

1. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

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

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. NEW BUSINESS

#1 # SD-1929
Applicant: Bais Rivka Rochel
Location: Monmouth Avenue and Fourth Street
Block 160—Lots 1, 3, 5, 6, 13-15
Preliminary and Final Major Site Plan

Moved to July 6, 2010 meeting at 6:00 pm.

#3 # SD - 1735
Applicant: Chaim Greenes
Location: Twelfth Street and Courtney Road
Block 109, Lots 5&6
Minor Subdivision with Variances

Move to June 15, 2010 meeting at 6:00 pm.

#2 #SD-1717
Applicant: Nissim Sankary (No Variance Requested)
Location: Whitesville Road and Lafayette Boulevard
Block 252, Lots 3 & 8
Major Subdivision Application

Project Description

The owner/applicant is Nissim Sankary, 398 Dr. Martin Luther King Drive, Lakewood, New Jersey 08701. The applicant is seeking Preliminary and Final Major Subdivision approval. The applicant proposes to subdivide the existing two (2) lots into four (4) proposed lots. The existing two (2) lots known as Lots 3 and 8 in Block 252 are proposed to be subdivided into four (4) lots shown as proposed Lots 3.01-3.03 and 8.01 on the Major Subdivision Plan. Existing Lot 3 has frontage on Lafayette Boulevard, an unimproved right-of-way. Existing Lot 8 has frontage on Whitesville Road, with a variable width right-of-way. A subdivision is being proposed by requesting a road vacation of Lafayette Boulevard in front of existing Lot 3 and using the area along with a sliver of land from existing Lot 8 to create three (3) new Lots 3.01-3.03, with a remainder Lot 8.01. A proposed right-of-way easement connecting to Third Avenue near its intersection with Whitesville Road would provide access to the three (3) new lots which used to front Lafayette Boulevard. The remainder of existing Lot 8 would become new Lot 8.01 and still front Whitesville Road. **Therefore, this application is contingent upon Lakewood Township vacating one portion of Lafayette Boulevard and providing an access easement.** Public sewer and water is not available for the major subdivision. The approximate locations of existing and proposed septic systems and potable wells are shown on the plans. No improvements are proposed for new Lot 8.01 which contains an existing dwelling. No improvements to new Lots 3.01-3.03 are shown at this time. The proposed access to the lots would be from an eighteen foot (18') wide gravel driveway within a twenty-five foot (25') wide right-of-way owned by the Township. The gravel driveway is proposed to terminate half way across proposed Lot 3.03, the last lot in the sequence. An easement bisecting proposed Lots 3.02 and 3.03 is proposed to provide for a turnaround. Shade trees are proposed across the frontage of proposed Lots 3.01-3.03. Otherwise, no other improvements are proposed such as curb and sidewalk. A Freshwater Wetlands/Waters Boundary Line with NJDEP File No. 1514-09-0012.1 is indicated off-site to the east. The fifty foot (50') buffer associated with this line is shown to cross the northeast corner of proposed Lot 3.03. We have the following comments and recommendations: **(I)Waivers (A)The following waivers have been requested from the Land Development Checklist:** (1) C14 - Tree Protection Management Plan. (2) C16-Soil Erosion and Sediment Control Plan. (3) C17 - Design calculations showing proposed drainage facilities to be in accordance with the appropriate drainage runoff requirements. No reasons have been indicated for waiver requests on C14, C16, and C17. The applicant shall provide supporting testimony on the requested waivers as required. **We do not support these waiver requests based on the information provided.** Land disturbance exceeds five thousand square feet (5,000 SF) and the project includes a Soil Erosion and Sediment Control Plan. Therefore, the Board may not waive Item C16. **(II)Zoning** (1) The site is situated within the R-12, Single-Family Residential Zone District. Single-Family residences are permitted in the R-12 Zone. (2) No bulk variances are being requested for the proposed lots in the subdivision. (3) The plans note that the access roadway for proposed Lots 3.01-3.03 is to be an eighteen foot (18') wide Rural Lane with no on-street parking, no sidewalk, and no curbing in accordance with RSIS 5:21-4.2(c) and Table 4.3. It should be noted that the roadway being proposed by the applicant is gravel. It should also be noted that Table 4.2 in RSIS describes a Rural Lane as a street that serves dwellings on lots that are two (2) acres or greater. The subdivision being proposed consists of twelve thousand square foot (12,000 SF) lots. Lot to street access should also be designed so vehicles do not have to back

out of lots onto the street. (4) **A deminimus exception is requested for a right-of-way width of twenty-five feet (25'), where forty feet (40') is recommended by RSIS Table 4.3 for Rural Lanes. Testimony justifying this request is necessary. (III) Review Comments (A) General/Layout/Parking** (1) The subdivision references a Topographic and Outbound Survey, dated 5/20/09, prepared by Anthony T. Romeo, PLS, NJ License #12674 of Clearpoint Services, LLC. A copy of this survey must be submitted. (2) On the adjoining properties immediately to the west of proposed Lot 8.01, the half right-of-way width of Whitesville Road scales twenty-five feet (25'). The Planning Board should require a dedication from proposed Lot 8.01 to provide a half right-of-way width of twenty-five feet (25'), consistent with the neighboring lands to the west. (3) Off-street parking: The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. No specific parking data for the proposed lots is provided. Therefore, the zoning table rounds up to three (3) off-street parking spaces being required. The location of an existing dwelling is shown on proposed Lot 8.01, but no driveway, garage, basement, or number of bedrooms is indicated to confirm off-street parking compliance. No dwellings are proposed for new Lots 3.01-3.03 at this time. Testimony on the existing and proposed dwellings should be provided. Parking shall be provided to the satisfaction of the Board. (4) Since a dwelling exists on proposed Lot 8.01, the actual zoning data shall be provided to insure no variances are being created. The existing building dimensions are required on the plans and survey for completeness. (5) Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. Should the Township be responsible for collection, the proposed scheme must be reviewed and approved by the Department of Public Works. (6) The plans indicate a portion of Lafayette Boulevard was vacated by Ordinance 2008-34. However, the current configuration of the existing lots and right-of-ways is not correctly depicted. The correct configuration appears on the latest Tax Map. (7) A line that appears to be an old centerline extension of Lafayette Boulevard is shown to intersect Whitesville Road. This line shall be eliminated from the drawing since old Lafayette Boulevard intersects with Third Avenue. (8) To create the proposed subdivision, the right-of-way of Lafayette Boulevard across the frontage of the site from Second Avenue to the previous vacation of Lafayette Boulevard needs to be vacated by the Township. The limits for the proposed vacation are not correctly shown. (9) A Freshwater Wetlands/Waters Boundary Line with NJDEP File No. 1514-09-0012.1 is indicated off-site to the east. The fifty foot (50') buffer associated with this line is shown to cross the northeast corner of proposed Lot 3.03. A copy of the Letter of Interpretation along with the stamped plan shall be provided. (10) Since vertical datum is assumed, a bench mark must be provided. **(B) Architectural** (1) No architectural plans are provided. There is an existing dwelling on proposed Lot 8.01, but no units are shown for proposed Lots 3.01-3.03 at this time. The Zoning Schedule indicates the proposed dwellings will be conforming on the new lots. **(C) Grading** (1) The only proposed grading shown on the Grading & Drainage Plan is the crowning of the gravel driveway to direct surface runoff from the proposed drive. In some instances the crown is reversed and directs runoff to the center of the drive. No drainage is provided. (2) No proposed grading is provided for the new lots. (3) The applicant should indicate whether basements will be proposed; in which case minimum basement elevations must be added to the plans and soil borings provided to determine whether a two foot (2') separation from the seasonal high water table is maintained. **(D) Storm Water Management** (1) No proposed storm water management measures are proposed and a waiver has been requested. Testimony shall be provided on current and future storm water management matters. **(E) Landscaping** (1) Nine (9) October Glory Maples are proposed along the property frontages of proposed Lots 3.01-3.03. No shade trees are proposed along the property frontage of proposed

Lot 8.01. (2) The five foot (5') radius should be removed from the tree protection detail. (3) A six foot (6') wide shade tree and utility easement is proposed along all property frontages, except for Second Avenue which is unimproved. No sight triangle easements are proposed, however Second Avenue which intersects the remaining Lafayette Boulevard right-of-way is unimproved. **(F) Lighting** (1) Testimony shall be provided on street lighting. No street lighting has been provided for the twenty-five foot (25') right-of-way. **(G) Utilities** (1) New structures are to be serviced by septic and well approved by the Ocean County Health Department. The approximate locations of the existing septic system and potable well for the dwelling on proposed Lot 8.01 is shown on the plans. (2) Testimony should be provided regarding other proposed utilities. No information is provided for electric, gas, telephone, and cable television. **(H) Environmental** (1) **Site Description** Per review of the subdivision plans, aerial photography, and a site inspection of the property, existing Lot 3 is undeveloped and wooded. Existing Lot 8 is residentially developed. (2) **Environmental Impact Statement** An Environmental Impact Statement (EIS) report was not prepared and submitted for the project, nor does one appear necessary given the nature of the project. Our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Wood Turtle and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. A Freshwater Wetlands/Waters Boundary Line with NJDEP File No. 1514-09-0012.1 is indicated off-site to the east. The fifty foot (50') buffer associated with this line is shown to cross the northeast corner of proposed Lot 3.03. (3) **Tree Management** A waiver has been requested from providing a Tree Protection Management Plan. **(I) Construction Details** (1) Limited construction details are provided due to the lack of improvements proposed. (2) All proposed construction details must be prepared to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific. (3) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. **(J) Final Plat (Major Subdivision)** (1) A legend is required. (2) The Blocks and Lots indicated for the surrounding properties must be completed. (3) Survey information and areas of the easements on the individual proposed lots must be indicated. (4) The location for the tie distance is not clear. The existing lots and right-of-ways configuration also needs to be corrected. (5) Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. (6) Building setback lines must be added for proposed Lot 8.01. (7) The date must be corrected for the Notary Public signature block. (8) Compliance with the Map Filing Law is required. **(IV) Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following:(a) Township Committee (Street Vacation); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District; (d) Ocean County Board of Health (Well and Septic); (e) NJDEP (Freshwater Wetlands); and (f) 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. Banas made a motion to not recommend waivers at this time for C-14, 16 and 17. Mr. Percal seconded the motion.

Roll Call: Mr. Franklin, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Glenn Lines P.E. stated that this was a four lot major sub-division and road improvement to Lafayette Blvd. One of the lots is the existing house that fronts onto Whitesville Road and the other three lots will front on Lafayette Blvd. The reason that we are here is to provide testimony in reference to the rural lane that the westerly three hundred feet of Lafayette Blvd. was vacated by the Township so that the only way to get into the property is if the Township grants an access easement across their piece of property. The Township owns everything on the opposite side of the street, the south side of Lafayette Blvd. All of that area is Township owned, part of Crystal Lake Preserve, there is no development potential in this area. The most we are going to have are these three lots which are compliant with Zone R12 lots twelve thousands square feet minimum lots, because we have a limited right of way we are proposing the rural lane concept from the RSIS we do need a deminimus exception because forty feet is normally required for the right of way and we only have twenty five feet.

Mr. Neiman stated that it is not considered deminimus just because there are no other ways to gain access to the property.

Mr. Schmuckler inquired why they do not use Second Avenue as an access.

Mr. Lines replied that there is no access at this point and they would need a permit to cross the wetlands and the DEP would not permit that. The Township is in line to grant easement to the back of the property, they only have control of twenty five feet of the right of way. They would have no problem paving the road. MR. Lines then stated that he had spoken to Mr. Schmuckler and Mr. Franklin before the meeting and they had suggested that he move a k-turn that was to be in the middle of the lots to the end of the street. There would be no room for a cul-de-sac because they would go into the wetlands.

Mr. Franklin said that he did discuss the k-turn situation with Mr. Lines but he is still not in favor of this road.

Mr. Banas then asked why the Board would entertain a development that would not have sidewalks and curbs when it is something that the Township is requesting from all new developments.

Mr. Lions then stated that this street is a classification that is in the RSIS that the Township has adopted, but if the Board wanted sidewalks and curbs his client would comply. He then asked where the Board would like the curbs to go.

Mr. Neiman stated that the sidewalks and curbs should go on the frontage of the homes on Lafayette Blvd.

Mr. Lines stated that the road leading into the property will be eighteen foot wide with a maximum of two hundred trips per day qualifies it under all the requirements of a rural road.

Mr. Vogt inquired how garbage trucks, fire trucks and emergency vehicles would be able to access the properties.

Mr. Lines stated that the k-turn area would provide space for a turn around of vehicles.

Mr. Vogt was unsure if this is a viable road under RSIS standards without a larger turn around area. He also suggested that the Board receive letters from DPW, Fire Department and EMS as to their requirements for access.

Mr. Banas made a motion to move this application to the July 6, 2010 meeting at 6:00pm to discuss the input. Mr. Schmuckler seconded the motion.

Roll Call: Mr. Franklin, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

5. CORRESPONDENCE

#1 Site Plan #1899

Mr. Penzer is here to explain his request for dormitories and townhouses for Yeshiva Yashody Hatorah. The idea was that this housing would be restricted for faculty only, when it came to resolution compliance this was a fact that was missed. On page eleven of the minutes it stated that "Mr. McFarland said that the basements would have Bilco doors to prevent them from being rented", we are asking for relief from this stipulation. In order for faculty to afford these town homes they will need to rent out the basement as an apartment for the rent. There are 4.75 parking spaces for each unit. There is also a parking lot for guest parking.

Mr. Neiman opened the discussion to the public.
Seeing no one this portion was closed.

Mr. Follman made a motion to go ahead with the changes in the resolution. Mr. Percal seconded the motion.

Roll Call: Mr. Franklin, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#2 Site Plan #1877 K Land Corp.

The Planning Board did approve the proposal for a furniture store and the Zoning Board did the approval for a WaWa. The applicant is before the Board this evening to discuss prior approvals for the resolution of certain Phase I improvements.

Mr. Franklin recused himself due to personal conflict. A quorum still exists.

Mr. Vogt explained that he has been working with the applicant for the last several months. The 2008 Zoning Board did the approval for the WaWa and the 2007 Planning Board did the approval for the furniture store. The furniture store is not being built at this time but the applicant wishes to go forward with the WaWa. There are certain elements of the site design that have to be built in order to go forward, such as, retaining walls, drainage and parking. Mr. Brett Kaplan P.E. has been working with the Engineering Department on these elements.

Mr. Banas questioned what the amount of parking would be.

Mr. Vogt answered that the parking would remain the same minus one space.

Mr. Jackson Esq. asked if the improvements haven't changed and was tonight's appearance noticed.

Mr. Kaplan stated that the appearance was not noticed.

Mr. Jackson Esq. then stated that the things they will need may need a resolution amendment and for this to happen it needs to be noticed to receive a resolution adoption.

Mr. Banas asked if the furniture store is debunked there may be some type of bonding needed.

Mr. Kaplan stated that the furniture store is not debunked it is just not being built at this time.

Mr. Jackson stated that if you have an approval and the resolution lays out the whole phasing schedule is and the applicant comes back typically that is done by adoption resolution.

The applicant should present an Affidavit of Service and publication for two weeks from now.

6. APPROVAL OF THE MINUTES

Minutes from May 4, Planning Board Meeting.

Motion was made by Mr. Percal, and seconded by Mr. Follman to approve.

Roll Call: Mr. Franklin, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

7. APPROVAL OF BILLS

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

Roll Call: Mr. Franklin, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

8. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Margaret Stazko
Planning Board Recording Secretary