

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

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. OLD BUSINESS

1. SD # 1430D (No Variance Requested)
Applicant: Pine River Village/Somerset Walk
Location: Pine Street
p/o blocks (844-852), various lots
Amended Sit Plan & Sub Division

Project Description

At the November 17, 2009 Planning Board Meeting, the application received preliminary and final major subdivision with associated variances and waivers approval subject to the conditions set forth per Planning Board Resolution SD# 1430D, dated January 5, 2010. The Board granted amended preliminary and final approval for the Pine River Village age-restricted project, situated south of Pine Street, to allow for non age-restricted housing in the eastern portion of the project. Our office completed our compliance review of the amended application per our letter dated April 6, 2010. As noted in L2A's June 22, 2010 letter, the applicant requests Board approval for minor changes to the current approval, including but not limited to the following. (1) Minor lot line shifts to block 830.05, Lots 1.01 and 2.01. These line shifts will result in minor changes to the areas of both approved lots. (2) Approved Lot 6 will now be known as Lot 6.01, and will have a new lot size as noted. (3) Lot 24.01 will have a new lot size. (4) A quitclaim deed with the

adjacent cemetery owner has been filed to remove a previously disputed area along the rear property line between the two uses. **A copy of said deed should be provided to Lakewood Township (if not submitted already).** (5) The building, sidewalk and steps within new Block 830.05, Lot 1.01 will be shifted and offset as indicated in the letter. (6) The driveway and garage on Lot 1.01 will also be shifted, while maintaining a 1.5 foot offset from the northeast lot line. We offer the following comments and recommendations: (1) The applicant's professionals should be prepared to summarize and explain the requested changes to the Board's satisfaction. **We recommend preparation and distribution of a rendering to summarize and illustrate the proposed changes for the Board's review at the forthcoming hearing.** (2) The applicant's professionals should provide testimony as to whether any substantive grading, drainage, utility, lighting or landscaping revisions will result from the proposed revisions. (3) If/when Board approval is received for these revisions, revised design plans reflecting these changes should be submitted to our office for (amended) compliance review and approval of said changes (only).

Mr. Michael Dipple Civil Engineer for the applicant. The Somerset Walk portion is under construction, there are a bank of townhouses at site plan number one C/O 1 off of Canary Drive. The IBC code states the property line must be a minimum of three feet in order to have windows on a building. We would like to move the lot line to three and a half feet so that the end unit townhouse can have a window. This will have no negative effect.

Mr. Vogt asked if the sidewalk and steps in front of that building will shift.

Mr. Dipple answered that yes there is a ripple effect to the end unit as you move to the west, there is a house commonly referred to as the Swan house and in order to maintain the proper setbacks we have to move that structure over, it still meets all the setbacks but is still moves that structure by three and a half feet in order to maintain the proper setbacks we had to move the garage the driveway and the unit itself, there was another issue that cam up about the quick claim deed of the adjacent cemetery owner which is recorded onto the new plot and that is a document that was signed that didn't show up on the old plot but it shows up in the new plot that they have given up their rights to that piece of property.

Mr. Vogt stated that there are no variances of issue being created by this minor change.

Mr. Jackson, Esq. stated the applicable standard is 40-55D-12 that says there has to be a public hearing and notification for any modification of elimination of a significant condition in an approval. So that test for the Board is weather this is a significant condition, if it is it has to go through the formal process, if it is not a significant condition it can be done as a matter of administrative approval.

Mr. Neiman stated that he did not think it is a significant condition and Mr. Vogt concurred.

Mr. Neiman opened the matter to the public.

Ann Richardson of 1870 Lane Mills Road, Lakewood. My question is if the retention wall and a support wall will be built on the cemetery side.

Mr. Dipple replied there is a wall proposed in order to make the grade change, we are in the midst of finalizing the design and we have surveyed the headstones in the area to understand where things may be so everything remains far enough away from the wall.

Mr. Neiman requested that Mr. Vogt please follow up with Mrs. Richardson in writing that there is a wall being put in place at the cemetery.

Seeing no other comments from the public this portion of the meeting is closed.

A motion to move this application was made by Mr. Follman, seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

5. NEW BUSINESS

There are three changes to the agenda:

#1 SD# 1932

Applicant: Georgian Court College (No Variance Requested)

Location: Lakewood Ave & 9th Street

Block 44, Lots 1, 25 & 26 Block 45, Lots 1, 4

Block 46, Lot 1 Block 47, Lot 1 Block 48, Lot
1
General Development Plan – 156.3 acres
Application has been carried to the August 3rd, 2010 meeting.

#3 SD# 1717
Applicant: Nissam Sankary (No Variance Requested)
Location: Whitesville Road, across from Gudz Road
Block 252 Lots 3 & 8
Preliminary and final Major Subdivision – 4 lots
Application has been carried to the August 3rd, 2010 meeting.

#4 SD# 1929
Applicant: Bais Rivka (Variance Requested)
Location: Corner of 4th Street, Monmouth Ave & Steckler Street
Block 160 Lots 1, 3, 5, 6, 13, 14 & 15
Preliminary & final Site Plan for 2 story retail and office
Application has been carried to the August 3rd, 2010 meeting.

Mr. Jackson Esq., declared that the three items above have been moved to August 3, 2010 at this meeting hall at 6pm no other notice is required.

#2 **#SP-1934**
Applicant: Congregation Tifereth Avrohom
Location: East County Line Road
Block 190 Lot 70.24
Preliminary & Final Major Site Plan Approval

Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a one-story synagogue, which includes an improved basement, within a 3,395 square foot footprint. The site plans indicate the proposed synagogue will contain 799 square feet of main sanctuary area. An interior parking area consisting of four (4) parking spaces, one (1) being handicapped accessible, and site improvements are also proposed within the property. Access to the site is provided from East County Line Road, a county road. The tract consists of an irregular shaped lot that totals 16,890 square feet (0.39 acres) in area. Except for an existing sanitary

sewer pump station in the northeast corner of the property, the site is vacant. The lot is part of a recently constructed residential subdivision even though it is undeveloped. The site is located in the northeast portion of the Township on the south side of East County Line Road, west of the intersection with Ridge Avenue. Most of the property frontage contains existing curb and sidewalk. The adjacent and surrounding property is developed, most of which is residential. Calvary Lighthouse is located across from the site on the north side of East County Line Road. The property is located in the R-15 Zone District. Places of worship are permitted uses.

(I) **Zoning** (1) The parcel is located in the R-15 Single-Family Residential District. Places of worship are a permitted use in the zone, subject to the provisions of Section 18-905. (2) According to Section 18-905 B. 1. Perimeter Buffer: For properties adjacent to residential properties, if the site leaves a twenty foot (20') undisturbed area then there is no requirements for buffering. If the twenty foot (20') buffer is invaded or disturbed than requirements indicated in Section 18-905 B. 3 shall be put in place along the invaded area. A variance is necessary from the twenty foot (20') buffer requirement. (3) No curb is proposed for the on-site parking area. A design waiver is required from providing curb for the parking lot. (4) The applicant must address the positive and negative criteria in support of the required variance. **At the discretion of the Planning Board, supporting documents may be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (A) **Site Plan/Circulation/Parking** (1) As indicated previously, a four (4) space parking lot with one (1) handicapped space is being provided for the proposed synagogue. Since less than eight hundred square feet (800 SF) of sanctuary area is proposed, no off-street parking spaces are required. (2) Based on the dimensions and configuration of the proposed parking lot and driveways, it appears access through the site will be counterclockwise in a one-way direction with a right turn only exit. The applicant shall provide testimony on vehicular circulation. (3) The proposed twenty foot (20') wide aisle in the parking area is too narrow for two-way traffic. It is adequate for one-way traffic only if the proposed adjoining parking spaces are angled. (4) Per our 6/9/10 site inspection, we note that partial sidewalk and curbing exist along East County Line Road in front of the site. Sidewalk and curbing is proposed to the front of the site where these improvements are missing. An existing depressed curb section which will not be used for a driveway will be replaced with full depth curb. (5) No refuse enclosures are depicted on the plans. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. (6) The General Notes reference an outbound and topographic survey. An Existing Condition Plan shows outbound survey data and a topographic survey. A signed and sealed copy of the referenced survey must be provided as a separate document. Existing easements should be included since the plan set indicates existing sanitary sewer, a pump station, and a shade tree/utility easement. (7) The Schedule of Bulk Requirements shows that no variances will be required. However, the proposed building dimensions do not agree between the site plans and architectural plans. The dimensions must be coordinated between the drawings and dimensions given to the hundredth of a foot to insure zoning compliance. (8) All proposed curb radii should be shown for accuracy of the layout.

In addition, the proposed curb return points should be added. (9) A proposed six foot (6') high decorative vinyl fence encompasses the rear portion of the property from the front yard setback limits on the side property lines. The top third of the proposed fence is partially open as shown by the lattice on the construction detail sheet. (10) Sight triangle easements are required at the exit drives.

(B)Architectural (1) The proposed building is rather high for a proposed one-story structure. The distance between the proposed roof truss and first floor is twenty-two feet (22'). Furthermore, the first floor is proposed to be five foot, seven inches (5'-7") above proposed grade. The building does not exceed the allowable height of thirty-five feet (35'). (2) A partial attic is proposed for the building. However, no floor plan or use for the attic is shown. Testimony should be provided along with a floor plan. (3) Testimony is required on ADA accessibility. It appears only the first floor is accessible. We also recommend the interior floor plans be checked for accessibility and code compliance. (4) A portion of the proposed basement floor elevation conflicts with the seasonal high water table elevation. The basement floor should be set to provide at least a two foot (2') separation from the seasonal high water table, as indicated on the soil boring log submitted. (5) Testimony should be provided as to whether the proposed synagogue will include a sprinkler system. (6) We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. (6) We recommend that color renderings of the building be provided for the Board's use at the forthcoming public hearing for the application. **(C)Grading** (1) Grading information is provided on the current Improvement Plan. Additional proposed elevations are required to evaluate the grading. Proposed elevations should be provided at control points, such as pavement radii returns, pavement corners, and building access points. (2) Per review of the existing elevations and per review of site conditions during our 6/9/10 site inspection, on-site grades generally slope towards a depression in the rear of the property. (3) The architectural plans indicate a five foot, seven inch (5'-7") elevation difference between the proposed first floor and finished grade. This elevation difference is not reflected on the site plans. Revisions are required and the plans must be coordinated. (4) A soil boring location is indicated on the drawings. Based on the soil log provided, the proposed main basement floor elevation of 43.33 shown on the site plan is greater than two feet (2') above the seasonal high water table elevation of 40.1. **(D) Storm Water Management** (1) The Roof Drywell Design provided properly accounts for a twenty four (24) hour, twenty-five (25) year storm. The proposed roof runoff will be collected and piped into Stormtech Chambers where it will be recharged into the soil. A total of eight (8) underground Stormtech Chambers are proposed; four (4) in front of the proposed building and four (4) in the back. (2) Additional design information such as sizes, slopes, and inverts must be provided regarding the proposed roof leaders and their discharge(s) into the proposed stormwater recharge system. (3) Storm Water Management has not been addressed for the front of the site. The proposed design is discharging overland runoff from the proposed parking area to East County Line Road with no provisions for the increase in impervious surfaces. (4) Total impervious coverage must be calculated to determine if the project is a major development per NJAC 7:8. **(E)**

Landscaping and Lighting (1) A dedicated Landscaping & Lighting Plan is provided

with the submission; proposed landscaping and lighting is depicted on Sheet 4 of the plans. (2) An existing seven foot (7') wide shade tree and utility easement is shown across the frontage of the property. The easement should indicate dedication to the Township of Lakewood and include the completion of survey data. (3) Proposed sight triangle easements must be added to the Landscaping & Lighting Plan. Proposed shade trees shall be removed from the sight triangle easements. (4) One (1) existing twenty-four (24") diameter tree is shown on the Existing Conditions Plan and will be retained as shown with the landscaping design. (5) Landscaping should be provided to the satisfaction of the Board. (6) Corrections are required to the count on the plan and plant list for the American Arborvitae. A call out in the southeast corner of the lot should be corrected to three (3) and the total count corrected to twenty-five (25). (7) Corrections are required to the Planting Notes. (8) The Lighting design only shows two (2) fifteen foot (15') high wall mounted lights on the front of the proposed building. No pole mounted lights are proposed for the parking area or any other proposed lighting around the perimeter of the building. Testimony should be provided on the adequacy of the proposed site lighting. Revisions are necessary including details, photometric data, and a point to point diagram. (9) Lighting should be provided to the satisfaction of the Board. (F) **Utilities** (1) No easements associated with the existing pump station and sanitary sewer main on the site are indicated. Testimony is required on the ownership of these facilities. (2) The plans indicate the site is served by public water and sewer. A proposed water service to the proposed building is shown from an existing main in East County Line Road as depicted on the plan. A proposed sanitary sewer connection for the new building is indicated to an existing main shown in the front yard of the lot. An existing pump station is shown in the northeast corner of the lot. An existing force main associated with the pump station has not been shown. It is our understanding the pump station is privately owned and operated by W&M, LLC. Permission for the sanitary sewer connection must be obtained from the owner. (3) The applicant must receive necessary approvals from the Lakewood Township Municipal Utilities Authority since the project is within their franchise area. (G) **Signage** (1) No signage information is provided other than traffic signage. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. (2) All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. (H) **Environmental** (1) No Environmental Impact Statement (EIS) was prepared for this project or required due to the project size. (2) 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: (a) Known Contaminated sites (including deed notices of contaminated areas); (b) Wood Turtle and Urban Peregrine habitat areas; and (c) NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. Testimony should be provided by the applicant's professionals as to whether there

are any other known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property. (I) **Construction Details** (1) Additional construction details will be required for any additional improvements required by the Board. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. (2) The Decorative White Vinyl Fence detail requires additional information with respect to footings and the lattice panel shown on the top third of the fence. (3) The Stormtech Chambers detail must be corrected to show the units connected in series. (4) The parking lot detail is substandard. A bituminous base course must be added to the cross section. (5) A minor correction is required to the notes of the Concrete Sidewalk detail. (6) Handicapped ramp details to the current NJDOT standards must be added. (7) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) W&M, LLC (sewer); (d) Water and Sewer Service (LTMUA) prior to occupancy; and (e) 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. Sam Brown Esq. on behalf of the applicant. As your professional just pointed out, Mr. Vogt states in his letter that there is a variance in accordance with his opinion with respect to the buffer requirements, but other than that this is a fully conforming site. There is nothing with respect to any bulk variances or anything similar. All of what is proposed is in the ordinance. All of what is proposed can be addressed at the public hearing. The comments that are contained in the letter I just referred to pertaining to pages three, four and five are mostly items that can be addressed prior to the public hearing.

Mr. Neiman asked if this was in a development.

Mr. Brown stated that it is in a development and it was originally proposed as a synagogue.

Mr. Schmuckler inquired about how many parking spots would there be.

Mr. Brown replied that there are four parking spots with one being designated handicapped.

Mr. Schmuckler inquired about the size of the Synagogue.

Mr. Brown answered that the Sanctuary area is a little less than Eight hundred square feet.

Mr. Vogt then stated that according to the UDO there is no parking required but having it is good.

Mr. Schmuckler asked who the Synagogue would benefit.

Mr. Brown said the development is called "County Line Manor".

Mr. Kielt stated that the application would be moved to the July 27th Public Hearing.

A motion to move the application to the July 27th Public Hearing was made by Mr. Fink and seconded by Mr. Follman.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#5 #SD – 1718
Applicant: Shlomo Greenzweig
Location: Lanes Mill Road
Block 187.15, Lot 14
Major Subdivision and Variance Application

Project Description

The applicant proposes to subdivide an existing lot of approximately 5.8 acres into seven (7) single-family residential lots and one (1) storm water management lot to be dedicated to the Township. The proposed subdivision would create a cul-de-sac for the project, which is proposed to be called Concord Circle, upon which all lots would front. The applicant is seeking Preliminary and Final Major Subdivision approval with variances. The subject property is located on the northerly side of Lanes Mill Road, a County Highway, in the northeastern portion of the Township, across from Alamitos Drive. The tract has an existing one-story frame dwelling located in the southwest corner of the property. There are also numerous existing sheds and fences on the land. All of these existing improvements will be removed. The east side of the site contains approximately two hundred twenty feet (220') of a two hundred forty foot (240') wide Jersey Central Power & Light right-of-way easement. High tension lines with a tower exist in the easement. The center of the tower is seventy-five feet (75') east of the western edge of the easement. A fifteen foot (15') wide MCI right-of-way easement is located within the JCP&L right-of-way easement. The MCI right-of-way easement runs between the tower and Lanes Mill Road. A twenty foot (20') wide Ocean County Utilities Authority Easement borders the site to the east. Freshwater wetlands are also contained on the easterly edge of the site within the woods where the clearing for the high tension lines has ended. Proposed storm water management facilities and utilities are associated with this project. A wet pond is proposed for the southeastern most proposed lot at the northeast corner of Concord Circle and Lanes Mill Road. Proposed sanitary sewer will connect to an existing manhole at the intersection of Lanes Mill Road and Alamitos Drive. Proposed

potable water will pass through the subdivision and connect to existing mains on Lanes Mill Road and Hidden Lane. Hidden Lane is an existing street in a neighboring subdivision to the north and utility easements are proposed between the Concord Circle cul-de-sac and Hidden Lane. At least three (3) off-street parking spaces are proposed for each single-family unit. The number of bedrooms for the units is not specified on the subdivision plans. The project is also proposing curb and sidewalk throughout. The subject site is located within the R-15 Single Family Residential Zone District. Single-family residences are a permitted use in the zone district. The site is situated within a predominantly residential area. We have the following comments and recommendations: (I) **Zoning** (1) The site is situated within the R-15, Single-Family Residential Zone District. Single-family residences are a permitted use in the zone district. (2) Minimum Lot Width variances are required for proposed Lots 14.04-14.07. The proposed minimum lot widths for the residential lots are 86.8', 77.2', 90.0', and 88.9' respectively. The minimum required lot width is one hundred feet (100'). (3) Minimum Front Yard Setback variances are required for proposed Lots 14.04-14.07. The minimum required front yard setback is thirty feet (30') and front yard setbacks proposed are twenty feet (20'). (4) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents may be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (A) **General** (1) The General Notes refer to a Survey that the outbound and topographic data has been taken from. A copy of this Survey must be submitted. (2) Off-street parking: According to the architectural plans provided, a typical dwelling will be a five (5) bedroom unit with an unfinished basement and no garage. The applicant is proposing three (3) off-street parking spaces per unit which is enough to be in compliance with the RSIS standards of three (3) off-street parking spaces for five (5) bedroom units. The Board shall determine if the parking provided will be sufficient for the type of development proposed. (3) Curb and sidewalk is proposed throughout the development. (4) Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. This matter is not addressed on either the subdivision plans or architectural plans. It is presumed collection will be by the Township since the cul-de-sac dimensions are designed to standards. (5) A new road name, Concord Circle, has been proposed for the project. The proposed road name is subject to approval from the Township and proof of approval shall be provided. (6) The Final Plat indicates that all New Lot Numbers have been approved by the Lakewood Tax Assessor on 01-25-10. (7) The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of four (4) basic house designs are required for developments consisting of between seven (7) and fifteen (15) homes. One (1) basic house design has already been submitted. (B) **Plan Review** (1) The intersection of proposed Concord Circle with Lanes Mill Road is not in accordance with RSIS standards. The perpendicular approach to Lanes Mill Road is less than fifty feet (50'). The centerline offset from Alamitos Drive on the opposite side of Lanes Mill Road is less than one hundred fifty feet (150'). We recommend the plans be revised to lengthen the offset between the roads on the opposite sides of Lanes Mill Road and to lengthen the approach of Concord Circle to Lanes Mill Road.

(2) Corrections are required to the Schedule of Bulk Requirements. Required Minimum Lot Width should be one hundred feet (100'). A proposed lot width should be indicated for proposed Lot 14.08. The proposed rear yards for proposed Lots 14.05-14.07 should be two hundred twenty feet (220') because of the Jersey Central Power & Light right-of-way easement. The proposed number of bedrooms for the single-family units shall be five (5) based on the architectural plan submitted. (3) The location of the benchmark referenced in General Note #8 shall be indicated. (4) General Note #10 should be revised to state "except for the high tension wire tower, all existing structures to be removed". (5) General Note #15 should be revised to "street surfaces and other surfaces disturbed by the construction of facilities for this project shall be restored in accordance with the requirements of the Lakewood Township Municipal Utilities Authority, the Township of Lakewood, and the County of Ocean". (6) The proposed off-street parking spaces have not been dimensioned. Proposed off-street parking spaces shall consist of a minimum of 9' X 18' parking spaces. (7) Based on our 6/17/10 site investigation, we believe the existing dwelling is being serviced by an individual septic system. We also observed an existing well. Testimony should be provided regarding existing utility connections. Abandonment of existing individual septic disposal systems and/or individual potable water wells will require approval from the Ocean County Board of Health. (8) An NJDEP File Number is indicated for the Freshwater Wetlands and fifty foot (50') transition area lines. A copy of the Letter of Interpretation and the approved plan should be submitted. (9) A variable width dedication to the County of Ocean is being provided for road widening purposes. The proposed half width right-of-way for Lanes Mill Road is thirty-three feet (33').

(C) **Grading** (1) A detailed Grading and Drainage Plan is provided on Sheet 4 of 16. A storm sewer collection system is proposed to collect runoff and convey it to a proposed wet pond on proposed Lot 14.08. (2) The plans note that Lanes Mill Road Improvements are designed as per Maser Consulting "County Route 526 Reconstruction Plans". A copy of the pertinent plan sheets must be submitted for our review of the proposed site grading. (3) Soil borings have been provided to demonstrate that a two foot (2') separation from the seasonal high water table to proposed basement elevations is maintained. (4) A profile has been provided for the proposed Concord Circle and is generally satisfactory. The proposed profile may require revision based on the County Improvement Plans. The vertical curve at the terminus of the cul-de-sac shall be lengthened to one hundred feet (100'). Proposed horizontal control points shall be added. (5) The Grading and Drainage Notes require corrections which we can review with the applicant's engineer.

(D) **Storm Water Management** (1) A proposed storm sewer collection system has been designed utilizing reinforced concrete pipe (RCP) to convey storm water runoff into a proposed wet pond for storm water management. The proposed pond is located in the southeast corner lot of the proposed subdivision at the northeast intersection of Lanes Mill Road and Concord Circle. (2) Review of the Plans and Storm Water Management Report indicate the wet pond proposed does not meet the standards for New Jersey Best Management Practices. Furthermore, the applicant is proposing to dedicate the proposed storm water management lot with the proposed pond to the Township. Acceptance would be required from the Department of Public Works. Township acceptance of this should be a condition of Board approval if/when forthcoming. (3) A Storm Water Management Operation & Maintenance Manual has

been submitted per the NJ Storm Water Rule (NJAC 7:8) and Township Code. The manual indicates the Township of Lakewood will be the owner and responsible party. The manual would only require minor revisions for the facilities proposed. (4) A portion of the proposed storm water management facility is within the JCP&L right-of-way easement. Approval is required from JCP&L to allow the facility on their right-of-way easement. Furthermore, storm water discharge from the proposed facility will pass through the JCP&L right-of-way easement, MCI right-of-way easement, and other proposed lots to the existing wetlands. Approval for the proposed storm water discharge through the right-of-way easement will also be required from JCP&L and MCI. Furthermore, drainage easements should be provided across other proposed subdivision lots. (5) A map indicating the soil boring locations has been provided to confirm the seasonal high water table. (6) A design meeting is recommended regarding the proposed storm water management system. (E) **Landscaping** (1) The overall landscape design is subject to review and approval by the Board. Per our site inspection of the property, the majority of the site has been cleared. An existing treed area is located just west of the JCP&L right-of-way easement. The eastern edge of the site is wooded and contains Freshwater Wetlands. Testimony should be provided by the applicant's professionals whether any specimen trees exist on-site. If so, compensatory plantings may be required unless waived by the Board. (2) Spreading English Yews are proposed around the portion of the proposed wet pond within the Sight Triangle Easement. Lower lying plant material should be considered. (3) The two (2) proposed London Planetrees along Lanes Mill Road west of the cul-de-sac should be labeled. (4) The Inkberry Holly proposed within the JCP&L right-of-way easement will require approval by JCP&L. (5) Corrections are required to the Deciduous Tree Planting Detail. Either an additional Tree Guying Detail shall be added or reference to the detail removed. (F) **Lighting** (1) Proposed lighting has been provided for the cul-de-sac area. Four (4) "colonial" pole mounted fixtures are proposed. There is a discrepancy on the proposed height of the fixtures. A twelve foot (12') height is noted in multiple locations, while a fifteen foot (15') height is shown on the detail. (2) A point to point diagram has been provided to verify the adequacy of the proposed lighting. Review of the point to point diagram provided indicates an increase in lighting is warranted. (3) Testimony should be provided regarding street lighting on the existing Lanes Mill Road frontage. (3) Coordination of the street lighting with JCP&L is required. (G) **Utilities** (1) Potable water and sanitary sewer service will be provided by the Lakewood Township Municipal Utilities Authority. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. If there are on site septic systems and potable wells, abandonment must be in accordance with all applicable municipal, county, and state standards. The General Notes shall be modified accordingly. (2) The plans state that electric, telephone, and cable to be provided underground. If gas is available, it shall be added to the list of underground utilities. (G) **Signage** (1) Proposed signage has been shown on sheet 5 of 16. Regulatory sign details have been provided. (2) No project identification signs are proposed. (H) **Environmental** (1) **Site Description** Per review of the site plans, aerial photography, and a site inspection of the property, the tract has an existing one-story frame dwelling located in the southwest corner of the property. There are also numerous existing sheds and fences on the land. The east side of the site contains a Jersey Central Power & Light right-of-way easement.

High tension lines with a tower exist in the easement. Freshwater wetlands are also contained on the easterly edge of the site within the woods where the clearing for the high tension lines has ended. The majority of the property has been cleared. The existing on-site topography slopes from west to east towards the freshwater wetlands on the eastern edge of the site. (2) **Environmental Impact Statement**

Since the number of proposed lots is under ten (10), an Environmental Impact Statement is not required. To assess the site for environmental concerns, our office conducted a 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 highlights some of the documents which were reviewed to evaluate potential environmental issues associated with development of this property: (a) Known Contaminated sites (including deed notices of contaminated areas) (b) Wood Turtle and Urban Peregrine habitat areas; (c) NJDEP Landscape Project Areas, including known forested wetlands, emergent wetlands, forest, and grassed habitat areas. Freshwater wetlands with a fifty foot (50') transition area have been mapped for the site. A copy of the Letter of Interpretation and the approved plan are required for subdivision approval. (3) **Tree Management** A Tree Management Plan has not been submitted. A plan is necessary unless waived by the Board. It should be noted that the site is mostly cleared and only the wooded area in the center of the property will be disturbed. Therefore, no extraneous trees will be removed as part of this subdivision. (J) **Construction Details** (1) Construction details are provided with the current design submission. However, design changes are anticipated. Therefore, we recommend that final construction details be revised as necessary during compliance review, if/when this project is approved by the Board. (K) **Final Plat (Major Subdivision)** (1) Additional curves should be added to the wetlands buffer line unless the Freshwater Wetlands Line and Transition Area Line have already been approved by the NJDEP. (2) The General Notes require corrections similar to the construction plans. (3) Detail "C" must be labeled. (4) The Secretary's Certification must reference the Planning Board and the date corrected. (5) Bearings must be provided for the right-of-way lines of Concord Circle near the intersection with Lanes Mill Road. (6) Compliance with the Map Filing Law is required. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) Ocean County Board of Health (well and septic abandonment, if necessary); (d) Jersey Central Power & Light; (e) MCI; (f) New Jersey Department of Environmental Protection (LOI); and (g) All other required outside agency approvals. Lakewood Township Municipal Utilities Authority will be responsible for constructing potable water and sanitary sewer facilities. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Sam Brown Esq., on behalf of the applicant. This is a site that is 5.8 acres, the proposal is to sub-divide into seven residential lots. There are some variances Mr. Flannery will address. I would like to tell the Board that we will be obtaining all the

outside agencies approvals as listed in the letter and as far as the technical and engineering details that are contained in Mr. Vogt's letter dated June 28, 2010, those will be addressed and we will be able to testify to anything contained in that letter by the public hearing meeting.

Mr. Brian Flannery, Eng. The applicant conforms with all the lots in the area, most of the lots are much larger than the fifteen thousand square feet needed. We are looking for variances for minimum lot width on a few of the lots and the front yard setback on the lots on the easterly side in regard to the technical issues on page four, letter B under plan review with the respect to the inspection of road, that is one issue that we will not be changing, the offset between our road and the road across the street (it is a county road and we have county approval) is diminimus due to the size of the cul-de-sac. The rest of the comments we will address to the satisfaction of you engineer.

Mr. Fink asked if there was a tax map on which the variances are shown.

Mr. Flannery said that, yes, at the public hearing they will provide the pros and cons of the lot width variances needed.

Mr. Schmuckler inquired about the number of parking spots per unit.

Mr. Flannery said there will be four parking spots per unit.

Mr. Neiman that there will be curbs and sidewalks at each lot and Mr. Flannery replied yes.

A motion was made by Mr. Fink to move this application to the July 27, 2010 meeting, seconded by Mr. Herzl.

Roll Call Mr. Herzl yes, , Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#6 SD#1739 (Variance Requested)
Applicant: Mathias Deutsch
Location: Apple Street and Harvard Street
Block 170 Lots 13, 14 &15
Minor Subdivision – 3 lots to 2 duplex lots

Project Description

The applicant seeks minor subdivision approval to subdivide three (3) existing properties to create two (2) new duplex lots. The three (3) existing lots, totaling 21,703 square feet (0.498 acres) in area, are known as Lots 13, 14, and 15 in Block 170. Existing Lot 13 fronts the southerly side of Harvard Street and contains a one-story dwelling. This existing tract is slightly undersized, containing 7,440 square feet. This existing lot also has frontage on the north side of an existing unnamed,

unimproved forty foot (40') wide right-of-way. Existing Lot 14 is at the outside corner of Harvard Street (southerly side) and Apple Street (easterly side). This existing property is vacant and contains 5,920 square feet. Existing Lot 15 has frontage on the easterly side of Apple Street and contains a one and one half story dwelling. This existing parcel is conforming in area, containing 8,343 square feet. The two (2) proposed residential lots are designated as proposed Lots 13.01 and 13.02 on the subdivision plan. Both proposed lots are designed to conform in area for lots with proposed duplex structures. Proposed Lot 13.01 has been designed to meet the minimum required ten thousand square foot (10,000 SF) area (0.230 acres). Proposed Lot 13.02 will be 11,703 square feet (0.269 acres) in area. The site is situated in the northern portion of the Township on the south side of Harvard Street and east side of Apple Street where the roads intersect. The site also borders the west side of Conrail's New Jersey Southern Branch Main Line and the north side of an unnamed, unimproved right-of-way. The properties contain an existing one-story and an existing one and a half story frame dwelling, both of which will be removed. Harvard Street has an existing forty foot (40') wide right-of-way, Apple Street has an existing thirty foot (30') wide right-of-way, and the unnamed, unimproved right-of-way is also forty foot (40') wide. Five foot (5') wide road widening easements are proposed for the unnamed, unimproved right-of-way and Harvard Street. A ten foot (10') wide road widening easement is proposed for Apple Street. Public water and sewer is available. Curb exists along the street frontage, but sidewalk does not. Four foot (4') wide sidewalk is proposed one and a half feet (1.5') behind the existing curb. No construction is proposed under this application. The proposed lots are situated within the R-7.5, Single Family Residential Zone. The site is mostly surrounded by other residential lands. Front and rear yard setback variances are requested on proposed Lot 13.02 to provide a useable building area. We have the following comments and recommendations: **(I) Zoning (1)** The parcels are located in the R-7.5 Single Family Residential Zone. Duplex housing with a minimum lot size of ten thousand square feet (10,000 SF) is a permitted use in the zone. Per review of the Subdivision Map and the zone requirements, the following variances are requested (a) Minimum Front Yard Setback (proposed Lot 13.02, 20 feet; 25 feet required) – proposed condition. (b) Minimum Rear Yard Setback (proposed Lot 13.02, 10 feet; 15 feet required) – proposed condition. **(2)** The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents may be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** **(II) Review Comments (1)** Provided that the minimum lot area for proposed Lot 13.01 is maintained, we recommend the proposed subdivision line be the extension of the easterly right-of-way line of Apple Street. If approved, the configuration of the two (2) proposed lots for this minor subdivision will be improved. **(2)** The existing property is generally flat and slopes slightly toward the unnamed, unimproved right-of-way and the railroad tracks. Since no units are depicted at this time, testimony is required to address proposed grading and drainage. Furthermore, we recommend that a resubmission of the plan be made prior to the Public Hearing using a conforming building box to delineate proposed layout, grading, and drainage schemes. **(3)** The General Notes indicate the outbound information was obtained

from a map entitled "Plan of Survey for Rafael Deutsch" prepared by Clearpoint Services, LLC, consisting of one (1) sheet dated 11/29/05. This survey is old and requires updating. In addition, the source of the topography must be provided. Also, no individual trees are shown on the survey. (4) General Note #10 states "proposed sidewalk to be 1.5' from existing curb and to be 4' wide". Otherwise, no other site improvements are proposed along the frontage of the project. Harvard Street and Apple Street are paved and have existing curb. However, the existing pavement and curb is in poor condition and in need of replacement. Therefore, we recommend a half width pavement reconstruction with curb replacement along the property frontage. The existing streets are narrow and will undergo disturbance anyhow for new utility connections and driveways. (5) No construction or dwelling units are proposed at this time. The plan indicates the number of proposed bedrooms for the duplex dwelling units is unknown. The NJ R.S.I.S. requires 2.5 off-street parking spaces for an unknown number of bedrooms per unit. Since duplex housing is proposed, five (5) off-street parking spaces per lot are required. The plans indicate that four (4) off-street parking spaces will be provided for each unit. Therefore, eight (8) off-street parking spaces will be provided for each lot. The plan should be revised to indicate the configuration of the proposed off-street parking for the proposed lots. (6) Testimony should be provided as to whether basements are proposed for the future dwellings on proposed Lots 13.01 & 13.02. Based on the four (4) spaces per unit being provided, it appears basements are contemplated. Parking shall be provided to the satisfaction of the Board. (7) The proposed lot widths must be corrected in the Schedule of Bulk Requirements. The proposed lot widths are conforming. (8) Zone lines must be added to the Minor Subdivision Plan. (9) The proposed lot numbers have been assigned by the Assistant Tax Assessor and the plat signed by the Assistant Tax Assessor. (10) Testimony should be provided on storm water management and the disposition of storm water from roof leaders. (11) No proposed shade tree and utility easement is depicted on the plan along the property frontage. (12) No shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. (13) The Plan does not indicate any existing individual trees on the site. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans submitted for Township review should include tree protection measures to save mature vegetation where practicable. (14) Due to no construction of new dwellings at this time, the Board may wish to require the cost of any improvements to be bonded or placed in escrow to avoid replacing them in the future. (15) Additional construction details will be necessary and include any improvements required by the Board. (16) The right-of-way dimensioning on the sidewalk detail shall be revised to show two feet (2') from the face of curb to the edge of proposed sidewalk and a four foot (4') width for the proposed sidewalk. (17) The General Notes indicate public sewer and water will be provided by New Jersey American Water Company. Testimony should be provided on existing utilities. (18) The Legend on the Minor Subdivision Plan should be revised to change "monuments set" to "monuments to be set". (19) Compliance with the Map Filing Law is required.

(III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District (if necessary); and (c) 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. Flannery on behalf of the applicant this is a 3 lot subdivision into 2 lots which conform with the area required for duplexes there are variances requested with respect to the one corner lot due to the narrow nature of the property we are asking that we have a front yard setback variance and if you look at the ordinance there is a provision that says if you look at the average setback of the other buildings that is what the front setback would be. If you do this the average front yard setback and we need this because there is limited space between the road and the railroad tracks. Again at the public hearing we will present all the criteria to justify the requested variances and the minor details in the report we will respond to.

Mr. Neiman asked if there were any questions from the board.

A motion was made by Mr. Fink to move the meeting to the August 17, 2010 meeting and seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr, Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#7 SD# 1742 (Variance Requested)
Applicant: Moshe Bauman
Location: Westwood Ave- west of Ridge Ave.
Block 235 Lots 18 & 19
Minor Subdivision

Project Description

The applicant seeks minor subdivision approval to realign the lot line of two (2) existing properties to create two (2) new single-family residential lots. The two (2) existing lots, totaling 11,092 square feet (0.25 acres) in area, are known as Lots 18 and 19 in Block 235. Existing Lot 18 is only 28.50 feet wide and contains around four thousand square feet (4,000 SF). Existing Lot 19 has a conforming width of fifty feet (50'), but is still undersized containing about seven thousand square feet (7,000 SF). The two (2) proposed residential lots are designated as proposed Lots 18.01 and 19.01 on the subdivision plan. Both proposed lots are designed with a 39.10' width. The area of proposed Lot 18.01 will be 5,657 square feet (0.130 acres) and proposed Lot 19.01 will be 5,435 square feet (0.125 acres). The site is situated in the northern portion of the Township on the north side of Westwood Avenue, west of the

intersection with Ridge Avenue. The property contains two (2) existing two and a half story frame dwellings which will be removed. The lots are located on the north side of Westwood Avenue, a dead-end street, which has a partially paved twenty foot (20') right-of-way. However, a wood fence with bollards obstructs the southern half of the right-of-way near the terminus in front of the proposed lots. Therefore, the end portion of Westwood Avenue is effectively limited to a ten foot (10') width. Public water and sewer is available. However, the plan shows the existing water main located on the south side of the existing fence obstructing the right-of-way. Curb and sidewalk does not exist along the limited street frontage. No construction is proposed under this application. The proposed lots are situated within the R-7.5, Single Family Residential Zone. The site is surrounded by other residential lands. Lot area, width, and side yard setback variances are required to create this subdivision. We have the following comments and recommendations: (I) **Zoning** (1) The parcels are located in the R-7.5 Single Family Residential Zone. Single family detached housing is a permitted use in the zone. (2) Per review of the Subdivision Map and the zone requirements, the following variances are requested: (a) Minimum Lot Area (proposed Lots 18.01 & 19.01, 5,657 SF and 5,435 SF respectively; 7,500 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lots 18.01 & 19.01, 39.10 feet; 50 feet required) – proposed condition. (c) Minimum Side Yard Setback (proposed Lots 18.01 & 19.01, 5 feet; 7 feet required) – proposed condition. (d) Minimum Aggregate Side Yard Setback (proposed Lots 18.01 & 19.01, 12 feet; 15 feet required) – proposed condition. (3) A waiver from constructing curb and sidewalk along the property frontage is necessary (if approved by the Board). However, it should be noted that the right-of-way is too narrow to allow sidewalk construction without a dedication or easement. (4) The applicant must address the positive and negative criteria in support of the requested variances and waivers. **At the discretion of the Planning Board, supporting documents may be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) No site improvements are proposed along the frontage of the project. Westwood Avenue is paved for most of its twenty foot (20') width. However, the pavement is in poor condition and in need of replacement. In addition, the access is poor and is restricted to only ten feet (10') near the terminus. Therefore, we recommend the pavement be reconstructed to Ridge Road and that a turnaround be designed to allow access for trash collection and emergency vehicles. A dedication will be necessary for the turnaround. (2) The existing property is generally flat and slopes slightly toward Westwood Avenue. Since no units are depicted at this time, testimony is required to address proposed grading and drainage. Furthermore, we recommend that a resubmission of the plan be made prior to the Public Hearing using a conforming building box to delineate proposed layout, grading, and drainage schemes. If approved, these concepts could be finalized at plot plan review. (3) The General Notes indicate the outbound information was obtained from the survey provided for the project. However, the source of the topography must be provided, which is probably the same survey. Also, no individual trees are shown on the survey and the survey is out of date. It does not show the obstructing fence and bollards in the center of Westwood Avenue observed during our 6/9/10 site investigation. (4) General Notes 11 & 12 should be revised to state

“all existing on-site improvements are to be removed” and “all existing on-site lot lines and numbers are to be deleted”. (5) No construction or dwelling units are proposed at this time. The plan indicates the number of proposed bedrooms for the single-family detached dwelling units is unknown. The NJ R.S.I.S. requires 2.5 off-street parking spaces for an unknown number of bedrooms for single-family dwellings. The plans indicated that four (4) off-street parking spaces will be provided for each lot. (6) Testimony should be provided as to whether basements are proposed for the future dwellings on proposed Lots 18.01 & 19.01. Based on the four (4) spaces being provided, it appears basements are contemplated. Parking shall be provided to the satisfaction of the Board. (7) The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. (8) Testimony should be provided on storm water management and the disposition of storm water from roof leaders. (9) A proposed six foot (6') wide shade tree and utility easement is depicted on the plan along the property frontage. The easement location will probably require revision because of the recommended turnaround. The easement areas should be provided on a per lot basis. (10) No shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. (11) The Plan does not indicate any existing trees on the site. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans submitted for Township review should include tree protection measures to save mature vegetation where practicable (12) Due to no construction of new dwellings at this time, the Board may wish to require the cost of any improvements to be bonded or placed in escrow to avoid replacing them in the future (13) Construction details will be necessary for the improvements required by the Board. (14) The General Notes indicate public sewer and water will be provided by New Jersey American Water Company. Testimony should be provided on existing utilities. The existing water main is shown on the south side of the obstructing fence in Westwood Avenue. (15) The Surveyor's certification on the Minor Subdivision Plan should be revised since the survey indicates a corner marker waiver was given. (16) Compliance with the Map Filing Law is required. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District (if necessary); and (c) 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. John Doyle Esq. on behalf of the applicant, this application is a two lot minor, there are two existing lots on Westwood are which could best be described as a stub road twenty foot wide. The two lots are four thousand square feet and seven thousand square feet they each house a residential structure that is far outdated. The proposal is to more uniformly size the two lots to five thousand plus square feet and to build upon it a modern residential structure. The twenty foot issue will be addressed with the engineer, the other technical items Mr. Flannery can refer to as well as the map showing other non-conforming lots in the area.

Mr. Neiman asked is this is an R12 zone, Mr. Flannery answered yes.

Mr. Flannery stated that we are asking for a five foot setback between each lot and we are going seven feet to the neighbors.

Mr. Schmuckler asked where these lots were located.

Mr. Flannery explained that the lots are off Park Ave and off Ridge Ave, it is a street that looks like a driveway.

Mr. Neiman asked if the board had any questions.

A motion was made by Mr. Herzl to move the application to the July 27, 2010 meeting. Seconded by Mr. Percal.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#8 SD# 1743 (Variance Requested)
Applicant: Isaac Bistrizsky
Location: Stirling Avenue – east of Holly Street
Block 189.2 Lot 178
Minor Subdivision for 3 lots (1 single family and 2 duplexes)

Project Description

The applicant seeks minor subdivision approval to subdivide an existing lot totaling 19,952 square feet (0.458 acres) in area known as Lot 178 in Block 189.02 into three (3) new residential lots consisting of a single-family unit and a duplex unit on two (2) zero lot line parcels. The proposed properties are designated as proposed Lots 178.01-178.03 on the subdivision plan. The site contains an existing one-story dwelling and an existing shed. Both structures will be removed along with all other existing site improvements. Proposed Lots 178.01-178.03 will become a new single-family residential building lot and two (2) zero lot line properties for a duplex unit. Public water and sewer is available, but will have to be extended on Stirling Avenue to service the development. The existing dwelling has an existing septic system which will be abandoned and public water which is connected to the end of an existing main in Stirling Avenue. The site is situated in the north central portion of the Township on the south side of Stirling Avenue between Holly Street and Linden Avenue. Proposed Lots 178.01 and 178.02 will be equal 41.38' X 145' zero lot line lots of six thousand square feet (6,000 SF) each in area. Proposed Lot 178.03 will be a larger single-family lot of 54.84' X 145', for an area of 7,952 square feet. Curb exists along the street frontage, but sidewalk does not. Sidewalk is proposed across the frontage of the proposed lots. The lots are situated within the R-10 Single Family Residential Zone. Variances for the proposed single-family lot are required to create

this subdivision. We have the following comments and recommendations: (I) **Zoning** (1) The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings and duplex housing on zero lot line properties are permitted uses in the zone. (2) Per review of the Subdivision Map and the zone requirements, the following variances are required: (a) Minimum Lot Area for a Single-Family Lot (proposed Lot 178.03, 7,952 SF, 10,000 SF required) – proposed condition. (b) Minimum Lot Width for a Single-Family Lot (proposed Lot 178.03, 54.84 feet, 75 feet required) – proposed condition.(3) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents may be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The width dimension shown on the plan for proposed Lot 178.03 shall be corrected from 51.84' to 54.84'.(2) The General Notes reference an outbound and topographic survey prepared by Charles Surmonte, P.E. & P.L.S. A signed and sealed copy of this survey must be submitted. An existing chain link fence in the vicinity of the rear property line of adjoining Lot 167 must be added to the survey and plan to insure it does not encroach onto proposed Lot 178.03. An existing elevation fifty (50) contour in front and on the side of the existing dwelling must be corrected. Two (2) existing contours should be drawn, one (1) between the front of the existing dwelling and the existing curb, and one (1) between the side of the existing dwelling and the side property line. (3) General Note #3 requires correction to properly describe the proposed project. (4) Multiple corrections are required to the Schedule of Bulk Requirements. The required minimum area for the duplex zero lot line lots is six thousand square feet (6,000 SF). The required minimum lot width for the single-family lot is seventy-five feet (75'); the proposed lot width is 54.84 feet. The required minimum side yard setbacks for the zero lot line lots is 0'/10', the proposed setbacks are 0'/14.71' based on the building boxes proposed. The required minimum side yard setbacks for the single-family lot is 10'/25', the proposed setbacks comply based on the building box proposed. (5) The proposed side yard setback lines for the zero lot line lots should be shown as ten feet (10') on the plan. (6) The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that three (3) off-street parking spaces will be provided for each unit. The proposed driveways on the proposed lots have been dimensioned to be large enough to accommodate four (4) spaces. Four (4) off-street parking spaces is the proposed number of spaces to be provided for all the proposed lots according to the Schedule of Bulk Requirements. Testimony should be provided regarding the proposed number of bedrooms in order to determine whether additional off-street parking is required. (7) Testimony should be provided as to whether basements are proposed for the proposed dwellings on proposed Lots 178.01-178.03. Parking shall be provided to the satisfaction of the Board. (8) General Note 8 notes the architectural dimensions of the proposed structures on the proposed lots is not known at this time. Building boxes of 26.67' X 55' for proposed Lots 178.01 and 178.02 will provide 24.5% lot coverage. A building box of 29' x 55' will provide twenty percent (20%) lot coverage for proposed Lot 178.03. The proposed building boxes shown on the Improvement Plan should have dimensions added. The proposed

building boxes are within the allowable coverage of twenty-five percent (25%). (9) The proposed driveway and off-street parking for proposed Lot 178.03 is configured to save existing trees. The proposed apron must be revised to match the proposed configuration. (10) Proposed grading corrections are required to the plan. A proposed fifty (50) contour in the front yard of proposed Lot 178.03 must be revised to save the existing trees in the front yard. A proposed forty-nine (49) contour is missing from behind the units. A proposed fifty (50) contour is missing from the east side of the site. (11) The nearby Zone Line should be added to the Minor Subdivision Plan. (12) Proposed lot and block numbers must be approved by the tax assessor's office. (13) The Surveyor's certification on the Minor Subdivision Plan shall be corrected to state "outbound corner markers as shown have been found or are to be set". (14) A Legend should be added to the Minor Subdivision Plan. (15) The combination of proposed utility connections and new driveway aprons will virtually disturb the entire existing curb. We recommend replacing all the curb in front of the property and designing top of curb and gutter grades to properly convey runoff toward Holly Street. (16) A sanitary sewer main needs to be extended on the south side of Stirling Avenue to service the project. A potable water main needs to be extended on the north side of Stirling Avenue to service proposed Lots 178.02 and 178.03. Therefore, a road reconstruction plan will be required with construction details designed since most of the road will be excavated. (17) A proposed six foot (6') wide shade tree and utility easement is provided for the project. Proposed easement areas should be indicated for the individual lots. Three (3) "Green Vase Zelkova" shade trees are proposed along the property's frontage, one (1) for each proposed lot. Landscaping should be provided to the satisfaction of the Board. (18) The Plan indicates a number of mature trees exist on the site. Some of these trees are unsalvageable if the proposed lots are developed as shown, but many of these trees appear salvageable. The proposed grading should be revised to better limit the area of disturbance. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans for proposed Lots 178.01-178.03 submitted for Township review should include tree protective measures to save mature vegetation where practicable. (19) Testimony should be provided on storm water management and the disposition of storm water from roof leaders. (20) Due to no construction of new dwellings on proposed Lots 178.01-178.03 at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. (21) Compliance with the Map Filing Law is required. (22) Some minor corrections to the construction details are required and road reconstruction details must be provided. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) Ocean County Board of Health (septic system removal); (d) New Jersey American Water (water & sewer); and (e) 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. Sam Brown Esq. on behalf of the applicant. This is a single family lot that requests two variances, both of which will be explained and the criteria testified to at the Public Hearing. There is one discrepancy done in error by the engineer, 51.84 feet is actually 54.84 feet and it will be corrected. As far as the other technical questions or comments I would like to answer any board members questions and then move this application forward to the public hearing.

Mr. Neiman asked if the board had any questions.

Mr. Percal would like a tax map by the technical meeting not at the public hearing.

Mr. Brown explained that the engineer was not present at this time.

Mr. Banas agreed with Mr. Percal and asked that the application be held off for another month until the tax map was made available.

A discussion ensued about the parameters for the completeness of an application, According to the UDO the completeness of an application does not include a tax map. Although it is the applicant's decision to make the tax map available at the tech meeting, Mr. Jackson stated that it would be smart to give the board all the information it would need to make a positive decision on an application. Mr. Percal asked if it would be a good idea to informally ask for a tax map at the tech meeting. Mr. Vogt agreed and said he would look into it.

A motion was made by Mr. Schmuckler to move the application to the July 27, 2010 meeting. Seconded by Mr. Fink.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr, Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#9 SD#1744 (Variance Requested)
Applicant: Avraham Raitzik
Location: southeast corner of Attaya Road and Gudz Road
Block 11.04 Lots 5, 22
Minor Subdivision to create 3 lots

Project Description

The applicant seeks minor subdivision approval to subdivide two (2) existing lots totaling 0.84 acres in area known as Lots 5 and 22 in Block 11.04 into three (3) new residential lots, designated as proposed Lots 5.01, 5.02, and 5.03 on the subdivision plan. The two (2) existing lots contain existing two-story, split level frame dwellings which will remain. Public water and sewer is not currently available. Therefore, the two (2) existing dwelling are presently served by private individual septic disposal systems and potable wells. However, a proposed sanitary sewer main will be

constructed in the future by others, at that time the existing dwelling units will be connected to the proposed sanitary sewer system. No construction is proposed at this time under this application. The site is situated in the western portion of the Township on the southeast corner of Gudz Road and Attaya Road. The properties are located at least one hundred fifty feet (150') from Freshwater Wetlands.

The subdivision proposes to create three (3) lots of nearly equal size with proposed areas in excess of twelve thousand square feet (12,000 SF). Proposed Lot 5.01 will have an existing dwelling to remain and front Gudz Road. Proposed Lot 5.02 will be located at the intersection of Gudz Road and Attaya Road and shall be used for a future single-family residence. Proposed Lot 5.03 will also have an existing dwelling to remain and front Attaya Road. Curb exists along the Gudz Road frontage, but not along the Attaya Road frontage. Sidewalk does not exist along either street frontage. The proposed lots are situated within the R-12, Single Family Residential Zone. The site is surrounded by other residential lands. An accessory use rear yard variance is required to create this subdivision. We have the following comments and recommendations: (I) **Zoning** (1) The parcels are located in the R-12 Single Family Residential Zone. Single family detached housing is a permitted use in the zone. (2) Per review of the Subdivision Map and the zone requirements, the following variance is required: (a) Minimum Accessory Rear Yard Setback (proposed Lot 5.01, 3.0 feet; 10 feet required) – proposed condition. (3) A waiver from constructing curb and sidewalk along the property frontage is necessary (if approved by the Board). (4) The applicant must address the positive and negative criteria in support of the requested variance and waivers. **At the discretion of the Planning Board, supporting documents may be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The existing property generally slopes away from the Gudz Road and Attaya Road intersection. Existing dwellings will remain on proposed Lots 5.01 and 5.03. Since no unit is depicted on proposed Lot 5.02 at this time, testimony is required to address proposed grading and drainage. Furthermore, we recommend that a resubmission of the plan be made prior to the Public Hearing using a conforming building box to delineate proposed layout, grading, and drainage schemes. (2) The General Notes indicate the boundary and topographic information was taken from a plan entitled "Boundary & Topographic Survey of Tax Lots 5 & 22 – Tax Block 11.04". A copy of the survey must be provided for the project. Also, no individual trees are shown on the subdivision and we observed large individual trees outside the wooded areas during our site investigation which are worth saving. (3) The General Notes also state that topographic information shown is based on 1929 vertical datum. A bench mark should be included on the plan. (4) The General Notes state all encroachments caused by the proposed subdivision shall be removed from the proposed lots. The plan needs to clarify existing improvements that are to be removed and altered such as driveways and sheds. A driveway encroachment from adjoining existing Lot 17 onto proposed Lot 5.03 must be addressed for the Board's consideration of this subdivision. (5) The General Notes state that the proposed home for proposed Lot 5.02 shall comply with the RSIS parking requirements. No construction or dwelling unit is indicated for proposed Lot 5.02 at this time.

Furthermore, the plan is silent on the RSIS requirements for the existing dwellings remaining on proposed Lots 5.01 and 5.03. A new driveway which is not indicated is required for proposed Lot 5.01 since the old driveway will be removed because it is located on proposed Lot 5.02. The extent of alteration to the existing driveway on proposed Lot 5.03 is not indicated, although the existing driveway services a side entry garage and currently has ample off-street parking. Parking shall be provided to the satisfaction of the Board. (6) **Public sewer and water are not available at this time.** A proposed sanitary sewer will be constructed in Gudz Road and Attaya Road from the approved Jule Estates Major Subdivision project. After construction of the sanitary sewer, the existing dwellings may be connected and the existing septic systems abandoned. The existing dwellings and future dwelling on proposed Lot 5.02 will continue to be serviced by private individual potable wells. Ocean County Board of Health approval will be required for the Minor Subdivision. **Testimony should be provided on whether this potential subdivision approval shall be conditioned on the installation of sanitary sewer, or will a private individual septic disposal system be constructed for proposed Lot 5.02 in the interim.** (7) A proposed sight triangle easement is required on proposed Lot 5.02 because of the intersecting roads. (8) A correction is required to the proposed subdivision line between proposed Lots 5.02 and 5.03. The bearing for the proposed line is not perpendicular to the front property line of Attaya Road. (9) There is a discrepancy which must be rectified on the lot area for proposed Lot 5.02. The plan lists an area of 12,071 square feet, while the Schedule of Bulk Requirements shows an area of 12,246 square feet. (10) The proposed lot widths must be corrected in the Schedule of Bulk Requirements. The lot width for proposed Lot 5.01 should be 127.30 feet, the lot width for proposed Lot 5.02 should be 101.36 feet, and the lot width for proposed Lot 5.03 should be greater than the ninety-seven foot (97') value indicated. (11) A side yard dimension shall be added to the wood shed which will remain on proposed Lot 5.01. The dimension must also be added to the Schedule of Bulk Requirements. (12) The lot coverage percentages for proposed Lots 5.01 and 5.03 require correction. (13) No site improvements are proposed along the frontage of the project. Attaya Road is a paved road with a varying existing pavement width. Should the Board require curb for the project, the proposed curb should be set ten feet (10') from the property line and the road widened to the proper half width. Curb exists along the Gudz Road frontage and is in fair condition, but the road is in poor condition. Survey spot shots must be provided to assist in determining the extent of improvements that should be provided along the Gudz Road and Attaya Road frontages of the project. (14) A twenty foot (20') rear yard setback dimension should be added from the property line to the rear yard setback line on proposed Lot 5.02. (15) A proposed rear yard dimension should be added between the proposed rear property line and the existing dwelling on proposed Lot 5.03. Also, the side yard setback lines should be revised to ten feet (10') and fifteen feet (15') to comply with the zoning. (16) Testimony should be provided as to whether a basement will be proposed for the future dwelling on proposed Lot 5.02. (17) The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. (18) Compliance with the Map Filing Law is required. (19) Monuments to be set shall be shown. The plat must be corrected, but the monuments must be in place prior to the Map being filed. (20) A proposed six foot (6') wide shade tree and

utility easement is depicted on the plan along the property frontage. Survey information for the easement should be provided and the easement areas provided on a per lot basis. (21) No shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. (22) The Plan does not indicate any existing trees on the site. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans submitted for Township review should include tree protection measures to save mature vegetation where practicable. Should the Board require sidewalks, there are instances where consideration should be given for constructing sidewalks around existing trees and providing sidewalk easements on the individual proposed lots. (23) Due to no construction proposed at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future, especially since a sanitary sewer main is proposed by others. (24) Unless the Board waives the construction of curb and sidewalk, construction details are required for improvements required by the Board. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District (if necessary); (c) Ocean County Board of Health (well & septic); and (d) 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. Graham McFarland PDS for the applicant. This is a minor subdivision to create an additional lot from the existing two lots located on the corner of Attaya and Gudz Road. We are not requesting a waiver for curbs and sidewalks they will be built. There is one variance requested that relates to an assessor structure setback on one of the three lots. The project will eventually be served by connection to public sewer which are being constructed as part of another project. We would like the board to understand that this project does not entirely rely upon the sewer service being provided by that other development. We are prepared to comply and address the comments from Mr. Vogt's letter at the public hearing.

A motion was made by Mr. Fink to move this application to the July 27, 2010 meeting. Seconded by Mr. Percal.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#10 SP#1916A (Variance Requested)
Applicant: Chateau Equities LLC
Location: 943-945 River Ave.- former Chateau Grand
Block 1040 Lot 1.01
Amended Preliminary and Final Site Plan

Project Description

The applicant is seeking Amended Preliminary and Final Major Site Plan approval. This amended site plan is for Lot 1.01 which was created from previous Minor Subdivision and Major Site Plan approvals for the same applicant. The prior applications granted the applicant approvals to convert an existing unutilized restaurant site (formerly Chateau Grand) into office and retail use. A 1,448 SF addition was approved for construction upon the northeast corner of the building. The approved square footage for the retail portion of the building was 33,931 SF. The approved square footage for the office portion of the building was 11,789 SF. The total approved building area was 45,720 square feet. A total of two hundred twelve (212) parking spaces were approved at the above-referenced location. Access to the approved development was provided by a driveway from River Avenue (Route 9) and by a driveway from Broadway, which intersects Route 9. The applicant is requesting to amend the approval to remove the office use from the site. The office use granted in the previous approval only developed a portion of the second floor of the building. The amended proposal expands the second floor area and virtually develops the entire second floor of the proposed building. The amended application requests approval for 35,857.5 square feet of floor area on the first floor and 34,019.3 square feet of floor area on the second floor for a total of 69,876.8 square feet. Included in the retail uses proposed for the first floor is a Food Court Seating Area. Included in the retail uses proposed for the second floor is a Commercial Kitchen along with an Outdoor Simchah and a Simchah Hall. Lot 1.01 consists of 3.475 acres in area, and contains a vacant restaurant building formerly known as The Chateau Grand. The adjacent property, Lot 1.02, consists of 4.772 acres and is also owned by the applicant. The adjoining tract 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 amended site plan is for Lot 1.01. A proposed infiltration basin on Lot 1.02 will be used for Lot 1.01. The amended site plan shows most of the existing pavement on Lot 1.02 will remain, but it will not be used for overflow parking. There will be an elevation difference between the two (2) sites. A Blanket Drainage Easement on Lot 1.02 was previously proposed to facilitate the storm water management use from Lot 1.01. A Blanket Cross Access Easement for Lots 1.01 and 1.02 was also previously proposed. 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 mostly commercial uses. The project is within the HD-7, Highway Development Zone. We offer the following comments and recommendations: (1) **Waivers (A) The following waivers were granted with the Original Site Plan Approval from the Land Development Checklist.** (1) B2 -- Topography within 200 feet thereof. (2) B4 -- Contours of the area within 200 feet of the site boundaries. (3) B10 -- Man-made features within 200 feet thereof. (4) C14 -- Tree Protection Management Plan. We support the continuance of the previously granted waivers for this amended site plan application.

The waivers are appropriate since the plans filed contain sufficient detail and information to allow an informed judgment on the application despite the failure to comply with the plans details checklist of the ordinance. (II) **Zoning** (1) The site is situated within the HD-7, Highway Development Zone. Per Section 18-903H.1.b of the UDO, under "permitted uses" in the HD-7 zone cites various retail uses. Per Section 18-903H.1.d of the UDO, under "permitted uses" in the HD-7 zone cites restaurants and lunchrooms. 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. (2) A variance is required for the proposed number of parking spaces. Two hundred twelve (212) parking spaces will be provided on Lot 1.01. The Amended Site Plan lists that two hundred thirty (230) parking spaces are required. The applicant has based this figure on a shared parking concept where use of the Simchah Hall and Outdoor Simchah would be used during the early morning or evening hours when the retail space is not in use. (3) According to Section 18-807B.1 of the UDO, "Retail trade or personal service establishments other than in a shopping center of one-hundred thousand (100,000) square feet or more: one (1) space for each two hundred (200) square feet of gross floor area.". In addition, according to Section 18-807B.7 of the UDO, "Restaurants: one (1) space per fifty (50) square feet of floor area devoted to patron use". Per communications with the applicant's professionals, we are aware that the applicant calculated the actual proposed retail areas. All common areas, such as hallways, storage rooms, and bathrooms were left out of the retail floor area calculations. Furthermore, the Simchah Hall and Outdoor Simchah were left out of the calculations because their times of usage would not occur during the hours of operation of the retail use. Therefore, the proposed retail space on the first floor would be 25,448 square feet, while the proposed retail space on the second floor would be 20,542 square feet. The proposed total of 45,990 square feet would require the two hundred thirty (230) spaces listed, thereby requiring relief for a deficit of eighteen (18) spaces. We generally agree with this interpretation. The applicant's professionals have not accounted for the Food Court Seating area proposed on the first floor. It is our interpretation that this 785.5 square foot area should be added to the parking calculation at a rate of one (1) space for every fifty square feet (50 SF) of floor area devoted to patron use. An additional sixteen (16) spaces should be added to the required parking count. Therefore, it is our interpretation the project should require a total of at least two hundred forty-six (246) spaces and relief be required for a deficit of thirty-four (34) spaces. (3) The same conforming free-standing sign approved with the original site plan is proposed for the amended site plan. Variances are required for the number and area of proposed wall mounted signage. The architectural plans indicate a total of five hundred ninety-five square feet (595 SF) of proposed wall mounted signage for numerous proposed signs on three (3) sides of the building. Testimony is required on the proposed wall mounted signage variances requested since the only request noted on the amended site plan is for area. (4) The following design waivers were granted with the initial site plan approval: (a) Minimum 25 foot buffer from the property line to the proposed use (Subsection 18-803.E.2.a.). (b) Minimum 100 foot buffer from the State Highway (Subsection 18-803.E.2.f.). (c) 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 Lot 1.01, but not Lot 1.02. (d) 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. (III) **Review Comments (A) Site Plan/Circulation/Parking** (1) The Schedule of Bulk Requirements needs numerous corrections. The UDO Section for the Highway Development, HD-7 Zone is 18-903H. The existing front yard setback should be 45.1 feet, the dimension shown on the plans. There is no proposed rear yard for the project, only a proposed single side yard since Lot 1.01 has frontage on three (3) right-of-ways. The existing side yard setback should be 119.8 feet, the dimension shown on the plans. The provided building coverage should be increased to twenty-four percent (24%) since the minimum floor area should be upped to 35,857.5 square feet. Corrections are also required to the proposed parking and sign data. (2) The fifty foot (50') rear yard setback line shown for Lot 1.01 should be corrected to a thirty foot (30') side yard setback line. (3) 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 twelve (212) parking spaces are proposed for the site, eight (8) of which are handicapped. We calculate two hundred forty-six (246) parking spaces are required by the applicant's shared parking concept. The existing pavement is shown to remain on adjoining Lot 1.02. However, the existing parking lot on Lot 1.02 will not be used for overflow parking. There will be an elevation difference between the two (2) adjoining sites.(4) A 15' X 18' refuse area was previously approved at the southeast corner of the site next to proposed parking spaces. Testimony is required regarding the adequacy of the dumpster since the intensity for the use of the site is being increased with this amended site plan application. (5) An infiltration basin was previously approved directly north of the site on the southwesterly portion of adjoining Lot 1.02. An existing detention basin will remain on the northeasterly portion of Lot 1.02. The existing basin is enclosed by chain link fencing with barbed wire and has no vehicular access. No design revisions were being undertaken to this basin since all the impervious area on Lot 1.02 was being removed. The existing storm sewer and pavement on Lot 1.02 is now remaining on the amended site plan. Therefore, upgrading of this existing detention basin should be done. (6) Coordination is required between the amended site plan and the architectural plans. The width of the perimeter sidewalk for the building is inadequate now that pedestrian access to the facility is channeled to three (3) main doors. (7) 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. (8) Vehicular circulation plans were previously approved to confirm accessibility for delivery, emergency, and trash pickup vehicles that will need to access the site.(9) The applicant has indicated the thirty foot (30') wide drive connecting the main access drive of the proposed project to the adjacent property to the north is not for overflow parking, but for future use. Testimony shall be provided on the future connection. (10) Proposed pedestrian access points to the renovated building must be revised

on the amended site plan. The previous configuration is still shown. The sidewalk proposed to connect the building access points with existing sidewalk and impervious surfaces must also be revised. It is not clear whether the protected building access points along the fire lane on the south side of the building will still exist. Clarification is required on the architectural plans. (11) Proposed "No Parking Fire Lane" signs should be added to the amended site plan. Pavement markings are already proposed. (12) Proposed handicapped ramp locations should be revised around the building now that access points are being amended on the site plan. (13) The proposed building footprint on the amended site plan requires some minor adjustments to match the architectural plans. (B) **Architectural** (1) Basic architectural floor plans and elevations were submitted for review. Per review of the submitted plans, the building will be fifty feet, ten inches (50'-10") in height, which is less than the allowable sixty-five foot (65') height. The structure will house predominantly retail floor space. However, a Food Court Seating Area is proposed on the first floor. In addition, a Commercial Kitchen with an Outdoor Simchah and a Simchah Hall are proposed for the second floor. Unlike the original approval where the second floor area only covered roughly the front third of the total building area, the amended site plan application proposes a second floor area for the entire structure. (2) An elevation should be added for the south side of the renovated building, even though only a one-way drive/fire lane exists on that side of the structure. (3) 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. (4) Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. (5) Roof drains should be depicted and coordinated with the engineering drawings since the storm water design indicates the entire building runoff being collected in a roof drainage system and piped to the storm sewer collection system. (C) **Grading** (1) 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 Lot 1.01. Proposed elevations along the northerly property line of Lot 1.01 will be higher than the existing elevations of Lot 1.02. (2) An infiltration basin to be used by Lot 1.01 is proposed on the southwesterly portion of adjoining Lot 1.02 just north of the amended project site. The basin will be six and a half feet (6.5') deep with a flat bottom. An existing detention basin on the northerly portion of adjacent Lot 1.02 will remain. The existing basin depth is just over five feet (5') deep at the emergency spillway. The existing basin area on the site has chain link fence with barbed wire on top. (3) Better contrast between existing and proposed conditions is required on the amended site 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. (D) **Storm Water Management**(1) 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 an adjoining lot (Lot 1.02) owned by the same entity. Furthermore, many proposed improvements such as storm sewer pipe, structures,

and curb straddle the property line of Lots 1.01 and 1.02. The previous site plan approval provided for "A Blanket Drainage Easement on Lot 1.02, Block 1040, in favor of Lot 1.01, Block 1040" and "A Blanket Cross Access Easement on Lots 1.01 and 1.02, Block 1040". The Board Attorney must review these documents and determine whether the proposed blanket easements will serve the intended purposes now that an amended site plan approval has been requested. (2) The existing detention basin in the northerly portion of Lot 1.02 will remain in place and operate for the remaining impervious parking area which is being left in place with the amended site plan on Lot 1.01. This existing detention basin contains a pipe which discharges storm water onto an adjoining property and existing swale to the north. 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. (3) The previous site plan approval approved side slopes for the infiltration basin of 3:1, subject to stabilization measures required by the Township Engineer. (4) The overflow connection from the existing bubbler inlet at a low point in the fire lane to the proposed roof drain system should be added as shown on the previously approved site plans that received Resolution Compliance. (E) **Landscaping** (1) Proposed landscaping around the perimeter of the building must be revised and coordinated with the proposed building access points of the amended site plan. No landscaping associated with the existing pavement to remain on adjoining Lot 2 is proposed. (2) The overall landscape design is subject to review and approval by the Board. (F) **Lighting** (1) A detailed lighting design is provided on the Landscape and Lighting Plan. The proposed wall mounted lights shown on the renovated building are not shown on the architectural plans. Therefore, lighting revisions may be required. (2) Existing site lights on adjoining Lot 1.02 are shown to be removed. No proposed site lighting for the existing pavement to remain on Lot 1.02 has been shown. (G) **Utilities** (1) General Note #8 on the Amended Site Plan indicates that public water and sewer services will be provided by the NJ American Water Company. (2) Testimony should be provided regarding proposed fire protection measures for the amended site plan. (H) **Signage** (1) Signage information is provided for building-mounted signage on Sheet A-3 of the architectural plans. Variances are required for the building-mounted signs identified with this amended site plan application. (2) All signage proposed that is not reviewed and approved as part of this amended site plan application, if any, shall comply with the Township Ordinance. (I) **Environmental** (1) **Environmental Impact Statement** The applicant had submitted an Environmental Impact Statement with the original site plan application. The document was prepared by Trident Environmental Consultants to comply with Section 18-820 of the UDO. The report was 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: (a) 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. (b) Site investigation for wetlands and wetland buffers. (c) The Natural Heritage Program for any threatened and endangered species. Barred Owl, Northern Pine Snake, and Eastern Box Turtle habitat areas were evaluated. (d) NJDEP Landscape Project Areas. The author of the Environmental Impact Statement concluded the original proposed project will have both adverse and beneficial impacts to the project site and surrounding area. These impacts would be both long and short term. Careful planning and best management practices of the project can limit the adverse impacts associated with the development. Our office concludes that the amended site plan would not significantly alter the author's original findings. (2) **Tree Management Plan** This application had received a waiver from submission of a Tree Management Plan with the original site plan approval. It should be noted that virtually no trees will be removed as part of this amended site plan. (J) **Construction Details** (1) Construction details are provided on Sheet 8 of the plans. (2) 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. (3) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. (IV) **Regulatory Agency Approvals** Amended outside agency approvals for this project may include, but are not limited to the following: (a) Water and Sewer service (NJAW); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District; (d) NJDOT (access permit); and (e) 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. Vogt mentioned that there were waivers that needed to be granted

A motion was made by Mr. Fink to grant waivers B2, B4, B10 and C14. Seconded by Mr. Herzl.

Roll Call Mr. Herzl, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Brian Flannery on behalf of the applicant. We plan to use the existing building for retail space on both floors with a food court in the middle. The Lakewood ordinance has a provision for parking for sites with less than one hundred thousand square feet and more than one hundred thousand feet, at one hundred thousand square feet you need one parking space for every two hundred twenty five feet. We are providing one parking space for every two hundred seventeen feet. There is a diminimus reduction in the amount that, per the section of the ordinance that deals with small sites, but we would exceed what it was if we were a larger site. At the public hearing we will answer all questions involving parking.

Mr. Schmuckler inquired if there were any other malls in the area that are similar to this site.

Mr. Flannery was unsure if there were but he would look into it.

Mr. Flannery said as per Mr. Vogt's letter that they were not changing existing retention basin in the back of the property. There will be separate storm water management systems.

Mr. Banas asked if that will increase the drainage to the north of the property. Mr. Flannery replied no, it would not.

A motion was made by Mr. Banas to move the application to the August 17, 2010 public meeting. Seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

#11 SD#1741 (Variance Requested)
Applicant: First Hartford Realty Group/CVS
Location: Northwest corner of Route 9 & Prospect Street
Block 420 Lots 16, 17
Minor Subdivision to realign lot lines

Project Description

The applicant seeks minor subdivision approval to subdivide Block 420, Lots 16 and 17. A one-story maintenance building, parking lot, and infiltration basin all exist on Lot 16. Lot 16 is a somewhat rectangular shaped lot fronting Route 9 and contains 135,741 square feet (3.116 acres). Two (2) one-story brick office buildings with associated parking exist on Lot 17. Lot 17 is a corner lot containing 57,583 square feet (1.322 acres). The total project area is 193,324 square feet (4.438 acres). No construction is proposed under this application. The properties are located in the central portion of the Township on the northwest corner of River Avenue (Route 9) and Prospect Street. The lots are entirely situated within the HD-7, Highway Development Zone. Route 9 is a State Highway and Prospect Street is a County Road. The site is mainly bordered on the north and west by parking areas and other office uses. Paul Kimball Hospital is located to the south on the opposite side of Prospect Street. The opposite side of Route 9, to the east, is developed with a mix of commercial and residential uses. Public water and sewer is available. Curb and sidewalk exist along the street frontages. The purpose of the Minor Subdivision application is to create a site for a proposed CVS Pharmacy. We have the following comments and recommendations: (1) **Zoning** (1) The parcels are located in the HD-7 Highway Development Zone. Retail business establishments such as drug and pharmaceutical stores are a permitted use in the zone. (2) Per review of the Subdivision Map, a landlocked lot proposed Lot 16.02 would be created. Creating a landlocked lot will not be acceptable. The land required for the CVS site must be

taken from existing Lot 16 and added to Lot 17. Until this revision is made it is not possible to evaluate the proposed Minor Subdivision with respect to the zone requirements. (3) Since the existing one-story maintenance building will remain, a variance should be granted for the existing building located within the existing side yard setback. A thirty foot (30') side yard setback is required and the closest distance from the existing building to the side property line is 2.1 feet. (4) We recommend that the rear and side yard setback lines for the corner lot be reversed because of the frontage along Route 9 and the access proposed from Route 9. (II) **Review Comments** (1) The schedule of bulk requirements requires revision for the creation of two (2) proposed lots, one (1) for the proposed CVS Pharmacy and the other for the remaining lands. (2) The minor subdivision plan shows no construction is proposed at this time. A separate major site plan application has been submitted for a proposed CVS Pharmacy building on the northwest corner of Route 9 and Prospect Street. The application will be reviewed by our office under separate cover. (3) Road widening dedications (if necessary) should be provided to the Township and shown on the plat. (4) 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). (5) Minor corrections are required to the General Notes. (6) Zone Boundary Lines must be added to the map. (7) The side yard setback lines must be revised to thirty feet (30'). (8) The Plan indicates Cross Access and Drainage Basin Easements. The easement locations have been scaled from Deed Book 14006, Page 1251. Metes and bounds are required for these easements along with dedication to the proper parties. (9) The Certifications shall be in accordance with Section 18-604B.1 of the UDO. (10) The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. (11) Compliance with the Map Filing Law is required. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) New Jersey Department of Transportation; and (c) 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.

#12 SD#1933 (Variance Requested)
Applicant: First Hartford Realty Group/CVS
Location: Northwest corner of Route 9 & Prospect Street
Block 420 Lots 16, 17
Preliminary & Final Site Plan for proposed CVS

Project Description

The applicant is seeking Preliminary and Final Site Plan approval. This site plan is for a proposed CVS Pharmacy the lands for which would be created from a separate Minor Subdivision application from the same applicant. The applicant proposes to redevelop the site by demolishing two (2) single-story brick buildings, currently known as "Grand Prospect Center". The construction of a freestanding 15,043 SF CVS/Pharmacy retail store with a dual lane drive-thru, associated parking lot, landscaping, lighting, and utility upgrades is proposed. The proposed square footage for the first floor of the building is listed as 13,005 SF. The proposed square footage for the second floor of the building is listed as 2,038 SF. A total of sixty-six (66) parking spaces are proposed at the above-referenced location. Access to the proposed development will be provided by a right in/ right out driveway on River Avenue (Route 9) and by a two-way driveway from Prospect Street. Route 9 is a State Highway and Prospect Street is a County Road. The initial tract consists of a total 4.438 acres in area, and contains the medical buildings, a maintenance building, parking, and an infiltration basin. The proposed CVS portion of the site is listed at 1.69 acres. The remainder of the adjacent property will still contain the maintenance building, the parking lot as presently configured on existing Lot 16, and a redesigned infiltration basin. The project is located in the central portion of the Township on the northwesterly corner of River Avenue (Route 9) and Prospect Street. The intersection is signalized. The site is bordered to the north by the aforementioned infiltration basin which will be redesigned. Commercial development exists beyond the basin. A parking lot exists to the west of the site. Prospect Street borders the site to the south, with the Paul Kimball Hospital Site located on the opposite side. Route 9 comprises the easterly border of the tract with the Core Center on the opposite side of Route 9. The site is located within the Highway Development (HD-7) Zone District. Curb and sidewalk exist along the street frontages. Public water and sewer are available. We offer the following comments and recommendations: (I) **Waivers** (A) **The following waivers have been requested from the Land Development Checklist:** (1) B2 -- Topography within 200 feet thereof. (2) B4 -- Contours of the area within 200 feet of the site boundaries. (3) B10 -- Man-made features within 200 feet thereof. The indicated reason for waiver requests on B2, B4, and B10 is that the plans contain sufficient information for review. We concur that the mapping is sufficient and support the requested waivers as required. A Tree Protection Management Plan has not been provided and a waiver from this requirement has not been requested. The plan should either be provided or the waiver requested. (II) **Zoning** (1) 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 retail uses such as drug and pharmaceutical stores. (2) A CVS Easement Line is proposed on the Site Plan. It is our opinion this easement line should be the proposed property line for both the Minor Subdivision and Major Site Plan Applications. In this manner the lot lines between the two (2) existing lots would be realigned and no additional lots created. The proposed bulk requirements should be revised accordingly. Testimony is required regarding the proposed property lines and easement lines. (3) A variance is requested from providing the required non-residential front yard setback along a State Highway. A front yard setback of one hundred fifty feet (150') is required and a setback of 109.1' is proposed. (4) A variance has been requested from providing the

minimum rear yard building setback. It is our opinion that the requested variance actually involves a side yard, not a rear yard. A thirty foot (30') side yard setback is required and less than thirty feet (30') is proposed. (5) A variance is requested from not providing a ten foot (10') buffer strip between the parking and a public road for a non-residential development. A two foot (2') distance is proposed between the right-of-way of Prospect Street and the proposed parking. (6) A variance has been requested from providing fewer off-street parking spaces than required. Seventy-six (76) off-street parking spaces are required and sixty-six (66) off-street parking spaces are proposed. (7) The following sign variances are being requested: (a) An electronic message board on the CVS Monument Sign that does not show time and temperature only. (b) A greater sign area on the Monument Sign than allowed. (c) A greater sign height for the Monument Sign than allowed. (d) A greater amount and square footage of Wall Signs than allowed. (e) Wall Signs on building elevations that do not front a street. (8) Per review of the site plans and application, the following design waivers appear to be required: (a) The providing of street trees along with shade tree and utility easements (Subsection 18-803.D.1.). (b) Minimum twenty-five foot (25') buffer from the property line to the proposed use (Subsection 18-803.E. 2.a.). (c) Minimum 100 foot buffer from the State Highway (Subsection 18-803.E. 2.g.). (d) Any and all other design waivers deemed necessary by the Board. (9) **The applicant must address the positive and negative criteria in support of the requested variances and waivers. At the discretion of the Planning Board, supporting documents may be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (III) **Review Comments** (A) **Site Plan/Circulation/Parking** (1) The Plan Notes reference a Survey which was used to prepare the base plan. A copy of this document must be provided for review. (2) The "two hundred foot (200') abutter's list map" should be taken from the limits of existing Lots 16 and 17 since a Minor Subdivision has not yet been approved. **This correction is required since it could impact property owner notifications within two hundred feet (200').** (3) As indicated in the site plans, access is being provided via a right in/right out access drive from Route 9. Access is also being provided by a two-way access drive from Prospect Street. A total of sixty-six (66) parking spaces are proposed for the site, four (4) of which are handicapped. Seventy-six (76) parking spaces are required. The requirements are based on a retail use of 15,043 SF with a space for every two hundred square feet (200 SF). The proposed standard parking spaces will be 9' x 18' in size and two-way drive aisles will be a minimum of twenty-four feet (24') wide. The proposed one-way drive aisle on the north and west sides of the building servicing the dual lane drive-thru is eighteen feet (18') wide. (4) A screened brick trash enclosure area, an enclosed compactor on a compactor pad, a loading area pad, and a 12' X 68' loading area are proposed on the west side of the proposed building. The loading area pad and loading area propose no screening since the area will be traversed as shown on the Vehicle Maneuvering Plan. Testimony is required on how this westerly part of the proposed site will function. (5) A redesigned infiltration basin is proposed directly north of the CVS site on the easterly portion of the adjacent lot. Retaining walls are proposed for the redesigned basin which will be fenced by chain link fencing. Vehicular access will be provided at the spillway adjacent Route 9. A gate should be

provided at the spillway to control basin access. Subsurface infiltration and storage basins are proposed on-site. (6) 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. (7) Traffic Striping is proposed throughout the site. The proposed striping limits should be dimensioned. Testimony is required to document the adequacy of proposed vehicular circulation and of the proposed loading area for facility operations. Stacking for the drive-thru should be addressed. (8) Vehicular circulation plans indicate that accessibility for delivery, emergency, and trash pickup vehicles will take place on the west side of the site. (9) Proposed pedestrian access may be restricted in the vicinity of the building vestibule. Testimony is required on the practicality of the proposed layout. Proposed handicapped signage must be located behind the curb. In some instances it may be necessary to place the proposed signage on the building. (10) Proposed "No Parking Fire Lane" signs must be added to the site plan. (11) A proposed transformer pad for the electrical service is near the southwest corner of the building. Screening has not been provided. (12) The proposed building footprint on the site plan should be dimensioned to assure a match with the architectural plans. (B) **Architectural** (1) Architectural floor plans and elevations were submitted for review. Per review of the submitted plans, the building will be twenty-eight feet (28') in height. The Zoning Summary Chart shall be corrected accordingly. The proposed building height is easily below the sixty-five foot (65') allowable height. The structure will house predominantly retail floor space, with a pharmacy. Limited second floor area covers less than a sixth of the total building area. (2) 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. (3) Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. (4) A fire suppression system is proposed. A two inch (2") potable water system connection and a six inch (6") fire suppression system connection are proposed. (5) Roof drains have been depicted and coordinate with the engineering drawings. The storm water design indicates the entire building runoff being collected in a roof drainage system and piped to the storm sewer collection system. (6) The architectural plans have been signed and sealed Robert Joseph Gehr, a licensed New Jersey Architect. His full name and license number must appear in the title box. (C) **Grading** (1) A detailed grading plan is provided on Sheet 5. Consistent with existing topography, proposed grading will generally slope towards the adjacent streets. A storm sewer collection system is proposed to collect runoff throughout the site. Additional grading on the adjoining property to the north is being provided because of the redesigning of the infiltration basin. (2) All proposed curb should be designed to the hundredth of a foot to insure proper site grading. (3) An infiltration basin is proposed to be redesigned on the adjoining property just north of the proposed project site. The basin will be five and a half feet (5.5') deep. Retaining walls are proposed around the perimeter of the basin. A six foot (6') high chain link fence is proposed outside the walls. (4) Per review of the current grading

plan, it is generally acceptable. (D) **Storm Water Management** (1) A proposed storm sewer collection system has been designed utilizing reinforced concrete pipe to convey stormwater runoff into proposed subsurface infiltration basins with an overflow to the existing above ground modified infiltration basin located north of the proposed CVS development. The proposed underground infiltration basins are located underneath the proposed parking lot areas of the CVS site. Each underground infiltration basin will consist of seven (7) rows of forty-eight inch (48") diameter perforated high density polyethylene (HDPE) pipe. Each infiltration basin will be encased with a stone medium with a half foot (0.5') cover above and below the forty-eight inch (48") perforated pipes. (2) Pretreatment has been designed for the proposed underground infiltration basins designed in series by a proposed CDS Unit. The plans also incorporate other Low-Impact Development strategies such as utilizing porous asphalt in the parking stalls and a grass stabilized area next to the loading space. (3) The redesigned above ground infiltration basin next to Route 9 is intended to serve the surrounding existing sites, as well as be an overflow for the CVS site. The Storm Water Management Report calculations indicate the spillway for the proposed redesigned above ground infiltration basin will be overtopped during the 100 year storm event. While the redesigned basin has been designed large enough to contain the 2 and 10 year storm events without the use of the spillway, the basin is not large enough to contain the 100 year storm event without further modifications to the overall design. Since storm water discharge is being directed onto Route 9, we recommend the applicant's engineer enlarge the proposed infiltration basins to contain the entire 100 year storm event and the overflow provided only as an emergency outlet. Our office should be contacted regarding these design considerations. (4) A Geotechnical Investigation has been submitted which indicates ground water at a depth of approximately sixteen feet (16') below existing grade. However, no information has been supplied on the depth of seasonal high ground water. Therefore, a determination on whether the required two foot (2') separation between the proposed infiltration systems and seasonal high ground water cannot be made. (5) Proposed storm sewer pipes entering the redesigned infiltration basin are required to have an "in" invert at the basin bottom elevation with conduit outlet protection. Proposed drop manhole structures and/or alterations to other existing drainage structures will be necessary to accomplish this requirement. (6) Storm sewer profiles will be reviewed subsequent to design revisions being undertaken. (7) A storm water maintenance manual has not been provided in accordance with NJ Storm Water Rule (NJAC 7:8) and Township standards. (E) **Traffic** (1) A Traffic Impact Study has been submitted for review, assessing impacts of this project. (2) Traffic counts were conducted at the existing medical buildings access driveway and the Route 9/Prospect Street intersection. These counts were done on Friday, January 30, 2009 from 3:30 PM to 6:30 PM and on Saturday, January 31, 2009 from 11:00 AM to 2:00 PM. Accordingly, the peak hours based on the data collected were from 3:45 PM to 4:45 PM on Friday and from 11:45 AM to 12:45 PM on Saturday. It should be noted that sundown at the end of January occurs at approximately 5:15 PM and Saturday is the Sabbath. We recommend new traffic counts be conducted to accurately depict the existing traffic conditions and the Study be revised accordingly. (3) Based on the current report, the Route 9 and Prospect Street intersection operates at the following existing levels of service (a)

Eastbound Prospect Street (LOS) D.(b) Southbound Route 9 (LOS) C. (c) Northbound Route 9 (LOS) F on Friday and (LOS) B on Saturday. Under the Build conditions the level of service for northbound Route 9 will drop to C on Saturday. (4) Based on the current report, the proposed Route 9 site driveway will operate at a level of service C on Friday and a level of service B on Saturday. The proposed Prospect Street site driveway will also operate at levels of service C on Friday and B on Saturday. (5) Based on the **current** report, it should be noted that the average vehicle delay of 102.8 seconds on the northbound Route 9 approach on Friday will increase to 233.1 seconds under the Build conditions. (6) **Our office recommends new traffic counts be conducted during the local rush hour conditions and a revised Traffic Impact Study be submitted to the Board.** (D) **Landscaping** (1) The property lines must be added to the Landscape Plan. The limit of work is not clear, especially with respect to the topsoil, seed, and sod. (2) Proposed landscaping along the Route 9 frontage of the site does not encroach on the NJDOT Desirable Typical Section Line. There is one (1) existing deciduous tree within the NJDOT Desirable Typical Section Line which will be protected and remain. (3) An irrigation system will be provided for the landscaping. (4) Some screening should be provided for the transformer on the proposed landscape island at the southwest corner of the building. (5) The overall landscape design is subject to review and approval by the Board. (6) The applicant has not provided a six (6) foot shade tree and utility easement along the property frontages, and has requested a waiver from providing shade trees. The sight triangle easements for the proposed site access points should be added to Landscape Plan to avoid planting conflicts. (G) **Lighting** (1) A detailed lighting design is provided on the Lighting Plan and Details. A point to point diagram has been included. Per review of the isometric data, the design appears to adequately illuminate the proposed use. (2) The proposed site lights consist of nine (9) single fixture pole mounted lights, one (1) double fixture pole mounted light, and seven (7) wall mounted lights. (H) **Utilities** (1) Public water and sewer services will be provided by the New Jersey American Water Company since the project is within their franchise area. (2) All proposed utility connections will be made on the Prospect Street side frontage of the project. All proposed connections will be underground. Sanitary sewer, potable water, gas, electric, and telephone service are all proposed. (3) Testimony should be provided regarding proposed fire protection measures. A two inch (2") potable water line and a six inch (6") fire suppression line are shown for the proposed building. (I) **Signage** (1) Signage information is provided for building-mounted signage on Sheet A-4.1 of the architectural plans. Signage information is provided for free-standing signage on Sheet 4 of the site plans. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) has been provided for review and approval as part of the site plan application. Sign variances are required. (2) All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. (J) **Environmental** (1) **Site Description** Per review of the site plans, aerial photography and a site inspection of the property, the initial tract consisted of a total 4.438 acres in area, and contains the medical buildings, a maintenance building, parking, and an infiltration basin. The proposed CVS portion of the site is listed at 1.69 acres. The remainder of the adjacent property will still contain the maintenance building, the

parking lot as presently configured on existing Lot 16, and a redesigned infiltration basin. The project is located in the central portion of the Township on the northwesterly corner of River Avenue (Route 9) and Prospect Street. The intersection is signalized. The site is bordered to the north by the aforementioned infiltration basin which will be redesigned. Commercial development exists beyond the basin. A parking lot exists to the west of the site. Prospect Street borders the site to the south, with the Paul Kimball Hospital Site located on the opposite side. Route 9 comprises the easterly border of the project, with the Core Center on the opposite side of Route 9. (2) **Environmental Impact Statement** The applicant has submitted an Environmental Impact Statement. The document has been prepared by Vanasse Hangen Brustlin, Inc., to comply with Section 18-820 of the UDO. The report has been prepared for CVS to accompany the application for site plan approval. 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: (a) Known Contaminated sites (including deed notices of contaminated areas); (b) Wood Turtle and Urban Peregrine habitat areas; and (c) NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. There are many corrections required to the Environmental Impact Statement which our office can review with the applicant's professionals. (3) **Tree Management Plan** This application shall either include the submission of a Tree Management Plan or request a waiver from submission. It should be noted that the only trees to be removed are located between the existing medical building site and the existing infiltration basin. (4) **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. (K) **Construction Details** (1) Four (4) sheets of construction details are provided on of the plans. However, design changes are anticipated. Therefore, we recommend that final construction details be revised as necessary during compliance review, if/when this project is approved by the Board. (2) 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. (3) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. (IV) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Water and Sewer service (NJAW); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District; (d) NJDOT (access permit); and (e) 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. Harvey York Esq. on behalf of the applicant. For application #SD 1741, minor subdivision portion, under the Zoning section number two, we will consolidate the lots so there is no landlocked issue. Under the Site Plan portion there needs to be waivers for B2, B4 and B10.

A motion was made by Mr. Banas to grant waivers B2, B4 and B10 for this application. Seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. York then introduced Mr. David Caruso P.E. from Vanasse, Hangen and Brustlin Engineers Inc., from Edison New Jersey.

Mr. York with regard to the front yard setback please explain to the board where the setback will be and how it relates to the existing setback.

Mr. Caruso, the proposed CVS will be setback off Route 9 and River Road right of way 109.1 feet, we are requesting relief due to the fact that the ordinance states 150 feet. The existing building (one story medical building) on site on lot 17 today is 112 feet while we are aggravating the variance we are certainly not making it substantially worse.

Mr. York, is there is a shallowness to this area that if you went all the way back you would bump into the rear setback.

Mr. Caruso, We are bound by the opposite property line off River Ave. by approximately fifty feet. The building as it is now is a two lane drive thru thirty five to forty feet from the rear property line.

Mr. York, with regard to the ten foot buffer strip between the parking and the public road could you describe the situation there.

Mr. Caruso, Due to the lot configuration of lot 17 we are asking relief for providing a two foot separation between the curb line for the parking on Prospect St. and the right of way line where ten feet are required.

Mr. York, if you had the ten feet required would it effect the number of parking spaces currently on the plan.

Mr. Caruso, we would lose approximately twenty three parking spaces.

Mr. York, with regard to the number of parking spaces the applicant is short ten spaces.

Mr. Caruso, yes that is correct.

Mr. York, with regard to the shortage of spaces the applicant will testify that that is a normal design standard for CVS.

Mr. Caruso, yes.

Mr. York, with regard to the sign variances please describe in general terms.

Mr. Caruso, basically the number of signs, size of signs and the electric signs at the public hearing we will have a sign consultant testify to the sign variances.

Mr. York, is there some reason why the signs have been designed the way they have.

Mr. Caruso, they are in line with prototypical CVS sign standards for their building of this size.

Mr. Neiman inquired where the cars will be entering and exiting from this site.

Mr. Caruso stated a new curb cut along River Ave. (Route 9) is proposed on the northern property boundary in an easement area that the applicant is seeking from the land owner. It will be designed to DOT standards. It is approximately two hundred feet north of the intersection of Route 9 and Prospect Street that will be a right in and a right out only. On Prospect Street we are proposing a modified full access curb cut, generally in the same location that services the Medical Building that exists today on the site, by modified we mean making it wider.

Mr. York stated that they would have a traffic expert present at the public hearing with a revised report.

Mr. Banas inquired as to how do they plan to redevelop the Route 9 and Prospect Street corner and what do they think will happen with the traffic.

Mr. Caruso stated that they do not have the jurisdiction to change the Route 9 traffic lanes. The traffic may not get any better and it may get slightly worse but it is not their responsibility to make traffic better only to provide adequate access and egress from the site.

Mr. Schmuckler asked about the first parking spot and how it looks as though a car would have to make a very sharp turn to access the spot.

Mr. Caruso explained that there will be a concrete island next to the spot and if the vehicle remains on the asphalt the spot may be accessed by a wide turn.

Mr. Banas inquired who owns the land to the north.

Mr. Caruso stated Kimball Medical Center was the owner and the applicant is purchasing four thousand six square feet that is part of lot 16 from Kimball Med. Ctr., there is also approximately a twelve thousand square foot easement area that the property owner will retain but allow CVS use for access and egress to the CVS.

A motion was made by Mr. Banas to move the application to the September 14, 2010. Seconded by Mr. Fink.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Neiman recognized Mr. Jan Waters, Township Attorney.

Mr. York said that he objected to allowing Mr. Waters speak on the matter of this application, he feels the Township does not have the right to speak here at this time, citing the Prezusky Case that the court express the expectation meaning the Township testifying or objecting would occur only in those rare cases where the board of adjustment has aggregated the governing bodies authority and where there is a substantial public interest in protecting the integrity of the master plan of the zone scheme. He did not think the Township had a right to speak at a planning board hearing, to do so would aggregate the rights of the planning board. They appoint the planning board they give you the authority then they come in and give their opinion which places an undo burden on the board.

Mr. Banas stated that there are two Committeemen that have seats on the planning board and if the information presented weather it is here or by individual members would obtain a net effect.

Mr. York disagreed stating that the Land Use Law put members of the committee on the board through the committee would have a role in planning it is substantially different than the Township Committee saying how they feel. If the planning board approves an application the committee can not sue them. This case which only deals with a non-conformity is a different issue all together because if the township doesn't like the application they do have a remedy, to rezone the property.

Mr. Jan Waters, Township Attorney, stated that the Township Committee asked him to appear at the planning board meeting, they understand that this is a permitted use but they are concerned about the traffic pattern and the traffic flow. The study was done on a Friday afternoon and a Saturday morning, not an optimum time frame for this area, therefore the Township Committee has serious concerns about this application.

Mr. York again objected to the Township Committee stating they have made a prejudicial decision with out hearing the testimony which the planning board which the planning board has asked us to provide at a public hearing.

Mr. Jackson stated that number 11 and number 12 are moved to the September 14, 2010 meeting, there will be a notice.

Mr. Keilt reminded Mr. York that the board needed revised plans and traffic study by August 11, 2010

6. CORRESPONDENCE

Mr. Ron Gazarowski sent a letter to Mr. Jackson asking if this was the correct board to hear the PDF from Georgian Court. Mr. Jackson replied that yes it is the correct board.

7. PUBLIC PORTION

8. APPROVAL OF THE MINUTES

Minutes from June 1, Planning Board Meeting.
Minutes from June 15, Planning Board Meeting.
Motion was made by Mr. Herzl, and seconded by Mr. Fink to approve.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

9. APPROVAL OF BILLS

Motion was made by Mr. Herzl, and seconded by Mr. Banas to approve.

Roll Call Mr. Herzl, yes, Mrs. Koutsouris, yes, Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Margaret Stazko
Planning Board Recording Secretary