

## I. CERTIFICATION OF COMPLIANCE

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

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

## 2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Fink, Mr. Neiman, Mrs. Koutsouris, Mr. Banas,

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

1. SP # 1917 (No variance Requested)  
Applicant: Lakewood MUA  
Location: 2000 Shorrock Street  
Block 1248.23 Lot 70  
Courtesy Review for addition to existing water treatment facility

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

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

2. SP # 1905 (Variance Requested)  
Applicant: Congregation Bnei Giborei Yisroel  
Location: 1193 W. County Line Road-across from Cedar Row  
Block 27 Lot 22  
Preliminary & Final Site Plan and Change of Use Site Plan from single family home to a synagogue

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

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

3. SD # 1641 (No variance Requested)  
Applicant: Raquel Schorr  
Location: White Road @ intersection with Drake Road  
Block 251 Lot 8  
Minor Subdivision for 2 Lots

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

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

4. SD # 1659 (No variance Requested)  
Applicant: JG Ridge LLC  
Location: 240 & 244 Ridge Avenue, east of Negba Street  
Block 236 Lots 33 & 34  
Minor Subdivision to realign lot lines

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

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

5. SP # 1900A (Variance Requested)  
Applicant: Primax Properties/Advance Auto Parts  
Location: River Avenue (Route 9), north of Locust Street  
Block 534 Lots 8 & 10  
Preliminary and Final Site Plan for auto parts store

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

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

6. SD # 1662 (Variance Requested)  
Applicant: Jonathan Rubin  
Location: 1120 Lexington Avenue @ sw corner of Carey Street  
Block 111 Lot 4  
Minor Subdivision for 2 Lots

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

**PLANNING BOARD MEETING  
MAY 19, 2009  
MEETING**

**TOWNSHIP OF LAKEWOOD  
REGULAR**

**ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes**

- 7. SD # 1663 (Variance Requested)**  
**Applicant: Aaron Bauman**  
**Location: 929 Woodland Drive, between Hillridge Pl. & Carasaljo Ct.**  
**Block 12.05 Lot 9.01**  
**Minor Subdivision to create 2 Lots**

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

**ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes**

- 8. SD # 1664 (No variance Requested)**  
**Applicant: Benjamin Kaufman**  
**Location: northwest corner of Central Avenue & St. Nicholas Avenue**  
**Block 12.04 Lots 42, 42.01, 43**  
**Minor Subdivision to realign lot lines**

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

**ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes**

- 9. SD # 1665 (Variance Requested)**  
**Applicant: Solomon Wanouno**  
**Location: East Second Street, east of railroad**  
**Block 248.01 Lot 63.02**  
**Preliminary & Final Major Subdivision for 10 two family townhouses**

**Mr. Penzer said he had a change to the resolution. He read an email from Mr. Schmuckler with the change that he read into record. The change is that the resolution reads there are 6 perpendicular parking spots on East Second Street and Mr. Schmuckler said he made the motion for 2 regular parallel parking spaces on East Second and 39 spots inside the subdivision. Mr. Penzer agreed with Mr. Schmuckler and asked for the change.**

**Mr. Neiman asked Mr. Kielt if the minutes reflected that and Mr. Kielt said he could not answer that. Mr. Jackson said he did not have the minutes there but Mr. Schmuckler seemed to have a clear recollection of it. Mr. Kielt said the review letter from the professional is what he put into the resolution and Mr. Kielt said there was a lot of talk about it with suggestions but Mr. Schmuckler feels he was very sure that that was what was done. Mr. Franklin said they did take out the perpendicular parking places out because they are a danger. Mr. Neiman remembers that also.**

**Motion was made by Mr. Herzl, seconded by Mr. Fink, to approve the amended resolution as corrected.**

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; no, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes

10. SD # 1545 (No variance requested)  
Applicant: 319 Prospect LLC  
Location: Prospect Street, west of Massachusetts Avenue  
Block 445 Lot 1  
Resolution amended to clarify the condition regarding the perimeter fence

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

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

Mr. Akerman arrived at the meeting.

## 5. NEW BUSINESS

1. SP # 1914 (Variance Requested)  
Applicant: Joseph Rabinowicz/Farm Fresh  
Location: 357 Squankum Road @ intersection of Carey Street  
Block 169 Lot 21  
Preliminary & Final Major Site Plan for 2 story addition to an existing store

Mr. Vogt prepared a letter dated May 14, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval. The site contains of a total 21,225 SF (0.487 acres). The northerly boundary fronts on Squankum Road. The site is bordered by heavily wooded areas toward the south and the west by property owned by Lakewood Township. Residential structures abut the property to the east. The applicant proposes to expand the existing one story, 1,993 SF retail building and on-site storage trailers, which are to be removed, to a two story, 10,267 SF building in two phases. The first phase would consist of the addition of a 2,411 SF second floor to the existing building and the reconfiguration of the existing parking area to provide twenty (20) spaces. The second phase would consist of adding a 3,172 SF second floor addition and the construction of additional parking. When complete, the first floor would contain 7,996 SF and the second story mezzanine would contain 2,269 SF. Additional site improvements are proposed to reconfigure the entrance and the parking. A total of twenty-four (24) on-site parking spaces are proposed. The applicant is including five (5) on-street spaces to provide a total of twenty-nine (29) total parking spaces. Access to the site will be maintained from Squankum Road. The property is within the B-4 – Wholesale Services Zone. Waivers- The following waivers have been requested from the Land Development Checklist: B2 -- Topography within 200 feet thereof. B4 -- Contours of the area within 200 feet of the site boundaries. These waivers were granted at the March 3, 2009 Plan Review Meeting. Zoning- The site is situated within the B-4 Wholesale Services Zone. Per Section 18-903.D.1.a. of the UDO, retail activities are permitted as defined in the B-1 zone. Grocery and food stores are specifically

noted as a permitted use. The applicant should provide testimony regarding the planned uses for the expanded facility. The applicant is proposing a total of twenty-nine (29) parking spaces are proposed including the five (5) on-street spaces whereas fifty-one (51) parking spaces are required. A variance is required for the number of parking spaces. Per review of the site plans and application, the following design waivers appear to be required: Minimum 25 foot buffer from the property line to the proposed use (Subsection 18-803.E.2.a.). This is an existing condition. Minimum 50 foot buffer from the adjoining single family residential development (Subsection 18-803.E.2.a). This is an existing condition. Any and all other design waivers deemed necessary by the Board. Review Comments-Site Plan/Circulation/Parking- A 21' x 38' loading zone is proposed on the westerly side of the building. The loading zone is aligned with the proposed driveway entrance. The applicant should provide testimony regarding the size of delivery vehicles, the frequency of deliveries and standard delivery schedules. The applicant should demonstrate that delivery vehicles will not adversely impact entrance and exit movements and access to the parking area. *The applicant has provided a vehicle turning plan for a Single Unit Box Truck (SU30) on Sheet 3 of 5. The applicant's engineer should provide testimony regarding the truck movements if the parking lot is fully occupied during a delivery.* The applicant should demonstrate via a circulation plan or other acceptable means that there is adequate access and maneuvering area for delivery, emergency, and trash pickup vehicles that will need to access the site. *The applicant has provided a vehicle turning plan for a Single Unit Box Truck (SU30). The applicant's engineer should provide testimony regarding emergency vehicle and trash pickup movements if the parking lot is fully occupied.* The bulk requirements schedule on the site plan states that twenty-nine (29) parking spaces are provided. Twenty-four (24) on-site spaces plus a loading zone are shown on the site plan. Two (2) of the on-site spaces are ADA compliant. The applicant has indicated in the parking calculations that there will be five (5) on street parking spaces. These should be delineated on the plan. The paved cart way is shown to be thirty feet (30') wide with two (2), fifteen foot (15') travel lanes. If a minimum seven foot (7') wide parking lane were provided, the travel lane would be reduced to an eight foot (8') width. The road classification and intensity is not provided. However, a minimum traffic width for a local road (each lane) would be 10.5 feet per RSIS Standards. Additional information justifying these proposes spaces are necessary. *The applicant has shown the five (5) on-street parking spaces. The plan notes that there is existing, faded striping on the street delineating these spaces. As noted above, the on-street parking reduces the travel lane to an eight foot width which is less than the minimum recommended in the RSIS. The applicant should provide testimony regarding traffic movements with the reduced travel lane width.* As noted above a total of twenty-nine (29) parking spaces are proposed including the five (5) on-street spaces. Fifty-one (51) parking spaces are required. The requirements are based on a retail use of 10,267 SF with one (1) space for every 200 SF of gross floor area. It is noted that the applicant is proposing that 6,165 SF of the building will be utilized as retail and 4,000 SF will be utilized for storage. However, 18-807 of the UDO does not differentiate for retail establishments. A variance is required for the number of parking spaces. The applicant should provide testimony as to the number, location and ratio of existing parking spaces. Parking shall be provided to the satisfaction of the Planning Board. *The applicant has indicated recognition of the need for the variance and that testimony will be provided to justify this variance.* The applicant should demonstrate with a vehicle turning plan that the two (2) parking spaces on the easterly most side of the parking area that abut the curb can be utilized adequately and that vehicles can reasonably enter and exit these spaces if the other spaces are occupied. *The parking layout was revised. One handicapped parking space has been eliminated. The remaining space has been relocated to the easterly end of the parking area such that the access aisle abuts the curb. The aisle length has been extended by two feet (2'). A vehicle turning plan was not provided. The proposed parking space in the northern corner of the site does not appear to have adequate space to exiting turning movements.* There is an existing 21' x 38' refuse area located on the

westerly boundary of the site adjacent to the entrance drive on the street side of the building. It appears that a new wooden fence enclosure is proposed but no screening has been provided as required by 18-803.E.2.d. Testimony should be provided regarding the adequacy of the dumpster and whether a recycling container will be provided in addition to a trash container. The trash area should be constructed such that stormwater drains toward the parking area and away from the adjacent wooded area. Additionally, the setbacks to the trash storage area should be shown. *The trash enclosure pad has been modified to provide drainage toward the parking area and away from the wooded area. The applicant has indicated that testimony will be provided regarding the adequacy of the trash enclosure.* The applicant should provide a phase plan to indicate how the construction will be phased and how parking and access will be maintained during construction. The plan should identify the construction staging area. *The applicant has indicated that the project will be constructed in a single phase. However, the general notes on sheet 1 indicate that the project will be constructed in two (2) phases. The storm water report also indicates that the improvements will be constructed in two (2) phases. This discrepancy should be resolved.* It is noted that the proposed entrance is approximately sixty-five feet (65') from the intersection of Shafto Avenue and Squankum Road. The fact that the applicant is proposing to eliminate the second existing entrance access drive that was approximately twenty feet (20') from the intersection of Twelfth Street and Squankum Road provides an improved condition. *Informational. No further response required.* Architectural-Basic architectural floor plans and elevations were submitted for review. These plans provide the height to the ceiling. The site plan indicates that the building height will comply (35' vs. 45') and based on the architectural plans, it appears that the building will comply with the height requirements. The height of the building in compliance with the UDO definition should be shown on the architectural plans. *The applicant has indicated that testimony will be provided to demonstrate that the building complies with the UDO.* There is a discrepancy between the building square footage shown on the architectural plans and the site plan. This discrepancy should be resolved. *The site plans indicate that the first floor will contain 7,996 SF. The architectural plans indicate that the first floor will contain 7,994 SF. The site plan indicates that the mezzanine will contain 2,289 SF. The architectural plans indicate that the mezzanine will contain 1,988 SF. The total building area shown in the bulk table on sheet 1 of the site plan is 9,984. The architectural plans indicate a total building area of 9,982 SF.* If gutters and roof drains are proposed, the point of discharge should be depicted and coordinated with the engineering drawings. *The applicant has indicated that testimony will be provided that will indicate that all roof leaders will be directed to the front of the building and will discharge to the parking lot. Existing building details are not provided.* It appears that there are either roll up doors or garage doors to provide entrance from the loading zone to the building storage and loading area. The applicant should provide testimony regarding the specifics of the entrance. *The applicant has indicated that roll up doors are proposed and that testimony will be provided regarding the doors.* Grading- The grading provided is acceptable. Due to the minimal slope on the property and particularly in the parking area (0.6%±), it is recommended that additional spot elevations be provided on the revised plans to better define the proposed drainage pattern. *The proposed grades and existing grades in the paved area is difficult to differentiate due to the similarity in the text used on the plan. However, grading appears to be adequate.* The Existing Conditions Plan shows that the existing curb along Squankum Road along the property frontage has a four inch (4") face. The proposed curb indicates that the new curb will have a six inch (6") curb face. It appears this reveal would match the reveal for the curb to the east. However, no information is provided for the curb to the west. While we do not object to the increased curb face, the method of meeting the westerly curb should be defined in the event the curb reveal is less than that for the proposed new curb and a detail provided to show the means of transition. *The applicant has revised the plan to indicate that the curb will transition from a 6" reveal to a 4" reveal to match the existing curb to the west.* It appears that the curb at the rear of

the property along the southerly boundary will be removed. This should be clarified and additional spot elevations should be provided. *An additional spot elevation has been provided on the easterly rear portion of the property and along the rear of the building. The applicant has indicated that grading will "daylight" at the rear property line. No grades are provided and there is no indication regarding the removal of vegetation along the rear property line. Additional information in the rear of the property is required.* It is difficult to discern the intent along the easterly boundary that abuts the residences. Additional information should be provided to confirm that the proposed construction will not direct storm water onto this property and that there will be no adverse affects on the adjoining property. *A swale at a slope of 0.5%± has been provided along the easterly side of the building adjacent to the residential properties to direct storm water not collected in the parking area to the rear of the property. This is satisfactory.* Better contrast between existing and proposed conditions should be provided on the revised plans. *The comment has been addressed.* Stormwater Management- The applicant's Engineer has stated that since the property is currently completely improved and completely impervious, that the proposed improvements would have no impact on the storm water generation. Although our office is in general agreement with this statement, it is noted that the improvements result in the removal of landscaped area along the frontage and a redirection of storm water flows. The applicant should submit a drainage plan and report indicating the revised flow pattern and the flows associated with the revised flow pattern. *As noted above, the storm water flows have been redirected such that the drainage discharges to Squankum Road instead of toward the southerly property. Even though the storm water report calculations show no increase in total site run off, the increase in post development storm water flow to Squankum Road is up to 2.9 CFS for the 100 year storm. Testimony is required from the applicant's engineer addressing the impact of this increase.* It is noted that there is an existing inlet at the southwesterly corner of the site that is to remain. There is no information provided as to how and where this inlet discharges. This information should be provided. The existing and proposed storm water flows to this inlet should also be provided to confirm that there is adequate capacity. *The applicant has indicated that the inlet is a recharge basin that will receive no flow once the proposed site improvements have been implemented. The storm water report indicates that this basin is nonfunctional due to either high groundwater or siltation. The proposed grading indicates that there will be minimal flow toward this basing and based on the applicant's assertions, the basin is not connected to any other facilities. Since this basin is not being utilized, it is recommended that the applicant remove the recharge basin and grade the area appropriately.* Landscaping There is an existing wooden fence on the boundary between the adjoining residences and the easterly property line. Per 18-803.E.3.c, adequate grading and plantings are to be provided which shall include evergreen plantings at least six feet (6') high as a buffer. Either the parking area should be reduced to provide area for the plantings or a design waiver is necessary for the required landscape plantings. *The applicant has noted that this is an existing condition and has indicated that a waiver is requested.* The overall landscape design is subject to review and approval by the Board. *Informational. The applicant should provide testimony as may be required by the Board.* The applicant has not provided a six (6) foot shade tree and utility easement along the property frontage. *The applicant has indicated that the easement will be provided. The easement should be clearly delineated on the plan.* Lighting- Although the sheet index indicates that sheet 3 of 5 is the Layout and Lighting plan, the sheet is titled Layout plan and no lighting is shown. The applicant should show the location of proposed site lighting with associated isolux patterns. The lighting should be designed such that the site is adequately lighted while minimizing spillage onto adjoining properties and should comply with the requirements of 18-804 of the UDO. *Section 18-804.D states that "All applications for Board approval of commercial and residential site plans and major subdivisions shall include a complete lighting plan, including luminaire type, wattage, pole height and type, lighting levels in footcandles, and beam spread diagrams on fifty (50) foot centers, and point to point illumination*

*diagrams, including perimeter levels.”. Further, Section 18-804.F specifies that for commercial parking there should be a minimum of 0.5 FC with an average of 1.0 FC. Additional requirements for parking lots are specified in 18-804.02. Isolux/isocandella patterns have been provided on sheet 3. However there is no definition of the isolux rating. Further the point by point lighting pattern has not been provided. The applicant should provide testimony to indicate compliance with the Section 18-804 requirements.*

**Utilities-** The site has existing water and sewer service. Although not specifically indicated, it is reasonable to presume that it is intended that this service will be used for the expanded use. The applicant should provide testimony to confirm that there is adequate supply for the expanded use. *The applicant indicated that testimony will be provided.*

The applicant should provide testimony as to whether the building will be protected by sprinklers. If so, the location of the Siamese connection should be shown and it should be confirmed that the water supply is adequate for the intended use. *The applicant indicated that the architect will provide testimony.*

Testimony should be provided regarding fire protection and a Report from the Fire Commissioners should be provided regarding fire protection on the site. *The applicant has indicated that the fire department has provided no comments.*

**Signage-** There is an existing sign located at the center of the property on the property line noted to be removed. No information is provided for either proposed free standing, ground, wall, or building mounted signs. A full signage package for free-standing and building-mounted signs must be provided for review and approval as part of the site plan application. *The applicant has indicated that all signage will comply with the UDO and that testimony will be provided.*

All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance, section 18-812. *The applicant has indicated that all signage will comply with the UDO and that testimony will be provided.*

**Environmental- Environmental Impact Statement-** The applicant has submitted an Environmental Impact Statement. The document has been prepared by R.C. Associates Consulting, Inc. to comply with Section 18-820 of the UDO. The author concludes that since the proposed amendment will result (primarily) is disturbance of a previously-developed area, no significant adverse environmental impacts will occur if proper construction measures are followed. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, grassland and wood turtle habitat areas. Per NJDEP mapping, the site and surrounding (undeveloped) lands are mapped as potential species habitat. Again, since this amendment deals with development of a previously-disturbed area, no significant impacts to habitat will occur from the current proposal. Therefore, we agree with the author’s conclusion. We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. *Informational. No action required at this time.*

**Tree Management Plan-** The block, lot and zone reference on the tree protection plan should be revised to show the current property. *The general notes should be corrected as noted above. This comment has not been addressed.*

The proposed improvements noted on the tree protection plan should coincide with the proposed plan. *The tree protection plan has been revised.*

Since the other references in the notes on the tree protection plan appear to refer to a different site, the species of trees should be provided. The applicant should provide testimony to confirm that there are no specimen trees on site and that all trees 10” or greater are shown. *The plan does not identify the species or size of trees to be removed. The applicant has indicated that testimony will be provided.*

**Construction Details-** All proposed

construction details shall, at a minimum, comply with applicable Township or NJDOT standards. All concrete shall be a minimum of Class B concrete (4,500 psi) *This comment has been addressed.* The trash enclosure detail should be modified to include details for the gate. *This comment has been addressed.* Handicapped parking details should be added including pavement markings and dimensions. *This comment has been addressed.* Curb installation should indicate saw cutting along the existing pavement edge for a minimum of two feet (2') from the curb face. *This comment has been addressed.* Sign details should be provided for all proposed site signage. *Traffic control sign details have been provided. The applicant has indicated that additional site signage will comply with the UDO as discussed above.* The pavement/trench restoration detail should be modified to eliminate the feathering and to remove the reference to Wall Township standards. The existing pavement should be saw cut to a depth of two inches (2") a minimum of two feet (2') at all sides of the pavement opening prior to the installation of the surface course pavement. The seams should be infrared sealed. *This comment has been addressed.* If the curb face for the existing curb is less than the six inches (6") for the new curb, a detail should be provided to show the taper to the existing curb. *Curb elevations have been provided.* Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. *No response required at this time.* Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Water and Sewer service (NJAW or LTMUA); *The applicant has indicated that approvals will be obtained upon building permit application.* Ocean County Planning Board; *The applicant has indicated that the approval is pending.* Ocean County Soil Conservation District. *The applicant has indicated that the approval is pending.* All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Herzl recused himself from this application and left the dais.

Mr. Penzer Esq. appeared on behalf of the applicant. He said there are 2 big issues and asked Mr. Jackson about one. Mr. Rabinowicz would like the existing sign to remain but it is not in conformance; it is the correct size but it is too close to the road and 5 ft. higher than the ordinance provides. Mr. Penzer said it is his opinion that it is diminimus in nature and his catch all phrase of "any and all variances" could be granted without having to come back again. Mr. Jackson said the catch all is designed to account for that. Mr. Penzer said it has been there for 25 years and Mr. Banas said how can they call an ordinance diminimus in nature? Mr. Jackson disagreed that it is diminimus and said the issue is whether it was noticed and in good faith.

Mr. Penzer said the second issue is that the purpose of this application is because there are a lot of trailers at this site for storage and this application hopes to put the storage inside. He said if they go according to the strictness of how many feet they need for the warehousing they would need 51 parking spaces. They have a total of 29 spaces and they will offer testimony that they never have any more than 10-15 customers at any time. Mr. Neiman asked if the 2 floors they are adding are strictly for storage; there will be no other offices there, no other need for any parking and Mr. Penzer asked that Mr. Carpenter, the engineer, and Mr. Rabinowicz, the applicant be sworn in.

Mr. Carpenter said the applicant's primary need is storage and there is about 3 ft. between the aisles in his store. With the new store, there is about 5-6 ft between the aisles so the floor space increases. When you add the display cases and the 5 trailers that are on the site now, this is the building you end up with. The mezzanine upstairs is for additional storage that can't be accommodated on the first floor and he also wants to install a walk in freezer on the first floor. When you add all the components together you end up with the building proposed but it

is the same display space that he has now and the same storage he has now, only it is more organized and more aesthetic than what is there today. There will not be 2 full stories, it is only a mezzanine with about 1,900 sf on the second floor. Mr. Neiman asked if he was going to get rid of the trailers and was told everything goes; that is the purpose of the application and there will be more parking where the trailers are now. Mr. Carpenter said they have approximately 15-20 parking spaces.

Mr. Neiman asked Mr. Rabinowicz, the applicant, if this mezzanine is strictly for the store and Mr. Rabinowicz said they would like to have 2 offices for the store but nothing outside of the store's use. Mr. Rabinowicz said there has not been any parking issues and they currently have 16 spaces that are never full; with the new plans there will be 29 spaces. Mr. Penzer said the neighbors signed a petition in support of this application and submitted it into evidence. Mr. Neiman said it will be a part of the resolution to get rid of the trailers and the applicant agreed.

Mr. Jackson marked the petition as exhibit A1 to make it a part of the record so if there is an appeal it is part of the record. Mr. Penzer said if approved, they would like to have to construction done in the summertime as long as they can do resolution compliance. As far as drainage, Mr. Penzer said they discussed it with Terry and they agree to comply with the recommendations that were suggested. The only thing they can't comply with is the Shade Tree easement because they have no place to put them, but they will put in live trees there instead.

Mr. Neiman asked Mr. Vogt if he had a chance to look at the sign and if there was any problem with site triangles, etc. and Mr. Vogt said they did not look at the sign in detail because it was not proposed to stay until tonight. Mr. Vogt said looking at the site plans he has, the existing sign is along Squankum Road frontage between 2 shrubs and that is not within any site triangle and Mr. Carpenter agreed. Mr. Vogt said it looks like it is about 40 ft. away from the curb cut entrance so it is outside the site triangle.

Mr. Neiman asked about the garbage pick up and Mr. Franklin said it is commercial. Mr. Banas said if the sign is too high, it is a matter of a post, and he asked if they can be cut down to make it conform with the ordinance and Mr. Carpenter said he did not measure it but it is about 3 ft. higher than the 15 ft. allowed and Mr. Banas said to be in conformance it would be a small thing to remove. Mr. Banas asked how many parking spaces are required should be project be advanced and Mr. Penzer said 51 and they have 29 spaces. Mr. Banas said it seems they are asking for a big variance in the parking area and they are also asking for another variance for the sign and said he has heard nothing as required in the ordinance where you have to justify the positive and negative and for him to bring this forward it seems rather late. Mr. Penzer said it is their position that they have satisfied the positive and negative because that area needs a store and food is one of the things that is inherently beneficial. Mr. Carpenter said the site is bounded on 2 sides by township property (east and south) and bounded on the west by Squankum Road and on the north by existing townhouses. There is no available property for them to expand the site. This is an existing grocery store operating with onsite trailers that are ancillary to the site and aesthetically, incorporating the trailers inside the building would improve the aesthetics and they are also providing additional parking when the trailers are removed. There is one entrance onto the site and one entrance off the site and they are going to resurface the parking lot and deal with the sidewalks leading into the building because there are none. Mr. Carpenter said this is a unique site, it is a grocery store in the middle of a tremendous amount of residential dwellings with no alternative nearby.

Mr. Fink said he thinks it should be approved with the understanding in the resolution that the trailers should be gone and the benefits outweigh the negatives.

Mr. Banas said on the key map, could they reverse the printing so they don't have to turn their head upside down and Mr. Carpenter said absolutely.

Mr. Franklin said on the refuse container, it should be a concrete floor because it will take a beating from the cans and Mr. Neiman agreed. Mr. Penzer also agreed and Mr. Carpenter said he would change it from asphalt to concrete.

Mr. Banas said he did not understand what Mr. Penzer said when he said he was going to plant in lieu of the Shade Tree and Mr. Penzer said they were going to put live trees there instead of shade trees because they can't leave the easement, they don't have the room. Mr. Carpenter said there is not enough room for a 6 ft. wide shade tree easement but there is a 2-3 ft. area along the sidewalk by the proposed curb line and they will plant trees in that area. Mr. Franklin asked if there were wires overhead and was told yes and Mr. Franklin said he would not put trees there. Mr. Banas asked them to identify where those trees would be planted and Mr. Carpenter said sheet 4 of 5 shows a row of hedges to soften the front edge of the parking area and they will replace 1 or 2 of these and put in shade trees. Mr. Neiman said when Mr. Vogt sits down and goes over resolution compliance, make sure that somewhere safe of this plan are 2 live trees.

Mr. Neiman opened the microphone to the public

Mr. Mordechai Taub, 427 Squankum Road, Lakewood was sworn in. He said he is a neighbor and he and the whole neighborhood, all 40 neighbors, feel that this would be a big advantage to them to have the trailers removed, the site would be cleaner and there would be more space inside and more parking and it will be a plus.

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

Mr. Neiman went over some points; the sidewalks, a concrete pad for refuse, a sign variance, removal of the trailers once the structure is completed and they also spoke about the parking variance. Mr. Jackson added that the upstairs offices would be restricted for store use only and not rental and there will be live trees in the easement. Mr. Vogt wanted to also add that the parking space in the northern corner has limited accessibility due to the layout and he recommended that if they keep it to make it employee only and Mr. Penzer agreed. Mr. Franklin asked if this was in the wetlands and was told no and Mr. Franklin said it does not show that on the plans. Mr. Vogt said they are working with an existing disturbed surface.

Motion was made by Mr. Fink seconded by Mr. Akerman, to approve the application with the recommendations talked about. Mr. Banas asked how many variances they were getting and Mr. Neiman said they are talking about a parking variance and a sign variance

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; no because they are asking for 2 variances and is not working with the board. He said one of them is a simple one and one is not diminimus by any matter.

Mr. Kielt said they are going to combine items #2 & #3

2. SD # 1667 (Variance Requested)

PLANNING BOARD MEETING  
MAY 19, 2009  
MEETING

TOWNSHIP OF LAKEWOOD  
REGULAR

**Applicant:** Chateau Equities LLC  
**Location:** 943-945 River Avenue - former Chateau Grande Restaurant  
Block 1040 Lot 1  
Minor Subdivision to create 2 Lots

Mr. Vogt prepared a letter dated May 12, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide Block 1040, Lot 1, into two (2) lots. A vacant restaurant building formerly known as The Chateau Grand is currently situated on-site and will remain as a part of this application. No construction is proposed under this application. Proposed Lots 1.01 and 1.02 have frontage along the east side of River Avenue (Route 9). The proposed lots are situated within the HD-7, Highway Development Zone. The site is mainly bordered by forested lands. The opposite side of Route 9 is developed with mainly commercial uses. We have the following comments and recommendations: **Zoning-** The parcels are located in the HD-7 Highway Development Zone. The existing restaurant use is a permitted use in the zone. The plan indicates that the uses for proposed Lot 1.01 will be retail/office and proposed Lot 1.02 will be residential. **Fact.** Per review of the Subdivision Map and the zone requirements, two (2) front yard setback variances are requested for existing conditions for proposed Lot 1.01 in this application: Non-residential development fronting on a State highway shall provide a minimum front yard setback of 150 feet. The existing front yard setback from Route 9 is 44.9 feet. Front yard setback is 50 feet except along a State highway. **Broadway** is an unimproved 50' right-of-way bordering the south side of proposed Lot 1.01. The existing front yard setback from **Broadway** is 19.4 feet. **Statements of fact.** Review Comments- In the schedule of bulk requirements, for proposed Lot 1.01, the minimum lot frontage shall be corrected to 328.82' and the minimum front yard local road shall be corrected to 19.4'. *The minimum lot frontage and minimum front yard on a local road has been corrected in the schedule of bulk requirements for proposed Lot 1.01.* The minor subdivision plan shows the existing restaurant to remain, no construction is proposed at this time. In a separate major site plan application for proposed Lot 1.01 the existing building will be converted into retail and office use with associated site improvements. However, a stormwater management basin servicing the project on proposed Lot 1.01 will be located on proposed Lot 1.02. Testimony shall be provided regarding ownership of the proposed lots since facilities will be shared. *The applicant's professionals indicate that testimony shall be provided.* An existing conditions plan in the major site plan application indicates existing drainage piping from Route 9 discharging near the northerly border of proposed Lot 1.02. The topography indicates this storm sewer discharge drains onto adjoining property to the north via an existing swale. The storm sewer is not shown on the minor subdivision plan and no existing or proposed easements are indicated for this State drainage system. This matter shall be addressed. *The applicant's professionals indicate testimony shall be provided.* The proposed lot numbers have been assigned by the Tax Assessor and the plat signed by the Tax Assessor and dated on 02/25/09. **Fact.** Compliance with the Map Filing Law is required. **Fact.** Road widening dedications (if necessary) should be provided to the Township and shown on the plat. *The applicant's professionals indicate that road widening is not anticipated.* A proposed six foot (6') wide shade tree and utility easement shall be depicted on the plan along all property frontages (unless waived by the Board). *The applicant's professionals indicate the easement will be provided along the frontage of Route 9 if it is required.* **Outside Agency Approvals-** Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; New Jersey Department of Transportation; and all other required outside agency approvals. *The minor subdivision received Ocean County Planning Board approval on March 4, 2009. The applicant's professionals indicate a letter of no interest will be provided from the New Jersey Department of Transportation.*

3. SP # 1916 (Variance Requested)  
Applicant: Chateau Equities LLC  
Location: 943-945 River Avenue - former Chateau Grande Restaurant  
Block 1040 Lot 1.01  
Preliminary & Final Site Plan for office and retail

Mr. Vogt prepared a letter dated May 11, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval. This site plan is for proposed Lot 1.01 which would be created from a separate Minor Subdivision application from the same applicant. The applicant proposes to convert an existing unutilized restaurant site (formerly Chateau Grand) into office and retail use. A 1,448 SF addition is proposed to be constructed upon the northeast corner of the building. The proposed square footage for the retail portion of the building is listed as 33,931 SF. The proposed square footage for the office portion of the building is listed as 11,789 SF. A total of two hundred thirteen (213) parking spaces are proposed at the above-referenced location. Access to the proposed development will be provided by a driveway from River Avenue (Route 9) and by a driveway from Broadway, which intersects Route 9. The initial tract consists of a total 8.25 acres in area, and contains a vacant restaurant building formerly known as The Chateau Grand. The remainder of the property consists primarily of asphalt parking areas and curb infrastructure as well as a detention basin in the north of the site. The vegetation on site consists of ornamental species and sporadic native species around the site periphery. This site plan is for proposed Lot 1.01, a proposed 3.475 acre property containing the existing structure. The existing building will be renovated, including construction of a 1,448 SF addition. Proposed Lot 1.02, to the north of proposed Lot 1.01 is not part of this application. The project is located in the southern portion of the Township on the east side of River Avenue (Route 9), between Finchley Boulevard and Oak Street. The site is mainly bordered by forested lands. The opposite side of Route 9 is developed with mainly commercial uses. Waivers- The following waivers have been requested from the Land Development Checklist: B2 -- Topography within 200 feet thereof. B4 --Contours of the area within 200 feet of the site boundaries. B10 – Man-made features within 200 feet thereof. C14 -- Tree Protection Management Plan. The indicated reasons for waiver requests on B2, B4, and B10 is that access to neighboring properties has been denied. A waiver has been requested from a Tree Protection Plan because of the developed nature of the site. Off-site topography would be of value to revise the stormwater management calculations. However, the information that can be obtained from the USG&CS Map would suffice. Virtually no trees will require removal as part of this site plan. We support the requested waivers as required. *The Board should act on the requested waivers.* Zoning- The site is situated within the HD-7, Highway Development Zone. Per Section 18-903H.1 of the UDO, under “permitted uses” in the HD-7 zone cites various office and retail uses. Confirming testimony is required from the applicant’s professionals documenting the proposed uses as permitted within the HD-7 zone, including a brief description of how and when the facility will operate. *The applicant’s professionals will provide testimony.* Five (5) existing signs along the Route 9 frontage of the original property are shown on the Existing Conditions Plan. The southernmost sign is actually off-site and within the Broadway right-of-way. Two (2) signs flank the site access to proposed Lot 1.01 and two (2) signs flank the site access, which is to be barricaded, on proposed Lot 1.02. Information on the disposition and conformance of these signs must be provided. *The applicant’s professionals indicate the existing signs are to be removed and one (1) free standing sign will be proposed. Testimony and revised plans are required.* In the schedule of bulk requirements for the project, the minimum lot frontage shall be corrected to 328.82’ and the minimum front yard local road shall be corrected to 19.4’. *The applicant’s engineer has agreed to correct the plan.* Per review of the site plans and application, the following design waivers appear to be required: Minimum 25 foot buffer from

the property line to the proposed use (Subsection 18-803.E.2.a.); Minimum 100 foot buffer from the State Highway (Subsection 18-803.E.2.f.); Providing curb and sidewalk along frontage (Subsection 18-814.M.). It should be noted that Broadway and Parkview Avenue are unimproved. Curb exists along Route 9 and sidewalk is proposed along the frontage of proposed Lot 1.01, but not proposed Lot 1.02; Parking within the front yard setback for a nonresidential development where the principal building is not setback 150 feet (subsection 18-903.H.6.). It should be noted this is an existing condition. Any and all other design waivers deemed necessary by the Board. *The applicant's professionals have indicated the waivers are being requested and will be discussed during testimony.* Review Comments- Site Plan/ Circulation/Parking- The two (2) proposed handicapped parking spaces adjacent Broadway should be relocated since the associated signage will be off-site. *The applicant's engineer proposes to locate the signs just inside the right-of-way. The posts would most likely be damaged since they would have to be located in front of the curb. We recommend the spaces be relocated to the front of the site since the present location has poor accessibility to the building access points.* As indicated in the site plans, access is provided via an access drive off of Route 9 and from Broadway. Broadway is unimproved except for an approximately one hundred foot (100') stretch between Route 9 and the site access. A total of two hundred thirteen (213) parking spaces are proposed for the site, eight (8) of which are handicapped. Two hundred ten (210) parking spaces are required. The requirements are based on a retail use of 33,931 SF with a space for every 200 SF tallying 170; and an office use of 11,789 SF with a space for every 300 SF accounting for another 40. The proposed standard parking spaces will be 9' x 18' in size and drive aisles will be a minimum of twenty-four feet (24') wide. The main access drive on the north side of the building is thirty feet (30') wide and an existing one-way fire lane drive on the south side of the building is about nineteen feet (19') wide. *Statements of fact.* The portico on the Route 9 side of the building may be too low to allow trucks to pass beneath it. Consideration should be given to reversing the one-way direction of the fire lane drive on the south side of the building. Unless DOT will allow "no truck access" signage at the Broadway intersection, trucks will have no escape route once the intersection is entered except to travel opposite the one-way direction of the drive. Testimony should be provided by the applicant's professionals. *The applicant's professionals will be providing testimony on reversing the direction of the one-way access.* A 15' X 18' refuse area is proposed at the southeast corner of the site next to proposed parking spaces. Testimony is required regarding the adequacy of the dumpster. The refuse area is enclosed, but no screening has been provided. The waste receptacle area should be designed in accordance with Section 18-809.E. of the UDO. *The applicant's professionals will be providing testimony on the adequacy of the dumpster and the addition of landscaping.* An infiltration basin is proposed directly north of the site on the southwesterly portion of proposed Lot 1.02. An existing detention basin will remain on the northeasterly portion of proposed Lot 1.02. The proposed basin will not be fenced and has no vehicular access. The existing basin is enclosed by chain link fencing with barbed wire and has no vehicular access. Design revisions appear necessary. *The applicant's engineer indicates that access for the proposed basin is being contemplated through the existing driveway off of Route 9. Fencing will not be proposed. The existing basin will not be altered at this time and its disposition will be part of a future project. Testimony will be provided at the hearing.* The plans show an "NJDOT Desirable Typical Section" width of fifty-seven feet (57') from the centerline of Route 9. Proposed improvements, including landscaping have been kept out of this corridor. The applicant's professionals must provide information and testimony regarding any future widening plans and/or property acquisition along Route 9, and potential impacts (if any) to the proposed project. *The applicant's professionals indicate that testimony will be provided.* Striping is proposed along the east side of the building. The proposed striping limits should be dimensioned. Though it is not listed, we believe the proposed striping is to bring attention to an existing electric service pad protected by bollards and to designate a delivery zone. Testimony

is required to document the adequacy of the proposed loading area for facility operations. *The applicant's professionals indicate that testimony will be provided.* Vehicular circulation plans must be provided to confirm accessibility for delivery, emergency, and trash pickup vehicles that will need to access the site. *The applicant's engineer has agreed to prepare a vehicular circulation plan.* It is not clear whether a thirty foot (30') wide drive is connecting the main access drive of the proposed project to the adjacent property to the north for overflow parking. Testimony shall be provided on whether the connection is temporary or for future use. *At a meeting with the applicant's engineer, it was indicated that the connection is for future use. Testimony will be provided at the hearing.* On the Site Plan, an unlabelled, bold, dashed line is shown on adjoining proposed Lot 1.02. The line could be a limit of disturbance line; the limit of disturbance must be increased based on the Grading Plan. *The applicant's engineer has indicated that the dashed line is a limit of disturbance line which will be altered with plan revisions.* Proposed pedestrian access points to the renovated building must be added to the site plan. Additional sidewalk must be proposed to connect the building access points with existing sidewalk and impervious surfaces. Protection of the proposed building access points along the fire lane on the south side of the building must be provided. *The applicant's engineer has indicated that access points to the building will be added to the site plan.* We recommend adding a segment of sidewalk along the north side of Broadway between the access drive and the Route 9 intersection. The proposed sidewalks along Route 9 and Broadway should be dimensioned as well as their locations within the right-of-ways. *The applicant's engineer indicates that the proposed sidewalk will be added to the site plan.* Proposed "No Parking Fire Lane" signs must be added to the site plan. *The applicant's engineer has agreed to add the signs to the site plan.* Proposed handicapped spaces and aisles shall be dimensioned. *The applicant's engineer will add the proposed dimensioning.* Proposed handicapped ramp locations must be added around the building. *The applicant's engineer will add the ramps to the site plan.* Gas meters, bollards, and wheel stops to protect the building overhang were observed on the south side of the building. These improvements are not shown on the Existing Conditions Plan or the Site Plan. These facilities will reduce the width of the one-way fire lane. These items must be added to the site plan to evaluate the adequacy of the fire lane. *The applicant's engineer indicates the existing missing items will be added to the plans.* The electrical service pad near the southeast corner of the building appears to be incorrectly shown on the Existing Conditions Plan. Also, an existing concrete pad adjacent the electrical service pad is not shown. *The applicant's engineer will correct the items on the plans.* The proposed building footprint on the site plan requires some minor adjustments to match the architectural plans. *The applicant's engineer will revise the proposed building footprint.* Architectural- Basic architectural floor plans and elevations were submitted for review. Per review of the submitted plans, the building will be approximately 30 feet in height, with the spire in front of the portico extending to about 50 feet in height, the highest ornamental feature of the building. The structure will house predominantly retail floor space, with office space on the second floor. The second floor area only covers roughly the front third of the total building area. *Statements of fact.* The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. *The applicant's architect will provide testimony.* Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. *The applicant's architect will provide testimony.* The architect shall verify the floor areas. It appears the square footage calculations are low. *The architect has submitted a letter stating that the square footage of the first floor service corridor is not included in the square footage of the first floor since it is not retail area.* Roof drains should be depicted and coordinated with the engineering drawings since the stormwater design indicates the entire building runoff being collected in a roof drainage system and piped to the storm sewer collection system. *Revised plans are required.* Grading- A

detailed grading plan is provided on Sheet 4. Consistent with existing topography, proposed grading will generally slope from south to north. A storm sewer collection system is proposed to collect runoff along the northerly property line of the site. Additional grading on the adjoining property to the north will be necessary since the proposed elevations along the northerly property line of the site will be higher than the existing elevations. Additional off-site grading must be shown. *The applicant's engineer will testify on the off-site grading.* The Existing Conditions Plan shows that all existing curb has a six inch (6") face. Our site observation indicates this cannot be true. This matter needs to be addressed since much of the existing curb is being retained and this will affect the proposed site grading. *In a meeting with the applicant's engineer, it was indicated that the existing bottom of curb elevations are correct and the six inch (6") face assumed. It was agreed the existing top of curb elevations would be removed from the plans.* An infiltration basin is proposed on the southwesterly portion of adjoining proposed Lot 1.02 just north of the proposed project site. The basin will be just less than six feet (6') deep on the shallow end. An existing detention basin on the northerly portion of adjacent proposed Lot 1.02 will remain. The existing basin depth is just over five feet (5') deep at the emergency spillway. The existing basin area of the site has chain link fence with barbed wire on top. *Statements of fact.* Better placement of low points and inlets is recommended along the northern boundary of the site to reduce the amount of runoff being conveyed along the curb. We recommend a low point and inlet be designed in the northwest corner of the parking lot. Otherwise, per review of the current grading plan, it is generally acceptable. *The applicant's engineer has indicated that an additional inlet will be provided where recommended.* Better contrast between existing and proposed conditions is required on the plans. It is difficult to determine the limits of work. This is crucial since much of the existing site improvements will be retained. An increase in contrast can be obtained by "further graying (screening)" the existing information. *The applicant's engineer has agreed to this request and the plans will be revised.* Stormwater Management- A proposed storm sewer collection system has been designed utilizing reinforced concrete pipe to convey stormwater runoff into a proposed infiltration basin. The proposed infiltration basin is located on the southwesterly portion of a proposed adjoining lot (proposed Lot 1.02) owned by the same entity. Testimony should be provided on how any conveyance of proposed Lot 1.02 would be impacted by the proposed stormwater management facility servicing proposed Lot 1.01. Furthermore, many proposed improvements such as storm sewer pipe, structures, and curb straddle the proposed property line subdividing the land into proposed Lots 1.01 and 1.02. Testimony should be provided on the ownership of these proposed improvements and the location of the subdivision line. *The applicant's professionals will provide testimony.* The plans indicate existing drainage piping from Route 9 discharging near the northerly border of proposed Lot 1.02. The topography indicates this storm sewer discharge drains onto adjoining property to the north via an existing swale. A proposed outlet structure from the proposed infiltration basin next to Route 9 is being connected to the existing piping to serve as an overflow for the basin. The proposed infiltration basin has been designed large enough to contain the 2 and 10 year storm events without the use of the overflow. *We have met with the applicant's engineer and agreed that the proposed design is an improvement to the existing stormwater management system. The applicant's engineer will provide testimony.* The existing detention basin in the northerly portion of proposed Lot 1.02 will remain in place and operate for the remaining impervious parking area which is being left in place since it is not included with the site plan on proposed Lot 1.01. This existing detention basin also contains a pipe which discharges stormwater onto the same adjoining property and existing swale to the north as the pipe from Route 9. We recommend the applicant's engineer redesign this basin so only an emergency outflow (in excess of the 100 year storm event) is discharged off-site. Our office should be contacted regarding these design considerations. *We have met with the applicant's engineer and agreed that no improvements to the existing detention basin are required at this time because of the*

*reduction to the existing watershed of this basin. Furthermore, the future disposition of this basin will be addressed in a future project. The applicant's engineer will provide testimony. The plans note an existing fifteen inch reinforced concrete pipe (15" RCP) with an unknown terminus in the existing detention basin. An attempt to trace this pipe shall be made during the construction modifications to the basin. The applicant's engineer has indicated the pipe was incorrectly shown on the plans and will not be included on the revisions. Our field investigation confirms the pipe does not exist. Based on the soils, side slopes for the basins shall be no steeper than 4:1. The applicant's engineer will provide testimony on this matter. If steeper slopes are proposed, side slope stabilization measures (e.g., Enkamat) are recommended. The project site is receiving off-site overland runoff from the south which must be accounted for in the stormwater management design. The applicant's engineer has agreed to account for the off-site drainage in the revised design. The proposed drainage area for proposed drainage structure "C.B.-A" is too large for a single grate structure. Either a double structure or an additional upstream structure shall be proposed such that a flow of 6 cfs/grate is not exceeded. The applicant's engineer has agreed to change to a double grate structure with the revised design. Proposed drainage structure "C.B.-C" is proposed to be constructed over an existing eighteen inch reinforced concrete pipe (18" RCP). The disposition of this existing pipe is not clear on the plans. We believe the intent is to plug the downstream portion such that all runoff is directed to the proposed system being conveyed to the proposed infiltration basin near Route 9. The applicant's engineer will clarify this matter with plan revisions. Storm sewer profiles shall show existing and proposed grades and all pipe views at all structures. The applicant's engineer indicates the storm sewer profiles will be revised. The Report discusses water quality through the use of "Flo-guards", but does not give any empirical data to show the standards are met. The applicant's engineer will provide testimony on water quality. The possibility of connecting the existing bubbler inlet at a low point in the fire lane to a proposed roof drain system should be explored. In this manner a positive outlet to the recharge system would be provided and preclude the possibility of an isolated drainage problem. The applicant's engineer will provide testimony on the feasibility of the suggested connection. A stormwater maintenance manual has been provided in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Fact. Landscaping Existing large coniferous trees are located behind each of the existing signs at the site access points. These trees are not shown on the Existing Conditions Plan or the Landscape and Lighting Plan. The disposition of these trees shall be addressed. The applicant's engineer indicates the existing trees will be shown. Proposed landscaping along the Route 9 frontage of the site is sparse and should be increased. Additional plantings should not encroach on the NJDOT Desirable Typical Section Line. There are some existing deciduous trees within the NJDOT Desirable Typical Section Line which are not shown on either the Existing Conditions Plan or the Landscape and Lighting Plan. Testimony will be provided on proposed landscaping. Part of the existing pond and landscaping in front of the portico is within the NJDOT Desirable Typical Section Line. The NJDOT may require removal of a portion of the pond and some of the landscaping. The applicant's engineer has indicated that the existing pond will be removed. The overall landscape design is subject to review and approval by the Board. The sheet following the Landscape and Lighting Plan shall be titled Landscape and Lighting Details. The Board should review and comment on the proposed landscaping. The applicant has not provided a six (6) foot shade tree and utility easement along the property frontages, and a sight triangle easement for the proposed site access. It should be noted that the property has frontage on three (3) sides. However, Broadway located to the south, and Parkview Avenue located to the east, are both unimproved. The applicant's professionals will provide testimony on the prospective easements. Lighting- A detailed lighting design is provided on the Landscape and Lighting Plan. The sheet following the Landscape and Lighting Plan shall be titled Landscape and Lighting Details. Per review of the isometric data, the design appears to adequately illuminate the proposed use while*

minimizing spillover onto adjacent sites. *The Board should review and comment on the proposed lighting.* Minor design adjustments appear necessary to the lights in the southeast corner of the site to obtain the desired coverage. Otherwise, the current design appears adequate. *The applicant's professionals will testify on the proposed lighting.* Existing site lights are shown on the plans. The Landscape and Lighting Plan does not indicate the future status for these lights. Our office is under the assumption they will be removed since they do not match the proposed site lighting and no illumination patterns have been shown for them. *The applicant's professionals will address the future status of the existing site lights in testimony.*

Utilities- Existing septic system information is shown on the Existing Conditions Plan. The Site Plan must indicate that all existing septic system appurtenances are to be removed. *Investigation by the applicant's engineer has determined there are no existing septic systems or appurtenances on-site. Testimony will be provided on the nature of the existing appurtenances on-site.* General Note #9 on the Site Plan indicates that public water and sewer services will be provided by the NJ American Water Company. *Fact.* General Note #9 also states the existing connections will be utilized. This is not a reasonable assumption. Cleanouts and a manhole near the rear of the north side of the building may be to the existing sanitary sewer connection, or may be to the septic system. With the multiple tenants proposed for the building and all the plumbing renovations required, it is unlikely an existing connection could be used even if it does exist. An existing water service which is not shown on the plans was observed by our office on the south side of the main site access. Once again, it is unlikely this connection could be reused since each tenant will need to be metered and fire protection for the building and the site addressed. All existing and proposed water and sewer utility information must be provided on the revised plans. *Investigation by the applicant's engineer has uncovered additional information with respect to utilities. Testimony will be provided at the hearing regarding potable water and sanitary sewer.* Testimony should be provided regarding proposed fire protection measures. *Testimony will be provided by the applicant's professionals.*

Signage- No signage information is provided other than schematic tenant signs for building mounted signage on Sheet A-3 of the architectural plans. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. *Testimony with regard to signage will be provided by the applicant's professionals.* All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. *Fact.*

Environmental-Site Description- Per review of the site plans, aerial photography and a site inspection of the property, the initial tract contains a vacant restaurant building formerly known as The Chateau Grand. The remainder of the property consists primarily of asphalt parking areas and curb infrastructure as well as a detention basin in the north part of the site. The vegetation on site consists of ornamental species and sporadic native species around the site periphery. The existing building will be renovated, including construction of a 1,448 SF addition. The project is located in the southern portion of the Township on the east side of River Avenue (Route 9), between Finchley Boulevard and Oak Street. *Statements of fact.*

Environmental Impact Statement-The applicant has submitted an Environmental Impact Statement. The document has been prepared by Trident Environmental Consultants to comply with Section 18-820 of the UDO. The report is a result of an Environmental Assessment and Inventory conducted on the site. Field studies were completed between July and October of 2005. To assess the site for environmental concerns, natural resources search of the property and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following highlights some of the documents and field inventories which were reviewed to evaluate potential environmental issues associated with development of this property: The New Jersey State Development and Redevelopment Plan.

The site lies within the Suburban Planning Zone. It also lies within the CAFRA Coastal Suburban Planning Area. Site investigation for wetlands and wetland buffers. Since neither was found, a presence/absence letter of interpretation is being submitted to the NJDEP. The Natural Heritage Program for any threatened and endangered species. Barred Owl, Northern Pine Snake, and Eastern Box Turtle habitat areas were evaluated. NJDEP Landscape Project Areas. The author of the Environmental Impact Statement concludes the proposed project will have both adverse and beneficial impacts to the project site and surrounding area. These impacts will be both long and short term. Careful planning and best management practices of the project will limit the adverse impacts associated with the development. Our office agrees with the author's findings. *The applicant's professionals indicate that Trident Environmental Consultants will address any environmental concerns that arise.* Tree Management Plan- This application has requested a waiver from submission of a Tree Management Plan; contingent upon comments (if any) received from the Environmental and Shade Tree Commissions. It should be noted that virtually no trees will be removed as part of this site plan. *Statements of fact.-* Phase I/AOC's- If existing, a Phase I study should be provided to address potential areas of environmental concern (AOC's), if any within the site. At a minimum, we recommend that all existing debris and construction materials from demolition activities be removed and/or remediated in accordance with State and local standards. *Testimony will be provided by the applicant's professionals.* Construction Details- Construction details are provided on Sheet 8 of the plans. *Fact.* All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. *The applicant's engineer has agreed to revise the construction details as necessary.* Additional information is required for the trash enclosure detail. No footings are shown for the posts. The concrete slab has no reinforcement. No information is provided for the closing mechanisms on the wood gates. *The applicant's engineer has agreed to add the additional information.* The Stop Sign detail should be revised to include the reflective strip that should be installed the length of the post. *The applicant's engineer will revise the detail.* The Roof Leader detail with the use of splash blocks does not correlate to this site plan. *The applicant's engineer will eliminate the detail.* A Van Accessible Sign Detail must be added. *The applicant's engineer will add the detail.* The base course pavement is shown incorrectly on the Curb and Pavement detail. *The applicant's engineer will correct the detail.* The filter and pipe location conflict on the Inlet Design detail. *The applicant's engineer will correct the detail.* The Outlet Structure detail is constructed over corrugated metal pipe. *The applicant's engineer will correct the detail.* Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. *Fact.* Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Water and Sewer service (NJAW); Ocean County Board of Health; Ocean County Planning Board; Ocean County Soil Conservation District; NJDEP Presence/Absence LOI; NJDEP CAFRA (or waiver); NJDOT (access permit); and All other required outside agency approvals. *Ocean County Board of Health approval is no longer required since it has been determined that there are no existing septic systems on-site. Ocean County Planning Board granted site plan approval on March 4, 2009. Trident Environmental Consultants will provide a letter that an NJDEP Presence/Absence LOI is not required. Trident Environmental Consultants will also address NJDEP CAFRA. The applicant also intends to provide a letter of no interest from NJDOT.* Subject to any approvals by the Board, a meeting between the professionals is recommended prior to providing a revised submission addressing the above-referenced comments.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer and planner. Mr. Shea suggested talking about the Minor Subdivision first and the review letter from the May 12, 2009. Mr. Flannery said the minor subdivision has no variances and they will

comply with all the details in the report. Mr. Neiman asked why they want to do the subdivision and Mr. Flannery said they are separating off the existing building which originally was approved to be demolished. The former owner, Mr. Winkleman, along with a lot of other people, was upset because it is a building that has some significance in town. Now they are going to save the building, convert the use of the building from banquet hall to a retail and office which is permitted in the zone. Due to the size and nature of this project the right thing to do is present it to the board; the ordinance does allow a change of use from one to another as long as there is sufficient parking and this clearly does. It had too much parking for the commercial and the office so they are here to separate it into 2 lots. The one lot will be for the existing building and have enough for sufficient parking and the other lot will be for future development. He agreed to all the comments in the professional's letter.

Mr. Vogt said the ownership of the two lots; they are going to have 2 separate owners and Mr. Shea said they will provide a cross easement agreement and Mr. Vogt said that is fine. Mr. Shea said they will make that a condition of approval in the resolution.

Mr. Banas said when this application was initially presented there was a road in the back and asked if they were talking about the development of that street of the property. Mr. Flannery said that was from the prior application and they do not have a plan; that was an offsite road that was needed as part of the 66 townhouses and they are not offering that at this point because all they are doing is subdividing the lot into 2 conforming lots. The next application is just the permission to use the lot with the existing buildings and the existing facilities for a permitted use. Mr. Banas asked how much of a buffer are they putting in the east side of the property and Mr. Flannery said they are maintaining the existing parking that is there. The ordinance says 100 ft. buffer but they don't have a 100 ft. buffer and that is one of the design waivers they are requesting and that is simply to use the existing parking. The desired typical section of the NJDOT is shown on the map. Mr. Banas asked how much of a buffer do they have and Mr. Flannery said about 5 ft. Mr. Banas asked what the required buffer is and Mr. Flannery said that is to a right of way and to his knowledge there is no buffer required to the right of way. Mr. Flannery said the easterly side is Parkview Avenue and Mr. Banas said that is what he is talking about and Mr. Flannery said there is no buffer required to a roadway, the only buffer required is to the State Highways and the curly cue lines on the plans are the existing tree line and it will remain.

Mr. Flannery said he had 2 exhibits marked A1 which is the rendered version of the site plan, sheet 3 of 8 and exhibit A2 is a rendering of the elevations of the existing building with the improvements that are proposed as part of this application. Mr. Neiman asked if there was any repaving of the parking lot and Mr. Flannery said areas of the parking lot will be resurfaced. Mr. Neiman asked about sidewalks in front of the building and Mr. Flannery said they are proposing sidewalk along Route 9.

Mr. Neiman opened the microphone to the public for the subdivision portion

Seeing no one, this portion was closed to the public

Mr. Neiman requested going to the next phase of the application which is SP 1916.

Mr. Flannery said what they are proposing is commercial retail on the first floor for a total of 33,931 sf and the second floor would be 11,789 sf of office space for a total of 45,720 sf and they are providing 213 parking spaces. 210 are required per the ordinance and they have 3 additional but in the future a few spaces will be eliminated to allow for emergency vehicles

another access through that parking area until such time as the paper streets are developed. He said the roadway in the middle is so that both developments will have access for emergency vehicles, maintenance vehicles or anything else that needs to occur and that will be shown when they come in with the future development; the plan at this point is they need 210 parking spaces and they have provided 213 spaces. The only construction that is being proposed is filling in a notch in the back of the building of 1,400+ sf. and the ordinance allow 1,500 sd without a site plan and he believes that 1,400 sf is diminimus.

Mr. Neiman asked if there was any need for a loading and unloading zone and Mr. Flannery said the loading area is located on the easterly side of the building, away from Route 9 in the same location as the prior use. All access to the retail stores will be from the outside. Any buffering required will be discussed when they come in with next application and none is required at this point.

Mr. She stated the waivers they requested have been supported by the board's engineer.

Mr. Banas asked what the condition of the parking area that exists and Mr. Flannery said the existing parking lot is in good enough shape and they will put in new pavement where they need to update the site with the new improvements and the limits are shown on the plan. The lot will be re-stripped.

Mr. Vogt asked about the signage for the site and Mr. Flannery said existing signs will be removed and the proposal is to eliminate the small pond in the front and within the DTS of the NJDOT and a sign will be placed at that new location. Mr. Flannery also stated they agree with the recommendation that they change the one way to the opposite direction so trucks would not have to go under the portico and have a way out. With respect to the refuse area, Mr. Flannery stated a 15x18 area is proposed at the rear of the site and they will provide their own trash pick up. There are 2 basins; an infiltration basin is located in the northwesterly area which is new and will enhance the drainage and the existing basin is in the northeasterly corner and they are not touching that at this time. The loading area is in the rear and Mr. Flannery feels that is sufficient loading area. Mr. Vogt asked about the 30 ft. wide driveway shown and Mr. Flannery said that is in the center of the project for appropriate connections and cross access easements and when they come in with the subsequent application, that will show how it works to allow emergency vehicles etc. and will be permanent. Mr. Vogt asked about the grading and needing a grading easement and Mr. Flannery said they would agree to show the additional off site and are starting to look in more detail into the other development into the site so they would be able to provide that information but would provide grading to satisfy his office. They agree to the remaining comments in the professional's report.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Mr. Flannery said there is one comment where the board's engineer suggests 4 to 1 side slopes for the basin and they have shown 3 to 1 side slopes and that is the same side slope that they have shown all along and they agree to provide stabilization and will work it out with Mr. Vogt's office but they are leaving it at 3 to 1 slide slope.

Mr. Shea asked Mr. Jackson to please prepare 2 separate resolutions, one for the subdivision, one for the site plan and Mr. Neiman said that is fine.

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Motion was made by Mr. Herzl, seconded by Mr. Akerman, to approve the subdivision portion – SD # 1667

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

Motion was made by Mr. Banas, seconded by Mr. Akerman, to approve the site plan portion – SP # 1916

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

4. SD# 1636 (Variance requested)  
Applicant: Yehuda & Adina Kirshenbaum  
Location: 1385 Pasadena Street, west of Alvarado  
Block 187.13 Lot 15  
Minor Subdivision for 2 lots

Mr. Peters from T&M Assoc. prepared a letter dated September 12, 2008 and is entered in its entirety. The applicant is seeking a Minor Subdivision Approval to subdivide Lot 15 of Block 187.13 into two new lots which are to be known as Lots 15.01 and 15.02. An existing dwelling will be relocated to Lot 15.01. No construction is proposed on Lot 15.02 under this application. The property has frontage along Pasadena Street. The site is situated within the R-15 zoning district. The applicant is requesting the following variances: Minimum lot area for both new lots; 15,000 SF is required, where Lot 15.01 proposes 13,697 SF and Lot 15.02 proposes 13,459 SF. Minimum lot width for both new lots; 100 FT is required, where Lot 15.01 proposes 82 FT and Lot 15.02 proposes 67.7 FT. 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 Final Plat. The applicant states in the zoning schedule three (3) off street parking spaces are required and three (3) parking spaces will be provided. Per NJ RSIS standards a single family dwelling with five bedrooms is required to provide three (3) off street parking spaces. The Board shall determine if the proposed parking spaces will be sufficient. The applicant has revised the plan to show curb and sidewalk exist along Pasadena Street. A 6' utility and shade tree easement along Pasadena Street at the property frontage is proposed to be dedicated to the Township. The applicant shall revise the plan to show the right of way width for Pasadena Street. F. Map Filing Law. The applicant shall revise the plan to show complete curve data include the radius, delta angle, length of arc, chord distance and chord bearing per section 46:23-9.11,3.d. of the Map Filing Law. Per section 46:23-9.11,3.d. of the Map Filing Law, right of way of Pasadena Street shall be identified and described on the plan. The applicant shows on the plan a length of 338.12 FT for the neighboring lot line along the Pasadena Street north to the site. The applicant shall revise the plan to show bearing for the lot line.

Mr. Slachetka from T&M Assoc. prepared a letter dated September 9, 2008 and is entered in its entirety. The applicant seeks minor subdivision and variance approvals to subdivide Lot 15, Block 187.13 into two irregular non-conforming lots. The existing and proposed use is single-family residential. The subject lot is 27,156.3 square feet in area and fronts on the north side of Pasadena Street. The property contains one single-family dwelling which will be relocated to new Lot 15.01. One new single-family residence is proposed. The site is located in the northeast

portion of the Township. Zoning. The site is located in the R-15 Residential Zone. Single-family detached dwellings are a permitted use. 2. The following variances are requested: Lot Area: A minimum lot area of 15, 000 square feet is required. Lot 15.01 has a proposed lot area of 13,697.2 square feet, and Lot 15.02 has a proposed lot area of 13, 459.2 square feet. Lot Width: A minimum lot width of 100 feet is required and Lot 15.01 has a proposed lot width of 82 feet, and Lot 15.02 has a proposed lot width of 67.7 feet. Compliance with lot width is required at the front yard setback. In addition, mean width shall not be less than the required lot width. It appears that the mean lot width is approximately 53 feet for each lot and must be addressed in the lot width variance. The applicant should provide testimony addressing the positive and negative criteria. The testimony should include information concerning the prevailing lot area and lot widths in the surrounding neighborhood. Review Comments. The lot will be served by public water and sewer. There is existing sidewalk along the lot frontage. Proposed street trees should be shown. Each lot must comply with the New Jersey Residential Site Improvement Standards for off-street parking. The zoning chart indicates that three off-street parking spaces will be provided for each lot. The proposal for off-street parking is sufficient for new Lot 15.02, but the number of spaces for new Lot 15.01 will be based upon the number of bedrooms in the relocated home. The dwelling must be relocated prior to the filing of the subdivision plat or a performance guarantee must be posted. The required outside agency approvals include, but are not limited to: Ocean County Planning Board; Soil Conservation District, prior to construction permits; Sewer and water utilities, prior to construction permits; and all other required approval.

Mr. Alfieri Esq. appeared on behalf of the applicant. Mr. Neiman asked if this was a continuation of the application and Mr. Alfieri said it was carried and Mr. Jackson said whomever was present at the last meeting for it can vote and if not, if they listened to the tape and certify that they have, or read the transcripts, they also can vote. Only the people who heard the whole application can vote.

Mr. Neiman said Mr. Franklin brought up a point and wanted to see a tax map with the lots in the area. Mr. Alfieri wanted to know if everyone was qualified to vote tonight and Mr. Kielt said the members present at the last meeting were Mr. Herzl, Mr. Franklin, Mr. Neiman, Mrs. Koutsouris, Mr. Akerman, Mr. Banas and also Mr. Schmuckler and Mr. Percal.

Mr. Alfieri said his applicant was out in the hall with his engineer and they were supposed to get a lot more information together for this application and they did not do it completely and the public has been dragged through this application for many, many months and his client has authorized him to withdraw the application tonight without prejudice. If he comes back with something that he thinks will fly through the board, he will come back with a new application.

Mr. Neiman asked if it was withdrawn at this point and Mr. Alfieri said yes; no further hearings unless they re apply.

5. SD # 1668 (Variance Requested)  
Applicant: 528 LLC  
Location: 1449 & 1501 Prospect Street, east of Cross Street  
Block 391 Lots 20, 51  
Minor Subdivision to realign lot lines

Mr. Vogt prepared a letter dated May 12, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide Block 391, Lot 20 to convey 2.575 acres to Block

391, Lot 51. There is one (1) principal building and four (4) accessory buildings existing on Lot 20 that are proposed to remain. The uses are not identified. There is one (1) principal building and one (1) accessory building existing on Lot 51 that are proposed to remain. The uses are not identified. No new construction is proposed. Proposed Lot 20.01 has frontage on Prospect Street. Proposed Lot 51.01 has frontage on Prospect Street and Havenwood Court. The proposed lots are situated within the M-1, Industrial Zone. There are industrial facilities on either side of the existing lots. We have the following comments and recommendations: Zoning- The parcels are located in the M-1 Industrial Zone. The uses are not identified but appear to be residential. The plan indicates that the existing uses will maintained. *Statements of fact.* No variances are requested. There are existing side yard setback variances on both lots that will remain after the subdivision. There is an existing side yard setback variance for Lot 51 for the primary structure in that 21.1 ft. is provided while 30 ft. is required. There is an existing side yard setback for Lot 20 for an accessory building in that 4.7 ft. is provided while 10 ft. is required. *Statements of fact.* Since Lot 51 is a corner lot which results in two (2) front yards. A front yard setback variance for Havenwood Court may be required for existing conditions instead of the side yard setback noted above. *Proposed Lot 51.01 is now shown to be a corner lot, the setback information in the Zoning Schedule has been revised to reflect this. Therefore, instead of an existing side yard setback variance for proposed Lot 51.01, there is an existing front yard setback variance for proposed Lot 51.01 in that a 21.1 foot setback exists while 50 feet is required.* Review Comments- Lot 51 has frontage on both Prospect Street and Havenwood Court. The UDO defines this condition as a corner lot and indicates that each corner lot shall have two (2) front yards, a minimum of one (1) side yard and one (1) rear yard. The Applicant should identify the side and rear yards and revise the schedule of bulk requirements to reflect the two front yards as well as the side and rear yards. *Proposed Lot 51.01 has been revised to be a corner lot. The side and rear yards have been identified and the setback information in the Zoning Schedule has been revised.* The applicant should show the appropriate setback lines on the plans with dimensions. *The setback lines along with dimensions have been added to the revised plan. The proposed side yard setback line on the easterly side of proposed Lot 20.01 shall be forty feet (40') to attain the seventy foot (70') aggregate since the variance condition is on the westerly side of the proposed lot.* The applicant should provide testimony as to the uses of the primary structure and each of the accessory buildings. *The applicant's professionals have indicated that testimony will be provided regarding the principal and accessory building uses at the Planning Board Meeting.* It is noted that Lots 1.03 & 1.04, Block 386 and Lots 14 & 15, Block 490 are shown to be within 200 ft of the project site but are not listed in the list of property owner's within 200 ft. The applicant should provide a copy of the certified property owner's list and modify the property owner's list as may be required. *The owners list on the plan has been revised to include the lots in question. The owners of these lots have been previously notified of this application since they owned other properties on the original list.* The proposed lot numbers should be approved by the Tax Assessor. *A letter from the Tax Assessor's office has been submitted assigning the proposed block and lot numbers.* Compliance with the Map Filing Law is required. *A statement on the Map has been signed and sealed by the map's preparer, Thomas J. Murphy, PLS #37207, of D.W. Smith Associates, LLC, that the map complies with the Map Filing Law.* A proposed six foot (6') wide shade tree and utility easement should be depicted on the plan along all property frontages (unless waived by the Board). *The applicant is requesting a waiver from providing shade tree and utility easements across the frontages of the properties. Testimony shall be provided at the Planning Board Meeting.* Additional parking for the existing uses (if necessary) is subject to Board approval. *The applicant's professionals indicate that no additional parking is being provided for this application.* Proof that taxes are paid and current should be provided. *Testimony should be provided.* In accordance with the requirements of 18-703 of the UDO, a list of all stockholders, members or individual partners owning at least ten percent (10%) shall be

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provided unless waived by the Board. *It is our understanding that a Certificate of Ownership of Applicant, with a list of all owners of ten percent (10%) or more of the corporation has been provided to the Planning Board Secretary. The matter of providing curb and sidewalk was raised at the Site Plan Review Meeting. The revised plan does not propose curb and sidewalk.*

Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; all other required outside agency approvals. *The Ocean County Planning Board approved this project on March 4, 2009. Subject to Township approval and after all revisions are approved, the latest plan shall be stamped by the Ocean County Planning Board prior to submitting to the Township for signature.*

Mr. Gertner Esq. appeared on behalf of the applicant and said this is a minor subdivision that basically moves the lot line between existing lots 20 and 51; taking lot 51, which was a non conforming lot and making it a conforming lot, so now there are 2 conforming lots. There are existing conditions that require variances for existing non conforming conditions of setbacks. He showed the members on a map marked exhibit A1 which is a highlighted version of the subdivision plan. Mr. Banas asked him to explain again why they were doing this and Mr. Gertner said it was to create a conforming lot which would allow them to come in with a development application without requiring variances. There are no current plans to build at this time. Mr. Banas said the total acreage of lot 51.01 will be 4.6 acres and the total for lot 20.01 is 6.3 acres after the subdivision and asked what are they doing with the existing buildings on lot 51 and Mr. Gertner said he believes there is a garage, a residence and they will remain. There is no development whatsoever planned in connection with this application, this is solely to move the lot line.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

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

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

6. SD # 1669 (No variance Requested)  
Applicant: Joshua Goldstein  
Location: Country Club Drive and Pine Park Avenue  
Block 25.05 Lots 41, 49 & 52  
Minor Subdivision from 3 lots to 4

Mr. Lines, the engineer, was not present for the applicant so the next application was heard.

7. SD # 1670 (Variance Requested)  
Applicant: Dov Gluck  
Location: 4<sup>th</sup> & 5<sup>th</sup> Streets, between Princeton & Monmouth Avenue  
Block 159 Lots 5.01, 12  
Minor Subdivision to realign lot lines in rear

Mr. Vogt prepared a letter dated May 12, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to relocate the rear lot line between existing Lots 5.01 and 12 in Block 159. An existing two-story townhouse is currently situated on existing Lot 5.01 which fronts Fifth Street, a 37' X 128' property containing 4,736 SF. An existing dwelling is currently situated on existing Lot 12 which fronts Fourth Street, a 50' X 172' property containing 8,600 SF. The townhouse and dwelling are to remain. No construction is proposed at this time. The back twenty-two feet (22') from existing Lot 12 is proposed to be added to the rear of existing Lot 5.01. Existing Lot 5.01 will become proposed Lot 5.04, an "L" shaped lot, with the addition of 1,100 SF bringing the total area to 5,836 SF. Existing Lot 12 will become proposed Lot 12.01 with the reduction of 1,100 SF bringing the total area to 7,500 SF. The surrounding land uses are predominantly residential. We have the following comments and recommendations:

**Waivers-** The following waiver has been requested from the Land Development Checklist: **Topography.** Topography is not been provided based on the fact no construction is proposed. No improvements are proposed, and the purpose of the subdivision is to re-align a lot line. We support the waiver request. *The Board should act on the requested waiver.* **Zoning-** The parcels are located in the B-2 Central Business Zone District. Single-family detached dwellings are a permitted use and townhouses are a conditional use. **Statements of fact.** Per review of the Subdivision Map and the zone requirements, a side yard variance was previously granted for the townhouse lot on 6/18/96 under SP#1371. A setback of eleven feet (11') is shown, while a setback of twelve feet (12') was required. No other variances are requested for this application. **Statements of fact.** Existing improvements such as fences are missing from the plan. Testimony should be provided as to whether any fencing will need to be relocated as part of this subdivision. Also, dimensions shall be shown to the hundredth of a foot on the existing single-family dwelling, townhouse unit, and setbacks to confirm that no other variances are required. *Existing fences have been added and it appears that no relocations will be necessary. Dimensions are shown to the hundredth of a foot confirming that no other variances are required.* **Review Comments-** The plan shows existing curb and sidewalk on both Fourth Street and Fifth Street. The existing driveway apron is not shown for the townhouse on proposed Lot 5.04 and should be added to the plan. *The existing apron, driveway, and sidewalk next to the driveway are still not shown correctly.* Per review of the plan, public water and sewer are available within both Fourth Street and Fifth Street. Since the residential units exist no new connections are proposed. **Statements of fact.** The proposed lot numbers must be approved by the Lakewood Tax Assessor's office. **Fact.** Six foot (6') wide shade tree easements dedicated to Lakewood Township are depicted on the plan along the property frontage of both streets. These easements shall be designated as "shade tree and utility" easements. *The easement designations have been corrected.* Compliance with the Map Filing Law is required. **Fact.** **Outside Agency Approvals-** Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; All other required outside agency approvals. *The Ocean County Planning Board approved this project on March 18, 2009. Subject to Township approval and after all revisions are approved, the latest plan shall be stamped by the Ocean County Planning Board prior to submitting to the Township for signature.*

Mr. Shea Esq. appeared on behalf of the applicant and said the one variance was already granted in resolution SD 1371 adopted on May 21, 1996. Mr. Shea said these 2 lots already exist, they are just resetting the rear lot lines. One of the lots is oversized and they are taking its' excess square footage and adding it to the undersized lot to make it less non-conforming. The variance is still going to be for the less non conforming lot but it is going be better than it was before.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Banas, seconded by Mr. Fink, to approve

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

Mr. Lines, the engineer, was not present for the next application so the remaining items on the agenda were heard.

After the remaining items were heard and voted on, Mr. Flannery agreed to testify on behalf of SD 1672 – Yisroel Schecter

8. SD # 1672 (Variance Requested)  
Applicant: Yisroel Schecter  
Location: 42 Miller Road @ sw corner of Attaya  
Block 11.04 Lot 2  
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated May 12, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide Lot 2 in Block 11.04, a lot at the southwest corner of intersecting streets Miller Road (a County Road) and Attaya Road, into two (2) new lots to be known as Lots 2.01 and 2.02. The existing property currently contains an existing dwelling. A proposed four (4) bedroom dwelling will be situated on proposed Lot 2.02 and no construction is proposed at this time on proposed Lot 2.01. Public sewer and water is not available. Therefore, the proposed dwelling for proposed Lot 2.02 and any future dwelling proposed for proposed Lot 2.01 will need to be serviced by septic and well. Proposed Lot 2.01 will have frontage along Attaya Road and Miller Road. Proposed Lot 2.02 will have frontage along Attaya Road. Both proposed lots are situated within the R-12 Single Family Residential Zone. Variances are required to create this subdivision. The surrounding land uses are predominantly residential. We have the following comments and recommendations: Zoning- The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use. *Statements of fact.* A minimum lot width variance is requested for proposed Lot 2.01. The proposed mean lot width is 74.87 feet and the proposed lot width at the front setback is 80.47 feet, where ninety feet (90') is required. *Statements of fact.* A minimum lot width variance is requested for proposed Lot 2.02. The proposed lot width is 79.70 feet, where ninety feet (90') is required. *Statements of fact.* A minimum aggregate side yard setback variance is requested for proposed Lot 2.02. The proposed aggregate of the side yards is 20.03', where twenty-five feet (25') is required. *The addition of building dimensions to the revised plans mathematically calculates the aggregate side yards to be 20.02'. A minor revision appears to be necessary.* A five foot (5') right-of-way dedication to Ocean County is proposed along Miller Road. This dedication will create a full right-of-way width of sixty feet (60') which is consistent with the surrounding properties. County standards require a twenty-five foot (25') right-of-way radius at intersections. This has not been provided on the current plans; the County Planning Board is requiring this additional radial dedication and has deemed this application incomplete. Since the proposed lot area for proposed Lot 2.01 is virtually at the minimum 12,000 SF required, the additional right-of-way dedication will create a lot area variance. To compensate for this situation, the proposed subdivision line could be adjusted westward which would increase the magnitude of the minimum lot width and minimum aggregate side setback variances being

requested for proposed Lot 2.02. The area of proposed Lot 2.02 is large enough to allow for an area reduction. *As a result of the required County right-of-way dedication, the applicant is requesting two (2) additional variances for proposed Lot 2.01. A minimum lot area variance is requested. The proposed lot area is 11,826.97 square feet, where 12,000 square feet is required. A minimum front yard setback variance is requested along the Miller Road frontage. The proposed front yard is twenty-five feet (25'), where thirty feet (30') is required.* Dimensions shall be shown on the proposed four (4) bedroom single-family dwelling unit to confirm the proposed side yard setbacks. *The dimensions have been added to the revised plans. A minor correction may be necessary; otherwise the aggregate side yard setback is 20.02'.* The applicant should address the positive and negative criteria for the required variances. *Fact. Review Comments-* The minor subdivision plan does not show the location of the existing dwelling or any other existing on-site improvements such as the driveway, well, and septic system. It is our assumption that all these existing improvements will be removed as opposed to relocated or reused. This information should be provided. *A note has been added to the revised plans that the existing dwelling is to be removed and the existing septic and well will be abandoned.* The NJ R.S.I.S. requires 2.5 off-street parking spaces for four (4) bedroom single-family dwellings and when the number of bedrooms is not specified. Both proposed lots will provide the required off-street parking spaces. The driveway width on proposed Lot 2.02 needs to be dimensioned, but it appears the driveway can fit four (4) vehicles. *The revised plans indicate the proposed driveway for proposed Lot 2.02 can fit four (4) vehicles. The proposed apron for proposed Lot 2.01 is wide enough to allow compliance with the off-street parking requirements.* On proposed Lot 2.01, the proposed sight triangle easement to be dedicated to the County is not in accordance with County standards. This must be corrected since it impacts the delineation of the shade tree and utility easement to be dedicated to the Township as well as the location of proposed shade trees. *The proposed sight triangle and shade tree and utility easements have been revised. All dimensions and areas must be included for the easements.* The plans show where new concrete curb and sidewalk is proposed. The proposed curb along Miller Road is at the incorrect location and must be moved back to twenty feet (20') from the centerline, in line with the existing catch basin. The curb radius at the intersection is too small and must be increased to twenty-five feet (25'). Existing and proposed grades are required along the site frontages for the proper widening of the roads. *The revised plans show the new curb and sidewalk in the correct locations. Existing grades are required to evaluate the road widening design.* Due to no construction of a new dwelling on proposed Lot 2.01, the Board may wish to require the cost of the sidewalk improvements along the proposed lot frontage to be bonded or placed in escrow to avoid replacing them at the time of development. *Fact. Per review of the plan, public water and sewer does not appear available. The lots will be serviced by private wells and septic systems. The applicant should provide testimony as to the location of the nearest public sewer and water lines. The sufficiency of the proposed lots to allow such facilities should be addressed. Additional information must be provided. Locations of existing wells and septic systems (if any) on properties adjacent to the site must be provided, or a note added to the plan indicating none are present. Additional information must be provided.* Proposed construction details must be modified to comply with applicable Township, County, or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. *The latest Public Sidewalk Curb Ramps with Detectable Warning Surface details must be used. Township pavement details must be added because of the road widening on Attaya Road. Also, County details must be added for the road widening of Miller Road.* The proposed lot numbers must be approved by the Lakewood Tax Assessor's office. *Fact. A shade tree easement is depicted on the plan along the property frontage of both streets, with six (6) Red Maples and five (5) Pin Oaks proposed within it. The proposed easements shall be modified to be six foot (6') wide shade tree and utility easements with proposed plantings also modified to account for*

the correct County Sight Triangle Easement. *The proposed easements have been modified to be six foot (6') wide shade tree and utility easements and account for the correct County Sight Triangle Easement. Because of the larger County Sight Triangle Easement, the number of proposed shade trees has been reduced to five (5) Red Maples and three (3) Pin Oaks.* There are large trees on the site which have not been located on the survey. The proposed shade tree plantings will be impacted by the existing trees. At a minimum, the large trees along the site frontages should be located. *A note has been added that trees to be saved to be coordinated with the Township Engineer to conform to Township Shade Tree requirements at the time plot plans are submitted.* The monument set closest to the intersection shall be removed since it is located in what will become right-of-way. Additional monuments must be set to comply with the radial right-of-way required by the County. The monument set at the current proposed property line along Attaya Road will have to be reset if the proposed lot line is adjusted. *The revised plans no longer show the monument which we noted to be removed. Additional monuments for the radial right-of-way required by the County are shown as set.* Compliance with the Map Filing Law is required. *A corner marker is required at the tract boundary intersection with adjoining Lots 3.01 and 21.* Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Board of Health; Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals. *Evidence of approvals must be provided.*

Mr. Flannery appeared on behalf of the applicant in lieu of Mr. Lines, who did not appear. Mr. Vogt stated the variances that were involved in this application, as shown in the review letter. Mr. Jackson assisted with the review comments and the difficulty in complying with them.

Mr. Flannery said he lived across the street from the property and has knowledge of it. He said the variance for area is diminimus in nature; 11,826 sf where 12,000 sf is required. The county took a dedication and if they hadn't there would have had the 12,000 sf on each lot. Mr. Flannery feels the benefits outweigh the detriments and the lots will be consistent with the area and the relief that is requested has no negative impact and it provides a positive impact of making the lots useable.

Mr. Lines appeared and Mr. Neiman asked if he had a tax map with other lots in this area so they can see if this lot will be consistent with other lots in the area and Mr. Lines entered exhibit A1 which is a colored coded tax map. Mr. Lines stated the subject lot was colored blue; the orange lots are 75 ft. in width within 200 ft. and the green lots are 75 ft. in width within 500 ft. of the property.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

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

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

## 6. CORRESPONDENCE

- None at this time

**7. PUBLIC PORTION**

- None at this time

**8. APPROVAL OF MINUTES**

- Minutes from May 5, 2009 Plan Review Meeting

Motion was made by Mr. Banas, seconded by Mr. Fink, to approve

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

**9. APPROVAL OF BILLS**

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

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

Mr. Lines still had not appeared for items #7 and #9 and Mr. Flannery agreed to represent and testify for #9 – SD 1515 Yisroel Schecter

**10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor. Item #6 – SD 1669 was never heard.

submitted  
Johnson  
Board Recording Secretary

Respectfully

Chris  
Planning