals.

Mr. John Doyle Esq. appeared on behalf of the applicant. He said they acknowledge the engineer’s report and will comply with all the comments in that report and said they will supplement and fill that at the time of plot plan and to the degree that any additional landscaping or plantings are desired between them and the neighbors they will welcome those suggestions as well. He said this is a 14,000 sf lot and an 18,000+ sf lot and the 3 lot they propose are 2 @ over 11,000 sf and 1 of 8,000 sf. The board asked the applicant to consider whether or not the circumstances would be better if they more equalized the area and they have done that- it reduces the frontage but there are now 3 lots each over 10,000 sf.

Mr. Flannery was sworn in as a professional engineer and planner. Mr. Flannery said they will meet all the engineer’s requirements and supplement landscaping as the board desires. Mr. Flannery said the alternative plan that was submitted shows 3 lots all exceeding 10,000 sf with the minimum lot width of 68 ft. The plan that was originally submitted had 2 lots over 11,000 sf and 1 of 8,000 sf and at the request of the board the applicant revised the plans with the alternate set. The variance they are requesting is a C2 variance and they need to show the board that the benefits outweigh the detriments and they have to prove that it is a specific piece of property. Mr. Flannery said this is a specific piece – it is 2 lots that is owned by the same person and they have been lumped together to come up with this subdivision. The one lot that is 18,000 sf is much larger than typical lots in this area which is in the area of R12 and has a lots conforming to the 12,000 sf and it also has a considerable amount along Central Avenue that is less than 10,000 sf and less than the required width and this property has frontage along Central Avenue so the lot widths that are proposed would be consistent with other lot widths. They have to show that it meets the purposes of the MLUL under NJAC4055D2 and Mr. Flannery said this plan provides additional housing without any detriment and said these houses will be new houses so they would aesthetically pleasing and they have agreed that the water from the front of the roof will be directed to the county roadway and in the rear they would provide drywells so they are addressing stormwater and this will not have any adverse impact. As far as traffic one extra house on Lakewood New Egypt would not have any adverse impact. With regard to environmental impact, this area is bounded by the lake and Crystal Lake Preserve and there are environmental impacts on each side but these properties are high and dry and it meets the criteria of the Lakewood Master Plan and the Smart Growth Plan. Mr. Flannery said as far as any substantial detriment on the public good and with the landscaping they are going to do, that impact is negligible and the benefit would be an additional housing opportunity, development of an in fill lot and he feels one lot in an area where there is probably 200 will not impair the intent and purpose of the zone plan or zoning ordinance. He said the board acted on other properties in the area and they acted on a property on Caranetta Drive which was 100 x 150 and that was subdivided into 2 – 75 ft. wide lots. Mr. Flannery said the options for developing large lots are to request for some relief and the only alternatives permitted are schools and shuls which in this

area would not be the best use and it is his professional testimony that the board can grant these variances without any detriment to the zone plan or zoning ordinance and that it is consistent with development in the area.

Mr. Neiman asked if there was public water and sewer and Mr. Flannery said yes and these lots will be connected to them. Mr. Vogt said they do not show any setback encroaches proposed for any of the building units and Mr. Flannery said that is correct and they will comply with all the other setback requirements. Mr. Flannery said in fairness to the neighbors they would show 15 ft. on the neighbors' side.

Mr. Percal asked if they were providing them with a tax map showing the comparison of the lots of the adjacent blocks and Mr. Flannery said within the 2-3 adjacent blocks it is predominately . ... and Mr. Percal said he would like to see one and Mr. Vogt said they have a aerial map which includes some of the tax map.

Mr. Neiman opened the microphone to the public

Mr. Stephan Toubul, 180 New Egypt Road, Lakewood, was sworn in. He said he lives next door to the subject property and he is here on behalf of 14 neighbors that live around those lots. He said there is an inconsistency with regards to the size of the lots around the subdivision- his lot is in excess of 30,000 sf and the frontage is over 150 ft. and he said the neighbors feel that their property value will be seriously affected. Mr. Jackson said he has to keep the testimony on how he feels because he is not the attorney for the other 14 neighbors and so it would be hearsay. Mr. Toubul said there is an inconsistency in terms of the statement that was made with regards to the size of the lots around the property- his lot is in excess of the size of each one of the lots. He also said there is a drainage problem where the detention basin gets overflowed and people's basements get flooded. There is a lot of traffic, especially with the new developments and Westgate and when school buses stop in front of the houses it creates a lot of traffic and this will create more traffic. He feels the value of his property will be seriously affected should there be 3 lots there as opposed to 2 and said the reason he bought here is because he wanted to live on large lots in large homes and the if there are 3 lots the houses will be large and the lots will be small therefore the property values where they live will be affected. He said that is the reason why he opposes this subdivision

Mrs. Rose Hoffman, 193 Lakewood New Egypt Road, Lakewood was sworn in. She said she is across the street from the proposed subdivision and she is definitely in opposition of this subdivision. She said when she bought her house 8 years ago; she bought it in the hopes that it will help her in her retirement days by increasing in value. Her house is over 13,000 sf and she does not want it to go down in value because of incorporating smaller properties in the neighborhood because when that happens, everything in the neighborhood will decrease in value. She said she disagrees with the statement made before that within a matter of a few blocks there are houses that have a much smaller frontage- you have to go down quite a bit, probably well over a ¼ of a mile until you find that. She also worries very much about the traffic, it is difficult enough at this point to get out of her property and if there is any additional houses or subdivisions, it will only make it more difficult. She knows other people wanted to be here tonight and couldn't and she knows she is only allowed to speak for herself.

Mr. Neiman asked Mr. Flannery to address the fact that the neighbors are saying the lots in the area are greater than 12,000 sf and said what Mr. Percal was asking for was a tax map or colored rendering of the area and Mr. Flannery said he was not involved with the project when they came to the tech meeting but he does have the subdivision map for that one particular block



where there is 14 lots and the first gentlemen who got up is correct- his lot is 20,000 sf and Mr. Neiman said he said it is 30,000 and Mr. Flannery said there is a vacation to be done and it shows his lot as 16,000 + the vacation but said if you look at the other lots in the neighborhood, one is the basin but then you have Lot 1.02 at 13,000 and change; Lot 1.03 is 13 + change; Lot 1.04 is 14 + change; then you get to 1.05 which was the gentlemen's lot which is 20,000+; Lot 1.06 is 14,000 + change; Lot 1.07 is 13,000 + change; 1.08 is 13,000 + change and 1.09 is 13,000 + change. Mr. Flannery said when he indicated along Lakewood New Egypt and Central Avenue within a couple of (4) blocks (Columbus Ave) in Block 1210 there are 2 lots; the next block has 4 lots and getting down to Valley there is 7 in a row so he should have said 4 blocks away and then all the way until Route 9 you find a majority of them are less. Mr. Flannery said in that one particular block which is the block to the west those lots have one at 20,000 + and the rest are 13 + 14 and large pockets of that zone have pockets that were developed at one time at 12,000 sf lots and then there were lots created in the 1920's that evolved in a haphazard manner where there were smaller ones and larger ones and these fit more in that category. The particular subdivision in that adjoining block was done by Mr. Lewin and he came in with the whole block and chopped it up and when you do that you can come up with a situation.

Mr. Neiman said the issues the 2 people spoke about was their property value going down and asked if Mr. Flannery thinks property value goes down if there are smaller lots directly near them and Mr. Flannery said his opinion would be a lay opinion and he would rather not give one. Mr. Doyle said residents spoke about additional traffic and asked Mr. Flannery, as an engineer, would one house change the volume of traffic along Central Avenue so much that the level of service would be different and Mr. Flannery said there would be a negligible impact by one house, in fact the 3 houses would have a negligible impact on a collector roadway such as Lakewood New Egypt Road. Mr. Percal said his concern is not the traffic but what an 8,000 sf lot for 3 10,000 sf lots are going to do in approximating the value of adjacent lots that are 12 or 13,000 sf. He is not talking about the lots down Central but here and said this would impair the value of the houses in the immediate vicinity. Mr. Doyle said in terms of consistency they have to meet certain standards as do their neighbors, such as they can't cover more than a certain percentage of the land and they can't have more than 25 ft. in the setback and they have met all of that. Mr. Doyle said they also fall into the criteria of the building envelope, height and they provide sufficient parking spaces and Mr. Flannery said additionally these lots, at 10,000 sf can accommodate the types of dwellings that are constructed typically in Lakewood. Mr. Doyle said as far as drainage, did Mr. Flannery see anything out of the ordinary and Mr. Flannery said the comment indicated that they needed to address drainage and the drainage will be addressed by drywells and that typically gets reviewed by the Township Engineer and the basements will need to be 2 ft. above seasonable high water table and the current review of plot plans is much different than it was 10 years ago and he is comfortable that what gets built there will have no adverse impact on the drainage in the area. Mr. Vogt said the drainage that is going to the county road will be reviewed by the county as well and Mr. Flannery said the county recently improved their roadway and put drainage in and those pipes are more than sufficient to carry the water.

Seeing no one else, this portion was closed to the public

Mr. Doyle said obviously the board has the power to grant variances and while Mr. Flannery has mentioned other large lots that were granted variances for similarly sized lots for relatively minimal deficiencies and said they don't set precedence any more than this lot does. Mr. Doyle said they have a rather unique situation and asked to board to take notice of an approval the board has previously gave and he referred to the map and said there was a right of way and as a result of the vacation of that it created a larger lot and here (pointed to the map) and also the

gentleman who testified earlier and said it resulted in a lot that was more than 50% oversized, and he pointed to the map again and he said they are left with the largest sub dividable lot in the area and in this immediate area. In proving their case it comes down to is the 2 standards in the statute: is this a better alternative than the reverse and advances the purposes of zoning and they have taken an area where it is near with 32,000 ft out of the total of 36,000 sf that would be required for 3 lots and allowed the Master Plan goal to be achieved as much as they can make it happen. The other standard is will it do substantial detriment and the testimony from the experts is every solvable problem would be solved-drainage, landscaping, buffers and the other issues that were raise, drainage and traffic-the engineer says no; land value, he thinks every time objectors come to the microphone the words that follow is land value will go down. Mr. Doyle said they have provided expert testimony that is un-refuted that the detriment will not be substantial and they will conform with every bulk requirement and he thinks this is the kind of application for which the law was meant to allow the variance to be granted and to which Mr. Flannery says it will not do substantial detriment.

Mr. Neiman said to get back to what Mr. Percal was saying about the importance of bringing a colored rendering of both the immediate area and beyond. He said this board does grant variances but this board does not want to change the face of a neighborhood; that is why they want to look at a neighborhood and make sure it is consistent with the neighborhood. Mr. Doyle said there is 2 neighborhoods and pointed to a triangular piece on the exhibit and said the difference between 13 & 14 are relatively small and in terms of numbers there is one lot that is conforming but has a drainage basin so the drainage must flow away from this lot (must have pointed) and all the other lots are 13 & 14 with the exception of the lot benefited by the street vacation which is 20,000 and said if you look at their 12,000 ft lots to the 14,000 ft lots and 18,000 ft lots there is an inconsistent lot otherwise they fall in line-the difference between 10,000 + change and 13,000 + change he would suggest is relatively less than 13,000 and 18,000 so in the smaller are he thinks they have chosen consistency. He knows a picture is worth a thousand words but he thinks the board can see the numbers and shapes and has a feel for it. He knows in some cases you need the map but he is not so sure that in this case you do.

Mrs. Koutsouris said she feels personally she needs the map. Hearing testimony that a lot of the lots are 14-if you had moved the lot line over and just have 2 lots you really have 2 lots that are around 15 which would be more conforming from the testimony she heard from the applicant's expert so she is struggling with this application and it is difficult to make this decision without looking at the map. Mr. Doyle pointed to the exhibit and tried to explain visually and said no one is going to move a lot line just to change from 2 lots to 2 lots so part of the application is to create a lot and without that change then you wind up with an 18,000 sf lot which is bigger than 11 of the other 12 lots. She said you are talking about 4,000 greater or 4,000 less so it is not by far greater.

Mr. Schmuckler asked if there were any other lots in the area over 21,000 sf that this can open a Pandora's box to. Mr. Flannery said there is the lot next door, but he probably has a house right in the middle of it and isn't intending to do it and looking at the tax map for the area he does not see any other, maybe one or two, without studying it closely and if that is information that the board needs they can prepare that map and color it up and Mr. Banas said that is a good idea.

Mr. Doyle said it seems to him that there are 2 issues that have been raised that more complete response is needed: one is the allegation that this will somehow have an affect on real estate values and the other issue is the proposed variance and the question raised by Mr. Percal and Mr. Schmuckler is they can figure out the number but they want to know what the impact is and that would take maps that they do not have presently so if the board is of the judgment that they

applicant needs to supply those answers then his best course is to ask to come back with the answers.

Mr. Jackson said he did not hear the board members speak of real estate values, the objectors stated that.

Mr. Banas said we are going around something that he feels can be resolved quite simply. The board has always asked for, where there was a question of zone change or items of this nature, was to have a rendering provided by the applicant indicating what the condition would be, just as Mr. Percal has asked for and a lot of questions that might be on the board's minds could be answered by having that done. We should put off the decision making until that is done and the board can look at it. Mr. Doyle said they would be prepared to do that locate the lots that area below or greater and see where there was a danger of a further subdivision.

Motion was made by Mr. Banas, seconded by Mr. Follman, to continue the application to the meeting of April 27, 2010

There will be new evidence so it will be opened to the public again. Mr. Doyle granted an extension to the end of May.

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes, Mr. Schmuckler; yes

Mr. Banas asked Mr. Surmonte to change his drawings so the arrows on the first page will correspond to each other. Mr. Surmonte agreed.

## **6. CORRESPONDENCE**

Letter from EBI Consulting requesting comment on proposal to mount (3) antennas on an existing lattice tower

Mr. Kielt said the letter is self explanatory and it is about projects potential affect on historic property and the site is the JCP&L building on the corner of Hurley and Route 9 (55 River Ave) and that is where they are planning on putting the antennas. This letter is asking for comments. Mr. Schmuckler asked if they still have to come to the board and Mr. Kielt said no. Mr. Neiman said what is funny about these antennas things is it used to be a long drawn out thing, then it turned into a recommendation, now it is a correspondence.

Mr. Kielt suggested reading the 3<sup>rd</sup> paragraph and if that satisfies him, if not, he guesses he can write a letter back saying something different. Mr. Neiman said he just thinks they should at least come to a tech meeting for a recommendation instead of just correspondence. Mr. Kielt said what caught his eye is when they said they were only looking for comments on the historical information. Mr. Schmuckler asked why didn't they have to come to a full meeting. Mr. Jackson said he could look into that because he does not know of any exemption because they are a utility and asked if it was on municipal property and Mr. Kielt said he did not believe so.

Mr. Kielt said he could advise the person who prepared the letter that the board had a discussion on it and let them tell the him more about it and see if it falls into the parameters of a coming in with a conceptual or full plan.

Mr. Banas said he does not know what this is- is it an antenna? T-Mobile is a cell phone company and is this going to create a cell phone tower and are there more going in? He has a feeling they should come here and present their case to the board.

Mr. Jackson said reading the letter they reference the section 106 process which is not part of the local ordinance and said he would have to review the regulations and determine what exactly they are looking for- it might be a comment opportunity that they need to do to complete the 106 process. There was discussion among the members if it was a zoning board matter. Mr. Jackson asked if the board wanted him to review it further and Mr. Neiman said yes.

## 7. PUBLIC PORTION

- no one at this time

## 8. APPROVAL OF MINUTES

- Minutes from March 2, 2010 Plan Review Meeting

Motion was made to approve

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Follman; yes, Mr. Percal; yes, Mr. Schmuckler; yes

## 9. APPROVAL OF BILLS

Motion was made to approve

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

## 10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted

Respectfully

Chris

**PLANNING BOARD MEETING  
MARCH 16, 2010  
MEETING**

**Johnson  
Board Recording Secretary**

**TOWNSHIP OF LAKEWOOD  
REGULAR**

**Planning**