LAKEWOOD PLANNING BOARD
MINUTES
MAY 6, 2008

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Banas, Ms. Velnich, Mr. Fink, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Kielt said Item #1, which is a discussion item. Should be heard at the end of the agenda, so it will be heard after Item #9.

4. WAIVER REQUEST ITEMS

1. **SP# 1721B (NO VARIANCE REQUESTED)**
   APPLICANT: BNOS RIVKA ROCHEL
   Location: Route 9 & Pine Street
   Block 768 Lot 40
   Block 776 Lot 4
   Preliminary & Final Site Plan for proposed addition to existing school

   Waiver from checklist items:
   Item #B2 & B4 – topography within 200 feet of the site
   Item #B5 – wetlands/buffers
   Item #B6 – streams, encroachment lines, etc.
   Item #B10 – man made features within 200 ft.
   Item #C3 – location of bridges, culverts, etc.
   Item #C8 – location of roads within 200 ft. of site
   Item #C13 – Environmental Impact Statement
   Item #C14 – tree protection management plan
   Item #C17 – drainage calculations

Mr. Peters said for item #B2 & B4, he recommends a partial waiver be granted to the drainage high points and the far side of the road surrounding the property; Item #B5 he does not recommend this waiver; Item #B6 he recommends the waiver be granted provided the applicant can document that the drainage area is less than 50 acres which would negate the need for the stream encroachment. For Item #B10 he does not recommend this be granted but an aerial photograph will suffice. For Item #C3 he does not recommend this waiver be granted; Item #C8 he does not recommend the waiver be granted but similar to B10, an aerial photograph will suffice. For Item #C13 he does not recommend this waiver due to potential to wetlands and the streams onsite; Item #C14 he recommends this waiver be granted due to the previously cleared area of the project site and for Item #C17 he does not recommend the waiver be granted.

Motion was made by Mr. Franklin, seconded by Mr. Herzl, to accept the recommendations of the Planning Board Engineer

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes

2. SP# 1892
APPLICANT: PRINCETON ONE
Location: corner of Princeton Avenue & Fourth Street
Block 159 Lots 9 & 24
Preliminary & Final Major Site Plan for proposed 2 story office building

Waiver from checklist items:
Item #B2 & B4 – topography within 200 feet of the site

Mr. Peters said for item #B2 & B4, he recommends a partial waiver be granted to the drainage high points and the roadway surrounding the property

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to accept the recommendations of the Planning Board Engineer

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes

3. SD# 1628
APPLICANT: PARK AVENUE DEVELOPMENT LLC
Location: corner of East Harvard Street and Park Avenue
Block 232 Lot 10
Preliminary & Final Major Subdivision for six-2 family townhouses andone single family townhome

Waiver from checklist items:
Item #B2 & B4 – topography within 200 feet of the site

Mr. Peters said for item #B2 & B4, he recommends a partial waiver be granted to the

drainage high points and the roadway surrounding the property

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to accept the recommendations of the Planning Board Engineer

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes

4. SD# 1629
APPLICANT: SHIMSHON BANDMAN
Location: Ridge Avenue & Somerset Avenue
Block 189.01 Lots 6, 8, 11 & 13
21 single family lots and 4 duplex lots

Waiver from checklist items:
Item #B2 & B4 – topography within 200 feet of the site
Item #C13 – Environmental Impact Statement
Item #C14 – tree protection management plan

Mr. Peters said for item #B2 & B4, he recommends a partial waiver be granted to the drainage high points and the roadway surrounding the property. Item #C13 and Item #C14 he does not recommend granting these waivers.

Motion was made by Mr. Fink, seconded by Ms. Velnich, to accept the recommendations of the Planning Board Engineer

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes

5. SP# 1894
APPLICANT: CONGREGATION RACHMISTRIVKA
Location: East County Line Road, east of Park Place
Block 171 Lot 2.02
Preliminary & Final Site Plan for proposed synagogue

Waiver from checklist items:
Item #B2 & B4 – topography within 200 feet of the site
Item #C13 – Environmental Impact Statement
Item #C14 – tree protection management plan

Mr. Peters said for item #B2 & B4, he recommends a partial waiver be granted to the drainage high points and the roadway surrounding the property. Item #C13 and Item #C14 he does not recommend granting these waivers.

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to accept the recommendations of the Planning Board Engineer

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes

6. SP# 1895
APPLICANT: BETH MEDRASH GOVOHA

Location: 9th & 10th Streets, between Clifton Avenue and Route 9
Block 98 Lot 2

Preliminary & Final Site Plan for proposed building addition to existing school

Waiver from checklist items:
Item #C13 – Environmental Impact Statement
Item #C14 – tree protection management plan

Mr. Peters said for Item #C13 and Item #C14 he recommends granting these waivers because the entire site is already developed.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to accept the recommendations of the Planning Board Engineer

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes

5. NEW BUSINESS

1. DISCUSSION - SD# 1383A The Enclave- Revisit condition number G5 of approved resolution limiting access to right in, right out only

This item was discussed after item #9 SD1542A Rye Oaks LLC

Mr. Fink said Mr. Richardson is the president of the association and Mr. Lemond is active in their community action group and what Mr. Richardson handed out to the members is pictures and a display of the Cross Street entrance and exit. In 2002 when they did the research it was decided that leaving their entrance they would have a right only and no left hand turn. Their entrance is 1/10 of a mile from Calgo Garden and 2/10 of a mile from Route 9 and they do have the width to make a left turn in and left turn out. They have ample visibility and Mr. Richardson made a map of Damiano Way and said what they are doing is knocking back the center aisle by 12ft. which would give them 25 ft. from their gate to Cross Street but if they remove the 12ft. it would give them 66 ft. from the northern edge of the westbound lane of Cross Street to the beginning of the median that would be beyond their automatic gated. Mr. Fink said they are looking to knock out 12 ft. of the median and bring it all out. Mr. Richardson said that access now is kind of a “Y” shaped funnel to force anybody exiting from Damiano on to Cross Street, it forces them to turn and go up along the eastbound side to Route 9 which is 2/10’s away. Mr. Richardson said he is sure there was good intention when this was originally done though he does not know what it was but the net result is they are adding to the density onto River Road and Route 9 by funneling all of the traffic coming out of that so called back entrance out to Route 9 and it doesn’t permit anybody the ability to try and divert westerly to reduce that

density. Mr. Banas said he is familiar with it and said it was the wishes of the Planning Board to have a right in, right out at this entrance. He said if they wanted to go left or right, there is the other entrance on Massachusetts Avenue that would give you that privilege. Mr. Banas said what he recalls from that original approval is the 2 drives that are immediately across the street from this exit, one was Biltmore and the other was the Elmwood Village and that was the reason why they had the right in right out from this exit. Mr. Fink said what is happening here is it is working in reverse, everyone who is coming out of Biltmore Avenue is going to Route 9, not making a right and going to Massachusetts and when they are being forced to make a right also, the amount of traffic that is going to Route 9 and that area is a total disaster. Mr. Richardson said Massachusetts Avenue was just widened to 4 lanes and the net effect is that it is becoming a westerly alternate to Route 9 and by having to funnel their people now out through the main entrance to turn right to get to Cross Street or into town, we are only going to add to that congestion at that intersection. Mr. Banas said he remembers there was a hill involved there as well and he does not know how far it is from the hill. Mr. Fink said there is no hill and the visibility is at least 200 yds+ because you can see the light down at Cross and Massachusetts. Mr. Richardson showed him the pictures and Mr. Banas said he could not see the light. Mr. Peters said there might be a hill off the Massachusetts exit and Mr. Banas said he could not recall. Mr. Banas said he is concerned about visibility, it went through the county and for them to just remove that, he thinks they would be in trouble at this point, He thinks if they feel strongly about something like this, there is a normal process that they should go through to correct the situation. There are so many things he sees as possibly complications to do on the spur of the moment, so they should take their time and do it slowly and casually. Mr. Jackson said he did not think the board would have the authority, first of all, who would pay for it, there has to be an application, it is a material change, there would have to be notice to the property owners and he thinks the proper audience is the governing body, the Township Committee, and then the County. The County Engineering Department he has found to be very helpful and user friendly and responsive to the public. He asked Mr. Richardson how many people were in their development and Mr. Richardson said there are approximately 300 homes and Mr. Jackson said if 300 seniors showed up at a county freeholders meeting they would probably have the sign out tomorrow, but Mr. Fink said because it came in front of the Planning Board, they felt that was the board to approach. Mr. Jackson said it was right to come to this board for feedback but the proper way to go because it is an existing road it is the government's responsibility at this point, and it is a county road there so they will go anywhere without county approval. He also suggested they speak to the Municipal Engineer to see if it makes sense to him to reconfigure the road. Mr. Fink said the engineer said he would come out there and said there is no reason that left hand turn shouldn't happen. Mr. Jackson said if the governing board wants to do it, they could just do it, but for the board to do it, they would have to re notice it and they might have objectors. Mr. Schmuckler asked if it was a privately-owned road and was told yes, but Mr. Jackson said it was still a public intersection. Mr. Jackson said when he said the governing body, he meant the county, and he suggested going to see the county engineering department. Mr. Kielt suggested they talk to Alan Rissmiller at the county and Mr. Jackson gave them the phone number.

Mr. Richardson said he never understood why it was restricted and Mr. Banas said when it was heard, there must have been some testimony that gave the board the idea of making it safe and that is what they were looking at. Mr. Franklin said before that light went in there were a lot of bad accidents there and a lot of people got killed there so that is what

probably what one of the reasons were. They waited years for the light to be put up on the Cross Street, Massachusetts Avenue intersection.

Mr. Richardson said what he has heard from the board is to go to the county engineering department and if they were to give their approval then they would go to the County for their approval. Mr. Jackson said they might even have to go through the Planning Board too but they should see what the county engineer says. Mr. Richardson asked if they gave their approval, what would the next step be and Mr. Banas said they will direct them as to what to do next. Mr. Fink asked if they should have the Township Engineer write a letter to the County and Mr. Kielt said he would talk to him.

2. SP 1893
APPLICANT: NORMAN INDICH
Location: West County Line Road @ sw corner of Cedarview Avenue
Block 37 Lots 3 & 9
Conceptual Plan for proposed pediatric office

Mr. Peters stated the Applicant is seeking Conceptual Site Plan review for Block 37, Lots 3 & 9. The applicant has proposed to construct a two story pediatric office building and associated site improvements. An existing building is located on each of the lots. The property will have frontages along County Line Road West and Cedarview Avenue. The project is located within the OT zoning district. The applicant will request a parking variance. Twenty seven (27) off-street parking spaces are required where twenty three (23) are provided. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District will be required. Evidence of the approvals should be made a condition of Final Site Plan approval. Existing curb and proposed sidewalk along the property frontage are shown on the plan. A 5.25 FT roadway easement along County Line Road West is shown on the plan to be dedicated to the Ocean County. Six (6) foot shade tree and utility easements along the property frontages are usually required to be dedicated to the Township. The applicant may lose four (4) proposed parking spaces, if the easements are required. The applicant shows on the plan a proposed dumpster that located behind proposed parking spaces. The dumpster shall be relocated to where is accessible to trash collection vehicles. Even with the parking space in front of the dumpster vacant, it will be difficult to access with a trash collection vehicle.

Handicap ramp shall be proposed behind handicapped parking spaces and along the sidewalks. In addition, a ramp shall be provided at the south east corner of the site. The applicant shall provide testimony on how the existing dwellings are served with water and sewer. If the dwellings are served by individual septic fields and wells. Notes shall be added to the plan to ensure the proper removal of the septic systems in accordance with the NJDEP requirements. An existing utility pole is located within the sidewalk along County Line Road West. Either the pole or the sidewalk shall be relocated. The applicant has provided a four (4) foot wide sidewalk to be installed directly behind the curb along County Line Road. The proposed sidewalk should be moved so it is two (2) feet from the face of the curb to the front of the sidewalk. Use of the neighboring buildings shall be called out on the plan. In accordance with section 18-803 E of the UDO, a 25 FT buffer will be required along the property lines of a non-residential development. The buffer shall be increased to 50 FT, if the development is adjacent to residential dwellings, or a waiver

requested. The applicant shall discuss the buffer issue with the Board. A stop sign and stop bar shall be provided at the proposed entrance. Landscaping and lighting plan(s) will be required to submit for review. A stormwater management report will be required to submit for review.

Mr. Truscott read from a letter dated April 29, 2008. The applicant proposes to construct a two-story, 5,280-square foot office building and associated site improvements. The first floor will consist of a medical office use and the second floor will be general office use. The tract is located on the north side of County Line Road at the intersection with Cedarview Road. The tract is located in the Office Transition Zone. Medical offices are a permitted use in this zone. A variance is needed for the number of off-street parking spaces; 26 spaces are required, and 23 spaces are proposed. The parking variance could be eliminated with a reduced second-floor area. An entrance to the off-street parking area is proposed from Cedarview Road. Landscaping will be necessary to screen the proposed parking area. The location of the solid waste enclosure should be modified; it is in a too prominent location. Site lighting should be configured to minimize any impact on nearby residential uses. Ocean County Planning Board approval will be required. The concept plan indicates that public water and sewer is proposed.

Mr. Penzer Esq. appeared on behalf of the applicant. He said this is a conceptual plan and Dr. Indich is the owner of the property next door so he would be buffering his own property because he owns the property on both sides. Mr. Penzer said in regards to the engineer's report he questions that if the doctor has property next door and has more than enough parking spaces there, couldn't they take the 4 spaces from there. He is not selling the property, he is keeping it and he will put in a clause that he won't sell for 20 years. Mr. Banas said Mr. Penzer is familiar with the language in the parking regulations as it appears in the B2 & B4 zone and told him to stick with that concept and he would be further ahead.

Mr. Flannery said when they come to the board with a site plan they would present the information on Dr. Indich's business, but they are here this evening for a conceptual plan and they want to get the board's input. Dr. Indich has an existing business and he knows what his parking needs and the second floor will be administrative and there will be no medical. In order to accommodate the plans Dr. Indich is looking for they are 4 short of parking spaces than is required by the ordinance and they are hoping that they get a favorable response from the board that if they present the information on his parking needs and that this exceeds his parking then they would proceed with the site plan. There are really 4 issues that they need to get advice on: one is the dumpster location. They show it behind a parking space with the thought that it could be a space with a sign stating no parking on the day of trash pick up, whether it be Township pick up or private. Mr. Franklin said that would be private pick up. As far as the easement issue for the Shade Tree and Utility, they have shown parking close to both of the roadways and they were hoping that the plans as shown have landscaping where they could but to go with the standard in that area they would lose 4 parking spaces which Dr. Indich feels he would still have sufficient parking but Mr. Flannery knows that the board would feel more comfortable if they were only short 4. Mr. Banas wanted to talk about the sidewalks and said based on the description he had previously, he wonders if 4 ft. wide sidewalks is sufficient and he thinks it should be wider than that, even up to 6 ft. Mr. Flannery said the comment from the professionals is that the sidewalk is shown next to the curb line and they recommended moving it over by 2 ft. Mr. Flannery said they could go from the curb

and extend it 6 ft. wide and put the shade trees on the other side of the sidewalk, so rather than have that 2 ft. wide grass strip you would have a wider sidewalk. Mr. Banas said he could accept that. Mr. Franklin said at one time there was an ordinance in town that if the street was wider than 28 ft. it was automatically a 5ft wide sidewalk and anything under 28 ft. was a 4 ft. wide sidewalk. Mr. Penzer said that was taken away erroneously and with the amount of people walking the wider streets, 4 ft, is not wide enough. Mr. Banas said they should be the procedure for the planning board to follow and Mr. Flannery suggested writing a letter to the Township Committee requesting an ordinance stating that any roadway 28 ft. or wider requires 5 ft. wide sidewalks because a lot of applicants are not going to want to spend the extra money on a sidewalk if it is not in the ordinance. Mr. Banas asked Mr. Jackson to address the Township Committee to that effect.
As far as the easements are concerned, Mr. Flannery proposed they would do the shade tree and utility on both streets but there would be a notation that the parking spaces would encroach into the shade tree and utility easements. The 6ft. sidewalks will be in the right of way and the trees would be staggered. Mr. Franklin said there is another problem that they will be getting into and that is there are trees being planted in the islands between the sidewalk and curb and they don't want them there because of the electrical wires. He asked that these shade trees be at least 10 ft. from the curb and Mr. Flannery agreed. Mr. Flannery said the new facility will be public sewer and water. Mr. Flannery said they will address the issue of the existing utility pole in the sidewalk on site plan and will make sure there will not be a pole in the sidewalk.

Mr. Penzer said normally they would have a buffer issue but Dr. Indich owns the property next door and Mr. Banas said if they cannot combine both properties to one, you need a buffer. Mr. Flannery said they would propose a fence along the property lines would landscape to the extent that they could. Mr. Banas said they still don't have that buffer that separates a business from a residence. Mr. Flannery said this is a business from a business, it is an existing doctor's office, he is going to maintain the medical office so it is a medical office to a medical office. Mr. Banas said he could go along with that and Mr. Flannery said they would still put the fence there for future, if he sells the existing building that he is in, there won't be people from one site parking in the other site. Mr. Flannery said all the other comments are informational and they would comply with them. The only thing left is the parking issue. Mr. Banas asked if they could borrow from a distance of 1,000 ft. and Mr. Flannery said Dr. Indich indicates that this number of parking spaces for the use that he is proposing is sufficient and the general ordinance says 1 space per 300 sf. for general office and the OT zone has a provision that says 1 space per 200 sf. no matter what. He thinks if they present the information to the board that there is sufficient parking and they restrict the second floor to non medical, the testimony would suffice. Mr. Truscott said he did not have any problems if it is restricted. Mr. Penzer asked about the public notice and if he needed to put on it that there are variances and Mr. Banas said yes and Mr. Jackson agreed.

Mr. Truscott stated he recommended that the dumpster be relocated and Mr. Flannery said they would comply but did not say how and Mr. Flannery said they will put a sign and Mr. Truscott said his issue was that it is in too prominent of a location and asked if they could find another place for it. Mr. Flannery said they would heavily landscape it and fence it to enclose it. Mr. Schmuckler suggested putting the dumpster next to the handicap space on the northern part of the lot and Mr. Flannery said he did not think you could get a truck into that spot.

3. SP # 1891A (NO VARIANCE REQUESTED)
APPLICANT: BNOS DEVORAH
Location: Prospect Street, west of Williams Street
Block 411 Lot 26
Preliminary and Final Site Plan- change of use from residence to school

Mr. Peters stated the Applicant is seeking Preliminary and Final Site Plan approval for Block 411, Lot 26, to construct a 3,712 SF school and associated site improvements on a 36,700 SF lot. The property has frontage along Prospect Street approximately 365 feet west of Williams Street. The site is situated within the R-12 zoning districts. No variances are requested by the applicant. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be made a condition of Site Plan Approval from the Planning Board. The applicant has provided seven (7) off-street parking spaces. One (1) off-street parking space is required for each classroom, library, and office in accordance with section 18.906 of the Lakewood UDO. The applicant shows on the architectural plans three (3) classrooms, one (1) library, and two (2) offices are proposed, the number of rooms result in six (6) required parking spaces. The board should determine if the proposed parking spaces will be adequate. The applicant shows on the architectural plans unfinished basement. A note shall be added to the Site Plan stating that the proposed basement is for storage only. As per section 18-906 0f the Lakewood UDO, twenty (20) foot buffers are required along property lines adjacent to residential uses. The buffer is required to contain a landscaped screen, and no parking is permitted within the buffer. To the west the applicant has provided 5 feet from the property line to the parking area and 24.5 FT to the building, no landscaping has been provided in this area. To the east 17 feet are provided between the property line and the building with a row of white pines. The board should determine if any addition screening will be required. In accordance with N.J.A.C. 13:40-7.2 (a) 1, a signed and sealed copy of the survey upon which the site design is based shall be submitted. Based on our review of the survey, additional comments may be provided regarding the deed overlap. A stormwater management report is required to be submitted with the site plan application. The stormwater management system and report shall be prepared in accordance with N.J.A.C. 7:8 and the NJ BMP Manual. Curbs and sidewalks are provided along Prospect Street at the property frontage. A 6' shade tree and utility easement along the property frontage is usually required to be dedicated to the township. The board should determine if such easement will be required. The type of recreational facilities proposed should be discussed with the Board. Detail of the recreational equipments shall be added to a plan. The applicant shall revise the plans to show area of the proposed lot. The applicant shall revise the plans to show correct plan names in the title block for each plan. The applicant shall revise the Lighting Plan to show a detail of the proposed lighting fixture. Handicap ramp shall be called out on the Site Plan in front of the handicapped parking space. In addition, handicap ramp shall be provided along the proposed sidewalks. The applicant will be required to provide testimony on how solid waste will be handled on site. A landscaped trash enclosure is generally provided to contain solid waste. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated April 29, 2008. The applicant proposes to raze an existing residence at the subject site and build a private day school. Associated site improvements are also proposed. The proposed school will be 3, 712 square feet in area

and seven (7) off-street parking spaces are proposed. A recreation area to the rear of the proposed school is identified on the site plan. The school will be a one-story building with a basement. The floor plan indicates that the school will include three (3) classrooms, a library, and two (2) offices. The school building will have a residential appearance. The site is located in the R-12 Residential Zone. Public and private schools are a permitted principal use in the R-12 Zone. The following variances are required: Buffer. 906.A.2. A maximum 20-foot wide buffer is required. The applicant proposes a 17-foot wide building setback on the east side. The area contains seven (7) White Pines. On the west side of the lot, the building setback is 24.5 feet, and no landscaping is proposed. The site plan does not comply with 906.E. which addresses the location of bus-loading, unloading areas, so that children do not cross a parking area. The applicant should address the positive and negative criteria for the necessary variances. All variances should be noted on the site plan. The application form should be amended to indicate that preliminary and final site plan approval is sought. The form should also be updated to reflect the current application (e.g., 7 parking spaces). The applicant should reiterate the information, provided at the concept plan stage, concerning the number of students and grades, number of teachers and staff, types of buses serving the proposed school, and hours of operation. Buffer requirements are addressed in Section B of this letter, Zoning and Variances. Screening of the recreation area should be addressed. The Ordinance requires a minimum of five (5) parking spaces based on three (3) classrooms, a library, and two (2) offices. Seven (7) off-street spaces are proposed. The limit of disturbance boundary of the Soil Erosion Plan does not agree with the Grading Plan and should be addressed. Clearing activities should be reflected on the site plan. Clarify the recreational area and indicate if play equipment will be provided. The balance of the comments are technical in nature.

Mrs. Weinstein Esq. appeared on behalf of the applicant with Walter Hopkin as the engineer. Mrs. Weinstein said with regard to the planners report, as far as the buffer is concerned, they would propose a fence and look to the board for guidance on what they are looking for in terms of a buffer. Mr. Banas said 7 white pines are not sufficient and if they used another tree and Mr. Truscott recommended an arborvitae or a cypress. Mr. Truscott said the issue is they are landscaping on one side and not the other. Mrs. Weinstein said they can landscape on the northern side but they would like to leave that as open as possible to allow for future growth. This is a brand new school and it will be starting with 3 classrooms and the hopes are this school may grow to have more than 3 classrooms and they may be back to this board for a further approval at that point. They will need to maintain that area to have access to the rear and they would probably have to relocate some parking to the rear in the future and therefore they do not want to heavily landscape that area. Mr. Banas asked if they have gone into trying to buy Lot 27 and the applicant said house next door is owned by the mother of the person he bought the property from and at the moment it is not for sale. Mr. Banas said then it should be buffered. Mr. Hopkin said he will speak with Mr. Truscott and discuss the different uses of the species to further enhance the buffer on small side.

Mr. Hopkin said because of the unique shape of the property, they don't think they need relief from the comment about the bus loading and unloading because there is a handicap aisle adjacent to the handicap space that is conveniently lined up with the front door and when the buses pull in the children will be able to exit the bus, use the handicap aisle

without having any conflict with any parking spaces. Mr. Banas asked how the buses would turn around and Mr. Hopkin said it is a one way drive. Mr. Fink asked how many buses would fit in the drive at one time and Mr. Hopkin said he believed it was 3. Mr. Banas asked how many students will be in the school and Mrs. Weinstein said approximately 40 students and with 3 classrooms can accommodate up to 75. As far as the number of parking spaces, 6 are required and they have 7. Mr. Peters said he puts that into his report because he leaves it up to the board to decide if that is sufficient. Mr. Banas said what he means that if there is a function at the school, they need more places to park there vehicles and asked where they would propose parking those vehicles. Mr. Hopkin said they could provide overflow parking in the rear but they haven't done the final design on the recreational area so perhaps they could make arrangements there. Mr. Banas asked if there was a way to enter through the rear of the building and Mrs. Weinstein said then they would have the issue of the buffer on the north side because that would be the only way to access the rear of the property.

Mr. Schmuckler said across the street there are a few office buildings with parking lots and maybe they would give them permission to use their lots and Mrs. Weinstein didn't think they would have an issue with asking them for permission. Mr. Akerman said since this is a transitional building, there will probably not be any affairs with such a small school. Mr. Akerman and Mrs. Weinstein's children go to a similar school as this and it is very small so what the school does in any time there is a function they send out a note asking everyone to carpool because they are aware that parking is inadequate and they borrow parking from the local businesses. The solid waste will be handled through cans that will be brought out to the curb and there is no kitchen that would generate a large amount of solid waste. They will not be using compactors.

With regards to the engineers report and the deed overlap Mrs. Weinstein said the plans were drafted with the assumption that the gore does not belong to the applicant. It may take a lengthy period of time to resolve the deed overlap and they are anxious to get into this building as quickly as possible. They will be working on the deed overlap issue but does not know if that will be addressed before September because it is not likely. Mr. Peters said it is a small area of the overlap and once they receive a copy of the survey plan there might be enough information on that to clear up the issue. Mr. Hopkin said it is ½ a foot and all the calculations and the setbacks have been done in the worst case scenario. The remainder of the comments in the reports are acceptable to the applicant.

Mr. Banas said they have heard the discussion about the width of the sidewalks and said roads with full width of the cart way is 28 ft. needs a 5 ft. sidewalk and Mr. Hopkin said they will comply. Mr. Akerman said on the plans it does not show playground equipment and Mr. Hopkin said he will show it prior to the public hearing.

Motion was made by Mr. Akerman, seconded by Mr. Herzl, to advance to meeting of May 20, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes

4. SP # 1888 (VARIANCE REQUESTED)
APPLICANT: CONGREGATION CHASIDEI BOBOV OF LAKEWOOD
Location: Astor Drive @ corner of Kennedy Boulevard East
Block 104 Lot 29
Preliminary and Final Site Plan to construct a synagogue

Mr. Peters stated the applicant is seeking Preliminary and Final Major Site Plan Approval to construction a synagogue and its associated site improvements on existing Lot 29 of Block 104. The site is currently vacant. The property has frontages along East Kennedy Boulevard and Astor Drive, within the R-12 zoning district. The applicant is requesting a front yard setback variance along East Kennedy Boulevard; 15.84 FT are proposed where 30 FT is required. The applicant shall revise the Layout Plan to show the 20 FT rear yard setback line behind the building and the 10 FT side yard setback line to the west, to match the orientation of the building. The project requires outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District. NJDEP permit for Treatment Works Approval, local approval for Water Main Extension are also required. Evidence of approvals shall be made a condition of site plan approval. A 6 ft shade tree and utility easement along frontage of property is generally required to be dedicated to the township. The Planning Board should determine if an easement will be required along East Kennedy Boulevard and Astor Drive at property frontages. In accordance with section 18-905 of the Lakewood Township UDO, one (1) off-street parking space per every one hundred (100) SF of sanctuary area is required for synagogue with sanctuary area between 800 to 1,999 SF. The applicant shows on the plans sanctuary area of 1,310 SF for the proposed synagogue, which yields fourteen (14) required parking spaces. The applicant has proposed fourteen (14) parking spaces. The Board should determine if the provided spaces will be adequate. A note shall be added to the Layout Plan stating that the proposed unfinished based shall be used for storage only. Concrete curb is existing along both property frontages and sidewalks are proposed along the property frontages. The applicant shall revise the plan to show a 20 FT buffer along the property lines as required by the Lakewood UDO. The buffer along the northern and western property lines will be invaded by proposed parking areas. When the buffers are invaded, landscaping such as trees, shrubs and other suitable plantings for beautification and screening shall be provided along the buffer lines in accordance with section 18-905 3. of the Lakewood UDO. The applicant has provided twenty five (25) cypresses along the western property line and a portion of the northern property. At a minimum landscaping shall be provided along the entire northern property line. The Board shall determine to what extent of landscaping or other screening measurement will be required. In accordance with N.J.A.C. 13:40-7.2 (a) 1 a signed and sealed copy of the survey upon which the site design is based shall be submitted. The applicant shows on the plan a 5 FT wide section of sidewalk along the eastern parking area shouldering the proposed building. The applicant shall submit a Lighting Plan demonstrating that the site is well illuminated and no light will be spell over to neighboring lots. The applicant shall revise the proposed spot elevations to show the proposed sidewalk and access way around the building are handicapped accessible, which means the allowable cross slope on the walkways are less than or equal to 2%, and the longitudinal slope is less than 5%. The applicant shows on the Construction Detail Plan a detail of soil waste enclosure. Location of the enclosure shall be shown on the plan to demonstrate that adequate accessibility will be provided. It is unclear whether Lot 27 is serviced by municipal water and sewer. The applicant should

provide information regarding the source of the potable water and sanitary sewer availability for these adjacent lots. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated April 30, 2008. The applicant is seeking preliminary and final site plan approval with associated variances to construct a one (1) story house of worship (synagogue) on Block 104, Lot 29, with supporting parking and infrastructure improvements. The tract is located on a corner lot at the intersection of Astor Drive and East Kennedy Boulevard, one block west of Squankum Road (CR 547). The tract is vacant. Contiguous uses are single-family and multi-family residential. Zoning and Variances. Lot 29 is located in the R-12 (Single-Family Residential) Zone. Places of worship are a permitted principal use. The applicant has requested the following variance: Front yard setback: 30' required; 15.84 feet proposed on Kennedy Boulevard. Section 18-905A requires a six (6) foot fence plus shrubs to hide parking adjacent to residential properties unless there is a buffer greater than 20 feet. The plans should be revised to provide the fence or a variance is required. Section 18-905B requires a perimeter buffer of 20 ft to a residential use and 10 feet to a non-residential zone or use. The plan should be revised to comply or a "c" variance is required. The positive and negative criteria for the requested bulk variances should be addressed. Review Comments. Section 18-905 provides additional regulations pertaining to places of worship and religious facilities. Section 18-905A calculates parking based on the main sanctuary area. The site provides 1,310 square feet of main sanctuary, therefore, 13.1 spaces are required (1,310 SF/100= 13.1 spaces). The applicant provides 14 spaces which meets the parking requirement. Section 18-905D requires curbcuts to be provided in a manner that is consistent with safe traffic flow, avoiding excessive proximity to intersections and other hazardous situations. The proposed 50 foot curbcut along Astor Drive has 5 parking perpendicular parking stalls along the roadway, which will require backing out near the intersection. The applicant should testify regarding safe traffic flow relative to these stalls. We defer to the Board Engineer for further review. Two of the stalls proposed along Astor Drive appear to be eight feet in width instead of 9 feet. Please address. The applicant proposes 5 foot sidewalk abutting the stalls east of the building. It should be noted that vehicle overhang (approximately 2 feet) may occur resulting in a clear width of 3 feet. The plans should be revised to include an ADA ramp west of the driveway on Kennedy Boulevard. The location of the ADA signage for the van accessible sign should be indicated on the plan as it appears that this sign may obstruct access to the ramps. We defer to the Board Engineer for review of the proposed inlet location relative to the ADA ramp on Astor Drive. The applicant should consider rerouting the drainage system to avoid manholes being located in the sidewalk for aesthetic reasons. Additionally, the applicant should address the proposed location of the subsurface drainage system, which is proposed in a grassed area abutting a residential property line. This location rules out the placement of any landscaping in the grassed buffer, and results in manholes for access being located in a grassed front yard area. The applicant should testify regarding the proposed location versus placement of the system under the parking area. Further, the applicant should confirm the property owner will be responsible for maintenance. Screening should be provided along the northern property line. The applicant proposes a water main extension from the site to Squankum Road (CR 547). We defer to the Board engineer to review the pavement repair limits, and County approval is also required. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. This property does not go into the street. The lot line and property line is 2 different places, the actual curb that is there to their property line is owned by the County (the triangular piece). They have been trying to negotiate for it but cannot say if they will be able to do it. He asks that the TWA be a condition of the building permit and not the site plan. They feel they have adequate parking, they meet the ordinance, and in addition, the whole area is deserted so there is plenty of parking on it. The basement will be a mikva and before they pray they go to the mikva. They will put more trees in and they agree to meet the remainder of the comments. The issue that Max raises in regard to the hours of operation and construction is new to him, but the applicant will follow the ordinance. They are bringing the water from Squankum Road and they are also bringing in sewer. Mr. Franklin asked if they were getting permission to open the road because the county is ready to pave it next week. There was discussion to that effect. Mr. Carpenter said they were bringing in sewer from Kennedy Boulevard to a point as far as they can with gravity. Then they are going with a force main to the site. Mr. Banas asked him how he was going to cross the road and Mr. Carpenter said there is nothing going on in Kennedy, but they said there is something going on with Squankum Road and asked how he was going to get the water. Mr. Carpenter said they would bring it from a different direction, maybe Astor Drive and there is an easement through and into the project behind them to bring in water. Mr. Danny Rottenberg said they could approach NJAWCO to make an extension and stub it out, but he doubts it could be done so fast. Mr. Carpenter said they will get water there somehow.

Mr. Penzer said in regard to the planners' report, they would like to put up a 6 ft. fence so they won't have to go for the variance to do the buffering and they will put trees there as well. All the neighbors on Astor Drive backs out of their driveway and they are doing the same thing. Mr. Carpenter said the stalls on Astor Drive are all 9 ft. and they have no problem with the 5 ft. sidewalks abutting on that and they will move the drainage system. They agree to meet the remainder of the comments. Mr. Truscott said he defers to the Planning Board Engineer with regards to the drainage system.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to advance to meeting of May 20, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes

5. SD 1561 (VARIANCE REQUESTED)
APPLICANT: DAVID HERZOG
Location: East 4th Street, west side of Negba Street
Block 241 Lot 9
Minor Subdivision & Preliminary & Final Site Plan to create 2 lots, one 2 story Duplex and one 3 story multi family with basement- total of 6 apartments

Mr. Peters stated the applicant is seeking Preliminary and Final Major Site Plan and Subdivision Approval to subdivide one multi-zone lot into five (5) lots, Lots 9.01, 9.02, 9.03, 9.04, and 9.05. A 2 two story five (5) bedroom Duplex is proposed on Lot 9.01. The lot contains the entire R-7.5 Zoned portion of the existing lot. Lot 9.02 will be used as

parking area for three (3) two story duplex buildings proposed on Lots 9.03, 9.04, and 9.05. Additional parking space is also proposed on Lot 9.05. The four (4) proposed lots are located within the B-2 zone. The subject property, known as Block 241, Lot 9, stretches from East Fourth Street to East Fifth Street along Negba Street within the R-7.5 and B-2 zones. The property is currently vacant. Variances will be required for the following for Lot 9.01: Minimum lot area; a 9,555 SF area is proposed where 10,000 SF are required for building a duplex within the R-7.5 zone. Front yard setback for Lot 9.01; A 14 foot setback is proposed where 25 feet are required. Variances will be required for the following for the lots in the B-2 zoning district: Minimum lot area; areas of 4,290 SF, 2,649 SF, 2,649 SF, and 4,218 SF are proposed for Lots 9.02, 9.03, 9.04, and 9.05 respectively where 12,500 SF are required. Minimum lot width; widths of 44 FT, 27 FT, 27 FT, and 43 FT are proposed for Lots 9.02, 9.03, 9.04, and 9.05 respectively where 100 FT are required. Maximum lot coverage; 49 % coverage is proposed for Lots 9.03 and 9.04 where 40% is the maximum permitted. Front yard setbacks; 14 FT setbacks are proposed for lots 9.03, 9.04, and 9.05 where 20 FT are required. Lot 9.05 has two frontages, a front yard setback variance along East Fourth Street where a 16 FT setback is proposed will also be required. Side yard setbacks; 0 FT setbacks are proposed for lots 9.03, 9.04, and 9.05 where 20 FT are required. The applicant shall revise the zoning schedule to show two proposed front yards for Lots 9.01 and 9.02. In addition, the applicant noted in the zoning schedule a maximum lot coverage variance is requested for Lot 9.05 and a rear yard setback variances is requested for Lot 9.04; however both lots are in conformance with their respective requirements. The applicant shall revise the schedule to remove the notations for requiring these variances. A statement above the B-2 zoning requirement table states that two (2) bulk variances are requested. This statement is no longer valid and should be revised to reflect the current design. The applicant will be required to obtain outside agency approvals from the Ocean County Planning Board and the Ocean County Soil Conservation District. Evidence of the approvals shall be provided as a condition of Planning Board Approval. The proposed duplexes will contain six (6) bedroom units. The RSIS tops out at 3.0 parking spaces per unit for a five bedroom unit, which would yield a requirement of eighteen (18) parking spaces for Lots 9.03, 9.04, and 9.05 combined. Six (6) parking spaces are required for Lot 9.01. The applicant has provided an average of 2.5 parking spaces per unit. The applicant shall either revise the design to provided adequate parking spaces or request a design wavier for not complying with the RSIS. If the units are considered townhouses or apartments, the parking requirements are reduced based on RSIS standards. The architectural plans show different building footprints than what are shown on site the plans. If what are shown on the architectural plans is accurate, the applicant may have to request rear yard setbacks variances for Lots 9.01, 9.03, 9.04, and 9.05. In addition, architectural plans for the duplex on Lot 9.04 should show different entrance locations than the end units. The applicant shall provide testimony on how solid waste will be managed for the proposed lots. A note shall be added to the Site Plan stating that Lot 9.01 will be restricted to have access along East Fifth Street only and Lot 9.05 will be restricted to have access along East Fourth Street only. The applicant shall submit a subdivision plan for the current design. Plan Review The subject property is located along Negba Street which currently has a substandard width based on RSIS Standards. The existing Right of Way (ROW) is twenty (20) feet with a cart way of 19.6 feet. The standard width for a neighborhood street is a fifty (50) foot wide ROW with a thirty foot wide cart way allowing for a sixteen foot wide two way, traveled way, and two seven foot wide parking areas. The applicant has proposed a seven foot wide roadway

easement dedicated to Lakewood Township. To bring the roadway up to standard would require the applicant to dedicate 15 feet of lot depth to the Township for ROW and provide a five (5) foot road widening. Based on comments from a pervious technical review meeting for this application, the applicant request Negba Street be made one-way; however, this proposal was not acceptable to emergency services. We are concerned about the proximity of the parking areas on Lots 9.02, 9.03, and 9.05 to the existing single family dwelling on Lot 10. The Board should consider requiring a buffer or privacy fence to protect the neighboring home. Note #19 on the Site Plan shall be revised to state that Homeowners Association will be established (Lots 9.02, 9.03, 9.04, and 9.05) for maintenance and ownership of the underground recharge system and parking area on Lot 9.02. The applicant may wish to include the parking areas on Lots 9.03 and 9.05 in the areas maintained by the H.O.A. to alleviate the responsibility form the two lot owners. Additional grading has been provided as requested. A note shall be added to the sidewalk detail indicating a maximum cross slope of 2%.The proposed width of the depressed curb shall be called out on the plan. A maintenance plan for the stormwater management measures is required per N.J.A.C. 7:8-5.8. The maintenance plan shall be incorporated into the homeowners association by laws. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated May 6, 2008. The applicant is seeking preliminary and final major subdivision and site plan approval with associated variances to construct one duplex building and one multifamily building at the above-referenced location. Associated off-street parking and site improvements are also proposed. The subject property has 159.25 feet of frontage on Negba Street between East Fourth and East Fifth Streets. The property is vacant. Lot 9 is a corner lot from East 4th to East 5th Street, with Negba Street running along its eastern edge. The parcel is located in two (2) separate zoning districts, the R-7.5 and B-2 Zones. Zoning and Variances. Proposed Lot 9.01 will be entirely located in the R-7.5 Zone; two-family and duplex housing is a permitted use. Lots 9.02, 9.03, 9.04 and 9.05 will be entirely located in the B-2 Zone; multifamily housing is a permitted use. The following variances are requested: R-7.5 Zone: Minimum Lot Area: 10,000 square feet required; 9,555 square feet proposed. Minimum Front Yard Setback: 25 feet required, 14 feet proposed.B-2 Zone: Minimum Lot Area: 12,500 square feet required; areas of 4,290 square feet, 2,649 square feet, 2,649 square feet, and 4,218 square feet are proposed for Lots 9.02, 9.03, 9.04, and 9.05 respectively. Minimum Lot Width: minimum of 100 feet required; widths of 44 feet, 27 feet, 27 feet, and 43 feet are proposed for Lots 9.02, 9.03, 9.04, and 9.05 respectively. Maximum Lot Coverage: maximum of 40% allowed; 49 % coverage is proposed for Lots 9.03 and 9.04. Front Yard Setbacks: minimum of 20 feet required; 14 feet setbacks are proposed for Lots 9.03, 9.04, and 9.05. Proposed Lot 9.05 has two frontages, a front yard setback variance along East Fourth Street where a 16 feet setback is proposed will also be required. Side Yard Setbacks: minimum of 20 feet required; 0 feet setbacks are proposed for Lots 9.03, 9.04, and 9.05. A parking waiver is noted in C. 6. The positive and negative criteria for the requested variances should be addressed. We note that Lot 9.02 is limited to a parking lot, an accessory use; however, there is no principal use on the lot. There can be no accessory use without a primary use. Therefore, the parking lot area must be accessory to a principal use. The plans must be revised; otherwise, the Planning Board does not have jurisdiction for this matter.

At this point in the recitation of the letter, Mr. Shea appeared and said there is no jurisdictional problem because a parking lot is no different than open space and it shouldn't be treated as an accessory use, it is a principal use and part of this subdivision. Mr. Banas said Mr. Truscott has a point and Mr. Shea said he is asking him to re think the point based upon the open space. There is no requirement to have a structure on an open space lot. Mr. Flannery said they are proposing individual lot lines for the units consistent with what the Master Plan says for multi-family units. Their decision was whether to put the parking lot on its' own lot or attach it so somebody else's lot and it makes sense to have its' own lot. They do not see this as a jurisdictional issue. Mr. Truscott said he consulted with Mr. Jackson ahead of time and asked if there was any reason they cannot consolidate that lot with the remainder of the tract and Mr. Shea said part of the issue here is they are going in for a subdivision: if this was a site plan they wouldn't need the variances they have requested; this is what they call a technical subdivision. In the past, they used to present site plans and the last sheet would be a subdivision map that no one ever testified to, but the correct thing to do is to identify the variances requested on the subdivision. The only reason they are required is because of the technical filing of the subdivision map and Master Plan suggests that where there is a multi family, you can have these internal lot lines without having to wrestle with it.

Mr. Jackson said he is struggling with this. If you are create a lot to become a parking lot that it is a use, because it is a free standing lot and the parking becomes the primary use of that lot. Mr. Shea said it could be a stormwater basin, parking lot, they are all permitted uses in the zone.

Mr. Flannery said it is done all the time on the larger ones where you do a tot lot on its' own separate lot. Mr. Jackson said he has had some experience with this in Pt. Pleasant Beach, where people take lots and they make it a "daily lot" where people park in that lot and it just exists for it own purpose of parking cars. It has been argued there, successfully, that that becomes its' own use, it is a commercial parking lot. Therefore it is a use that is not permitted. Mr. Flannery said it would be restricted as a use for the multi family units that are part of the site plan that this is being created. Mr. Jackson asked them to so him on the map where it is located. Mr. Banas asked why they didn't incorporate that with the building and Mr. Flannery said they could but what they are doing is having everybody park on the end units' lot. Mr. Jackson said that sounds like a solution and Mr. Flannery said if that is what they want them to do that is what they will do. Mr. Jackson said it would be a cross access easement and he thinks if someone wants to make a lot just for parking in Lakewood they should get a ticker tape parade and it should be a permitted use. Mr. Jackson continued and said a free standing lot with parking on it, it is not a permitted use and Mr. Banas agreed. Mr. Truscott also agreed. Mr. Flannery said it would be better to have a separate parking lot owned by a homeowners association than having cross access easements on somebody else's lot and a homeowners association maintaining the parking lot on somebody else's lot. Mr. Jackson said he didn't know if it is done that way it is technically its' own free standing lot with its' own use if it is owned by the association. With deed restrictions and limitations on the lot, it is not like it can be sold out to a third person or released. Mr. Flannery said it would be deed restricted and could not be sold. Mr. Schmuckler said just add 1 ft. of open space onto Lot 9.01 and the problem is taken care of. He repeated that if you move the lot line over 1 ft, and include a little bit of open space from Lot 9,01 that would solve the whole problem. Mr. Flannery

said there is a little bit of open space so if they label it open space lot to be dedicated to the homeowners association. Mr. Jackson said he would have to talk to Mr. Truscott about it and they will look at the maps. Mr. Banas said if there is a possibility of getting into trouble he wants to take the prudent way out so they won't get into trouble.

Mr. Truscott continued reading his report.
Review Comments. The Bulk Zoning Charts on the site plans and plat require revision. The applicant should clarify and correct the following: Lots 9.03 and 9.04 require two (2) side yard setback variances – one for each side. The construction in the B-2 Zone should be labeled as multifamily. The rear yard setback variance is not required for Lot 9.04. The architectural plans for the multifamily are not consistent with the site plan. The architectural drawings show a common entrance on the center of the building. The number of bedrooms in each unit should be confirmed. Duplex building. The architectural plans for the duplex building indicate a wooden deck at each end (i.e., north and south). The decks are not shown on the site plan and could not be constructed within as presently configured. Please clarify. Sidewalk. The proposed four (4) foot wide sidewalk around the perimeter of the site (existing and proposed) is located within the property lines. A public access easement will be required for all of the proposed lots. The architectural drawings indicate that the duplex units will have 5 bedrooms each, two (2) entrance doors, and unfinished basements. The multifamily structure is proposed to have six (6) units. Two (2) of the multifamily units will have six (6) bedrooms each, and four (4) of the units will have 4 bedrooms each (Page A2 Unit B Master Bedroom and Bedroom 2 are not identified). The parking compliance on the Site Development Plan and subdivision plat are as follows: Lot 9.01: the 5-bedroom duplex units require a minimum of 3 off-street parking spaces each, not 2.5 spaces. Total spaces required = 6; total provided = 5. A design waiver is required. Lot 9.02: the RSIS requirements for Garden Apartments should be utilized. Each additional bedroom for a garden apartment requires 0.1 additional parking spaces. Applying this standard to the proposed multifamily structure (containing two (2) six bedroom units, and four (4) five bedroom units), a total of 14 spaces are required for the multifamily apartment building; total spaces provided = 15. The applicant should clarify on the minor subdivision and the site plan that Lot 9.01 will only contain two (2) dwelling units to be consistent with the architectural plans. The plans indicate that a Homeowners Association (HOA) will be established for Lot 9.01 for maintenance and ownership of the underground stormwater management recharge system. The parking lot will also be maintained by the HOA. The proper documents should be filed with the NJDCA, establishing the HOA and they should be reviewed by the Board Attorney, prior to filing. Screening of the parking area from the adjoining residential use should be addressed by the applicant. The applicant proposes a roadway easement to address the narrow (20 feet wide) right-of-way of Negba Street. Solid waste collection should be addressed. The balance of the comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery said this plan has been here before, once with a conceptual plan. This is consistent with the conceptual plan and all the testimony required will be given at the public hearing. They will address the technical issues and they will be in contact with the board's professionals and if they feel the parking lot should be an easement on one of the residential lots they will change the plans.

Mr. Banas said he has difficulties and thinks this is overbuilt. They are asking for an awful lot of variances and even the coverage of land is excessive. Mr. Flannery said the coverage of the land shows up in the reports as excessive because of the individual lots and if the board has trouble with the individual lots they will eliminate the individual lots, they will make it a site plan and they would have the same building but you won't have as many variances. They can eliminate the interior lot lines and have it as condo ownership but the majority of the variances show up because of the lot lines and the Master Plan indicates that for multi family buildings, provisions for individual lot lines should be in the ordinance. When the ordinance is revised, these issues will go away. He said this is a difficult site and if Negba Street was designated as one way, this would have worked better; unfortunately, the emergency response team felt that it might be a problem for them. Mr. Flannery disagrees with them because an ambulance that needs to go the wrong way down a one way street can go down that with no problem. Mr. Flannery said at the public hearing he will present in detail the justification for all of the items listed in the professional's report and he is confident that the majority of the board members will see the benefits.

Mr. Banas said in reference to the sidewalk, this is only a 20 ft. right of way and Mr. Flannery said they should make the sidewalk smaller, but they will leave it at 4 ft. Mr. Franklin said this is an interesting lot, when he grew up this lot was a junkyard with cars stacked up 6 high, and the other side was a gas station, so he does not know what the ground underneath is like. Back then they did not worry about pollution that much. Mr. Shea said they would be happy to make an application for phase 1 as part of the condition of approval. Mr. Banas said he still thinks it is overbuilt.

Mr. Schmuckler asked how many units they were talking about and Mr. Flannery said they have 4 townhouses with basement apartments; one of them is separated on the R 17.5 lot and the other 3 are connected. Mr. Schmuckler that would be 16 units. He then asked about parking spots and Mr. Flannery said where there are rentable basements, you have 3 for the upstairs, 2 for the downstairs, 5 per unit and they have 20 for 4 units. There are 4 apartments downstairs at 2.1 spaces, 4 upstairs townhouse sf units at 2.7 each making each unit 4.8 or 5 spaces each. Mr. Schmuckler said in his opinion the neighborhood needs to be rehabilitated and that is a big plus for him but the negative there is not enough open space for a lot of the people who are living there. Mr. Flannery said he would address the positive and negative criteria at the public hearing.

Mr. Banas said the question in his mind is in the B2 they had a homeowners association and in the R7.5 there is none. Mr. Flannery said one person is going to own that building and they will rent their basement and they will maintain everything on their lot. Mr. Banas thought he saw 2 entrances to each apartment and Mr. Flannery said he would have to study the architect's plans and he would do that by the public hearing. Mr. Fink asked how would they get into the basement and Mr. Flannery said through a separate entrance. Mr. Banas said in reality they have a 3 story building and Mr. Flannery said yes. Mr. Banas thought they were short of parking spaces. Mr. Peters said it is an issue of semantics; the building on the left in the B2 zone, in the site plan it is labeled as 3 proposed 2 story duplex buildings and a duplex has a different parking requirement in RSIS than the apartments, so if you look at it as a duplex, they need more parking but if you look at it as an apartment then they meet the requirements. Mr. Flannery said they will re-label the building because it is not a stand alone duplex.

Mr. Akerman was curious why they were calling it a duplex and the UDO language is described for side by side units and Mr. Flannery said the engineer who worked on it felt that would clarify that more, but he was wrong. Mr. Shea said these were really townhouses over flats. They will change the description.

Mr. Peters said Mr. Flannery might want to look at one more thing and said if you go to the apartment use, there is a maximum density that should be double checked to make sure it does not trigger any jurisdictional issues. Mr. Truscott said based on the calculations Mr. Peters did it looks like it went over the density. Mr. Flannery said they are allowed 15 units per acre but said he would re check it. Mr. Banas said if they do go over, good bye.

Mr. Akerman asked Mr. Flannery if he knew off hand what the sizes of the overall lot area is for the B2 portion of the lot and Mr. Flannery said it is 140 x 98 (approx.14,000 sf) Mr. Akerman said they might have issues, even if it is 15,000 it is still less than 1/3 of an acre and you have 6 units. Mr. Banas said they will do the math.

Motion was made by Mr. Schmuckler, seconded by Mr. Fink , to advance to meeting of June 17, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

6. SD # 1625 (VARIANCE REQUESTED)
APPLICANT: H&C DEVELOPMENT
Location: River Avenue- Copper Kettle Diner and Motel
Block 1077 Lots 24, 39 & 40
Minor Subdivision for 2 lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to consolidate and subdivide three (3) existing lots into two (2) new Lots to be known as Lots 39.01 and 39.02. A one story building with parking area is on existing Lots 39 and 40 of Block 1077. New Lot 39.01 will contain the entire building after the subdivision. Existing Lot 24 contains a motel that will be removed. The property has the frontage along River Avenue, State Highway Route 9, within the HD-7 zoning district. The applicant is requesting the following variances for Lot 39.01: Front yard setback; 29.5 FT is provided where 150 FT are required. Minimum floor area; 1,364 SF area is existing where 2,500 SF are required. These are existing condition. Side yard setback for Lot 39.02 for the existing motel is required, 10.6 FT is provided where 30 FT is required. In addition front yard setback for the motel and its office building are required. These are existing condition. If the structures are to be removed prior to signature of the Subdivision Plan, the variances will not be required. The applicant shall provide testimony on usage of the existing building on Lot 39.01, so the required parking spaces can be determined. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Minor Subdivision Plan. Concrete curbs and sidewalks along the property frontage of River Avenue do not exist. The Planning Board should determine if curb and sidewalk will be

required along River Avenue. A 6' shade tree and utility easement along property frontage is usually required to be dedicated to the township. The board shall determine such easement will be required. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated April 24, 2008. The applicant seeks minor subdivision and variance approvals to consolidate three (3) parcels and re-subdivide the tract into two lots. No construction is proposed at this time. The property is 7.8 acres in area with frontage on the east side of River Avenue (NJ Route 9), just south of Chestnut Street. The tract contains two existing commercial uses. New Lot 39.02 contains several motel structures which will be razed. New Lot 39.01 contains an existing building and an off-street parking area of 28 spaces, both of which will remain. The project site is located in the HD-7 Highway Development Zone. The following variances are requested: Front Yard Setback. A minimum of 50 feet is required, and the front yard setback of the existing building on new Lot 39.01 is 29.5 feet. This is an existing non-conforming condition. Minimum floor area A minimum of 2,500 square feet is required, and the existing building on new Lot 39.01 is 1,364 square feet in area. This is an existing non-conforming condition. Review Comments. We note that the rear portion of the lot (approximately 3.4 acres) has limited street access due to the subdivision. The applicant should discuss the future plans for the tract relative to the proposed lot configuration.
The buildings as well as the associated walks should be removed prior to the filing of the plat. Sidewalks are not proposed at this time. The balance of the comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. Mr. Shea said both reports are satisfactory and the variances are existing and none are proposed and one will disappear, it is temporary in nature once the subdivision map is filed. Once the hotel comes down all the variances on Lot 39.02 disappear.

Mr. Banas told Mr. Shea he is aware that they have not granted any variances along the HD7 zone and they are asking for a variance. Mr. Shea said he is asking them to approve an existing condition. There are 2 buildings currently there; a diner, The Copper Kettle, and we are tearing down the motel. Mr. Kielt clarified and said the site contains an existing diner and an existing motel; the applicant is planning no construction at all; they are just consolidating 3 lots into 2.

Mr. Truscott said he would ask for testimony on the future plans for Lot 39.02. Mr. Shea said it would be a permitted use, he just does not have any plans at this. Mr. Truscott said he is concerned and the board can see the configuration and access to this lot from the highway is just a narrow neck to the rear and Mr. Shea said he would have to deal with that when he comes back with a site plan. Mr. Truscott said things get locked in and the more testimony and information provided at the time would be helpful.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to advance to meeting of June 17, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

7. SD # 1627 (VARIANCE REQUESTED)
APPLICANT: CONGREGATION BETH SHALOM C/O HARVEY KRANZ
Location: 60 Williams Street, south of Omni Court
Block 411 Lot 12
Minor Subdivision for 3 lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide existing Block 411, Lot 12 into three new Lots. An existing 2-story single family dwelling will remain on Lot 12.02. A portion of an existing wood fence on Lot 12.03 will be removed. The property has the frontage along Williams Street. The site is situated within the R-12 zoning district. The applicant is requesting the following variances: Minimum Lot Area; 12,000 SF is required where 8,000 SF is provided for all three Lots. Minimum Lot Width; 90 FT is required where 50 FT are provided for all three Lot. Minimum Front yard Setback; 30 FT is required where 11.8 FT are provided for Lot 12.02. The following variances are required, but are not requested by the applicant: Minimum one side and combined side yard setbacks for all three lots; 10 FT and 25 FT setbacks are required where 7.5 FT and 15 FT are provided for one side and combined setbacks respectively. Minimum side yard setback for the garage on Lot 12.02; 10 FT is required where 4 FT are provided. The applicant shall revise the zoning table to show provided lot area, setback for each new lot individually. In addition, the required and proposed side yard and rear yard setback for accessory building shall be shown in the table. The revised zoning table should show front yard setback for Lot 12.02 is requested, not Lots 12.01 and 12.03. The applicant shall revise the zoning schedule to show the required and proposed number of parking spaces. For dwellings with an unknown number of bedrooms the minimum of two and a half (2.5) off street parking spaces for each dwelling should be provided in accordance with NJRSIS. The Board should determine the number of parking spaces that will be required for this application. Outside agency approvals from Ocean County Planning Board is required. Evidence of the approval shall be provided prior to signature of the Final Plat. Curb and sidewalk exist along Williams Street at the property frontage. A 6' utility and shade tree easement along the property frontage is usually required to be dedicated to the Township. The Board should determine if such easement will is required along William Street at the property frontage. The applicant shows a concrete well exists on Lot 12.02 and water and sanitary sewer along William Street stop just short of the property frontage. The applicant shall provide testimony on whether the existing dwelling is served by individual well and septic system or public sewer and water. If the site is served by a septic system, location of the system shall be shown on the plan. Additional testimony shall be provided on how water and sewer will be provided for future dwellings on Lots 12.01 and 12.03. A portion of the existing driveway for Lot 12.02 encroaches onto Lot 12.03 and shall be relocated. The plan has been prepared in accordance with the N.J. Map Filing Law.

Mr. Truscott read from a letter dated April 25, 2008. The applicant seeks minor subdivision and variance approvals to subdivide Lot 12 into three (3) non-conforming lots. Each of the new lots will be 8,000 square feet in area and front on Williams Street. The property is 24,000 square feet (0.55 acres) in area and contains one residence and an accessory structure. The residential dwelling and garage will remain. The frame shed will be removed. The parcel is situated on the west side of Williams Street between Sylvan Court and Omni Court in the central part of the Township. The adjoining land use is generally

residential. The parcel is located in the R-12 Zone and single-family residences are a permitted use in this zone district. The following variances are requested: Lot Area. A minimum of 12,000 square feet is required; 8,000 square feet is proposed for Lots 12.01, 12.02, and 12.03. The proposed lot area is 2/3 the required minimum area. Lot Width. A minimum of 90 feet is required; 50 feet is proposed for Lots 12.01, 12.02, and 12.03. The proposed lot width is 55% of the required minimum lot width. Front Yard Setback. A minimum of 30 feet is required and the front yard setback of the existing structure is 11.8 feet. This is an existing non-conforming condition. A side yard setback variance has not been requested but will be required. A minimum of 10 feet on one side and a minimum combined side yard setback of 25 feet is required. The applicant proposes 7.5 feet on one side and a combined side yard setback of 15 feet for Lots 12.01, 12.02, and 12.03. A variance is also required for the existing frame garage to remain on Lot 12.02. A minimum side yard setback of 10 feet is required and four (4) feet is proposed from the new lot line. The applicant should be prepared to address the positive and negative criteria for each of the requested variances. A tax map exhibit should be presented at the public hearing which identifies the lot area and lot width of existing lots in the surrounding neighborhood. Review Comments The Schedule of Bulk Requirements should be revised to include the following items: Building Coverage, Building Height, and Accessory Building. The required and the proposed parameters should be listed. The Schedule of Bulk Requirements should be revised to reflect the side yard variances. There is existing sidewalk along the parcel frontage. Typically, the Planning Board requires a shade tree easement and the planting of street trees. A shade tree easement is not delineated on the plat. Off-street parking for the proposed lots must comply with the NJ RSIS. The application form for this development application indicates that 7,500 square feet are proposed. The form should be amended to read 8,000 square feet. The application form indicates that the owner or applicant owns Lot 13 which adjoins the subject parcel on the south. Lot 13 is approximately 16,000 square feet in area. The applicant should address this lot in variance testimony. The balance of the comments are technical in nature.

Mr. Flannery appeared on behalf of the applicant and said property was purchased by the Congregation and they are the owner of the adjoining lot and at the public hearing they will present the testimony on the justification for the variances and will revise the plans to provide the detail that is requested.

Mr. Banas asked how many of the surrounding homes are at least 7.5 in size. Mr. Flannery said there are some on Sylvan Court and one of the comments of Mr. Truscott is to prepare a map and they will prepare one. The testimony that will be presented at the Public Hearing will be that the Congregation purchased this property to make an improvement to the area. Mr. Banas said he has a way to make an improvement real fast, instead of taking 3 lots, make it 2. It is an R12 zone. Mr. Flannery said at the public hearing they will present testimony on how the purchasing of the lot took place and the plans. Mr. Banas said he would not even allow that into testimony. Mr. Flannery said what is allowed to be entered into testimony is the present condition of the lot and how what is being proposed is an improvement and the board will hear the comments of the neighbors and if the neighbors concur with the Congregation, the board can take that into consideration. Mr. Banas asked if this one of the areas where they were having the engineer look at the zone to see if it should be modified as R7.5 and Mr. Flannery said he did not think so. Most of the lots are developed and the units to the north of it were developed by Somerset Development and those are conforming is size and the ones on

Sylvan Court are existing smaller lots and this lot was an eyesore and a problem for the neighborhood and the Congregation stepped in to make an improvement. Mr. Banas said only facts. Mr. Akerman said he remembered an area north of Williams Street that was looked at to change from an R12 to an R10 and Mr. Truscott said he would look it up and have an answer by the public hearing. Mr. Schmuckler said he is aware of the lot Mr. Flannery is speaking of and it is a problem lot.

Motion was made by Mr. Akerman, seconded by Mr. Fink, to advance to meeting of June 17, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

8. SP # 1890 (VARIANCE REQUESTED)
APPLICANT: AVALLONE PARTNERS LLC
Location: 145 Lehigh Avenue
Block 1606 Lot 3
Preliminary & Final Site Plan for 20,000 sf addition to existing building and construct a 130,000 sf building

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Site Plan Approval for Block 1606, Lot 3. The applicant has proposed to construct a 20,000 SF addition to an existing building and construct a 130,000 SF new building. The application also includes parking area and enlargement of the existing infiltration basin. The property has frontage along Lehigh Avenue. The project is located within the M-1 and AHZ zoning districts. No variances are requested by the applicant. The applicant shows in the zoning schedule 229 parking spaces have been proposed for both existing and proposed building. Based on employee numbers provided on the plans, the proposed number of parking spaces has exceeded the minimum required parking spaces by nine (9) spaces in accordance with the Section 18-903. M. 6.c. of the Lakewood UDO which states that for industrial buildings having over fifty thousand (50,000) SF floor area, one (1) parking space shall be provided for each employee on the maximum work shift plus twenty (20) for executives. The applicant shall provide testimony to confirm the anticipated number of employees. Outside agency approvals are required from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for CARFA approval. Evidence of the approvals should be made a condition of Final Planning Board approval. The applicant shall submit architectural plans for the building B addition to the Board for review. The applicant shows on the plans, curbs exist along Lehigh Avenue. The Planning Board should determine if sidewalks along the Lehigh Avenue will be required. The applicant has proposed an 18'x24' dumpster enclosure to replace the existing 15'x21' enclosure. The applicant shall provide testimony on the anticipated volume of solid waste generated from the development, to demonstrate the proposed enclosure will be sufficient to handle the volume. A six (6) Ft shade tree and utility easement along the property frontage is usually required to be dedicated to the Township. The board should determine if the easement will be required. The applicant shall revise the Site Plan to label the lighting flexure and concrete pads where the building addition is proposed as to be removed. The applicant shall provide spot elevation behind the proposed new building to show that overland runoff will be collected by the proposed catch basins, located behind the building. A

handicap ramp shall be provided where handicap parking spaces are proposed. Entrances for the proposed building shall be shown on the plans. The applicant shall provide adequate access way from handicap parking spaces to the building entrances. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated May 5, 2008. The applicant seeks major site plan and variance approvals to construct a 20,000-square foot addition to an existing building and construct a new building of 130,000 square feet at the above-referenced site. Associated parking, storm water management and landscaping improvements are also proposed. There are currently two buildings on the lot. Building A, which is closest to Lehigh Avenue, is 60,130 square feet in floor area. The current use in Building A is fabric coating and lamination. Existing building B is 52,266 square feet in floor area and the current use is the same as Building A. The new building is identified for light manufacturing and assembly. The subject parcel, which is 15.1 acres in area, is situated on the east side of Lehigh Avenue in the Lakewood Industrial Park. The surrounding land uses are generally light industrial and the adjoining properties are developed with light industrial buildings. In addition, the applicant proposes to lease a 19-acre portion of Lot 9, Block 1606. The purpose of the lease area is to comply with CAFRA impervious coverage limitations. Zoning and Variances The parcel is located in the M-1 and Airport Hazard Zones. The M-1 Zone allows various types of uses such as warehouses, manufacturing, assembly and others. The Airport Hazard Zone does not provide use or bulk standards but refers to the standards established by the NJ Air Safety and Hazardous Zoning Act. The enforcing authority is the Township Zoning Officer and other such officials designated by the Township Committee. The requirements of the AHZ are discussed further in Section C4. The following variances are requested: Front Yard setback. A minimum of 100 feet is required and 51.4 feet is provided. This is an existing condition not intensified by the subject application. A fifty-foot setback is permitted, provided the Lakewood Industrial Commission has granted approval. Review Comments. CAFRA Permitting. The Board should take note that this application is subject to CAFRA regulatory requirements. The applicant has noted compliance with the 30% maximum impervious coverage requirement through the lease of the adjacent property. Off-street parking is proposed to serve the proposed building and the addition. The site plan indicates that 220 spaces are required and 229 spaces are provided. The requirements of the M-1 Zone provide that parking for buildings in excess of 50,000 square feet of floor area, one parking space for each employee on the maximum work shift plus ten spaces for executives. The applicant should provide testimony concerning the adequacy of the existing parking for the current buildings. Architectural elevations and floor plans have been submitted for the proposed new building. Airport Hazard Zone (AHZ). The Airport Hazard Zone is essentially an overlay zone which restricts development in the M-1 Zone as to height, certain uses and residential density, where allowed.. The parcel is partially located within the Runway End Sub zone portion of the AHZ. As noted above, the enforcing authority of the AHZ is the Township Zoning Officer. We recommend that any approval be contingent on the Zoning Officer's review and approval of the subject development. We also recommend that a copy of the site plan be submitted to the NJ Department of Aeronautics for comment. The applicant has submitted a "Determination of No Hazard to Air Navigation "from the Federal Aviation Administration (FAA) dated April 15, 2008 for Buildings B and C. The FAA permit addresses the height limitations due to the proximity to the runway. Use requirements are addressed in the regulations which implement the Air Safety Act. The provisions of the Act provide minimum land use standards for implementation by the municipality. Prohibited

land uses in airport hazard zones include above ground bulk storage of compressed flammable or compressed toxic gases and liquids. The applicant should confirm that the above ground bulk storage of compressed flammable or compressed toxic gases and liquids are not proposed within the site regulated by the AHZ. The Township Zoning Officer should also review compliance with this provision. The applicant should discuss the internal circulation of the site to insure there are sufficient pavement widths, striping, and signage in the rear of the property. The landscaping plan appears sufficient for the proposed use and site. Lighting. The applicant's lighting plan is subject to review by the Board Engineer. The Woodlands Management Plan is subject to the review and comment of the Environmental and Shade Tree Commissions. The trash enclosure area is proposed in the rear of the site. All signage should comply with Township requirements. The balance of the comments are technical in nature.

Mr. Voetlz appeared on behalf of the applicant as the engineer. He said the only variance that is requested is the existing variance for the original building that was built 15 years and since that time phase 1 was constructed where building B was added and they are currently asking that building B be extended by another 100 ft. and they will provide the architecturals to the board. They also proposed a new Building C consisting of 130,000 sf.- single story, and architectural plans were submitted. Mr. Banas asked him to show where the airport is and Mr. Voeltz showed him and said they are on the northwesterly side of the airport approach. They have already submitted and received FAA permits for this site so the height limitations are not an issue. Alpha Associates is doing this expansion because of their consolidation of their corporate headquarters to this location and they have said there will be not external storage of compressed gas or hazardous materials etc. Mr. Banas asked if they will be asking for a helipad and Mr. Voeltz said no. Mr. Voetlz said they are within days of having their CAFRA permit signed and issued by the state so many issues that are contained in the professionals' report will go away. He said there is one issue they had that had to do with the seasonal high water table but at the time they originally did the plans for phase I they had used data from 1929 and the conversion to 1988 data caused some confusion. They have almost 60 inches to the seasonal high in almost all of this site and they can confirm that through additional soil borings and send the results off the Rutgers for assurances. They have a signed lease from the Industrial Commission where they have leased 10 acres of entire Lot 9 and that is solely for the purpose of providing the 30% coverage on this lot hoping for at some time in the future a roll back if CAFRA should decide to change its' mind, and the lease starts at 99 years and he believes there is an extension and the documents have been provided to the board. Mr. Voetlz questioned the sidewalks along Lehigh Avenue and Mr. Banas said they have required sidewalks in the Industrial Park and said a 5 ft. sidewalk will be required. Mr. Voeltz asked about trash management and said they show a dumpster on their plan that is relatively large and is primarily for the domestic but as part of Alpha's operation they have a lot of internal storage and trash collection because a lot of it is recyclable so there are separate containers for compaction of cardboard, different locations for hauling it off and it won't be done there and they will adjust their pick up schedule to meet with whatever is needed. He said they had enough pads and will also use a loading dock to bring in a dumpster. As far as parking, Alpha's position is they do not know how many parking spaces they will actually need, currently there are only 80 employees on the site and there is approximately 105-110 spaces so when they go up to 229 spaces there will be more than enough considering they run 2 shifts from this operation. They agree to the remaining comments in the professionals' report.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to advance to meeting of June 17, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes

9. SD 1542A (NO VARIANCE REQUESTED)
APPLICANT: RYE OAKS LLC
Location: Ocean Avenue (Route 88), east of railroad
Block 536 Lots 1, 2 & 4
Preliminary & Final Major Subdivision – 43 lots – 40 townhomes, 2800 sf retail building with community center and stormwater basin

Mr. Peters stated the applicant is seeking Preliminary and Final Major Subdivision and Site plan approval to construct 33 townhouse units, a two (2) story 3,750 square office retail building, parking areas, a community building, a tot lot, and a stormwater management basin. The existing property fronts on Ocean Avenue (NJSH 88). The eastern and southern property lines are adjacent to the Metedeconk River Conservation Area. The west side of the property is bounded by the New Jersey Southern Branch – Main stem C.R.R. Company of New Jersey.

The existing property, which consists of three (3) lots: Lots 1, 2 & 4, is predominantly open except for a wooded area in the southwest area of the property and a smaller wooded area on the east side of the property. There are a number of existing buildings on the property that will be removed; the existing dwelling on Lot 4 will remain. The open area of the site is composed of asphalt and gravel areas previously utilized for parking. The property is located in a Wholesale Service zone, B-4, which permits office use. Townhouses are also permitted as a conditional use. The applicant shall revise the description on the application form to reflect the current design which consists of 33 townhouse units and a 3,570 SF office building. No variances are requested by the applicant; however, the following variances will be required for new Lot 1.01: Minimum lot area; 11,928 SF are proposed where 20,000 SF is required. Minimum rear yard setback; 10 FT are proposed where 30 FT is required. In addition to the above variances, variances are required for the undersized basin lot, and two open space lots. Since the roadway will be private and owned by the Homeowner Association, the play ground lot, parking area lot, and roadways can be incorporated into a single H.O.A lot. The applicant shall revise the zoning schedule to show the current lot area, width, and rear setback for Lot 1.01. In addition, the required and proposed aggregated side yard setback for Lot 1.01 shall be included in the zoning schedule. The applicant shall also replace the lot area, lot width, and lot depth shown in the zoning schedule for townhouse descriptions with track area, track width, and track depth. The office use shown in the zoning schedule shall be replaced with offices. The applicant shows on the Final Map a new Lot 1.42 with an existing dwelling is subdivided from rest of the development. Information regarding the lot shall be added to the zoning schedule on the Final Map and Layout Plan to show compliance with the Lakewood UDO. A minimum lot area variance is required for this lot; 6064.7 SF are proposed where 7500 SF are required. In addition, lot lines that separate the Lot 1.42 from rest of the

development shall be added with dark lines. The numbering “Lot 1.42” shall be shown on all plans instead of “Lot 4”, except on the Existing Condition Plan. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, NJDOT, and an NJDEP permits for TWA, Wetlands Letter of Interpretation, and Flood Hazard Area Riparian Zone Disturbance. Evidence of approvals should be made a condition of final subdivision approval. Review of the NJDEP I-Map shows wetlands may be present along the southern limits of the property. The applicant shall obtain from the NJDEP a Letter of Interpretation (LOI) or a wetlands absences determination. The wetlands in question are associated with the South Branch of the Metedeconk River, a Category One water and may have a buffer of up to 150 feet. The site will be accessed by a driveway from Ocean Avenue. Approval of the driveway location is subject to the applicant obtaining permit from NJDOT. The applicant will be required to form a homeowners association for maintenance of the public portions of the development. Homeowners’ association documents shall be provided for review by the Planning Board Engineer, Solicitor, and Planner. The documents shall address ownership and maintenance of the stormwater management system, roadway, community building, tot lot, and all other public portions of the site. The documents shall also include a schedule of when the public amenities will be completed in terms of number of certificates of occupancy. The architectural plans submitted by the applicant has confirmed dimension of the office building. However, 28’x50’ townhouses are shown in the architectural plans where some townhouses are dimensioned 26’x50’ in the Layout Plan. The applicant shows in the zoning schedule 4.3 off-street parking spaces are provided for each townhouse unit. The RSIS off-street parking regulations top out at 2.4 off-street parking spaces per townhouse unit with 3 bedrooms and the applicant is proposing 4 bedroom townhouses. In addition, twelve (12) parking spaces have been provided for the proposed office building, which conforms to the ordinance. The Planning Board should determine if the proposed number of parking spaces will be adequate for the townhouses and the office building. The applicant shall provide testimony on the proposed uses for the townhouse basements. The applicant shows on the plan the proposed trash receptacle located on top of proposed curb and behind sidewalk. The applicant shall provide testimony on how waste will be collected by trash collection vehicles and who the receptacle will serve. It is to our understanding that the receptacle will restrictively serve for the community center. If that is the case, the applicant shall provide testimony on how the solid waste from townhouse units will be collected. Six (6) ft wide shade tree and utility easements along Legend Circle at the townhouse lot frontages are proposed to be dedicated to the township. The Board should determine if such easement will be required along Legend Circle at frontage of Lot 1.01. Curbs and sidewalks are proposed along property frontages. Legend Circle can accommodate school busses, fire trucks and trash trucks moving counterclockwise around the circle. The applicant shall revise the Layout Plan to shows the three existing dwellings along Ocean Avenue, which are to remain. The applicant shall confirm the name of the road; “Legend Circle” is not a duplicate name within Lakewood Township. The proposed road name shall be approved by the zoning secretary. The board should determine what type of fence will be installed around the detention basin. The applicant shows on the Layout Plan stockade fence aground the basin. We have safety concerns with having the basin totally screened from public view. The applicant shows a dedicated left turn and right turn lane with widths of 11 ft leaving the site. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated May 6, 2008. The applicant seeks preliminary and final major subdivision and major site plan approval to construct a 33-unit townhouse development and separate commercial building on a 5.2-acre site in the Wholesale Service Zone District (B-4). Forty (40) lots are indicated on the subdivision plat for townhouses, stormwater management, parking area, a community center and open space, and for commercial use. Access to the development from Ocean Avenue will be provided via a road with access to the commercial area and to the residential development. Currently, the site is used as a junkyard/automobile storage facility. The tract abuts the NJ South Branch rail line and Ocean County Park (Lake Shenandoah). The site plan has been revised from the prior application by reducing the number of dwelling units from 38 to 33 units, and a separate, off-street parking area is now proposed with 32 spaces. The general configuration of the development is similar to the prior one. Project History. The Planning Board reviewed this application in 2007. At that time, the application was a townhouse community consisting of 38 dwelling units – five (5) more than the current application. The Planning Board held three (3) public meetings, and the site plan was revised numerous times. The Board denied the subdivision, site plan application, and associated variances at the September 11, 2007 meeting. The reasons for the denial were based on the following concerns: location/design of Open Space; buffer for existing residence bordering the access drive; circulation of DPW solid waste vehicles; basements and potential occupancy; lack of adequate parking; density, and balance of commercial and residential uses within the tract. The Board should seek specific testimony from the applicant as to how the current application addresses the Board's concerns, as articulated in the Resolution of Denial. Zoning and Variances As noted above, the site is located in the B-4 Wholesale Service Zone District. This zone permits various commercial uses as permitted uses and the construction of townhouses as a conditional use (Chapter 18-903). Several undersized and/or nonconforming lots are proposed for dedication to the homeowners association for open space and stormwater management and recreation. Therefore, the following variances are required: Lot 1.38 (dedicated for open space): Minimum Lot Area: 20,000 square feet required; 7,231.1 square feet proposed. Minimum Lot Width: 125 feet required; 17.31 feet proposed. Lot 1.42 (Existing single-family dwelling): Minimum Lot Area: 7,500 square feet required; 6,065 square feet proposed (provided the use is single-family residence). Lot 1, Block 536.01 (dedicated for open space and community center): Minimum Lot Area: 20,000 square feet required; 11,228 square feet proposed. Minimum Lot Width: 125 feet required; 104 feet proposed. Lot 1.16 (dedicated as a detention basin): Minimum Lot Area: 20,000 square feet required; 15,560 square feet proposed. The lot does not front on a roadway. Lot 1.01 (Office Building): Minimum Lot Area: 20,000 square feet required; 11,928 square feet provided. Minimum Lot Width: 100 feet required; 80 feet provided. Lot 1.25 (parking area) Minimum Lot Area: 20,000 square feet required; 14,706 square feet proposed. Minimum Lot Width: 100 feet required; 38.06 feet proposed. We note that Lot 1.25 is devoted exclusively to a parking area, an accessory use. There can be no accessory use on a lot without a primary use. Therefore, Lot 1.25 must be combined with a principal use, or the Planning Board does not have jurisdiction. The positive and negative criteria for the requested bulk variances should be addressed. All variances should be identified on the subdivision plat and the site plan. Review Comments The architectural floor plans indicate exterior stairs for access to the basements from the front. The floor plan indicates four (4), possibly five (5), bedrooms per dwelling. The applicant is proposing a total of one hundred forty-two (142) parking spaces, or 4.3 spaces per unit (142 ÷ 33 = 4.3) for the 33 dwelling units. NJ Residential Site Improvement

Standards (RSIS) Parking Requirements for Residential Land Uses (Table 4.4) lists standards for townhouses up to three (3) bedrooms in size. A minimum of 2.45 spaces are required for a 3-bedroom townhouse. The Planning Board has typically required 2.6 spaces per unit for a 5-bedroom townhouse unit. The Environmental Impact Statement (EIS) does not reflect the proximity of the site to the south branch of the Metedeconk Creek and the associated wetlands. The Metedeconk Creek is a C-1 waterway, and state regulations require a 300-foot wide buffer from the stream bank on each side. We would request that the applicant obtain a letter of determination from the NJDEP regarding the boundary of the C-1 buffer relative to the site area. This information is important to determine the developable area of the tract. An access easement must be perfected to guarantee access to Route 88 for both the townhouse development and Lot 1.01. We recommend the Board require expert traffic engineering testimony addressing the road connection to Route 88. The access drive is 27 feet away from Lot 152. Since Lot 152 contains a residence, a waiver from the buffers required by Section 18-803.E.2.a (fifty [50] feet wide where the nonresidential development is adjacent to an existing single-family residential development or an area zoned for residential land). As required by Chapter 18-1010.B.6., the applicant is required to obtain Department of Public Works approval for the proposed location and size of the individual trash and recycling enclosures for the townhouse development. The applicant should be prepared to address circulation of solid waste vehicles within the proposed roadways. We note that the footprints of the townhomes in the architectural drawings are twenty-eight feet in width. The site plan indicates that the width of each unit will be twenty-five and twenty-six feet in width in some cases. The applicant should reconcile the building width between the two sets of drawings. The applicant is proposing a two-story office building on proposed Lot 1.01, an irregularly-shaped lot with frontage on Route 88. The architectural renderings indicate that the building has a footprint of 35 feet by 51 feet (1,785 square feet per floor), and includes a floor plan for an unfinished basement and two floors. The front and side elevations indicate the potential for an attic, for which a floor plan was not provided. The site plan specifies that the office building will not contain medical or dental offices. Additional Board approval should be required if the parking requirement of the proposed use in the building is greater than that under review. The use of the basement and attic areas (if applicable) should be stipulated for storage. Locating the trash enclosure area on the north side of the proposed office building (toward Route 88), as proposed, would appear to be more appropriate than locating it near the townhouse development. Proper screening, landscaping and sufficient access should be provided. The enclosure should be constructed of similar material and color as the office building to minimize the appearance of the facility. Chapter 18-808 requires that applicants who are proposing residential development projects over 25 units are required to preserve not less that 5 percent of the tract land area as common open space, or dedicate the area to active recreation or community facilities for residential development projects. The tract is 5.238 acres, of which 4.7757 acres are dedicated to residential uses; 5% of 4.7757 acres is 10,402 square feet (rounded up). For this application, the open space standards appear to be met with the proposed playground and community center (Block 536.01, Lot 1), which total 18,459 square feet. We note that Section 18-808 requires that the dedicated open space is to be contiguous; Lots 138 and Block 536.01, Lot 1 are not. A design waiver will be required. The applicant has supplied documentation to the Board for the prior application in regards to compliance with Chapter 18-1010.9., which requires that commonly-owned areas for the enjoyment of all townhouse residents and their guests be owned and maintained by a

non-profit homeowners association. The Township UDO identifies specific requirements as well as requiring that the applicant adhere to the New Jersey Department of Community Affairs (NJDCA) requirements. The document must be filed with the NJDCA. Neighboring Land Uses. The proposed development shares a border with the New Jersey Southern Railroad right-of-way. New Jersey Transit is conducting an investigation into reopening passenger rail transit along this right-of-way. If approved, this would result in trains running within 100 feet of the proposed construction. This information should be accorded appropriate consideration in terms of the setbacks along the west side of the site and screening. Just for informational purposes, the Planning Board should be advised that, in conjunction with NJ Transit's proposal to provide passenger rail service from Ocean County to Manhattan, a rail station is contemplated in Lakewood. Lots 1 and 2 of the subject site were noted as a possible site for the Lakewood station. It is our understanding that the NJDEP had environmental concerns about the potential use, due to the proximity to the C-1 waterway. The applicant may want to provide some landscape screening between the south side of Building # 2 and the parking lot. Additional landscaped screening should be considered along the southwest corner of Lot 152 which contains a residential dwelling. Zoning Requirement Schedules (Bulk Charts).The applicant has presented the zoning bulk requirements as two distinct tables on the site plans and plat, as standards for townhouses are based upon the (townhouse) tract, whereas commercial bulk standards are based on the actual tax lot. The subdivision plat should be revised to reflect the change of the commercial structure on new Lot 1.01 to an office building. Since the lot is fronting the access drive (which is proposed to be private) and borders Route 88, we recommend treating Lot 1.01 as a corner lot. The bulk chart should be revised on the plans and plat to show two (2) front yards, (1) side yard and a rear yard. The references to N/A for the rear yard setback provided should be removed from the Zoning Bulk Table for Lot 1.01, as corner lots require a rear yard. Based on the new location of the access road, the issue of dedicated sight triangle easements should be re-addressed. If variances are granted for the proposed undersized lots, a deed restriction should be filed with any undersized lot limiting its future use to that proposed. The applicant should discuss the appropriateness of screening of the pump station in the center area near the community center. Reconcile the number of townhouse units on the west side of the site between the subdivision plat and the site plan. The subdivision plat shows fourteen (14) lots, and site plan identifies thirteen (13) units. The balance of the comments are technical in nature.

Peter Klouser Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. Mr. Klouser said they do not have any problems with the reports and are willing to comply with the comments and are prepared to present the necessary testimony to the board to demonstrate their entitlement to the relief that is requested. Mr. Banas asked them to refer to Mr. Slachetka's report and the 7 items that were the reason it was turned down before and asked them to identify for the board how this application has corrected those 7 items. Mr. Carpenter said as far as the location and design of the open space, the biggest problem that he recalled was that they had open space in some areas that they were all not contiguous and there was a question as to meeting the requirements of having 5% of open space contiguous. This application, in the center where the community building and tot lot are located, constitutes the amount of square footage required. They have open space located behind building #3, and if that is a problem for the board, they will eliminate it and make it part of the individual lots. Mr. Banas said the UDO required the open space to be contiguous and Mr. Carpenter said then they would eliminate it since the

professionals' report stated they had met the requirement. Mr. Truscott said the total area = 18,000 sf, that includes all the open space. The center open space with the playground and community center is only 11,228 sf. Mr. Klouser said the center lot which is contiguous is in excess of the 10,402 sf requirement but the rear additional open space on the eastern side of the property is because the applicant thought it would be a good idea to offer it. As far as the buffering for existing residence bordering the access drive, Mr. Carpenter said the access drive on the previous application was about 10 ft. off of the property line to Lot 3A and they moved the driveway to the west to comply with the NJDOT standards of having a minimum of 27 ft. from the property line to the drive. It says they are supposed to have 50 ft. of buffering between the residential use and the commercial use. The commercial use does not begin until you get to the parking lot of Lot 1.01 so there is 61 ft. from the prior residence to the commercial use of which 27 ft. is going to be a landscape buffer and the remainder would be the drop. He said technically the driveway is part of the townhouse use. Mr. Banas asked Mr. Truscott to define what buffer means and Mr. Truscott stated it is a landscaped area by definition. Mr. Peters found the definition in the UDO and Mr. Truscott read that is "an area within a property or site, generally adjacent to and parallel with the property line, either consisting of trees, shrubs or other landscaping and/or berms designed to continuously limit the view or control other impacts of the site from adjacent site properties or roadways. Mr. Banas asked Mr. Carpenter if they had 50 ft. of that and Mr. Carpenter said no but he asked Mr. Truscott if the drive is owned by HOA, that is a muti family use, how much of a buffer is required between a multi family use and a single family residential use (Mr. Carpenter thought it was 30ft.) and Mr. Truscott said he would look into it. Mr. Carpenter also said this is not a single family use, it is a multi family dwelling, so they had townhouse use which is the driveway, and a private road, adjacent to a multi family use which means it is multi family use adjacent to a multi family use and no buffers are required. Mr. Truscott said he believes Mr. Carpenter is drawing a fine line here in terms of saying it is adjacent to a roadway because it is owned by a multi family use becomes a multi family use next to a single family and he is not sure that is proper, it is a roadway. Mr. Carpenter asked if the roadway was an accessory to the multi family use and Mr. Truscott said it provides access and provides a wider distance between the uses but he is not agreeing with Mr. Carpenter's opinion. Mr. Banas asked Mr. Jackson his opinion and had to repeat the testimony. Mr. Jackson said he thought that was rather creative and asked the planner what he thought of it from a planning perspective and Mr. Truscott said the roadway provides a wider setback from the non residential use and the ordinance does provide you can make the buffer more narrow if it was more dense. Mr. Jackson recommended that the board look at the buffer, the roadway, the layout of the site and just make the determination if there is adequate separation and buffering and he would defer to Mr. Truscott's interpretation of what the better planning alternative is. Mr. Carpenter said they have put a considerable amount of landscaping in the 27ft. but had to leave a certain part open for the site triangle per the DOT but there is a double row of evergreens and deciduous trees all in that 27ft. of buffer area. They are trying to screen the residential use from the commercial us. The next item discussed was the circulation of DPW solid waste vehicles and Mr. Carpenter said by making the roadway one way and leaving the road the same width, it provides more than adequate room and Mr. Franklin agreed. As far as the basements with potential occupancy, Mr. Carpenter said it boiled down to determining the parking issue and it was left that if even if they were not going to bedrooms in the basement the board was going to assign 1.8 parking spaces for the basement and that is

the basis for their parking calculations which is 4.3; 4 bedrooms upstairs (2.5 spaces) and 1 bedroom downstairs (1.8 spaces) making a total of 4.3 spaces per townhouse. The next item discussed was the lack of adequate parking which had a lot to do with the previous discussion. They had less than the 4.3 spaces per unit (it was 4) and they have increased it. They have dropped the density from 38 units to 33 units. Mr. Banas asked what the density for the whole development was and was told they were permitted 8 townhouses per acre and they are at 7.96. The last item discussed was the balance of commercial and residential uses within the tract and Mr. Carpenter said he thinks they had retail the first time and this time they have more commercial. Mr. Truscott said his recollection was that the board was of the opinion that there should be a little more commercial in this tract as opposed to residential and nothing has been changed in that regard.
Mr. Banas wanted to discuss the idea of a C1 stream because he noticed on the chart they have Lake Shenandoah in Lot 182 and he asked how close they were to the stream. Mr. Carpenter said there is a possibility that a small portion of the site will be encompassed by the 300 ft. buffer but the DEP regulations stipulate that if a buffer area has been disturbed prior, by any other use, and this particular use is a parking lot for vehicles, once a site has bee disturbed in that nature, the buffer requirements don't apply. Mr. Banas asked the professionals and Mr. Peters said after this came through the first time, the DEP put in new flood hazard area rules which is similar to the 300ft. buffer and now they call it a repairing zone and he would like to have some kind of determination from the state on that because he knows with the new rules they have out, he thinks it is very likely that Mr. Carpenter is correct and they won't have any issue if an area is already disturbed but he would like to see exactly where that falls, if there are some treed areas in there, they won't let them touch them. Mr. Jackson said he did not know the regulations but without the DEP approval they are not going anywhere anyway.

Mr. Banas asked if there was anything in the reports that are troublesome to the applicant and Mr. Carpenter said there were not. Mr. Carpenter said if he had any questions regarding interpretation he would contact the professionals to clarify it but he does not see anything.

Mr. Schmuckler had a comment and said the roadway, when you come off Ocean Avenue, starts off as a 34 ft. area and comes down to 24 ft. and asked if they would consider stretching the 24 ft. roadway to about 26-28 ft. to make it easier for cars to go through. He showed Mr. Carpenter on the map and he said yes, he could do that. Mr. Schmuckler also showed him another part on the map and Mr. Fink asked how wide would he be able to make the area and Mr. Carpenter said he could make it 28 ft. Mr. Carpenter said what Mr. Schmuckler is referring to is where the turn off Legend Circle and asked him to smooth out the turn right after the stop line and he is proposing a reverse curb or flatter curb in that area to make the access easier. Mr. Banas asked Mr. Franklin how the hammerheads were and Mr. Franklin said the one on the northern side looked very short and it doesn't look like he could back a truck into there. Mr. Carpenter said he would call Mr. Franklin and discuss it.

Mr. Banas asked how wide of a sidewalk were they putting in the development and Mr. Carpenter said he believed all the sidewalks are 4 ft. and Mr. Franklin said they would be ok in that development.

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to advance to meeting of June 17, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

They discussed item #1 at this time.

6. PUBLIC PORTION

- No one came forward

7. CORRESPONDENCE

Mr. Banas said they have a meeting on Wednesday in the high school commons and it is the next Visioning Workshop for the Township and asked all to attend.

8. APPROVAL OF MINUTES

Motion was made by Mr. Akerman, seconded by Mr. Franklin, to approve the minutes of April 15, 2008

ROLL CALL: Mr. Herzl; abstain, Mr. Franklin; yes, Mr. Banas; abstain, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

9. APPROVAL OF BILLS

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary