

## I. CERTIFICATION OF COMPLIANCE

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

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

## 2. ROLL CALL

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

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. PLAN REVIEW ITEMS

1. SD # 1678 (Variance Requested)  
Applicant: David & Robin Sneddon  
Location: 120 Pawnee Road-between Iroquois Pace and Seminole Drive  
Block 2.08 Lot 4  
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated June 24, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide and existing single-family lot known as Block 2.08, Lot 4. The existing lot fronts Pawnee Road, and is approximately 100 feet west of its intersection with Iroquois Place. There is an existing dwelling, driveway, in ground pool and various ancillary structures on the lot. The site is situated within a residential area. We have the following comments and recommendations: Zoning- The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use in the zone. Per review of the Subdivision Map and the zone requirements, the following variances appear necessary for the proposed lots: Lot Area (Lot 4.01, 9,003 s.f., Lot 4.02, 10,253 s.f., 12,000 s.f. required) – proposed condition. Front Yard Setback, (Lot 4.01, 29.53 ft proposed, 30 ft required) – existing condition. Accessory Building Side Yard Setback (Lot 4.01, 2.8 ft proposed, 10 feet required) – existing condition. Accessory Building Rear Yard Setback (Lot 4.01, 8.5 ft proposed,

10 feet required) – existing condition. Accessory Building Side Yard Setback (Lot 4.02, 3.95 ft proposed, 10 feet required) – existing condition. Accessory Building Rear Yard Setback (Lot 4.02, 5.54 ft proposed, 10 feet required) – existing condition. The accessory building variances necessary for the Gazebo present on Lot 4.02 can be eliminated by removal or relocation of the structure. The zoning schedule on the plan needs to be corrected to reflect existing and proposed conditions, and variances required. The applicant must address the positive and negative criteria in support of the requested variances. Review Comments- Per review of the subdivision plan, the dwelling on existing Lot 4.01 appears to have a driveway capable of providing parking for at least four (4) cars, as well as a 1-car garage. Testimony should be provided regarding the amount of parking proposed for Lot 4.02. Parking should be provided to the Board's satisfaction. The existing dwelling on Lot 4.01 is intended to remain. Testimony should be provided by the applicant to confirm that the home proposed on Lot 4.02 would be single-family, and will conform to the R-12 zone's area and yard requirements. The plan indicates existing curb along the existing Pawnee Road frontage. The curbing is in adequate condition. The Board should determine whether sidewalk is necessary. We note that there is no existing sidewalk in the immediate vicinity of the property. The subdivision plan indicates that the existing dwelling on proposed Lot 4.01 is served by public water and sewer, and proposed Lot 4.02 would be as well. Outside approvals for water and sewer would be required prior to the issuance of a certificate of occupancy for development of Lot 4.02. Proposed construction details must be added to the plan (if any construction is proposed or required by the Board) in accordance with applicable Township or NJDOT standards. A note should be added to the plan indicating that the in-ground pool within Lot 4.02 will be removed (and area adequately regraded and restored) prior to development of Lot 4.02, and the Gazebo removed or relocated. Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. A six foot (6') wide shade tree and utility easement should be provided on the plan (unless waived by the Board). Similarly, shade trees should be provided (unless waived by the Board). Compliance with the Map Filing Law is required. At a minimum, proposed monuments should be shown to demarcate the proposed subdivision line. Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals (Lot 4.02); Ocean County Soil Conservation District (if necessary); and 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.

Ross Gertner Esq. appeared on behalf of the applicant. He said this is a minor subdivision application with 6 variances; of those 6 variances, 5 are existing conditions, 1 is created by the proposed subdivision (lot area). Some of the existing conditions will be remedied by the proposed subdivision. They plan on removing the gazebo which will remove those variances.

Mr. Neiman said what the board would like to see for the regular meeting is a map with lots in the area for evaluation. Mr. Kielt suggested a tax map.

Mr. Schmuckler asked if they were putting in sidewalks and Mr. Gertner said they are requesting a waiver because there are no sidewalks and said when construction is done on the lots they will put in sidewalks. Mr. Neiman said the board normally asks for sidewalks for any subdivision. Mr. Banas said they would require sidewalks around the entire property at the time of resolution or a bond posted.

Motion was made by Mr. Herzl, seconded by Mrs. Koutsouris, to advance to the meeting of August 18, 2009

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

2. SD # 1660 (Variance Requested)  
Applicant: Yeshoshua Frankel  
Location: 339 Laurel Avenue-west of Clover Street  
Block 538 Lot 25  
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated May 26, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide a property consisting of existing Lots 11 and 25 in Block 538, into three (3) residential lots. For two (2) of the proposed lots, Lot 11.01 and Lot 25.01, single-family dwellings exist and are proposed to remain. No construction is proposed on proposed Lot 25.02 under this application. Proposed Lots 25.01 and 25.02 have frontage along Laurel Avenue. Proposed Lot 11.01 has primary frontage along Ocean Avenue (Route 88) and secondary frontage on Laurel Avenue. The proposed lots are situated within the R-7.5, Single Family Residential Zone. The surrounding land uses in the immediate project area are predominantly residential. We have the following comments and recommendations: Zoning- The parcels are located in the R-7.5 Residential District. Single-family detached dwellings are a permitted use in the zone. Per review of the Subdivision Map and the zone requirements, the following appear necessary for this application: A variance for lot width is required for proposed Lot 11.01. The existing lot width is 48.4 feet, where 50 foot is required. Variances for side yard setback are required for proposed Lot 11.01. Pre-existing side yard setbacks of 5.9 feet and 6.5 feet existing for the on-site dwelling, versus the minimum 7 foot and 15 foot (aggregate) side yard setback requirements. A pre-existing side yard setback of 6.3 feet for the existing shed versus the minimum 7 foot accessory building side yard setback requirement. A front yard setback variance is required for proposed Lot 25.01. A pre-existing setback of 10.7 feet exists for the on-site dwelling, versus the minimum 25 foot front yard setback requirement. A rear yard setback variance is required for the existing frame garage to remain on proposed Lot 25.01. The pre-existing rear yard setback for the garage is 0.9 feet compared to the minimum 7 foot accessory building rear yard setback requirement. As indicated above, all of the requested variances are for pre-existing conditions associated with existing dwellings and accessory buildings. However, the applicant must address the positive and negative criteria in support of the requested variances. Review Comments- The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. No specific data for the existing and proposed lots is provided. Therefore, the zoning table rounds up to three (3) off-street parking spaces being required for these lots. A minimum of four (4) off-street parking spaces per lot are being provided for the proposed developable lot (Lot 25.02). Additionally, the bituminous driveway and frame garage that will remain on proposed Lot 25.01 also appear capable of providing over 4 spaces as well. It appears the intention of the narrow strip for proposed Lot 11.01 is to provide for off-street parking by accessing Laurel Avenue since no off-street parking can be provided from the Route 88 frontage. Testimony should be provided and note 16 deleted from the plan. The minimum R-7.5 zone setback lines are provided for proposed Lot 25.02 to be developed. In addition, the existing masonry building located at the rear of this lot and proposed Lot 25.01 is proposed to be removed. The subdivision plan appears to indicate that a portion of the rear lot line between existing Lot 12 and proposed Lot 25.01 will be removed. The leader line shall be corrected to indicate the existing lot line between existing Lots 11 and 25 will be removed. A 10- foot wide (+/-) strip of property would be created immediately west of proposed Lot 25.01 as indicated on the subdivision plan, extending

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from Laurel Avenue to the rear of proposed Lot 11.01. We believe the intention is to create a driveway, however no improvements are proposed. The purpose of this lot configuration should be addressed by the applicant's professionals. The plan indicates existing curb and sidewalk along Laurel Avenue and Ocean Avenue. Curb and sidewalk will need to be replaced at the proposed driveway location for proposed Lot 25.02, at a minimum. A note is provided on the plan that indicates "Any damaged or deteriorated curb will be replaced as directed by the Township Engineer. The subdivision plan shows public water and sewer available within Laurel Avenue and Ocean Avenue. A note is provided on the plan, indicating that public water and sewer service are proposed. The names and addresses if the applicant and owner listed on the development application are inconsistent with those listed on the subdivision plan. Testimony is required from the applicant's professional regarding which names and addresses are correct, with revisions necessary on the revised documents to be submitted in accordance with this review letter. The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. A 6-foot wide shade tree and utility easement is proposed along Laurel Avenue. Three (3) shade trees, identified as "2" Caliper Street Tree(s) as Selected by the Board" are proposed within the easement. Said trees should be selected from those allowed per Township Code, unless specific trees are requested by the Planning Board. No shade tree and utility easement is shown along the Ocean Avenue (Route 88) frontage. Proposed construction details must be modified to comply with applicable Township and 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. A map detail is required for the vicinity where the right-of-way width of Laurel Avenue changes. Also, the proposed shade tree and utility easements on the respective lots must be complete with distances and areas because of the irregular configuration. Compliance with the Map Filing Law is required. Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; New Jersey Department of Transportation (if necessary); Water and Sewer Approvals (NJAWC, prior to occupancy); Ocean County Soil Conservation District (if necessary); and 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.

Miriam Weinstein Esq. appeared on behalf of the applicant with Walter Hopkin as the engineer. Mrs. Weinstein said in reference to the comments on the 10 ft. wide strip; that strip is intended to create a driveway to Laurel Avenue. There is a driveway on Ocean Avenue but the idea was to make sure there is a driveway back to Laurel Avenue because Route 88 is a busy highway and said that driveway currently exists. They have corrected the discrepancy on the application so the applicant's name matches the plans.

Mr. Neiman asked them to address parking; if there are basements, will there be sufficient parking. Mrs. Weinstein said no new construction is proposed on this application. Mr. Percal reminded the application to provide an aerial map showing the lots and Mr. Kielt said he thought the key map showed enough of the neighborhood. Mr. Hopkin said the proposed lots are oversized.

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutsouris, to advance to the meeting of August 18, 2009

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

3. SD # 1679 (Variance Requested)  
Applicant: Zebra Holdings  
Location: corner of Ridge Avenue and Brook Road  
Block 189 Lot 21  
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated June 18, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide existing Lot 21, Block 189, into two (2) residential lots. An existing dwelling is currently situated on-site which will remain on proposed Lot 21.01 as a part of this project. A new single-family dwelling lot will be created for proposed Lot 21.02 under this application. Both lots have frontage along Ridge Avenue, with proposed Lot 21.01 having dual frontage. The proposed lots are situated within the R-12, Single Family Residential Zone. The surrounding land uses are predominantly residential. We have the following comments and recommendations: Zoning- The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use in the zone. Per review of the Subdivision Map and the zone requirements, the following variances are required for proposed Lot 21.01: Front Yard setback (10.8 ft proposed, 30 ft required) – existing condition. Accessory Rear Yard setback (1.6 ft proposed, 10 ft required) – existing condition. Minimum Side Yard setback (8.58 ft proposed, 10 feet required) – new condition. Minimum Accessory Side Yard setback (3.78 ft proposed, 10 feet required) – new condition. It should be noted that the proposed side yard setback variances are from the existing dwelling and garage, and appear unavoidable without making proposed Lot 21.02 less than the 12,000 square foot area minimum. The applicant must address the positive and negative criteria in support of the requested variances. Review Comments- The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. No specific parking data for the existing and proposed lots is provided. Therefore, the zoning table rounds up to three (3) off-street parking spaces being required for these lots. It appears the existing dwelling (proposed Lot 21.01) will use an existing garage and future parking made available through a proposed gravel driveway and turnaround. No parking information is provided for proposed Lot 21.02. Said information must be provided on the revised subdivision plan and testimony provided for the Board's consideration. No footprint is provided for a proposed dwelling on new Lot 21.02. The zone requirement chart appears to indicate that the 25% building coverage limit allowed per R-12 zoning will not be exceeded. Confirming testimony is required. Neither sidewalk nor curbing exist along the property's Ridge Street frontage, and none appears proposed per review of the plan. Sidewalk and curbing exist along the opposite side of Ridge Avenue, facing proposed Lot 21.01. The Board should consider whether new curb and/or sidewalk are necessary for this project. Per review of the existing subdivision plan, a potable well exists on proposed Lot 21.01, where the existing home is located. An existing septic system is shown on proposed Lot 21.02. Notes on the plan indicate that new Lot 21.02 will be served by public water, and an individual septic system. Clarifying testimony should be provided by the applicant's professional, and testimony given regarding how each lots is or will be served for water and sewerage (i.e. whether the existing well serves the existing dwelling on Lot 21.01, and whether the existing septic system on Lot 21.02 will serve one of the proposed lots). Ocean County Health approval is necessary. Grading information should be provided for the proposed apron and gravel driveway to serve the existing home on proposed Lot 21.01, in addition to any other improvements deemed necessary by the Board. The subdivision plan should be revised to indicate that the "Remains of Concrete Pond and Wall" will be removed as a condition of developing proposed Lot 21.02. Proposed construction details must be modified to comply with applicable Township or NJDOT standards unless specific relief is requested in the current

application (and justification for relief). A radial right-of-way dedication should be given from the proposed corner lot since the intersecting streets already encroach on the property. Since the minimum combined side yard setback is 25 feet, we recommend the proposed westerly side yard setback line on new Lot 21.02 be increased to 15 feet. The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. No shade trees are proposed within a 6 foot shade tree/utility easement on the subdivision plan. These items should be provided (unless waived by the Board). Descriptions shall be provided for the proposed shade tree/utility and sight triangle easements. Compliance with the Map Filing Law is required. Should approval be granted, the monuments shown to be set must be in place prior to signing the map for filing with the County. Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Board of Health; Water and Sewer Approvals (prior to occupancy); Ocean County Soil Conservation District (if necessary); and 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.

William Stevens appeared on behalf of the applicant and said he will comply with all the comments in the engineer's report. They have not provided curbs and sidewalks but they will revise the plans to include them. Mr. Stevens said one of the comments also recommended increasing the required side yard setback on the new lot that will not have a home on it as part of this application to offset the variances that they are requesting from the existing home and the existing garage.

Mr. Penzer said he will not be available for the August 18<sup>th</sup> meeting and said he would like his applications carried to September. Mr. Kielt asked what numbers does he have tonight and Mr. Penzer said #3, #4 and #6 and Mr. Neiman said they will try to put those 3 on the July 21<sup>st</sup> agenda and if they cannot hear them they will go to the September meeting.

Motion was made by Mr. Herzl, seconded by Mrs. Koutsouris, to advance to the meeting of July 21, 2009

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

4. SP # 1919 (Variance Requested)  
Applicant: Congregation J&M Inc.  
Location: Whispering Pines Lane  
Block 172 Lot 6.25  
Preliminary and Final Site Plan for proposed synagogue

Mr. Vogt prepared a letter dated July 1, 2009 and is entered in its entirety. The applicant is seeking Site Plan and variance approvals for Lot 6.25, Block 172. The applicant proposes to replace the existing three (3) story synagogue with a new, larger two (2) story synagogue containing a total of 11,586 SF of floor space including the basement at the above-referenced location. The property is an irregularly shaped lot located on a curved portion of Whispering Pines Lane containing 12,226 SF (0.28 acres) in area. The property is located east of Squankum Road abutting the New Jersey Southern Railroad main stem. The majority of the adjacent and surrounding property is developed and consists of residential uses. The adjoining lot to the north is a tot lot that contains an underground storm water detention system. The property to

the west is a residential townhouse dwelling. The railroad property abuts the lot to the east and the property to the south is vacant. The property is located in the R-M Zone Multi-family Residential District. Places of worship are permitted uses. Variances -The following variances have been requested: Chapter 902, Section H.4.C (5). Offsite Parking – Forty-five (45) spaces are required whereas thirteen (13) are provided. The following variances are required: Chapter 905, Section B.1 & 3 - Buffer to residential properties – 20 ft. is required, 3 ft. is provided. Chapter 905, Section B.2 - No parking area shall be located closer than 5 ft. to any side or rear property line. A Board-on-Board fence six (6) feet high plus shrubs – 4 ft. Arbor Vitae every 4 ft. unless a 20 ft. buffer is provided. The proposed parking is within 3 ft. of the property line and although a 6 ft. high fence has been provided, no shrubbery is included. Waivers -The following waivers have been requested: B2 - Topography within 200 feet thereof. B4 -- Contours of the area within 200 feet of the site boundaries. B10 – Man-made features within 200 feet thereof. The following additional waivers are required: C7 – Location and Description of monuments or markers. C9 – Proposed or Existing Easements. C14 –Tree Protection Management Plan. C17 – Storm Water Management Calculations and report. We have no objection to the waivers as required. Zoning- The site is situated within the R-M, Multi-Family Residential Zone. Per Section 18-902 H. 1. e, of the UDO, “Places of worship is a permitted use, subject to the provisions of Section 18-905. According to Section 18-902 F.4.c.5 a side yard setback of 12 feet with an aggregate of 25 feet is required. The proposed side yard setback on the north side of the building (Lot 6.26) is 4.0’. The proposed side yard setback on the west side of the building (Lot 6.24) is 46.15’. Therefore, the proposed aggregate of the side yards is 50.15’. A variance is required for the minimum side yard abutting the tot lot and the bulk requirements corrected in the zoning schedule on the plans should be corrected. According to Section 18-905 B. 1 & 3. Perimeter Buffer: For properties adjacent to residential properties, if the site leaves a twenty (20) foot undisturbed area then there is no requirements for buffering. If the twenty (20) foot buffer is invaded or disturbed than requirements indicated in 18-905 B. 3 shall be put in place along the invaded area including a six ft. (6’) high fence plus shrubs. A fence has been proposed, but no shrubs have been included. A variance will be required for the buffer requirements. According to Section 18-905 B. 2. No parking area shall be located closer than five (5) feet to any side property line adjacent to residential zoned properties. Board on board fence six (6) feet high plus shrubs with a four (4) foot arbor vitae every four (4) feet will be required to hide all parking adjacent to residential properties, unless there is a buffer of greater then twenty (20) feet in which case it shall not require screening. There is parking adjacent to Lot 12.01. The dimension to the sideline is not provided; however, the distance scales at three feet (3’). Fencing has been proposed, but no landscaping is included in this area. The applicant shall address these issues or request the appropriate variances. According to Section 18-905 A. Parking Regulations: one space per 100 SF of sanctuary area is required for sanctuaries 800 to 1,999 SF, 1.25 for 2,000 to 2,999 SF and 1.5 for areas 3,000 SF or greater. The architectural plans indicate that there will be two sanctuary areas – one on the first floor of 2,164 SF and one on the second floor of 2,166 SF for a total of 4,330 SF. This would result in a requirement of fifty-three (53) parking spaces including 2 ADA compliant spaces. The applicant has proposed 13 spaces with 1 ADA compliant space. A variance is required. Review Comments- Site Plan/Circulation/ Parking- As described above, fifty-three (53) parking spaces including 2 ADA compliant spaces are required, whereas the applicant has proposed 13 spaces with 1 ADA compliant space. A variance is required. Testimony should be provided to describe the means of access to service the trash receptacles since they are located behind the sidewalk with no access to the paved area. Proposed ADA compliant spaces and aisles shall be dimensioned. Curb stops are designated for three of the 9’ x 18’ parking spaces. Testimony should be provided regarding the rational for these curb stops since this would reduce the effective depth of the parking spaces. Handicapped ramps and demarcations should be indicated at the intersection of the driveway and the adjoining walks. The extent of the concrete driveway and sidewalk should be depicted

on the plan. It is recommended that since there is parking located along the road frontage that the area across the frontage adjacent to Whispering Pines Lane be constructed as a concrete driveway and sidewalk. The applicant's engineer should provide testimony as to whether or not the site is within a flood hazard area. There are minor differences between the architectural plan and the site plan. These discrepancies should be reconciled. Architectural-The proposed structure is a two (2) story building with a 3,894 SF basement that includes a 2,042 SF hall, and two Mikvas, a 3,894 SF first floor that includes a 2,164 SF main sanctuary and a 3,798 SF second floor that includes a 2,166 SF main sanctuary. The plans indicate a roof height of 24 feet. However, there is an extension above the indicated roof. The architect should provide testimony regarding the additional building façade. The elevations indicate a 7" step at the building entrance. This is not ADA compatible. The ADA access should be clearly delineated. The architect should provide testimony regarding ADA access to the basement and second floor areas. The architect should provide testimony regarding the materials of construction and proposed colors. The location of air conditioning equipment is not shown on either the architectural plan or the site plan. Testimony should be provided regarding the location of the equipment. Grading- There is insufficient information to determine the relative grades between the proposed parking and the adjoining townhouse property. Additional grades should be provided along the common property line with Lot 6.26 to determine the effect of the proposed improvements. There are minimal site grades provided. Based on the information provided, it appears that there is inadequate slope provided (0.10%) to insure proper drainage. It is recommended that the grading be modified to increase the slope to provide adequate slope for drainage. Due to the shallow slope along the property frontage at the street line, it is recommended that a concrete gutter be included to facilitate storm water conveyance. Stormwater Management- Storm water calculations were not provided. The applicant's engineer has indicated that there will be a minimal increase in impervious area and storm water quantity. Calculations should be provided to confirm this statement and to insure compliance with applicable storm water regulations and requirements. Drainage area maps should be provided indicating pre and post development areas. The applicant's engineer has indicated that the site drains to an existing underground recharge system that can handle the increased flow. Calculations and design plan information should be provided to confirm this position. The applicant's engineer has indicated that the storm water will be directed to an existing underground recharge system. No drainage facilities (inlets, piping, etc.) are shown on the plans. Information should be provided to demonstrate how the storm water will be conveyed to the recharge system. The elevations of the curb at the ADA compliant space indicate a 0.5 ft. (6") differential. The curb/sidewalk should be flush with the paving at the ADA access. Landscaping and Lighting- Landscaping has been provided at the rear of the property along the rail road. Additional landscaping should be provided between the parking area and the adjoining properties. A six foot (6') wide shade tree and utility easement has not been provided. A six foot high board on board fence has been proposed along the westerly property line adjacent to the bordering Lot 6.24. This fence extends approximately 15 feet into the front yard along the proposed parking area driveway entrance. The fence should be terminated at the front yard set back line or a variance will be required. Parking area lighting has been proposed. Based on the isometric data provided, there appears to be adequate lighting in all but the southwesterly corner (juncture of Lots 6.24, 6.25 & 12.02) where the lighting is 0.1 FC whereas a minimum of 0.2 FC is required (Section 18-804.F). There is significant spillage of light to the adjoining townhouse property (Lot 6.24) from the pole light located at the northwesterly corner adjacent to the entrance drive. It is noted that a house shield has been provided. The applicant should consider relocating the fixture or modifying the fixture to reduce the impact on the adjoining property. Utilities- The plans indicate the site will be served by public water and sewer. The applicant's engineer should provide testimony regarding the servicing utility and the availability of adequate service. The applicant should provide testimony indicating whether the

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building will be protected by a fire suppression system. If not, the applicant should provide testimony regarding fire protection for the new synagogue. Signage- No signage information is provided. If any signage is anticipated, a full signage package should be provided for review and approval as part of the site plan application. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. Environmental- Site Description- Per review of the site plans, aerial photography and a site inspection of the property, the tract is developed. There is an existing three (3) story wood and brick structure on the site. The site has frontage on Whispering Pines Lane, a small horseshoe type street. The neighboring properties are multi-family residential. The site is bordered on the east by the New Jersey Southern Railroad and to the north by a tot lot that has been indicated to include a subsurface storm water recharge facility. The NJDEP mapping indicates that the undeveloped area to the south is state threatened Forested areas. A Tree Management Plan has not been provided nor a waiver requested. It should be noted that virtually no trees will be removed as part of this site plan. Construction Details- The concrete driveway apron and sidewalk should be modified to include a concrete gutter. Foundations for pole mounted lights should be provided. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Service; Ocean County Soil Conservation District (disturbance exceeds 5,000 SF); and all other required outside agency approvals. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Abe Penzer Esq. appeared on behalf of the applicant with Ray Carpenter as the engineer. Mr. Penzer said as far as the parking issue, this is Whispering Pines and nobody else is coming here and they are not adding anymore people and it is bursting at the seams and where the mikva is now is in the center and it is not in the right place and they are solving a problem for the women and treating them in a nicer way.

Mr. Carpenter said they will add the shrubs on the westerly side adjacent to the parking and where the parking abuts the property on the southerly side. He does not see any point in adding the shrubs along the northerly side of the proposed synagogue where it abuts the tot lot; it is technically a residential lot and he does not see any need for any screening at that point. Mr. Vogt asked if they will be seeking a partial waiver and Mr. Carpenter said yes. Mr. Carpenter said as far as drainage, he will discuss it with Mr. Vogt to resolve the issue. With respect to adding a concrete gutter and concrete sidewalk and apron in front of the site, Mr. Carpenter said he thinks that would be more of a hazard and confuse the public by having asphalt, a concrete strip and then an asphalt parking lot behind it. Mr. Vogt said when they submit the revised plan they can state their case and Mr. Vogt can make the recommendation to the board. Mr. Carpenter agreed with the remainder of the comments in the engineer's report.

Mr. Neiman said the area needs cleaning up and it is congested but the board understands it is primarily used by the neighborhood but make sure it looks nice when it is done.

Motion was made by Mr. Schmuckler, seconded by Mr. Percal, to advance to the meeting of July 21, 2009

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

5. SD # 1680 (Variance Requested)  
Applicant: Jacob Lipschitz  
Location: Brook Road, south of Howell Township  
Block 175 Lots 99 & 8  
Preliminary & Final Major Subdivision for 11 lots

Mr. Vogt prepared a letter dated July 1, 2009 and is entered in its entirety. The applicant proposes to subdivide two (4) existing lots into eleven (11) residential lots. The subject project is located on the southerly side of the North Branch of the Metedeconk River in the northeastern portion of the Township adjacent to Howell Township, along Old Brook Road. The tract includes an existing dwelling fronting on Old Brook Road. The property includes an easement and cleared area along the southern portion of the lot for electrical/transmission lines, with the bulk of the remainder of the property wooded and/or freshwater wetlands. The applicant proposes the creation of eleven (11) single-family residential lots along a proposed street (proposed Riverside Court) starting at Old Brook Road and terminating in a cul-de-sac. Proposed stormwater management facilities and utilities are associated with this project, including subsurface piping, catch basins, a proposed infiltration basin, and an outfall that lies within the nearby wetlands buffer. Each proposed residential lot will be serviced by individual wells and individual septic disposal systems. The project proposes curbing along both sides of Riverside Court. The project proposes sidewalk along the southern side of Riverside Court and around the majority of the cul-de-sac. The subject property is located within the R-15 Single-Family Residential Zone District. Single-family residences are a permitted use in the zone district. Zoning- The site is located in the R-15 Residential Zone and single-family residences are a permitted use in the zone district. Per the applicant's zoning schedule, the only required variance is for lot width for proposed Lot 8.06, providing 84.2 feet where 100 feet is required. This variance is not labeled on the plans for the proposed Lot. The plans should be revised to label the width of proposed Lots 8.07, 8.08, 8.09, 8.10 and 8.11. The applicant's engineer should provide testimony demonstrating that proposed Lot 8.11 is a conforming lot. The applicant must address the positive and negative criteria in support of the requested variance(s). Review Comments- General- The project appears to include development within the 300-foot riparian buffer of the North Branch of the Metedeconk River, including the proposed roads and at least three (3) proposed lots as depicted on the drawings. Testimony shall be provided from the applicant's professionals regarding the permissibility of the project as proposed. The applicant proposes 3.5 off-street parking spaces per unit where 2.5 off-street parking spaces are required per RSIS. The applicant shall revise the zoning table to provide minimum proposed off-street parking in whole numbers since the project is all single-family residential lots. The Board shall determine if the parking provided will be sufficient for the type of development proposed. One (1) new road name, Riverside Court, has been proposed for the project. The proposed road name is subject to approval from the Township and proof of approval shall be provided. The plans include a note that all proposed Block and Lot numbers have been approved by the Lakewood Tax Assessor. The applicant should document this approval. The submitted Environmental Impact Statement (EIS) refers to clustering as an allowable alternative development approach which would permit the use of R-10 development standards and therefore allow greater development intensity than as proposed. It may be appropriate to subdivide proposed Lot 8.07 further to provide a lot for the proposed dwelling similar in size to the other proposed lots. 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. Plan Review- An 8.5' dedication to the Township is being provided along the Old Brook Road frontage of the entire project. Plans shall be included for the widening of Old Brook Road. The width of the proposed

wetlands buffer at the location of the wetlands reduction (i.e. at the Riverside Court terminus) should be labeled and dimensioned. Easements must be provided for the stormwater handling system, including the piping along the southern portion of the property and the proposed infiltration basin. Metes and bounds must be provided for all easements. Metes and bounds must be provided for the freshwater wetlands/waters boundary line. The source and reference for the depicted 300 foot riparian buffer should be added to the plans. The proposed sidewalk should be extended along the north side of Riverside Court, terminating at Old Brook Road. Grading- Grading information has been provided on the plans, and appears to be satisfactory. A profile has been provided for the proposed Riverside Court, and appears to be generally satisfactory. The applicant's professionals should provide testimony supporting the use of greater than six (6%) percent slope where the proposed Riverside Court meets Old Brook Road. The applicant's engineer must provide testimony as to whether the proposed dwellings will have basements, addressing any potential of conflict with the seasonal high water table. Proposed lot grading should be provided with forthcoming plot plan submissions. Stormwater Management- A Stormwater management report is required. 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 easterly portion of the project. A formal Stormwater Maintenance Plan per the NJ Stormwater Rule (NJAC 7:8) and Township Code will be required as a condition of approval, if granted. Testimony must be provided regarding how the proposed piping behind proposed Lots 8.01-8.07 will be provided (and by whom). The proposed infiltration basin appears to be is classified as a dam per NJDEP Dam Safety Standards at N.J.A.C. 7:20 (proposed basin berm exceeds five (5') feet in height), and must meet the relevant overflow, design, and safety standards. A more detailed stormwater review will be provided under separate cover. Landscaping- The overall landscape design is subject to review and approval by the Board. 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. Lighting-A Lighting Plan has been provided. However, no photometric contours or point to point lighting data has been provided. The plans must be revised to demonstrate that the lighting conforms to the Township Standards. The plans appear to indicate a proposed light pole in the center of the proposed cul-de-sac. This typographical error should be revised. A light pole mounting height of fifteen (15') feet is proposed. Utilities- The plans indicate sewage service will be provided by individual septic disposal beds. The plans indicate water service will be provided by individual wells. Separation between proposed wells and proposed septic fields should be dimensioned on the plans. The applicant should confirm that electric, telephone, gas, and cable are to be provided underground. The applicant shall revise the plans as required by the Fire District. Signage - Proposed signage needs to be added to the Development Plan along with respective details. No project identification signs are proposed. Environmental- An Environmental Impact Statement was provided for review, and is generally well prepared. Per NJDEP natural heritage database information provided, the site contains potential Bald Eagle foraging habitat. A site inspection and summary report from a qualified consultant is necessary to determine if any critical habitat exists in the area to be developed. A Tree Management Plan has not been submitted. A plan is necessary unless waived by the Board. It should be noted that the proposed limit of clearing closely matches the proposed limit of disturbance. Therefore, no extraneous trees will be removed as part of this subdivision plan. Construction Details -Except for inverts, which may be constructed of Class S concrete, any concrete shall be a minimum of Class B. The strength of Class B concrete is 4,500 psi. All references to Class C and D concrete shall be removed from the details as these mixes are no longer used by NJDOT. Bicycle safe frame and grate number shall be 2618. Final Plat - Compliance with the Map Filing Law is required. Certifications in accordance with UDO Section 18-604 B. 3. Final Plat Major Subdivision shall be provided. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board;

Ocean County Soil Conservation District; Ocean County Board of Health (septic); New Jersey American Water Company (water); NJDEP Dam Safety; NJDEP Transition Area Averaging or Waiver; and all other required outside agency approvals. A revised submission should include a point-by-point summary letter of revisions.

John Doyle Esq. appeared on behalf of the applicant. He said this is in the northeastern section of the township and Old Brook Road is a loop that does not come back to Brook Road and there are power lines there. He said they could have done this as a cluster and probably had 13 or 14 lots but they chose to do it on this basis and have lesser lots. Mr. Doyle said Lot 8.11 is a conforming lot (unless there is a depth issue) and they will review that with the board's engineer. The 300 foot buffer is a DEP question and they interpret it from the top of the bank and think that between that interpretation and the proposed mitigation they will meet it but they will have to go to the DEP and they will govern. Mr. Vogt said he is not sure the way the line is shown on the plans, it may be overly conservative and said they may want to look at it but he felt the big issue is the road going through it. Mr. Doyle said Lot 8.07 is a lot that is unusually sized lot at the back of the cul de sac and they have their detention basin there and the board may want them to put that in a separate lot dedicated to the Township and Mr. Vogt said that would be up to the board. Mr. Doyle said that is acres and acres of land with one house, but the rest is basically unusable and the question is what do they do with it.

Mr. Neiman asked Mr. Franklin if they normally have a dedicated lot for this and said that is what the board normally does in these cases. Mr. Doyle said they might need some width relief of about 10 ft. and Mr. Neiman said that is fine. Mr. Doyle said at this point they do not know if they are selling lots or houses, they don't have any other designs. As far as the dedication of Old Brook Road, the road is 28 ft. right of way and it meets RSIS standards for the limited number of houses; they would be the only 11 houses on that side and he wonders whether road widening is necessary for that limited number of houses. If they were to widen it to 30 ft. they might have to move some significant utility poles which would create a problem and an expense out of proportion to the benefit that is gained by a 2 ft. widening on a road that only serve 11 houses. Mr. Doyle said they will put sidewalks on both sides of the roadway. They will have basements and meet the 2 ft. separation. A stormwater management report was given to Mr. Vogt late so Mr. Vogt will look at it with the revised submission but said the big comment is the proposed maintenance of the rear yard piping behind lots 8.01-8.07. Mr. Doyle said they understand that and they will sit down with Mr. Franklin and resolve that. Mr. Doyle said they will provide the lighting plan and as far as the environmental; they will also be covered by the DEP and Mr. Vogt said the easiest way to handle it is there are professionals in the area who can go out and look at what is out there and tell the board if it is not critical habitat then they are fine; they do not have to worry about DEP, the law deals with critical habitat only.

Mr. Doyle said the tree management plan is on sheet 6 and they tried to limit the clearing to just the home site and a little more but if the board feels more is needed, they will comply. Mr. Vogt said they are comfortable in terms of what they have done.

Mr. Doyle said beside the drainage, the road width is where they need direction from the board and said even with the 28 ft. there is still enough room for sidewalks on both sides. Mr. Neiman asked if there is parking on that road now and Mr. Doyle said the lots on the left side are very large and provide for significant parking. Their lots are going to be large lots and the driveways could be sufficient to provide 4 onsite for each house and they are not talking about the new road they are creating (Riverside Court) and none of the houses will front on Old Brook Road.

Mr. Banas asked what the date of the LOI is and Mr. Surmonte said he knows it is inside of 5 years and it is current. Mr. Banas asked if there are power lines immediately to this development and Mr. Surmonte said if you look at the right side on the cover sheet has a dotted line south of the row of houses and that dotted line just past the property line defines the 240 ft. JCP&L easement and they have been noticed on the application. Mr. Banas said the board has been asked by residents to assure them that there was no seepage of voltage that would harm the residents and asked if it would be important to get a certification or someone as a witness indicating that it does not provide a danger to the residents there if that is a problem. Mr. Neiman said they should that what Mr. Banas said seriously and there are companies that can test the currents that come out of these lines to see if there are any dangers.

Mr. Doyle said typically transmission of electricity and power lines are within the states prevue and the Board of Public Utilities and a power line does not have to go to a local planning board, they can go to the BPU for their land use approval. He said they will examine that question; he doesn't know if the houses existed before or after the power lines, but they will review it. Mr. Banas asked to have the easement of the power lines drawn on the map and Mr. Doyle agreed.

Mr. Schmuckler asked about the ownership of the street and Mr. Doyle said they would like it to be dedicated to the Township, once the drainage issues are resolved. Mr. Schmuckler asked if they were going to put a fence around the detention basin and Mr. Doyle said whatever safety concerns need to be met will be.

Motion was made by Mrs. Koutsouris, seconded by Mr. Percal to advance to the meeting of August 18, 2009

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

6. SP # 1920 (Variance Requested)  
Applicant: Congregation Bais Medrash of Arlington  
Location: corner of Arlington Avenue & Wynatt Street  
Block 774.01 Lot 12.01  
Preliminary & Final Site Plan for proposed synagogue

Mr. Vogt prepared a letter dated June 29, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Major Site Plan approval. The applicant proposes to demolish two (2) existing one story dwellings on Block 774.01, Lot 12.01 to construct a new 5,787 SF synagogue which includes 3,350 SF of sanctuary space. A total of twenty-five (25) parking spaces are proposed including one (1) ADA accessible space. Access will be provided by a driveway from Arlington Avenue. The initial tract consists of a total 21,032 SF or 0.483 acres. The site is bordered by Wynatt Street the north, Arlington Avenue to the west and forested areas to the east and vacant land to the south. Both streets are currently dead ends. Based on the State of New Jersey mapping, the forested areas may contain wetlands. The property is primarily in the R-7.5 zone. The southwest corner of the property is in the R-10 zone. The two (2) previously existing one story dwellings on the property and additional out buildings have been removed. The site is currently open field with grass, trees and exposed soil. Variances -The following variances have been requested: Chapter 902, Section G.4.C. Front Yard Setback – 25 ft. is required; 15.3 ft. provided. Waivers -The following waivers have been requested: Chapter 905, Section B.1 & 3. Buffer to residential properties – 20 ft. is required, 5 ft. is provided. The

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following additional waivers are required: B2 -- Topography within 200 feet thereof. B4 -- Contours of the area within 200 feet of the site boundaries. B10 – Man-made features within 200 feet thereof. C7 - Location and Description of monuments or markers. C8 - Proposed or Existing Easements C14 – Tree Protection Management Plan C15 - Landscaping Plan - We have no objection to the waivers as required. Zoning- The site is primarily situated within the R-7.5, Single Family Residential Zone. The southwest corner of the property is located in the R-10, Single Family Residential Zone. Per Section 18-902.F.1.c and 18-902.G.1.c of the UDO, Places of Worship are included under “permitted uses”. It should be noted that there are minor differences in the requirements in each zone. The proposed improvements comply with the bulk requirements for both zones with the following exceptions for which variances would be required:

		<u>R7.5</u>	<u>R10</u>	<u>Provided</u>
Front Yard Setback	25 ft	30ft	15.3 ft.	on Arlington Ave. 21 ft. on Wynatt St.
Side Yard Setback <sup>1</sup>	7 ft	10ft	7 ft.	
and an aggregate		15ft.	25ft	>25 ft.
Building Coverage		30%	25%	27%

1. Based on the building fronting on Arlington Avenue.

A variance will be required for Parking (Section 18-905) – For the 3,350 SF of sanctuary space (2,224 SF Main Shul plus 1,126 SF Women) at 1.5 spaces per 100 SF of sanctuary 51 spaces are required whereas 25 spaces are provided (including 1 ADA compliant space). With 50 spaces, 2 ADA compliant spaces are required. The applicant should provide testimony to justify the requested parking. Parking shall be provided to the satisfaction of the Planning Board. Per review of the site plans and application, the following design waivers appear to be required: Minimum 25 foot buffer from the property line to the proposed use (Subsection 18-803.E.2.a.) Tree Protection Management Plan (18-803.H). Parking Lot Lighting (18-804.02). Provide a 20 foot buffer to neighboring properties (18-905.B). A 7ft. side yard is provided to Lot 12.02. However, Lot 12.02 is owned by Bais Medresh. The board may wish to have testimony regarding the acceptability of the lack of buffer since both lots are under the same ownership. Any and all other design waivers deemed necessary by the Board. Review Comments-Site Plan/Circulation/Parking-The 200 foot radius around the site should be shown. There is a difference between the lot numbering shown in the tax map on the cover and the lot numbers shown on the site plan. Additionally, the lot numbers shown on the plan are not reflected in the list of adjoining property owners. It is our understanding that the lot numbers shown on the plan are the result of a recently approved subdivision and are the correct lot designations. The tax map on the cover and the list of property owners should be noted to indicate old and new lot numbers. Testimony should be provided regarding the discrepancy. The site plan indicates a sanctuary space of 2,275 sf. which would result in a requirement of 29 spaces. The architectural plan indicates a sanctuary space of 3,350 sf. which would result in a requirement of 51 spaces. The applicant proposes 25 on-site spaces including 1 ADA compliant space. Based on the 51 spaces, 2 ADA compliant spaces would be required. Testimony should be provided regarding the difference in sanctuary space and the noncompliance with the parking requirements. An 8' x 10' refuse area is proposed. Details of the enclosure should be provided. Testimony is required regarding the adequacy of the dumpster. The refuse area is enclosed, but no screening has been provided. The waste receptacle area should be designed in accordance with Section 18-809.E. of the UDO. Vehicular circulation plans must be provided to confirm accessibility for delivery, emergency, and trash pickup vehicles that will need to access the site. Proposed ADA compliant spaces and aisles shall be dimensioned. The elevations of the curb at the ADA compliant space indicate a

0.5 ft. (6") differential. The curb/sidewalk should be flush with the paving at the ADA access. Dimensions and slopes for the ADA compliant ramps should be provided. Architectural- Basic architectural floor plans and elevations were submitted for review. Per review of the submitted plans, the building will be approximately 20 feet in height measured to the roof line and about 55 feet in height to the roof peak. The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. The architect should provide testimony regarding disabled persons access to the lower level. The retaining walls at the rear and front of the building should be depicted on the architectural plans. Testimony should be provided regarding the design and proposed materials for the retaining walls. Roof drains should be depicted and coordinated with the engineering drawings. Grading- A detailed grading plan is provided on Sheet 4. The elevations should be verified with the architectural plans since there appears to be a discrepancy between the elevation differences shown on the architectural plans and those on the grading plan. Additional spot elevations should be provided at the base of the rear stairs and at the exit landing. Additional spot elevations should be provided at the front entrance landing. Additional grading on the adjoining property to the south is shown which includes a swale sloped toward the rear of the property (easterly). It is noted that this adjoining lot is under the same ownership. Testimony should be provided indicating grading on this adjoining lot is acceptable and that the swale will be maintained in the event of future development of Lot 12.02. The site is graded toward a low point at the northeast corner of the property. Additional grades should be shown for the area between the low point on the curb line and the northeast corner of the lot. Stormwater Management- The proposed development encompasses the majority of the lot. The storm water report indicates a predevelopment impervious area of 0.04 acres. The post development impervious area is shown to be 0.15 acres with 0.30 acres of pervious pavement and 0.03 acres of open space/lawn. The porous pavement and underlying stone bedding is used to provide a means of obtaining a reduction in the storm water site discharge quantity and to maintain quality. The calculations for storm water quantity reduction uses an infiltration rate of 6"/hr with a safety factor of 2. Documentation should be provided to substantiate this infiltration rate. Drainage area maps should be provided indicating pre and post development areas. The grading provides for storm water collection in the northeasterly corner of the lot retained by the curb. We recognize the application of porous pavement and its use to reduce storm water discharge quantity and to maintain discharge quality. The applicant's engineer should contact our office to discuss the assumptions and calculations provided. A stormwater maintenance manual has not been provided in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards and is required. Landscaping- No landscaping has been proposed for the site. A six foot high board on board fence has been proposed along the southerly property line adjacent to the bordering Lot 12.02. This fence extends approximately 4 feet into the front yard. The fence should be terminated at the front yard set back line or a variance will be required. The overall landscape design is subject to review and approval by the Board. The sheet following the Landscape and Lighting Plan shall be titled Landscape and Lighting Details. The applicant has not provided a six (6) foot shade tree and utility easement along the property frontages, and a sight triangle easement for the proposed site access. It should be noted that the property has frontage on two (2) sides. Lighting- A detailed lighting design is not provided. The applicant should provide testimony regarding parking lot lighting. Utilities- Existing water supply and waste water disposal information is not shown on the Existing Conditions Plan. The Grading, Drainage and Utility Plan, Sheet 4, indicates that new sewer facilities (by others) are proposed. It appears that new water service is to be installed. General Note #4 on the Site Plan indicates that public water and sewer services will be provided by the NJ American Water Company. The applicant should provide testimony regarding other utilities (electric, telephone, etc.) to be provided. Testimony should be provided regarding proposed fire protection measures. Signage- No signage information is provided. If any signage is anticipated, a full signage package should be

provided for review and approval as part of the site plan application. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. **Environmental- Site Description-** Per review of the site plans, aerial photography and a site inspection of the property, the tract is vacant with soil stockpiles. The site is open with a few trees and grass. The site is bordered by Arlington Avenue to the west and by Wynatt Street to the north. Undeveloped residential partially wooded lots border on the east and south. The Arlington Avenue pavement ends approximately 10 feet north of the southerly property line for Lot 12.01 and the pavement ends approximately 35 feet west of the northeasterly corner of Lot 12.01. The NJDEP mapping indicates that the surrounding areas are state threatened Forested and Forested Wetlands. The applicant has not submitted an Environmental Impact Statement. It is noted that a freshwater wetlands line was verified by NJDEP on the property to the northeast and a 50 ft. buffer was provided from this delineation line. The applicant should provide information regarding this line and should obtain a presence/absence determination from the NJDEP for the subject property. A Tree Management Plan has not been provided nor a waiver requested. It should be noted that virtually no trees will be removed as part of this site plan. **Construction Details-** Construction details are provided on Sheet 6 of the plans. 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. Additional information is required for the trash enclosure detail. Although traffic control details are included, none are shown on the site plan. If traffic control signs are to be installed, the location and type should be specified on the site plan. A retaining wall detail is required. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside agency approvals for this project may include, but are not limited to the following: Water and Sewer service (NJAW); Ocean County Planning Board; Ocean County Soil Conservation District; NJDEP Presence/Absence LOI; and 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.

Abe Penzer Esq. appeared on behalf of the applicant. Mr. Penzer said they came to the board previously to move the lots around so they maximize the shul and that is what this application is. Mr. Flannery said they will meet with Mr. Franklin about the dumpster to make sure that is done properly. Mr. Flannery said there are wetlands on the adjoining property and when they did the minor subdivision they addressed that by getting a letter from Trident Environmental who verified the wetland and is in accordance with a line that the DEP accepted and they would propose the same thing this time. Mr. Vogt said that is fine. Mr. Flannery said they will provide testimony on the other comments.

Mr. Neiman asked how many parking spaces are there and Mr. Flannery said about 25 and 23 or 24 is what is required.

Mr. Banas asked if they are changing their procedure from past years in reference to the waivers. Prior to his seeing this application, they have elected as a board to offer or deny waivers prior to the development of any plans. Mr. Neiman said it was usually prior to a tech meeting as well. Mr. Kielt said they have been doing this since January. Mr. Banas said he has a problem and said if they are having a request of waivers at this point, it is difficult for him to consider having to draw up the plans and the necessary engineering if he does not know whether the planning board will allow of deny the waivers. It is mind-boggling; if, as an example, item #1- if it were denied and there was no sheet in the portfolio indicating what the topography is within or without the 200 ft. it would be necessary to hold that project. He said that was the reason for the request for waivers prior to the meeting. Mr. Banas said if they are

going to carte blanche accept all of these waivers, that is another matter. He would prefer to go to the old method. Mr. Kielt said if they don't grant the waiver for topography it is not a problem because they have to come back for a public hearing and those items could be addressed between then if the board does not grant them. He said the purpose of doing it this way is to be a little more friendly to the applicants to avoid them having to wait 4 weeks to be put on an agenda. Anything the board is uncomfortable with, they address it and the engineers will take care of those items and be on the plans for review by the board engineer and in his next report.

Mr. Neiman said he was not aware they were going this route and this is the second one tonight and Mr. Franklin said they discussed this the first of the year whether to let the engineer make the decision because at every meeting they usually follow the advice of the board engineer. Mr. Neiman said if they are going this route, they should address this first as part of this hearing-talk about the waivers first and then if they agree to them, they can continue with the application. Mr. Banas said he agrees with Mr. Neiman and said since these are waiver requests, allow the board to discuss these with the engineer and give direction to the applicant. Mr. Neiman wanted to make this into policy- prior to them listening to the technical portion of the application, the board will discuss the waivers and act on them. Mr. Schmuckler said since they get the letters emailed, he suggested Mr. Vogt write next to each waiver whether he recommends it or does not recommend it so the members know before the meeting. Mr. Vogt said he did that on this letter. Mr. Vogt said he could explain what the waivers are and why.

Mr. Jackson said he did not think the procedure would be any different if the waivers were listed on the calendar. Under the old system the calendar had a separate provision for waivers and maybe if the format of the review letter were changed so the first page listed the waiver, then it would jump right out at the board members. Mr. Kielt said it would be a big administrative headache and his suggestion is to let Terry do what he has been doing; maybe put them in a different spot in the letter, but to go back and forth on the agenda and change it, he does not think they need to do that.

Mr. Vogt said on page 2 he has the waivers listed and as far as topography, they have topography within 125-150 ft. of the project and he feels what they are showing is adequate. He has a similar comment about the contours and the man made features because they have aerial maps and they do site visits. He feels they do not need location of monuments or markers because this is a site plan not subdivision. He does not believe the applicant has any easements so there is nothing to waive but it is something that is not provided so a waiver is required. Mr. Vogt said looking at the site they have minimal clearing and the applicant may want to give testimony about the trees and what is being cleared so the board knows what they are acting on. As far as the landscaping plan, they are requesting a waiver because they have no landscaping shown at this time-they have a 6 ft. high board on board fence and the planning board may, on looking at the application and during the hearing, request more landscaping.

Mr. Neiman said he does not think they should grant a waiver on landscaping plan because there should be landscaping. Mr. Flannery said they can grant the waiver on a landscaping plan and then indicate that they need to provide landscaping. Mr. Neiman said they should have landscaping on a project like this, that should be a given. Mr. Flannery said the property bordered on 2 sides by streets and in the rear by a wetland buffer on an adjacent property and to the south by a residential lot that was created by part of the congregation so he said they really only have one side that impacts. Mr. Neiman said landscaping does not only mean tree, it means shrubbery etc. and Mr. Flannery said that is part of the review process and if the comment is they need landscaping, they will add landscaping, it doesn't necessarily mean it has to be done on a landscaping plan, they can show it on the site plan.

Mr. Neiman said they still want the town to look nice, they don't want to take away landscaping from every application. He does not feel comfortable granting a landscaping waiver for applications-especially because they want to go through the technical meeting quicker. They want to make sure they are approving nice applications. Mr. Banas said he would be in his court. He said to do the waivers carte blanche is not his way of planning a town; it is case by case and that is the only way.

Mr. Vogt asked where would the board be looking for guidance for the applicant- landscaping obviously, and Mr. Neiman said if Mr. Vogt felt 150 ft. was sufficient for topography and contours, etc. that is fine, but he would still like to go through that prior to looking at the applications. Mr. Flannery said the applicant is willing to do landscaping and they will provide a landscaping plan. Mr. Flannery said on this particular site the focus was more on providing the shul with as much parking as possible.

Mr. Banas said he does not see anything wrong with the format that is presented in this application but he asks to deal with the waiver requests at the onset.

Mr. Neiman said they do not want to grant the landscaping waiver, and when it comes to tree protection plan they should also look at that. Mr. Schmuckler said if they could specify the type of tree on the landscaping plan and mark the trees that they are going to be saved on that plan. Mr. Flannery said technically they do not need a waiver from the tree save because the ordinance says if they are not going to remove 10 trees 12in. in diameter or greater. There aren't 10 trees on site- he doesn't think there are any trees onsite. The only trees that are going to be onsite are the ones they are going to add to the landscaping plan.

Mr. Banas suggested a motion and he so moved it, to grant all of the waivers except landscaping and Mr. Schmuckler seconded.

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

Mr. Flannery continued and said they will discuss the dumpster with Mr. Franklin and will provide a letter on the wetlands.

Motion was made by Mr. Herzl, seconded by Mr. Schmuckler to advance to the meeting of July 21, 2009

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

7. SD # 1681 (Variance Requested)  
Applicant: Ralph Clayton & Sons/Oak Glen Estates  
Location: White Street & Lakewood New Egypt Road  
Block 251 Lots 1, 2, 3, 10, 12, 13, 13.01, and 15  
Preliminary & Final Major Subdivision for 21 lots

Mr. Vogt prepared a letter dated June 29, 2009 and is entered in its entirety. The applicant proposes to subdivide eight (8) existing lots into twenty-one (21) residential lots and one (1)

stormwater management lot. Another stormwater management facility is proposed within a proposed easement dedicated to the Township on a proposed residential lot. The subject project is located on the southerly side of Lakewood-New Egypt Road and Whitesville Road in the westerly portion of the Township, near the Jackson Township border. The tract also has some frontage on the northerly side of White Street and some of the interior parts of the property reach the Jackson Township border. All of the existing land proposed for development is vacant woodlands and open space. The applicant proposes the creation of twenty-one (21) single-family residential lots with the development of two (2) new cul-de-sacs and the creation of new lots along the south side of Lakewood-New Egypt Road and Whitesville Road. Nine (9) proposed residential lots and one (1) proposed stormwater management lot are proposed from a new cul-de-sac intersecting White Street. Five (5) proposed residential lots, including a proposed stormwater management facility within a proposed easement will be created off a cul-de-sac intersecting Lakewood-New Egypt Road. Seven (7) more proposed residential lots are to be created along the frontage of Lakewood-New Egypt Road and Whitesville Road. Proposed stormwater management facilities and utilities are associated with this project. Only the portion of the subject site with the proposed cul-de-sac intersecting Lakewood-New Egypt Road and the proposed residential lots fronting Lakewood-New Egypt Road and Whitesville Road will have a public water system. The remaining proposed lots being created from the cul-de-sac fronting White Street will have individual private wells. The entire project will be serviced by individual septic disposal systems. The project is also proposing curb along all developed streets. Sidewalk is being proposed along one side of the proposed cul-de-sacs and the frontages of all other roads bordering the project. The subject property is located within the R-40 Residential Zone District. Single-family residences are a permitted use in the zone district. Zoning- The site is located in the R-40 Residential Zone and single-family residences are a permitted use in the zone district. A minimum lot size variance is requested for the stormwater management facility lot. A lot area of 40,000 square feet is required and a lot area of 28,381 square feet is proposed. A variance for minimum lot width is requested for the stormwater management lot. A lot width of one hundred fifty feet (150') is required and a lot width of 54.5 feet is proposed. The applicant must address the positive and negative criteria in support of the requested variances. Review Comments- General-An overlap is shown with adjoining Lots 14.03 and 14.04. The area associated with this overlap is being used with the proposed subdivision. The applicant must clarify this matter in order to use the area as part of the proposed subdivision. The applicant is proposing curb along all improved streets. The applicant is proposing sidewalk along all streets abutting the project. Sidewalks are proposed along one (1) side of the proposed cul-de-sacs for the project. The applicant shall address off-street parking. No information has been provided in the zoning table on proposed off-street parking. It appears the applicant will propose two car side entry garages for all proposed residences. The Board shall determine if the parking provided will be sufficient for the type of development proposed. Two (2) new road names, Cory Court and Olive Court have been proposed for the project. The proposed road names are subject to approval from the Township and proof of approval shall be provided. The Final Plat indicates that all proposed Block and Lot numbers have been approved by the Lakewood Tax Assessor on 06-01-09. The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of five (5) basic house designs are required for developments consisting of between sixteen (16) and twenty-five (25) homes. One (1) basic house design has already been submitted. An incomplete General Note makes reference to an Outbound Survey. An Outbound Survey and Topography of the site has been provided for review. Review of the plan set notes encroachments and overlaps. Plan Review- The intersection of proposed Olive Court with White Street is not in accordance with RSIS standards. The applicant's professionals shall address the reasons for the proposed variances to the design standards. No Sight Triangle Easements are shown along the intersecting roads. Township and County Sight Triangle Easements must be added as appropriate. No dedications

are being provided along the frontages of the entire project. However, the right-of-way width along Lakewood-New Egypt Road is inconsistent and must be addressed. Proposed sidewalk along these road frontages may require sidewalk easements and relocation of the shade tree and utility easement for some of the proposed lots. The proposed septic disposal fields are located in the front yards of all proposed lots. Individual wells are proposed in the rear yards of all proposed lots fronting the Olive Court cul-de-sac. The rest of the proposed lots are shown to be serviced by public water. The General Notes and Zoning Schedule are incomplete and require some corrections. Grading- Detailed grading and drainage plans are provided on Sheets 4 and 5 of 14. A storm sewer collection system is proposed to collect runoff and convey it to two (2) proposed stormwater management basins. The proposed lots on the east side of the project contain proposed recharge trenches. Vertical curves are proposed for all road grade changes in excess of one percent (1%), including curb grades around cul-de-sacs. Soil Logs and Permeability Testing have been undertaken for the septic system designs on the proposed lots. The results are contained in Appendix F of the Stormwater Management Report. There is not enough existing mapping information for White Street to evaluate design improvements. An existing mound of soil which encroaches from neighboring Lot 16 is proposed for removal. However, the status of an existing crushed concrete pile has not been addressed. Testimony shall be provided on these matters. Temporary grading and construction easements may be necessary. A copy of the County grading plans for the widening of Route 528/547 should be provided to assist in review of the proposed site grading. Stormwater Management- A proposed storm sewer collection system has been designed utilizing reinforced concrete pipe to convey stormwater runoff into two (2) proposed stormwater management basins. The proposed basins are located at the extreme westerly edge of the project at the terminus of Olive Court and on the northerly portion next to a proposed intersection of Cory Court with Lakewood-New Egypt Road. Seven (7) individual stone trench areas are proposed in the rear of the proposed lots on the east side of the project. An underground recharge system is proposed for the proposed westerly most lot in the subdivision. The applicant is proposing to dedicate the proposed stormwater infiltration basin on proposed Lot 1.08 to the Township. The ownership of the proposed stormwater infiltration basin on proposed Lot 1.17 is not indicated. Storm sewer is proposed on proposed individual lots, but no drainage easements are shown on the Final Plat. Furthermore, it is assumed the proposed individual stone trench areas and underground recharge area will be owned and maintained by the respective homeowners. Testimony shall be provided on these matters. It should be noted that the Township will not accept ownership of drainage easements on individual lots. The topography dictates that much of the proposed stormwater management facilities will need to be constructed on individual lots and privately owned. A Stormwater Management Operation & Maintenance Manual has been submitted per the NJ Stormwater Rule (NJAC 7:8) and Township Code. The manual indicates the Township of Lakewood will be the owner and responsible party. The manual must be revised match the portions of the system the Township will accept ownership of. Also, action must be taken by the Township to assume ownership and responsibility for some of the stormwater management facilities. Access to the proposed infiltration basin on proposed Lot 1.08 must be provided. A recharge rate of 20 inches per hour was used for the bottom of the infiltration basins and stone trenches. However, the permeability testing provided does not justify this rapid rate. The proposed infiltration systems will need to be larger. The Olive Court cul-de-sac can be shortened and minor adjustments made to the proposed lot lines to provide a larger basin area. The two foot (2') separation to seasonal high water table for the infiltration basins has been provided from the bottom of the sand layer. The minimum top of berm distances for the infiltration basins must be ten feet (10'). Construction details and proper grading must be provided to insure the tops of berms are not too narrow. The Stormwater Management Report appears to indicate that the allowable peak discharge for some storm events is exceeded. Storm sewer profiles shall show existing and proposed grades and all pipe views at all structures.

There is a post and rail fence detail typical of what is provided throughout the Township for stormwater management basins on the detail sheets of the plans. However, the height and location of post and rail fencing is not indicated in plan view. Landscaping- 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 is oak dominated uplands. 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. Sight triangles and drainage easements shall be added to the Landscape and Lighting Plans to determine whether any shade trees are being proposed in sight triangles and drainage easements. If so, these plantings should be relocated. The applicant is proposing a ten foot (10') wide shade tree and utility easement along all proposed road frontages. The proposed easement encroaches onto adjoining Lot 16 which is not part of this subdivision. Lighting -Proposed street lighting for the proposed cul-de-sacs is shown on the Landscape and Lighting Plans. Utilities- The plans indicate sewage service will be provided by individual septic disposal beds. The applicant shall provide testimony regarding the availability of public sewer. The plans show water service will be provided by a combination of individual private wells and public water mains. The proposed lots to be serviced by private wells are located along proposed Olive Court. The rest of the proposed lots will have public water service. It is our understanding there are no existing water mains on White Street. However, testimony should be provided regarding the possibility of extending water mains into proposed Olive Court. 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. Signage - Proposed signage needs to be added to the Development Plan. Regulatory sign details have been provided. No project identification signs are proposed. Environmental Impact Statement- An Environmental Impact Statement was provided for review, and is generally satisfactory. The Statement notes the site is within a Suburban Planning Area (PA2) and a Smart Growth Area. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Wood Turtle and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. Per NJDEP mapping, the site is mapped as potential state threatened species habitat. The Environmental Impact Statement properly addressed the ecology of the site with respect to flora and fauna. No threatened or endangered species were found by the applicant's qualified consultant. Tree Management Plan - A Tree Management Plan has not been submitted. A plan is necessary unless waived by the Board. It should be noted that the proposed limit of clearing closely matches the proposed limit of disturbance. Therefore, no extraneous trees will be removed as part of this subdivision plan. Construction Details- The height for the adjoining berms of the recharge trenches needs to be clarified. The Sign details should be revised to include a reflective strip that is installed the length of the post. The Stop Bar detail shall be eliminated since it conflicts with the Intersection Striping detail. The Pavement Restoration detail does not match the Municipal Roads detail. Except for inverts, which may be constructed of Class S concrete, any concrete shall be a minimum of Class B. The strength of Class B concrete is 4,500 psi. All references to Class C and D concrete shall be removed from the details as these mixes are no longer used by NJDOT. There are duplicate details which conflict and require correction. Should subdivision approval be granted, shop drawings for the wall will be required prior to construction. Three (3) types of curb details are shown on the plans. The locations of the different curb types must be indicated. Details for the infiltration basins berms do not agree with the plan views. Details for Handicap Ramps must

conform to the NJDOT Standard Details. Final Plat- Compliance with the Map Filing Law is required. Bearings and distances are missing from many of the proposed lot lines. Curve information, bearings, and distances must be added to the Shade Tree and Utility Easement that has been provided on the Final Plat. Sight Triangle Easements have not been provided on the Final Plat. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Ocean County Board of Health (well and septic); New Jersey American Water Company (water); All other required outside agency approvals. It is recommended that the applicant's engineer meet with our office to review our comments and recommendations prior to providing a revised submission. A revised submission should include a point-by-point summary letter of revisions.

John Doyle Esq. appeared on behalf of the applicant. He said they discussed the drainage concerns with the board engineer and Mr. Franklin and he believes they have resolved those issues. All lots will meet the square footage with the exception of the drainage lots. They meet what the county wants as far as roadway dedication on Lakewood New Egypt and Mr. Flannery will address.

Mr. Neiman said as far as the environmental impact statement, Mr. Vogt states he is generally satisfied with it and Mr. Neiman asked why he used the word "general" and Mr. Vogt said basically it is not ideal but nothing is- he thinks the report is well prepared and they have addressed the issues. According to the statement, this is a PA2 area. Mr. Neiman said he would like to see a tree management plan and Mr. Flannery said they have prepared one and it will be submitted and there are specimen trees and they are complying with the ordinance. Mr. Neiman would like to see some replanting schedule also and Mr. Flannery agreed.

With respect to the drainage, Mr. Flannery said he met with Mr. Franklin and they are going to make revisions to comply with the way the township wants the drainage done. He said there is an issue with the detention basins for the stormwater management; they are smaller than 40,000 sf lots and they have shown the basin in an easement on a lot and Mr. Franklin indicated it would be better to make that a separate township lot; on the one lot in the front that would require a minor area variance but he is assuming that is the way the township likes to do it. Mr. Flannery also indicated is they provided a phasing line and they will do 2 separate final plats, so there will be one phase that is on Lakewood New Egypt Road and the other phase that is on White Street. Mr. Neiman asked Mr. Franklin if he was satisfied with the turning radius for his trucks and he said yes. Mr. Neiman said these will be public roads with cul de sacs.

Mr. Banas asked why sidewalks only on one side of the street and Mr. Flannery said the RSIS allows that and he knows that is not typical for Lakewood but 40,000 sf lots isn't typical for Lakewood either so he would ask the board for input on that- if they say they need sidewalks on both sides, and Mr. Neiman said yes. Mr. Banas said there is a void of sidewalks on Lakewood New Egypt Road and Mr. Flannery said they are showing sidewalks there.

Mr. Schmuckler asked which lot is the basin and Mr. Flannery said lots 1.18, and 1.06 which is the end of the cul de sac and the entrance- one in each phase. Mr. Banas asked where the phase line will run and Mr. Flannery said it will run behind the rear lot that front on the cul de sac coming off on White Rd.

Mr. Franklin said he did meet with the developer but no way is he trying to circumvent the Township Engineer because he is the expert in it but what he looks at is the most economical way for the township to clean it.

Motion was made by Mr. Herzl, seconded by Mrs. Koutsouris, to advance to the meeting of August 18, 2009

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

8. **SP # 1921** (Variance Requested)  
**Applicant:** Klarr Transportation Services  
**Location:** Lehigh Avenue, west of Swarthmore Avenue  
Block 1606 Lot 2.01  
Preliminary & Final Site Plan for proposed office/school bus terminal

Mr. Vogt prepared a letter dated July 1, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Major Site Plan approval with Variances. The applicant proposes to construct a new 7,370 SF Office/School Bus Terminal Building and site improvements within the Lakewood Industrial Park. An existing facility from 999 Airport Road would be relocated to this proposed site. The eastern section of the building will provide for bus maintenance and the western portions of the building will be used for offices. Parking for employees will be provided on the west side of the property, while parking for buses will be provided on the east side of the site. The current need for the site is five (5) office workers and forty (40) drivers/bus aids. However, the ultimate design is based on the requirement of five (5) office workers and one hundred (100) drivers/bus aids. A total of one hundred forty-two (142) parking spaces are proposed at the above-referenced location. Thirty-nine (39) parking spaces will be Sixty-nine (69) parking spaces will be 10' X 40' full size bus parking spaces. Twenty-four (24) parking spaces will be 10' X 20' mini bus parking spaces and ten (10) parking spaces will be 9' X 20' mini bus parking spaces. Access to the proposed development will be provided by two (2) driveways from Lehigh Avenue. The tract consists of 3.62 acres in area, and is mostly forested with the exception of a disturbed area near the northern property boundary. The property slopes gently downwards from northwest to southeast. No freshwater wetlands or state open waters exist on-site or within three hundred feet (300') of the tract. The site fronts the northeast side of an interior curve of Lehigh Avenue. The roadway is improved with municipally supplied water and sewer services available in the roadway. Surrounding lands are all improved with large commercial and industrial land uses. The site is located in the M-1 Industrial Zone. Terminal facilities are a permitted use in the zone. The southeast half of the site lies within the AHZ Airport Hazard Zone. Zoning- The site is situated within the M-1, Industrial Zone. Per Section 18-903M.1.c., of the UDO, under "permitted uses" in the M-1 zone cites terminal facilities. The minimum front yard setback may be reduced from one hundred feet (100') to fifty feet (50') with approval of the Lakewood Industrial Commission. A front yard setback of 97.1' is being proposed. Testimony shall be provided regarding the status of the Industrial Commission approval. It appears a variance may be required for the number of off-street parking spaces. Per Section 18-903M.6.a., of the UDO, buildings having less than twenty thousand square feet (20,000 SF) of floor area shall provide one (1) parking space for each employee on the maximum work shift, plus five (5) spaces for executives. The ultimate design for the site will require approximately one hundred five (105) parking spaces. The project proposes one hundred forty-two (142) spaces. However, one hundred three (103) of these spaces are for bus parking, leaving only thirty-nine (39) spaces for normal passenger vehicles. Testimony shall be provided regarding this situation. A variance is required for the site identification sign setback. Per Section 18-812A.9.b., of the UDO, a fifteen foot (15') setback from the right-of-way is required

and a ten foot (10') setback is being proposed. Testimony should be provided regarding visibility and location of the site identification sign, especially considering the tree save areas required by CAFRA. Per review of the site plans and application, the following design waivers appear to be required: Maximum driveway width of thirty feet (30') (Subsection 18-807.C.4.). A driveway width of fifty feet (50') is proposed for the proposed access driveway associated with the proposed bus parking portion of the site. Providing parking facilities closer than twenty feet (20') from the street line (Subsection 18-807.C.6.). The nearest proposed parking facility to the street line is ten feet (10'). Bus parking space size (Subsections 18-807.C.8.a & b.). Full size bus parking spaces shall be a minimum of twelve feet (12') wide by forty feet (40') long. Sixty-nine (69), ten foot (10') wide by forty foot (40') long full size bus parking spaces are proposed. Mini bus parking spaces shall be a minimum of ten feet (10') wide by twenty feet (20') long. Ten (10), nine foot (9') wide by twenty foot (20') long mini bus parking spaces are proposed. Any and all other design waivers deemed necessary by the Board. Review Comments-Site Plan/Circulation/Parking -In accordance with Section 18-903M.4.a., testimony should be provided on the disposal of liquid wastes. Vehicular Circulation Plans are required to confirm accessibility for bus parking, delivery, emergency, and trash pickup vehicles that will need to access the site. This will assist the Board in evaluating the design waivers requested for proposed bus parking space size. A 9' X 18' solid waste enclosure on a 12' X 20' pad is proposed at the end of a drive aisle near the maintenance portion of the building. Testimony is required regarding the adequacy of the enclosure. The refuse area is enclosed, but no screening has been provided. The waste receptacle area should be designed in accordance with Section 18-809.E. of the UDO. An infiltration basin is proposed on the south side of the site along the Lehigh Avenue frontage. The proposed basin walls are created by modular interlocking block retaining wall units. The basin will not be fenced and has no vehicular access. Design revisions appear necessary. The proposed access driveway for the proposed passenger vehicle parking areas is at a skewed angle with respect to Lehigh Avenue. The applicant's professionals shall provide testimony as to why the proposed driveway is not radial to Lehigh Avenue. No sight triangles associated with the proposed vehicular site access points have been indicated. Lehigh Avenue is improved with utilities, curbing, and pavement. Curbing is being replaced with depressed curbing at the driveway access points. Concrete aprons are also proposed within the proposed driveway limits of the right-of-way. No sidewalk exists within the right-of-way and none is proposed. This is consistent with the other site plans in the Industrial Park. Proposed handicapped spaces and aisles shall be dimensioned. A proposed six foot (6') by twenty-four foot (24') concrete pad near the southeast side of the building is shown on the Site Plan. The purpose of this proposed pad has not been indicated. Architectural- Basic architectural floor plans and elevations were submitted for review. Per review of the submitted plans, the building will be far less than the sixty-five foot (65') allowable height. The structure will house service bays and office space. 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. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. More detailed architectural plans should be provided. Grading- A detailed grading plan is provided on Sheet 4. The site will be filled since the ground water table is relatively shallow. A retaining wall is proposed east of the proposed parking area in order to create a tree save area on the east side of the site. A storm sewer collection system is proposed to collect runoff from the developed portion of the site. As indicated on the plans, site grading is proposed. The applicant should confirm whether fill will be imported to the site. It appears fill is to be imported, we recommend that the applicant perform analytical testing, in accordance with N.J.A.C. 7:26E-6.4(b)2.iii through iv, N.J.A.C. 7:26E-6.4(b)3, (d) and (e), on the fill at a frequency suitable to demonstrate that contaminants are not present within the fill soil at concentrations above the relevant NJDEP Soil Cleanup Criteria. An infiltration basin is proposed on the

southerly portion of the proposed project site. The basin will be less than four feet (4') deep, have a flat sand bottom, and have walls constructed from modular block interlocking units. The proposed grading along part of the southerly parking lot curb adjacent the basin is flat. A high point should be created at the return of the forty foot (40') curb radius. The proposed retaining wall should be extended along a portion of the north side of the site. The proposed slope between the proposed parking area and the adjoining site is too steep. The proposed retaining wall will be stepped at various locations. The grading plan should indicate the locations of these steps with proposed top and bottom of wall elevations to insure proper construction. Proposed spot grades should be added in the proposed handicapped parking area to insure proposed slopes of two percent (2%) are not exceeded. Stormwater Management- A proposed storm sewer collection system has been designed utilizing reinforced concrete pipe to convey stormwater runoff into a proposed infiltration basin. The proposed infiltration basin is located on the southerly portion of the site. A two foot (2') vertical separation between the proposed bottom of the sand layer and the seasonal high water table has not been provided. We recommend the proposed basin be revised to provide a six inch (6") thick proposed sand layer with a proposed top of sand elevation of 28.5 and a proposed bottom of sand elevation of 28.0. The proposed grading creates numerous low points on the site. Runoff at these proposed low points should be picked up with flared end sections and piped to the infiltration basin. This will also increase the available storage of the stormwater management system, which is needed. The proposed low point created on the southeast corner of the site will be downstream of the basin and may be piped to the existing inlet just east of the site. Corrections to the Post Development Drainage Area Map are required. The proposed drainage area for proposed drainage structure "D-7" is too large for a single grate structure. Either a double structure or an additional upstream structure shall be proposed. The last run of proposed pipe from proposed drainage structure "D-7" into the basin is undersized. Proposed storm sewer outfalls into the infiltration basin are shown to be flared end sections. However, only headwalls are included on the detail sheets. The discrepancy shall be clarified. Proposed drainage structures "D-9 and D-10" will act as bubbler inlets in case of system failure. We recommend a small emergency spillway also be considered for the basin since the peak flows could overtax the bubbler inlets. A stormwater maintenance manual has been provided in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Our review indicates the frequencies of inspections need to be increased. It should be noted that NJDEP's pending CAFRA review could have an impact on the stormwater management design and significantly affect our recommendations. Landscaping- Proposed landscape planting for the site consists of eight (8) Green Mountain Sugar Maples, twelve (12) Japanese Pieris, and twelve (12) Morning Light Miscanthuses. The overall landscape design is subject to review and approval by the Board. The applicant has not provided a six foot (6') shade tree and utility easement along the property frontage, and sight triangle easements for the proposed site access driveways. General Planting Note #13 shall be removed and General Planting Note #8 corrected. Lighting- A detailed lighting design is provided on the Landscape and Lighting Plan. Per review of the isometric data, the center of the site appears to be inadequately illuminated. A point to point diagram along with additional lighting is recommended. The concrete for the Light Pole Footing Detail shall be 4,500 psi. Utilities- Public water and sewer services will be provided by the Lakewood Township Municipal Utilities Authority. It should be noted that the Bureau of Safe Drinking Water has informed the Authority that the Authority does not have sufficient water supply based on the current interpretation of the standards by NJDEP. However, the Authority anticipates that they will have the situation rectified within the next few months. (See Will Serve Letter in CAFRA Compliance Statement.) Electric service is available from Jersey Central Power & Light. Gas service is available from New Jersey Natural Gas Company. Existing electric and gas facilities are indicated on the plans. Testimony should be provided regarding proposed fire protection measures. Signage- A proposed free-standing site identification sign has been provided on the

site plans requiring relief by the Board for location. A detail of the proposed free-standing sign is included on the Construction Details sheet. The size of the proposed poured concrete footing for the sign must be completed and concrete with strength of 4,500 psi used. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. Environmental-Site Description- Per review of the site plans, aerial photography, and a site inspection of the property, the tract is a vacant property fronting on the north side of Lehigh Avenue in the Lakewood Industrial Campus. The vegetation on site consists of mixed oak and pitch pine native species throughout the site. Most of the site is forested with the exception of a previously disturbed area near the northern property boundary. The property slopes gently downwards from northwest to southeast. No freshwater wetlands or state open waters exist on-site or within three hundred feet (300') of the site. CAFRA Compliance Statement- The applicant has submitted a CAFRA Compliance Statement. The document has been prepared by Air, Land, & Sea Environmental Management Services, Inc., and complies with Section 18-820 of the UDO. The report is a result of an Environmental Assessment and Inventory conducted on the site. To assess the site for environmental concerns, natural resources search of the property and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following highlights some of the documents and field inventories which were reviewed to evaluate potential environmental issues associated with development of this property: The New Jersey State Development and Redevelopment Plan. The site is defined as a CAFRA Coastal Regional Center. NJDEP I-map and site investigation for wetlands and wetland buffers. The Natural Heritage Program for any threatened and endangered species. Northern Pine Snake habitat areas were evaluated. NJDEP Landscape Project Areas. The author of the CAFRA Compliance Statement concludes the proposed project will comply with NJDEP policies including forest preservation, impervious coverage limits, water quality, and stormwater management. Our office agrees with the author's findings. Tree Management Plan- General Note #13 on the Cover Sheet states the entire site contains twenty-three (23) trees of twelve inches (12") in caliper or greater, and no specimen trees. Therefore, a Tree Protection Management Plan must be submitted. The locations of the larger twenty-three (23) trees are shown on the Existing Conditions Plan. A Tree Protection Management Plan is required (or waiver sought). 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. Construction Details- Construction details are provided on Sheet 9 of the plans. 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. Additional information is required for the trash enclosure detail. No pilasters are shown for the decorative block walls. The concrete slab shall be Class B concrete @ 4,500 psi. No information is provided for the chain link gates. The Sign details should be revised to include the reflective strip that should be installed the length of the post. Reference to NJDOT Standard Specifications shall be 2007. The Headwall/Apron and Rip Rap Swale Details do not correlate with this site plan. The Van Accessible Handicapped Parking Detail must be revised to nine foot (9') wide spaces and aisle, unless the site plan is revised. The base course pavement should be thicker. A detail must be provided for the retaining wall. Handicap Ramp Details must be in accordance with the latest NJDOT Standard Construction Details. The head pieces for Type B Inlets must be environmentally compliant. Discrepancies in depressed concrete curb and sidewalk details must be corrected. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside agency approvals for this project may include, but are not limited to the following: Lakewood Township Industrial Commission; Lakewood Township Municipal Utilities Authority (water and sewer); Ocean

**PLANNING BOARD MEETING  
JULY 7, 2009  
MEETING**

**TOWNSHIP OF LAKEWOOD  
PLAN REVIEW**

County Planning Board (approved 6/17/09); Ocean County Soil Conservation District; NJDEP CAFRA Individual Permit; FAA/NJDOT (Airport Hazard Zone); and all other required outside agency approvals. A meeting is recommended with the applicant's professionals and our office to discuss design revisions prior to a resubmission of documents. Once completed, a revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

John O'Brien Esq. appeared on behalf of the applicant with Bill Voeltz as the engineer. Mr. Voeltz said the building is located on an irregular shaped piece of property. They have 97 ft. to the right of way and plans have been submitted to the Industrial Commission. The other variance has to do with the sign, because of the large amount of trees that run along Lehigh Avenue and the way it is set they are requesting that the sign be located 10 ft. behind the right of way primarily for visibility purposes. Mr. Vogt asked if there were any issues with site distance and Mr. Voeltz said they are 200 ft. direct visibility in the cleared right of way and if they head some of the trees that are within their property they should be able to get sufficient site visibility. Mr. Voeltz said as far as the parking variance goes, they are looking for a bus terminal; so they have 142 spaces which are shared by buses and employees. Right now there is only about 40-50 buses that they currently have but they don't normally provide a separate lot for the employees to park, they share those spaces and they work on a shift basis. As far as the waivers they are requesting, one is the 10x40 bus stall size that they have-they will revise it to a 12x40 ft. stall and reduce the aisle from 30 ft. to 25 ft. and they angle them and it will provide better circulation. The 30 ft. driveway width is because they have a lot of bus traffic on Lehigh Avenue so they have requested a wider driveway for better access into the site and they have asked for a waiver to increase it to 50 ft. There is one stall that is 10 ft. to the right of way line near the entrance driveway, it is not in any site triangle and the primary purpose is small bus parking in that location. The other waiver they are looking at is for sidewalk along the frontage and 6ft. wide shade tree easement for utilities and their argument is to save the trees to the right of way line. Mr. Vogt asked him to provide the information for the board's use. Mr. Voeltz said they did not propose sidewalks on this plan; they could put them within the right of way but they did ask for a waiver on them. As far as the tree management plan, they have 23 12 in. in diameter trees that is shown on the existing conditions plan and they are proposing to remove 16 trees and they are saving 1/5<sup>th</sup> of the site in the tree save area and this is a CAFRA application and that is more than CAFRA requires.

Mr. Banas asked how many parking spaces do they have within the 50 ft. front setback because it is his understanding that there is no parking in the 50 ft. setback and Mr. Voeltz said it is 20 ft. and Mr. Vogt's letter references 20 ft. also. He has 1 stall that is within 10 ft. but the remainder meets the 20 ft. number as stipulated in Section 18-807C6. Mr. Jackson found the code in the MLUL and it states 20 ft. from any street line.

Mr. Schmuckler said they have to discuss sidewalks and Mr. Neiman said they know that the board wants sidewalks so there is no discussion.

Motion was made by Mr. Percal, seconded by Mr. Schmuckler, to advance to the meeting of August 18, 2009

**ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes**

9. SD # 1682 (Variance Requested)  
Applicant: Pat Brown  
Location: intersection of Georgian Terrace & Arboretum Parkway  
Block 25.08 Lots 65 & 67  
Minor Subdivision to realign existing lot lines

Mr. Vogt prepared a letter dated June 23, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to eliminate a portion of an existing lot line and re-subdivide two (2) existing single-family lots known as Block 25.08, Lots 65 and 67. The existing lots front Georgian Drive with existing Lot 65 also having frontage on Arboretum Parkway. There are existing dwellings, driveways and appurtenances on both lots. The proposed subdivision will result in enlarging Lot 65 (proposed Lot 65.01) and reducing the size of existing Lot 67 (proposed Lot 67.01). The site is situated within a residential area. We have the following comments and recommendations: Zoning- The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use in the zone. Testimony should be provided as to whether any new construction or expansion of either of the existing dwellings is contemplated as a result of the proposed subdivision. Per review of the Subdivision Map and the zone requirements, the following variances are required for proposed Lot 21.01: Lot Area (Lot 67.01, 11,048 s.f. proposed, 12,000 s.f. required) – proposed condition. Lot Width (Lot 67.01, 87.24 ft proposed, 90 ft required) – existing condition. Minimum Single Side Yard setback (Lot 67.01, 5 ft proposed (requested), 10 feet required) – new condition. Minimum Combined Side Yard setback (Lot 67.01, 15 ft proposed (requested), 25 feet required) – new condition. Testimony should be provided by the applicant's professionals regarding the existing stairwell structure shown on new Lot 65.01, within 1.4 feet of the lot line, and whether variance relief is necessary for this structure as well (as an existing condition). The applicant must address the positive and negative criteria in support of the requested variances, including but not limited to the 5 foot single side yard setback variance requested for proposed Lot 67.01. Review Comments- Per review of the subdivision plan, each existing/proposed lot contains an existing dwelling, each having its own driveway. The driveway for the home on proposed Lot 65.01 appears to have room for at least four (4) cars, and the driveway for the home on proposed Lot 67.01 appears to have room for at least two (2) cars. Parking should be provided to the Board's satisfaction. The existing dwellings on both lots will remain. Again, testimony is required to address whether new construction or expansion within one or both lots is contemplated as a result of this subdivision. The plan indicates existing curb along Georgian Terrace and Arboretum Parkway. The curbing is in adequate position. The Board should determine whether sidewalk is necessary. We note that there is no existing sidewalk in the immediate vicinity of the property. No information is provided on the plan regarding existing water and sewer service to the dwellings. We assume that both dwellings are served by public water and sewer. Confirming testimony is necessary, as well as whether addition service is required. Proposed construction details must be added to the plan (if any construction is proposed or required by the Board) in accordance with applicable Township or NJDOT standards. Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. A six foot (6') wide shade tree and utility easement should be provided on the plan (unless waived by the Board). Similarly, shade trees should be provided (unless waived by the Board). Compliance with the Map Filing Law is required. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals (if necessary); Ocean County Soil Conservation District (if necessary); and 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.

Sam Brown Esq. appeared on behalf of the applicant. The only new variances are the lot area and the side yard setback which they are requesting 5 ft. so that the unique shape of this would be able to accommodate an expansion of the current home or some other future development.

Mr. Neiman asked if both lots are owned by the same owner and Mr. Brown said no, lot 65.01 is owned by Pat Brown, the lot to the west is owned by an LLC 1317 and he is representing both.

Mr. Schmuckler asked if they are putting sidewalks there and Mr. Brown said there are not sidewalks there currently nor are there sidewalks on the adjoining properties and most of the area. The lots are both heavily vegetated; in the front yards there are trees that are old and it would be a shame to start ripping out trees to put in sidewalks. When they applied for a building permit for lot 65.01, the township engineer waived the sidewalk requirement for the reasons he has stated. He said he will provide photos at the public hearing. Mr. Neiman said it is a residential area and they would like to see sidewalks.

Motion was made by Mr. Banas, seconded by Mr. Schmuckler, to advance to the meeting of August 18, 2009

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

Mr. Kielt said the next 2 items are adjacent to each other so he announced them together. Mr. Neiman said due to the nature of these applications, he would rather hear them separate.

10. SD # 1683 (Variance Requested)  
Applicant: Shmuel Friedman  
Location: Route 9 north of Cushman Street  
Block 430 Lots 9 & 54  
Preliminary & Final Major Subdivision

Mr. Vogt prepared a letter dated July 2, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Major Subdivision approval. The applicant proposes to subdivide two (2) existing lots (Lots 9 & 54 in Block 430) into seven (7) proposed lots. New Lots 54.01 through 54.06 will be proposed townhouse lots. New Lot 9.01 will be a proposed commercial lot. The applicant is also seeking Preliminary and Final Major Site Plan approval. The Site Plan approval for the proposed new townhouse lots (54.01-54.06) is included in conjunction with this Subdivision approval. The Site Plan approval for the proposed new commercial lot (9.01) is a separate application. The property to be subdivided, totaling 2.33 acres, consists of existing Lots 9 and 54 in Block 430. Existing Lot 9 is a narrow, deep lot of 1.83 acres in area, and contains a 2-story office dwelling, a garage, a shed, and other appurtenances. The existing structures will be demolished and all appurtenances removed. The lot fronts on the west side of River Avenue (Route 9), between Pine Boulevard and Cushman Street. Existing Lot 54 is a rectangular lot of 0.50 acres in area, and contains a 1-story dwelling with a potable water well and an individual septic system, a shed, and other appurtenances. The existing structures will be demolished and all appurtenances removed. The lot fronts the north side of Cushman Street and borders existing Lot 9 hundreds of feet west of Route 9. Proposed commercial Lot 9.01 will contain 1.26 acres and proposed townhouse Lots 54.01-54.06 will vary in size from 0.08 to 0.66 acres and total 1.07 acres. The applicant is proposing to construct six (6) townhouses for the

site plan application associated with this subdivision. All proposed townhouses will be twenty-five foot (25') wide by fifty-four foot, eight inches (54'-8") long. Each proposed unit will consist of an unfinished basement, a first floor living area, a second floor with five (5) bedrooms, and an attic with another two (2) bedrooms. The proposed units will also have rear decks and separate accesses to the unfinished basements and first floors. Individual driveways capable of parking four (4) vehicles are proposed for each unit. The majority of the adjacent and surrounding properties are developed. Per review of the above-referenced submission, we offer the following comments and recommendations: Zoning- The site is situated within the HD-7, Highway Development Zone. Per Section 18-903H.2.b., of the UDO, under "conditional uses" in the HD-7 zone cites "townhouses". The applicant should provide testimony to address proposed future development (if any) in the rear portion of proposed Lot 54.01 for the townhouses which totals 0.66 acres in area. Per review of the site plans and application, no variances are requested for the townhouse site plan. Should any variances be deemed necessary by the Board, the positive and negative criteria should be addressed. Per review of the site plans and application, the following design waivers appear necessary, at a minimum: Minimum thirty foot (30') buffer from the property line to the proposed use. The Board may reduce the required buffer to fifteen feet (15') if the developer provides a dense landscape screen. (Section 18-803E.2.b.) Providing sidewalk along the property frontage (Section 18-814M). Curb exists along Cushman Street, but no sidewalk exists in front of the project or is proposed. Review Comments- Site Plan/ Circulation/Parking In accordance with Section 18-1010B.6., of the UDO; "each unit shall have an area designated for the storage of trash and recycling containers". Neither the Site Plans nor the Architectural Plans address this matter. An Outbound and Topographic Survey prepared by Clearpoint Services, LLC is referenced in the general notes, but is not provided. According to RSIS, for townhouses containing four (4) bedrooms or more, the parking shall be 2.5 off-street spaces per townhouse unit. The applicant proposes seven (7) bedrooms plus an unfinished basement for each unit. The applicant provides four (4) off-street spaces per unit. Each proposed unit will have a driveway large enough to park four (4) vehicles. Testimony shall be provided on the adequacy of the off-street parking. The existing curbing and paving on Cushman Street is in excellent condition. As a result of proposed new sanitary sewer main installation, proposed water and sewer service connections, and new driveway construction, virtually the entire road will be disturbed. We recommend road reconstruction with one side curb replacement for the entire length of the project frontage. At the location where sanitary sewer is being installed east of the project, we recommend a mill and overlay be done to return the road to its present condition. The Site Plans must be designed to show the required improvements. The proposed rear yard setback in the zoning table shall be corrected. The correct value is 22.7 feet, which is still in compliance. Additional dimensioning is needed on the site plan, particularly around the proposed units with the all the proposed sidewalk jogs. It is not clear whether the proposed driveways are bituminous or concrete. A construction detail is needed. The applicant should provide Homeowner's Association (HOA) documents for the development to the Board's Professionals for review. Architectural- An architectural plan set was submitted for review. Per review of submitted plans, the average building height will be thirty-one feet nine inches (31'-9"), and will house six (6) identical townhouse units of twenty-five feet (25') in width. Two foot (2') breaks between every pair of units is proposed as required. Testimony should be provided regarding the building height to insure compliance. 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. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. Horizontal layout coordination between the architectural plans and the site plans is required, the dimensions do not correspond. The architectural plans show all the units at the same elevation. The site plans show vertical breaks between each unit. Coordination is required.

**Grading-** A detailed grading plan is provided on Sheet 5. Seasonal high water table is conservatively estimated between nine and ten feet below existing grades. Therefore, the proposed basement floor elevations have the required minimum two foot (2') separation from the seasonal high ground water table. Vertical breaks between the units should be in eight inch (8") increments. Per review of the current grading plan, additional grading is necessary for stormwater management purposes and to prevent directing runoff onto adjoining properties.

**Stormwater Management-** The proposed project is piping and directing stormwater runoff to an underground recharge pipe and trench system that is proposed within the gravel parking/display area on a neighboring property for stormwater management purposes. This practice should be reconsidered because of the potential for future ownership changes. Per the recharge calculations in the stormwater report, the piping system can recharge more than the increase in the 100-year storm event, using a field measured permeability rate of 70 inches per hour (in/hr). A permeability rate in excess of 20 inches per hour will not be considered for design purposes. We recommend that the system be analyzed using a more conservative recharge rate for outflow purposes, since recharge capacity of the underlying soils will likely decrease over time. The applicant's engineer should contact our office to review. The concept of underground recharge is favorable for this project given the favorable recharge rates and groundwater table within the property. Additionally a means of overflow should be incorporated in the design in the event that the system fails due to lack of maintenance. A separate stormwater management system and stormwater management report must be prepared for the townhouse site plan. The applicant's engineer must address how the proposed stormwater design will meet the NJDEP's and Township's water quality standards (for major development). A stormwater maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Confirming testimony should be provided that the applicant will maintain the proposed stormwater management system.

**Traffic-** A Traffic Report has been submitted for review, assessing impacts of this project as well as the commercial use proposed by the applicant on the adjacent property. As indicated in the report, the author concludes that both (auto, townhome) projects will not have a significant adverse impact on the Route 9 and Cushman Street intersection, since the estimated AM peak (LOS E) and PM peak (LOS F) will not change. Testimony should be provided by the applicant's traffic expert as to whether any of the other local Route 9 intersections or cross-streets (e.g., Pine Boulevard) will be impacted by this proposal, and whether any improvements are warranted for safety purposes. The report indicates that a representative traffic expert will be available for testimony at the upcoming planning board meeting. Testimony will be necessary for the public hearing, at a minimum.

**Landscaping-** Proposed landscaping is illustrated on the Landscape and Lighting Plan (Sheet 6). As indicated on the plan, landscaping is proposed including six (6) Red Maples, twenty (20) Giant Arborvitae, twenty-three (23) Anthony Waterer Spirea shrubs and two (2) Japanese Holly shrubs. The plant count on the Spirea needs to be verified. The overall landscape design is subject to review and approval by the Board. The applicant should include the location of all proposed service laterals on the Landscape Plan to assure there are no conflicts with any of the proposed street trees. A tree protection plan is not included in the submission. One should be provided, or the appropriate waiver sought. As noted on Sheet 6, eighteen (18) trees will be removed, including two (2) specimen trees. Compensatory landscaping is proposed. The existing tree identified as "T7" is being removed as part of this project, but the existing tree identified as "T22" is being removed as part of the commercial project.

**Lighting-** There is existing street lighting on Cushman Street. No additional street lighting or site lighting is proposed.

**Utilities-** Utility information (other than lighting) is provided on Sheet 5. As illustrated, a proposed sanitary sewer main will be extended on Cushman Street. Proposed sewer laterals will be installed from the proposed individual units and connect to the proposed main within Cushman Street. Proposed water services will be installed from the proposed individual units to an existing water main on the opposite side of Cushman Street. As described

in the EIS report, water and sewer service will be provided through the NJ American Water Company. We recommend increasing the slope of the proposed sanitary sewer main to reduce the depth of excavation within Cushman Street. The depth of proposed excavation approaches fourteen feet (14') and there is only one property upstream of the terminal manhole which may require future service. All proposed utilities must be installed in accordance with Township requirements. Environmental- Site Description- Per review of the site plans, aerial photography, and a site inspection of the property, the undeveloped portion of the site is vegetated, including an oak-pine forested upland and open /scrub successional growth area as described in the submitted EIS report. Environmental Impact Statement- An Environmental Impact Statement (EIS) was submitted for the project, and is well-prepared. As indicated in the EIS, no significant vegetation or wildlife species were observed during site inspections of the property. In addition, habitat assessments of potential mapped areas as identified in NJDEP databases were performed, including assessments for Barred Owl, Cooper's hawk, Red-headed Woodpecker, and Northern Pine Snake habitats. No significant habitats for any of the above referenced species were found to exist on-site. 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 (e.g., underground or above ground fuel tanks, septic systems, etc). 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. Construction Details- Construction details (except for landscaping) are provided on Sheet 8 of the plans. All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. Construction details are shown which do not apply to this project. A detail must be provided for the retaining wall. Discrepancies in depressed concrete curb and sidewalk details must be corrected. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Final Plat- Compliance with the Map Filing Law is required. Proposed Lot numbers must be assigned by the Township Tax Assessor. A legend is required. Many of the certifications must be corrected. Since no roads are being created, the certification for acceptance shall be removed. The "27" in bearing "north 27 degrees, 00 minutes, 00 seconds west" must be corrected to "77". In General Note #1, Lot 45 shall be correct to 54. The overall square footage of the initial tract must be corrected. Typographical errors must be fixed in General Note #3. Should approval be granted, the proposed monuments shown to be set must be in place prior to submitting the Final Plat for signature. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Ocean County Board of Health (well and septic removal); Water and Sewer service (NJAW); and all other required outside agency approval. A meeting is recommended with the applicant's professionals and our office to discuss design revisions prior to a resubmission of documents. Once completed, a revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Shea Esq. appeared on behalf of the applicant and said this is a 2 lot application, one lot is on River Avenue, the other on Cushman Street and they are taking those 2 lots and creating 7 lots- 6 townhouses and 1 commercial lot on River Ave. It is a complete reversal of the original plan which created opposition. There are 2 variances requested which the board can grant one of which is for a reduction in the buffer. These are conforming uses and there is nothing unique or unusual about this application.

Mr. Neiman asked if they had that 100 ft. buffer to Route 9, and Mr. Shea said that comes into play with the site plan. Mr. Neiman commended them on changing the plans. Mr. Neiman said

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they have 4 off street parking for each unit and Mr. Hopkin said yes. Mr. Neiman said with basements he hopes that is enough and Mr. Hopkin said they physically don't have the room for more. Mr. Shea said they will provide sidewalks and will comply with recommendations.

Mr. Schmuckler said he saw in the notes that the applicant will supply a homeowners association and asked what the use of the homeowners association for; where is the common area, these are fee simple lots so what is the need of a HOA? Mr. Brown said the stormwater management system is located on the commercial lot, but there is a roof leader system that would have to tie in.

Motion was made by Mrs. Koutsouris, seconded by Mr. Schmuckler, to advance to the meeting of August 18, 2009

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

11. **SP # 1922 (Variance Requested)**  
Applicant: Shmuel Friedman  
Location: Route 9 north of Cushman Street  
 Block 430 Lot 9.01  
 Preliminary & Final Site Plan for proposed auto service building and display area

Mr. Vogt prepared a letter dated July 1, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval. The applicant proposes to construct a 6,000 SF, one story auto display and service building with a total of twenty-three (23) parking spaces in the front of the above-referenced location. In addition, a 22-space "Gravel Display/Parking Area" is proposed in the rear of the property, behind the proposed building. Access to the proposed development will be provided by a driveway from River Avenue (Route 9). The tract is 1.26 acres in area, and contains a 2-story office dwelling, a garage, and appurtenances. The existing buildings will be demolished and all appurtenances removed. The property is located in the southern portion of the Township on the west side of River Avenue (Route 9), between Pine Boulevard and Cushman Street. The majority of the adjacent and surrounding properties are developed and in use as retail commercial businesses, consistent with the zoning. Per review of the above-referenced submission, we offer the following comments and recommendations: Zoning- The site is situated within the HD-7, Highway Development Zone. Per subsection H(1)f of the UDO, under "permitted uses" in the HD-7 zone cites "automobile sales rooms". Although the zone allows for "Personal service establishments", automotive service is not specifically listed. Testimony is required from the applicant's professionals documenting the proposed service use as permitted within the HD-7 zone, including a brief description of how and when the facility will operate. Per review of the site plans and application, the following variances are requested:

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>
Side Yard Setback	30 ft	10 ft
Lot Frontage	150 ft	80.75 ft (*)
Parking within 150 ft of front	(non-conforming)	

(\*) – Pre-existing non-conforming condition

Any and all other variances deemed necessary by the Board.

The positive and negative criteria should be addressed. Testimony is required from the applicant's professionals justifying all of the above referenced variance requests. Per review of the site plans and application, the following design waivers appear necessary, at a minimum: Minimum 25 foot buffer from the property line to the proposed use, up to 50 feet from adjacent single family residential uses or zone areas (Subsection 18-803E2A). Providing sidewalk along entire property frontage (Subsection 18-814M). As noted on the plans, only a portion of the property's River Avenue frontage contains sidewalk. At the discretion of the Board, new sidewalk should be installed and existing sidewalk repaired or replaced where necessary. Review Comments-Site Plan/Circulation/Parking-No survey plan is provided. Existing conditions are provided on Sheet 2, which is signed by a PE. The revised plans should contain a survey of existing conditions signed by a Professional Land Surveyor (PLS). A survey dated February, 2008 is referenced on the site plans. As indicated in the site plans, access is proposed via a 24 foot wide, two-way entrance off of Route 9, leading to paved parking in the front of the property (23 spaces total) and twenty-two (22) gravel "Display/Parking" spaces proposed behind the building. All spaces except handicapped accessible will be 9' x 18' in size. Two (2) handicap accessible spaces are proposed in the front (paved) parking area. Testimony should be provided as to whether one or both of these spaces will be van accessible. The gravel parking proposed to the rear of the building is angular, with a 16' foot wide one way access aisle proposed around the spaces. The applicant's engineer should review the proposed configuration, as a minimum one-way aisle width of 18 feet appears necessary for conventional parking ingress and egress. A 10' by 10' trash enclosure is proposed at the rear of the proposed gravel display parking area. Testimony should be provided as to who will pick up trash and/or recyclables from the site. The applicant's engineer must demonstrate accessibility to and from the proposed dumpster pad location. Finally, the waste receptacle area should be designed in accordance with Section 18-809.E. of the UDO. Stormwater management is proposed via an underground recharge pipe and trench system located within the gravel parking area to the rear of the building. Per the stormwater report narrative, roof leaders from the building will also discharge into the underground recharge system. The Site Plan (Sheet 5 of 8) shows a 57' wide "Proposed Desired Typical Section" width of 57 feet from the centerline of Route 9 to the edge of the access drive proposed behind the front parking spaces. The limit of paved parking proposed in the front of the site is located immediately outside of the section width limit. 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 front parking and access area. No loading area has been identified on the plans. Testimony is required to address proposed loading and delivery operations for the facility. A vehicular circulation plan should be provided to confirm accessibility for delivery, emergency and trash pickup vehicles that will need to access the site. Architectural- An architectural plan set was submitted for review. Per review of submitted plans, the building will be less than 25 feet in height, and will house an auto display preparation and service area, parts and storage area, a showroom, bathrooms and offices. The exact height of the building should be identified on the architectural plans and provided for the Board's consideration. The applicant's professionals should provide testimony regard the proposed building, façade and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. Grading- A detailed grading plan is

provided on Sheet 5. Consistent with existing topography, proposed grading will generally slope from the rear of the property towards Route 9. Per review of the current grading plan, it is generally acceptable for preliminary review purposes. Additional grading may be necessary for stormwater management purposes. Stormwater Management- As indicated previously, an underground recharge pipe and trench system is proposed within the gravel parking/display area for stormwater management purposes. Per the recharge calculations in the stormwater report, the proposed piping and recharge trench system can recharge the increase in the 100-year storm event, using a field measured permeability rate of 70 inches per hour (in/hr). We recommend that the system be analyzed using a more conservative recharge rate for outflow purposes, since recharge capacity of the underlying soils will likely decrease over time. The applicant's engineer should contact our office to review. The concept of underground recharge is favorable for this project given the favorable recharge rates and groundwater table within the property. Additionally a means of overflow should be incorporated in the design in the event that the system fails due to lack of maintenance. A statement is made in the stormwater report that "Most of the proposed runoff generated from this site will be directed over the proposed pavement, gravel and grass to a series of infiltration pipes located under the gravel portion of the commercial site". The plans are unclear where curbing is and is not proposed (other than as depicted at the proposed Route 9 entrance).

Assuming that no other curb is proposed in the gravel area, it is unclear how the sheet runoff from the gravel lot will be captured and directed into the proposed catch basins. Similarly, if no curbing or collection piping is proposed within the paved parking lot or access drive, it is unclear how stormwater from these areas will be collected and discharge into the proposed recharge system since these areas will be downgrade of the gravel lot. Design revisions may be necessary. The applicant's engineer must address how the proposed stormwater design will meet the NJDEP's and Township's water quality standard (for major development) if the proposed paved areas are not recharged on-site. A stormwater maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Confirming testimony should be provided that the applicant will maintain the proposed stormwater management system. Traffic- A Traffic report has been submitted for review, assessing impacts of this project as well as the townhomes proposed by the applicant on the adjacent property. As indicated in the report, the author concludes that both (auto, townhome) projects will not have a significant adverse impact on the Route 9 and Cushman Street intersection, since the estimated AM peak (LOS E) and PM peak (LOS F) will not change. Testimony should be provided by the applicant's traffic expert as to whether any of the other local Route 9 intersections or cross-streets (e.g., Pine Boulevard) will be impacted by this proposal, and whether any directional restrictions to the proposed access drive (e.g., right turn out only) are warranted for safety purposes. The report indicates that a representative traffic expert will be available for testimony at the upcoming planning board meeting. Testimony will be necessary for the public hearing, at a minimum. Landscaping- Proposed landscaping is illustrated on the Landscape and Lighting Plan (Sheet 5). As indicated on the plan, perimeter landscaping is proposed including twelve (12) red maples, twenty (20) Spirea shrubs and two (2) Japanese holly shrubs. The overall landscape design is subject to review and approval by the Board. Lighting- The proposed lighting design is also provided on Sheet 5 of the plans. Per review of the isometric data, the design appears to be adequate provided that shields are included to minimize spillover onto adjacent sites. However, the proposed light pole height is not identified on the plans. The height must be provided, and testimony provided as to whether the pole height meets Township requirements. Testimony should be provided relative to the hours that the facility will be lit, and whether timers are proposed. A tree protection plan is not included in the submission. One should be provided, or the appropriate waiver sought. As

noted on Sheet 5, seven (7) mature oaks and pines, and one (1) mature spruce will be removed. Testimony should be provided as to whether compensatory landscaping is proposed. Utilities-Utility information (other than lighting) is provided on Sheet 3. As illustrated, proposed water and sewer services will be installed from existing systems within Route 9. As described in the EIS report, water and sewer service will be provided through the NJ American Water Company. Proposed fire protection for the building must be demonstrated prior to issuance of a building permit, at a minimum. All proposed utilities must be installed in accordance with Township requirements. Signage- The only signage information (other than directional signs) provided in the site plans is an identification sign detail provided on Sheet 8, which appears to comply with Township requirements. The sign will be set back 15 feet from the front property line as required by Code. The architectural plans depict (undimensioned) façade signs proposed on the front and right elevations of the proposed auto building. Information and testimony is required regarding proposed façade signs, and whether Board relief is necessary. Per our review of HD-7 zone requirements, freestanding and building mounted signage may not be permitted together unless relief is granted by the Board. 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. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Environmental-Site Description- Per review of the site plans, aerial photography and a site inspection of the property, the undeveloped portion of the site is vegetated, including an oak-pine forested upland and open /scrub successional growth area as described in the submitted EIS report. Environmental Impact Statement- An Environmental Impact Statement (EIS) was submitted for the project, and is well-prepared. As indicated in the EIS, no significant vegetation or wildlife species were observed during site inspections of the property. In addition, habitat assessments of potential mapped areas as identified in NJDEP databases were performed, including assessments for Barred Owl, Cooper's hawk, Red-headed woodpecker and Northern Pine Snake habitats. No significant habitats for any of the above referenced species were found to exist on-site. 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 (e.g., underground or above ground fuel tanks, septic systems, etc). 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. Construction Details- Construction details (except for lighting) are provided on Sheet 8 of the plans. All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer service (NJAW); Ocean County Soil Conservation District; NJDOT (access, occupancy and utility opening permits); and all other required outside agency approvals.

Mr. Shea Esq. appeared on behalf of the applicant. Mr. Neiman asked if the current garage will remain and Mr. Shea said yes, this would be in conjunction with that. Mr. Neiman wants to make sure there is adequate parking for the existing garage that is there, for the new garage that is being put up and right now there is parking on the sidewalks on Route 9 and people are trying to walk and Mr. Shea said when the new building is built, all of that should disappear and there will be surplus parking on the gravel parking lot.

Mr. Vogt said they need a variance for parking in the setback; the codes excludes parking within 150 ft. of the frontage without granting the waiver. Mr. Hopkin said he would like to review that after the meeting because he believes there is a section in the HD7 zone that specifically allows

parking within the front yard. Mr. Shea said if he is incorrect, they will be asking for a waiver. Mr. Vogt said they had the same issue with the Primax application and Chateau Grand as well.

Motion was made by Mrs. Koutsouris, seconded by Mr. Percal, to advance to the meeting of August 18, 2009

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

## 5. CORRESPONDENCE

- None at this time

## 6. PUBLIC PORTION

- None at this time

## 7. APPROVAL OF MINUTES

- Minutes from June 16, 2009 Planning Board Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

## 8. APPROVAL OF BILLS

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

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

## 9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted  
Johnson  
Board Recording Secretary

Respectfully

Chris  
Planning