

## I. CERTIFICATION OF COMPLIANCE

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

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

\*\*There was a problem with the air conditioning system and so fans were running and it was loud and hot in the room.

## 2. ROLL CALL

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

## 3. SWEARING IN OF PROFESSIONALS

Mr. Moore and Mr. Truscott were sworn in.

Mr. Banas said this is a technical review meeting and therefore it is nothing that has precedence, so they need to identify if the plans are in a position to advance to the public hearing; there is no other action taken on the plans they have before them. Accordingly, he suggested with the boards' indulgence, that rather than have the professionals read the report, that the board accept that they have been read into record and Mr. Banas will ask each of the applicants with their professional engineer and attorney whether or not they agree with the reports. This way they can get through with the meeting early and the noise will be reduced. He asked for a vote and Mr. Neiman asked if it was for tonight or for ever and Mr. Banas said just for tonight. Mr. Neiman hoped it could be for all technical meetings and was told maybe it would be.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to not read the reports but make them a part of the record.

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

#### 4. WAIVER REQUEST

1. SP # 1898 (Variance requested)  
Applicant: Kennedy Ventures LLC c/o Sam Brown  
Location: East Kennedy Boulevard, between Lexington & Monmouth Avenues  
Block 140 Lots 3 & 5  
Preliminary and Final Site Plan for 7,500 sf 2 story office building

Waiver request from checklist items:

C13 – Environmental Impact Statement  
C14 – Tree protection management plan

Mr. Moore said Mr. Peters recommended granting the waiver for the Environmental Impact Statement, but suggested not granting the waiver for the Tree Protection Plan due to the large trees on the site.

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutsouris, to approve the recommendations from Mr. Moore/ Mr. Peters

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

2. SP # 1893A (Variance requested)  
Applicant: Dr. Norman Indich  
Location: West County Line Road @ southwest corner of Cedarview Avenue  
Block 37 Lots 3 & 9  
Preliminary and Final Site Plan for pediatrician office

Waiver request from checklist items:

B2/B4 – topography within 200 feet of site  
B10 - man made features within 200 feet of site  
B20 - shade tree easement

Mr. Moore said Mr. Peters the topography within 200 feet be taken to the nearest high point on the far side of the road rather than the 200 ft. He recommended an aerial photo for the man made features within 200 feet and said does not recommending granting the waiver for the shade tree easement.

Motion was made by Mr. Herzl, seconded by Mr. Percal, to approve the recommendations from Mr. Moore/ Mr. Peters

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

3. SD # 1633

Applicant: Paradise Realty Group LLC  
Location: Squankum, 9<sup>th</sup> & Monmouth Ave triangle (old VFW building)  
Block 154 Lot 1

Preliminary and final Major Subdivision for 10 multi family units

Waiver request from checklist items:

B2/B4 – topography within 200 feet of site  
C13 – Environmental Impact Statement

Mr. Moore said Mr. Peters recommended drainage be taken to the nearest high point on the far side of the road rather than the full 200 ft. and recommends granting the waiver of the EIS due to the developed nature of the site.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve the recommendations from Mr. Moore/Mr. Peters

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

4. SP # 1801A (No variance requested)

Applicant: Yeshivat Keter Torah  
Location: Apollo Road, west of Squankum Road  
Block 104 Lots 57 & 60

Amended Site Plan for proposed school

Waiver request from checklist items:

C13 – Environmental Impact Statement  
C14 – Tree protection management plan

Mr. Moore said Mr. Peters recommended waiving the EIS providing a current LOI is provided and granting the waiver on the tree protection plan because the lot has been cleared.

Motion was made by Mr. Neiman, seconded by Mr. Akerman, to approve the recommendations from Mr. Moore/Mr. Peters

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

5. SD # 1637 (Variance Requested)  
Applicant: Lakewood Development Corp  
Location: Fifth Street & Clifton Avenue  
Block 93 Lots 6 & 12

Minor Subdivision to realign two lots

Wavier request from checklist items:

B1/B3 - topography of site

Mr. Moore said Mr. Peters recommended waiving the topography

Motion was made by Mr. Neiman, seconded by Mr. Akerman, to approve the recommendations from Mr. Moore/Mr. Peters

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

## 6. NEW BUSINESS

1. SP # 1887A (Variance requested)  
Applicant: Allen Morgan  
Location: 456 Chestnut Street-west of New Hampshire Avenue  
Block 1087 Lot 17

Preliminary & Final Site Plan for a 2 story office building

Mr. Jackson stepped down because of a conflict and Mr. Harrison handled the application.

Mr. Peters' letter stated the Applicant is seeking Preliminary and Final Major Site Plan Approval of Block 1087, Lot 17. An existing single-family dwelling is located on site and is to be removed. A 10,000 SF two (2) story office building is proposed with its associated site improvements. In addition, the applicant has proposed to widen Chestnut Street along the property frontage. The site has frontage along the Chestnut Street; however, the proposed site entrance is shown on the plans along a driveway on neighboring Lot 18. The property is located within the B-5 zoning district. The applicant is requesting a lot area variances; one (1) acre is provided where 2 acres are required. This is an existing condition. The applicant shall request a variance for front yard setback; eighty eight (88) FT are provided along Chestnut Street, where 100 ft are required. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District shall be required. Evidence of the approvals shall be made a condition of the Planning Board approval. The applicant shows in the zoning schedule 90% maximum allowable building coverage and 62% proposed building coverage. Per the Lakewood UDO, The maximum allowable building coverage shall be 30%; furthermore, the proposed building coverage is estimated to be less than the allowable coverage. The applicant shall revise the zoning schedule to show the correct maximum allowable and proposed building coverage. The applicant shall revise the zoning schedule to show the proposed lot coverage. The site will be

access via an access drive on neighboring Lot 18. This configuration will require an access easement through Lot 18. The applicant shall provide testimony regarding the access agreement. Documentation of the easement agreement will be required as a condition for the Site Plan Approval. Curbs are proposed along Chestnut Street however no sidewalk is proposed. The Board should determine if concrete sidewalk will be required. A six (6) FT utility and shade tree easement along the property frontage is usually required to be dedicated to the Township. The Board should determine if an easement will be required. Per the Lakewood UDO, one parking space is required per each 150 SF of gross floor area for medical and dental office building. The proposed medical office build has a gross floor area of 10,000 SF which yields sixty seven (67) required parking spaces. The applicant shows on the plans seventy one (71) proposed parking spaces. The applicant shall provide a signed and sealed survey plan to the Board Professionals for review. The location of the proposed entrance causes access concerns for garbage collection vehicles and larger emergency vehicles. A truck will have difficulty in making an immediate 90 degree turn after entering the site. We recommend the applicant either relocate the entrance or widen the entrance. As discussed in the item #11 above, the applicant has proposed four (4) extra parking spaces; hence, the applicant may want to consider losing a couple of parking spaces to expand the entrance. The applicant shall provide a minimum of one van accessible handicapped parking space. The van accessible parking space requires a striped area width of eight feet. The applicant shows on the plans a proposed dumpster located at the southwestern corner of the site. The applicant shall call out on the plans dimension of the trash receptacle area. Per the Lakewood UDO any common recycling and trash receptacle area shall be enclosed behind a wall at least five (5) FT in height, with an opaque self-closing gate. The applicant shall design the area in accordance with the UDO standards and provide details of the enclosure. Color and width of the proposed stop bars should be called out on the plans. The applicant shall revise the plans to call out radii of the curves at the proposed entrance, and dimension the width of the drive aisle. The applicant shall revise the plans to dimension the Chestnut Street right of way. The applicant shall revise the Grading and Drainage Plan to show the proposed spot elevations at corners of the building. The applicant shows on the Grading and Drainage Plan proposed spot elevations along the curb around the proposed building. The applicant shall label those elevations with TC or/and GR to clarify the proposed grading design. The applicant shows on the Grading and Drainage Plan CB1 has an invert elevation of 59.80; however, the Profiles and Cross-Sections shows the invert elevation of 59.40 for the inlet. The applicant shall address this discrepancy. In addition, the applicant shows on the profiles plan incorrect top grate (T.G.) elevations for all proposed inlet with exception of CB1. For example the applicant labels on the plan CB2 has a T.G. elevation of 62.10; however, the proposed grade line indicates the T.G. elevation of 61.60. The applicant shall revise the Grading and Drainage Plan to show locations of proposed roof leaders. Storm water Report Review. From the existing contour and spot elevations shown on the Development Drainage Area Maps, storm water runoff will flow from the neighboring property west of site to the site; hence, additional drainage area from the neighboring property shall be included in the storm water runoff calculations. Although the peak runoff reductions and the TSS removal are not required for the neighboring storm water runoff, the applicant shall demonstrate the proposed underground recharge trench will be sufficient to handle the addition runoff. The applicant shows in the underground recharge storage volume table perforated HDPE pipe has a length of 835 LF; however, a 167 LF of HDPE pipe is shown on the Grading and Drainage Plan. As a result, the actual volume and recharge rate of the proposed recharge trench is less than what was used in the storm water runoff calculations. The applicant shall address this issue. Construction Details The Typical Sign Mounting detail shall be revised to include a red retro-

reflective sheeting on the sign post. The applicant shall revise the Curb Ramp Detail to show detectable warning surfaces with truncated domes. In addition, a detail of the truncated domes shall be added to the sheet. The applicant shall revise the Handicap Sign Mounting Detail to show 250 dollar penalties instead of 100 dollar penalties shown on the detail. The applicant shall add to the Construction Details sheet a roof leader detail.

Mr. Slachetka sent a letter dated August 4, 2008. The applicant seeks preliminary and final major site plan approvals to construct a two-story medical office building. Associated off-street parking, storm water management facilities, and other improvements are also proposed. The medical office building will be a total of 10,000 square feet, 5,000 square feet per floor, and a total of 71 off-street parking spaces are proposed. Access is proposed from Chestnut Street. The one (1) acre site contains a single-family residence, which will be removed. The parcel, which has 222.58 feet of frontage on Chestnut Street, is located on the south side of Chestnut Street in the southern part of the Township. The surrounding land use is a mixture of commercial buildings and residences. The site is situated in the B-5 Zone and professional offices are a permitted use in this zone. The applicant proposes a 10,000-square foot medical office which meets the Ordinance definition of professional office. A variance is requested for a lot area of 1 acre and a minimum of two (2) acres is required. The applicant should clarify the lot area of the site. A note above the zoning schedule states that the lot area is 1.16 acres; however, the zoning schedule states one acre, and the site calculates to one acre based on the frontage and depth provided. Please address. A variance is required for the front yard setback of 88 feet when a minimum of 100 feet is required. The plan dimensions a setback of 88 feet; however, the zoning schedule indicates an incorrect setback. The zoning schedule should be revised to indicate the correct proposed setback. The applicant should address the positive and negative criteria for the requested variances. Review Comments. Parking. The proposed square footage of the medical office building is 10,000 square feet. Based on Section 18-807B4 of the UDO, one space per 150 square feet of medical office space or a minimum of 67 parking spaces are required. The applicant proposes 71 off-street parking spaces; therefore, the ordinance requirement is addressed. The plan indicates ADA parking; however, per ADA regulations, the site is required to have one van accessible stall which incorporates a minimum of an 8-foot wide ADA aisle. The plans should be revised to include a van-accessible stall in accordance with ADA standards. Additionally, all ADA signage should be revised to indicate current penalties. The access easement area should be delineated on the site plan. The terms of the access easement should be provided to the Board professionals for review. The metes and bounds of the access easement should be reviewed by the Board Engineer and determined to be sufficient and appropriate. The applicant proposes widening Chestnut Street and a proposed curb along the frontage. The applicant proposes to transition the widening 55.2 feet past the limits of the property along the frontage of the abutting lot west of the subject site. The plan dimensions a rear yard setback of 57.7 feet; however, the zoning schedule indicates a 56-foot setback. The zoning schedule should be revised to indicate the correct proposed setback. The plan dimensions a side yard setback of 61.5 feet on one side and 61 feet on the other (122.5 feet combined); however, the zoning schedule indicates a 56 foot and a combined side yard setback of 112 feet. The zoning schedule should be revised to indicate the correct proposed setbacks. The zoning schedule should be revised to list the correct required building lot coverage of 30%, and the correct proposed building lot coverage which appears to be 23% ( $10,000 \text{ SF} / (222.58 * 195.7) = 0.23 = 23\%$ ) should also be indicated. The proposed lot coverage should be indicated on the zoning schedule. Section 18-803E states that buffers of 25 feet as measured from the property line toward the proposed use shall be provided for all non-residential use.

The buffer shall be increased to 50 feet wide where non-residential development is adjacent to residential development. The site provides a 14-foot setback to the parking lot in the front yard, 5 feet to the parking lot in the rear and side yards. The setbacks are moderately landscaped. Therefore, the site does not meet buffering requirements. The site plan should be revised or a design waiver is required. The applicant proposes street trees along all frontages; however, other landscaping is limited to shrubs in the vicinity of the trash enclosure, along the front property line, and along the building foundation. The plan should be revised to incorporate additional plantings along the property sides and rear. Sidewalk is not provided along the street frontage. The Board should determine if sidewalk should be provided along the street frontage. The Planning Board should also consider a walkway connection between the site and the front sidewalk. It should be noted that sidewalk was discussed during the conceptual review and was requested by the Board along the frontage and access road. As discussed during the concept review, a 6-foot wide shade tree easement dedicated to the Township should be provided and indicated on the plan. The plan notes should indicate a professional medical office, not a professional office since the Township applies different parking requirements to the two uses. During the concept review, the inclusion of Lot 18 into the application was discussed due to the improvements on Lot 18. The applicant should testify regarding same. As raised during conceptual review, the applicant should discuss with the Board the ownership of the two adjoining lots. The applicant should testify regarding whether lot consolidation is appropriate for this application. Solid waste. An area is provided on the site for a solid waste container. The applicant should provide testimony concerning the provisions for the storage and collection of medical waste. Additionally, it appears that landscaping will screen the refuse area; however, a fenced refuse enclosure should also be provided. Details of any proposed signage should be provided for review. The Lakewood MUA will provide water and sewer facilities to the proposed office building. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; Sewer and water utilities; and, all other required Outside Agency approvals.

Mr. Doyle Esq. appeared on behalf of the applicant. Mr. Banas asked him if there were any items in the professionals' report that he disagreed with and Mr. Doyle said with regard to Mr. Peters report, he stated this application benefited by having a conceptual review with the board and Mr. Flannery will address the comments but he does note that one item is made of the access drive that will come off of the adjacent lot but they think that is beneficial to provide less points of traffic conflict (driveways) on Chestnut Street, and while they do not own the adjacent property in the same name so they cannot consolidate it, it is related ownership so they can provide the necessary easements between this property and the adjacent property which has a bank on Route 70. Mr. Doyle said with respect to Mr. Slachetka's report, it mentions again the suggestion of including Lot 18 and he does not think that is necessary but to the degree that they should notice in the wider 200 ft. circle from both lots they will do that. Mr. Truscott said that is acceptable and asked if they were going to be putting in sidewalks and Mr. Flannery said if the board has decided then they will put in sidewalk and Mr. Banas said the board has decided, and they went over that thoroughly in detail because of the traffic coming from the building and just looking for food. Mr. Flannery said the other item on the report was the buffer and it indicates they should provide more buffers or request a design waiver and they will be requesting a design waiver. Mr. Banas said he did not know how successful they will be in terms of that and Mr. Flannery said they will present that at the public hearing.

**PLANNING BOARD MEETING  
AUGUST 5, 2008**

**TOWNSHIP OF LAKEWOOD  
PLAN REVIEW MEETING**

Mr. Akerman asked about #5 in Max's report which showed the maximum allowable building coverage and Mr. Doyle said those were numerical errors that had to be cleared up and Mr. Flannery said they comply and the only variances they need are the ones that were requested, for lot area and front setback.

Motion was made by Mr. Neiman, seconded by Mrs. Koutsouris, to advance this application to the meeting of September 16, 2008

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

2. **SD# 1454A (Variance requested)**  
**Applicant: Towers Street LLC**  
**Location: Towers Street, west of New Hampshire Avenue**  
**Block 855.04 Lot 27.01**  
**Extension of previously approved Preliminary & Final Major Subdivision – 4 lots**

Mr. Peters' letter stated the applicant is seeking an extension of the above noted, previously approved application. The applicant did not state in the application form reasons for the extension or duration of the extension. The applicant shall provide testimony on the reasons of the extension and the requested length of the extension. The Planning Board should determine whether an extension should be granted.

Mr. Penzer Esq. appeared on behalf of the applicant and said the reason for the extension because there was a condition for building a septic system with the Lakewood MUA which took over a year and one half. Everything finally got resolved March 17, 2006 and April 16, 2006 T&M said they were resolution compliant. Unfortunately it was one of Solomon Dwek's bankruptcy papers so this property has been in the trustee of bankruptcy since and they have just been able to get it out of bankruptcy now. He is asking for a one year extension and said they did not make any changes except they re dated everything when they submitted the package.

Motion was made by Mr. Akerman, seconded by Mr. Herzl, to grant a one year extension of the approval

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

3. **SD # 1629 (Variance requested)**  
**Applicant: Shimshon Bandman**  
**Location: Ridge Avenue between Manetta Avenue and Somerset Avenue**  
**Block 189.01 Lots 6, 7, 8, 11 & 13**  
**Preliminary and Final Major Subdivision – 25 lots**

Mr. Peters' letter stated the applicant is seeking a Preliminary and Final Major Subdivision Approval to subdivide the existing five lots, into twenty five (25) new Lots. A single family



dwelling is located on each existing lot. Two family/duplex units are proposed on Lots 5, 6, 7, and 8 of Block 189.02 and single family dwellings are proposed on the remaining lots. In addition to proposed dwellings, the applicant has proposed to construct a roadway and underground storm water recharge system. The property has frontage along Ridge Avenue. The site is situated within the R-10 zoning district. The applicant is requesting the following variances: Minimum lot area for all lots except Lots 5 through 8 of Block 189.0 where duplex units are proposed; 10,000 SF is required, the proposed lot areas range from 7,500 to 8,000 SF. Minimum lot width for all lots except lots 1 through 8; 75 FT is required, where the proposed lot widths range from 50.55 to 71.26 feet. Minimum front yard setbacks for Lots 8.01, 8.17, 1, and 4; 30 FT is required, where 25 FT are proposed. Minimum side yard setback; 10 FT one side and 25 FT combined are required, 7 FT one side and 15 FT combined are proposed. The applicant shall revise the Residential Site Plan to show the revised zoning schedule as shown on the Final Map. Outside agency approvals are required from the Ocean County Planning Board and Ocean County Soil Conservation District. NJDEP permits for Treatment Works Approval and Water Main Extension are also required. Evidence of approvals shall be made a condition of final subdivision approval. The applicant shows on the Architectural Plans five (5) bedroom homes area proposed with an unfinished basement. The applicant has driveways each dwelling sufficient to accommodate four (4) parked cars. The NJRSIS parking regulations for single and two family dwellings top out at three (3) spaces per unit. The Board should determine if the parking spaces provided will be sufficient. The applicant shows on the plans existing curb along the Ridge Avenue at the property frontage will be replaced with new curb. Curbs and sidewalks are proposed along the all property frontages. Six foot shade tree and utility easements along the property frontages, and sight triangles easements at the entrances of the roadway entrances are proposed to be dedicated to the Township. In addition, an 8.5 FT roadway widening easement along Ridge Avenue at the property frontage is proposed to be dedicated to Ocean County. The section of Ridge Avenue which fronts the property is a 33 FT wide, two lane road. Cars are usually found parking along side of the road. We have concerns regarding additional daily traffic that will be created by the major subdivision. The applicant shows on the plans an 8.5 FT roadway widen easement along Ridge Avenue to be dedicated to Ocean County. The applicant shall provide testimony on if and when the Ridge Avenue will be widened. The applicant shows on the Final Plat, two 10 FT wide drainage easements between Lot 8.08 and 8.09, and on Lot 5 to be dedicated to a Homeowner Association (H.O.A.). Legal descriptions of the easements and H.O.A documents shall be submitted to the Planning Board Engineer and Solicitor for review. Plan Review. The applicant shall revise general note #14 on the Residential Site Plan to replace "Lots 8.01 & 8.017" with "Lots 8.01 & 8.17". Lots 9 and 187 are shown in the title blocks on the Survey, Topo and Utility Plan of Lots 6, 7, 8, 11 and 13, Block 189.01. Those two lots are not found on the current tax map. The lot numbers shall be removed from the title block and the revised plan shall be submitted to the Planning Board. The water and sanitary sewer mains are required to have a minimum horizontal separation of ten feet. The plans shall be revised to provide the minimum separation. The EIS states the existing sanitary sewer within Ridge Avenue will be reconstructed at a lower elevation; this is not clearly evident on the plans. The plans shall be revised to clearly show the existing and proposed conditions. The applicant shall revise the Residential Site Plan to show dimensions of the proposed driveways. The applicant shall revise the Residential Site Plan to call out the color and width of the proposed stop bars. The applicant shall revise the Grading and Drainage Plan to show the basement floor elevations of all proposed dwellings. The basement floor elevations shall be located at a minimum two (2) feet above the seasonal high groundwater elevation. In addition, spot elevations at corners of the proposed dwellings shall be added to the plan. The

applicant has revised the Lighting and Landscaping plan to show iso-lux diagrams for all proposed lighting structures except the lighting fixture proposed along the Ridge Avenue. The applicant shall revise the plan to show iso-lux diagram for the lighting fixture. The applicant shows on the Tree Protection Management Plan a limit of disturbance zone for the construction of dwellings, utilities, street and grading. The line shows an area outside of the limit of disturbance and proposed limit of clearing. The applicant shall revise the plan to show the zone is within the limit of disturbance and the limits of tree clearing. Written and graphic scales shall be added to the centerline profile plans. The applicant shall revise the centerline profile plans to label the ground surface lines. Storm water Management Report. The applicant shall provide storm water pipe sizing calculations to demonstrate the proposed RCP pipes will sufficiently convey storm water runoff to the underground recharge system. The applicant shall provide pervious and impervious areas for the pre-development and post development conditions to backup the 75 and 77 curve numbers used for the existing condition and proposed condition respectively. Invert elevations that the applicant used to calculate the underground recharge trenches storage volume and storm runoff flow rates do not match with the proposed underground recharge system shown on the plans. The recharge trenches shown on the plans have pipe inverts as low as 50.67 which yield bottom trench invert of 49.67; however, the applicant shows the bottom trench invert elevation of 52.50 in the pond report section of the Storm water Management Report. The applicant shall address this issue. The applicant shows on the grading plan the proposed inlet #13 has an outlet pipe invert of 51.27 and its downstream inlet, inlet #11, has an inlet pipe invert of 51.57. With zero percent slope on the pipe between the two inlets, the inlet pipe invert shall be revised to 51.27 for inlet #11. The culvert/orifice structure described in the Pond Report section of the Storm water Management Report shall be shown on the grading plan. All storm water runoff from pavement areas shall be pre-treated prior to be collected by the underground recharge system in accordance with the New Jersey BMP manual. The applicant indicates on the Construction Detail Plan curb inlet inceptor will be provided to pre-treat the runoff. The applicant shall call out on the grading plan which inlet will be equipped with the device. Inverts of the proposed underground recharge trenches shall be at a minimum two (2) FT above the seasonal high groundwater table (S.H.G.T) elevation in accordance with the NJ BMP manual. The applicant shows on the Centerline Profiles 0+00 to 11+00 a section of the proposed recharge trench will not meet the required separation. The applicant shall address the issue. Construction Detail. The stop sign mounting detail shall be added to the Construction Detail. The detail shall include a red retro-reflective sheeting on the sign post. An outlet control structure detail shall be added to the Construction Detail Plan. The detail shall show the invert elevation, diameter, and length of the proposed orifice and weir. The applicant shows in the Roadway & Pavement Detail 1.5" I-5 surface course, 2.5" I-2 base course, and 6" I-5 soil aggregate. The applicant shall revise the detail to show a minimum of 2" surface course and 3" base course. The applicant shall add a detail for the street signs proposed for the new road. The street sign detail shall be use 3M hi intensity prismatic reflective sheeting or equal, as approved by the Township Engineer. The sign shall use white # 3930 hi intensity prismatic as the background and blue transparent # 1175 as an overlay. The font shall be Swiss land narrow bold and the sign shall be nine inches wide Environmental Impact Statement. The applicant shall note on the plans, imported soil or fill will have source documentation and/or documentation that the soil is analytically tested at a frequency approved by the Planning Board Engineer. Map Filing Law. The applicant shall revise the Final Map to provide complete curve data for the drainage easement lines located in front of Lots 8.08 and 8.09. In addition, the two non radial drainage easement lines located in the lots shall be labeled on the map as non radial lines. The applicant shall omit the second paragraph of the survey certification. Since the

interior monuments will be bonded and will be set in a later time, the municipal clerk's monument bonding certification shall be added to the plan.

Mr. Slachetka sent a letter dated July 30, 2008. The applicant requests preliminary and final major subdivision approval and associated variances to create 25 residential lots and construct the required right-of-way improvements. The project is proposed to contain 21 single-family lots and four duplex lots for a total of 29 residential units. The tract contains five single-family dwellings and several accessory structures. All of the existing structures will be removed. The balance of the tract is wooded. The parcel, which is 5.7 acres in area, is located on the south side of Ridge Avenue between Linden Avenue and Manetta Avenue. Zoning and Variances. The tract is situated in the R-10 Zone and single-family residences are a permitted use in the zone district. Two-family/duplex structures are permitted in the R-10 Zone on lots of a minimum of 12,000 square feet. Continuing comment. The duplex lots are 12,000 square feet in area; therefore, the duplex lots are permitted. The following variances are requested: Lot area. A minimum of 10,000 square feet is required for single family and 12,000 square feet for duplex, and all lots are undersized with the exception of Lots 5, 6, 7 and 8 of Block 189.02. The undersized lots range in area from 7,500 square feet to 8,000 square feet. Continuing comment. Lot width. All lots are non-conforming with the exception of Lots 1 through 8, Block 189.02. Continuing comment. Front yard setback. A minimum of 30 feet is required and 25 feet is proposed for Lots 1 and 4 of Block 189.02. and Lots 8.01 and 8.17 of Block 189.01. Partially Addressed. The plan has been revised to indicate 30-foot setbacks at these locations; however, a plat should be revised to indicate the revised setbacks. Side yards setback. A minimum setback on one side of 10 feet and a combined side setback of 25 feet are required. The applicant proposes a setback of 7 feet on one side and a combined side setback of 15 feet. Continuing comment. The applicant should address the positive and negative criteria for the proposed variances. The testimony should address comments in Item C.1. of this letter. Continuing comment. Review Comments. This tract was within an area that was the subject of a review during the Master Plan Reexamination Report. This R-10 Zone District was labeled as Area #4. The proposed re-zoning and the Board's recommendation was the following: "4. Rezone both R-10 Zones (Single-Family Residential) east of the downtown area to be R-7.5 Zones (Single-Family Residential) to provide additional housing opportunities compatible with the redevelopment of the area. *Approved, provided that the Township Engineer determines that at least 70% of the lots in the subject area comply with the minimum lot area for the R-7.5 Zone.*" However, the Township Committee has not implemented the Planning Board's recommendation. Therefore, the Planning Board should require testimony addressing the positive and negative criteria for the extensive variance request. Continuing comment. The engineering drawings should include a demolition plan identifying all existing structures and improvements, above and below ground, to be removed. Addressed. A demolition plan is provided on sheet 8 of 15. The Bulk Chart on the Final Plat should be revised to identify the block number associated with the lots. Not Addressed. The Final Plat should be revised to indicate the lot number for Lot 8.01 of Block 189.01. Addressed. The engineering drawing should be revised to address the following minor revisions: Identify the block number of 189.02 on the plan. Addressed. Several of the existing structures are outlined on the Residential Site Plan and should be deleted. Addressed. The setback lines should be labeled. Addressed. Handicap ramps should be provided at the intersections. Addressed. The Topsoil Stockpile Area shown on the Soil Erosion Plan conflicts with the undisturbed area of Block 189.02. The undisturbed area around the perimeter of the tract on the Tree Protection Management Plan conflicts with the Grading Plan. Please reconcile the plans. Partially Addressed. However, the applicant now proposes to

clear all trees from this area. The applicant should testify regarding the extent of site clearing. The Tree Protection Management Plan notes reference at # 10 a "Tree Legend." A Tree Legend was not submitted. Addressed. The Tree Protection Management Plan should be reviewed by the Environmental and Shade Tree Commissions. Continuing Comment. The plat and engineering drawings require the Municipal Clerk's certification block. Addressed. The minimum caliper of the street trees should be specified on the Planting List on Sheet 5. Addressed. Landscaping notes should be added to the Landscaping Plan (Sheet 5). Addressed. Notes are provided on detail sheets for planting and guying, shrub plantings, etc. The requirements for two family/duplex lots should be listed on the plat. Not Addressed. We note that the Lakewood Unified Development Ordinance contains provisions which allow for lot area reduction requirements for recreational purposes. The applicant does not propose any recreational area in this proposal. Continuing Comment. The project lots will be served by public water and sewer by the NJ American Water Company. Continuing Comment. The proposed lot numbers were assigned by the Township Tax Assessor on February 25, 2008 according to a note of the Final Map. Continuing Comment. Performance guarantees and inspection fees should be posted for required improvements. Continuing Comment. The proposed street name must be approved by the Township to avoid any duplicate road names. Continuing Comment. *Building Uniformity in Residential Developments* (Section 18-821). The residences in the subject development must comply with the building uniformity requirements. A minimum of eight basic designs are required. The Planning Board may require an affidavit or performance to insure that this requirement is addressed. Continuing Comment. The applicant has provided concept architectural drawings. The engineering drawings should contain a note that all site improvements shall comply with NJ RSIS. Addressed. *Recreation*: Section 18-808 of the Unified Development Ordinance requires that not less than 5% of the land area of a major subdivision containing twenty-five or more units shall preserve a common open space. The application proposes the creation of 21 single-family lots and four two-family/duplex lots (or 8 units) for a total of 29 residences. The total land area of the tract is 251,895 square feet (5.78 acres). The required 5 % land area equals 12, 595 square feet. An open space/recreation parcel is not shown on the plat or the engineering drawings. The plans shall be revised or a waiver will be required. Not Addressed. Sidewalks are proposed along all street frontages. Continuing Comment. Compliance with the Map Filing Law is required. Continuing Comment. The required outside agency approvals may include, but are not limited to: Continuing Comment. Ocean County Planning Board; Ocean County Soil Conservation District; and, all other required Outside Agency approvals.

Mr. Alfieri Esq. appeared on behalf of the applicant. He said he read the reports and they can address the technical comments. The only comment they are going to have to address with more detail comment at the public hearing is to support the variances and to justify the waiver request for the open space. All the technical comments are satisfactory and they will have them addressed from both professionals.

Mr. Franklin said on page 3 of 10 he noticed they had a yard drain and the township does not accept the streets when there are yard drains and asked if there was any way to change the grades to get the yard drains out and get everything to drain into the street. Mr. Lines said he eliminated the yard drains but the one thing left was an emergency outfall at the low point in the property, it is not an inlet it is an outflow. Mr. Franklin asked where the water was dumping to and Mr. Lines said the whole site drains to the south so most of the storm water will be in the recharge system and there is an emergency outfall for the 100 year storm and it will go where all

the run off goes now. Mr. Franklin said when it plugs up and no one maintains it where is this overflow going to go, on whose property? Mr. Lines said it goes over to the school property behind them which is where the entire site drains now and Mr. Franklin said but not in mass. Mr. Banas asked where the water would normally go in a development of this nature and said if it is going to the school now you can't develop it and have it go to the school again, you got to go and take care of your own water. How are you going to take care of it and Mr. Lines said 90% of the storm water gets recharged and he could look into increasing the recharge system so there is no flow to the neighboring property. Mr. Moore said that complies with RSIS.

Mr. Schmuckler asked if the streets would be owned by homeowners or the township and was told the township, there will be no homeowners association.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to advance this application to the meeting of September 16, 2008

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

4. SD# 1630 (Variance requested)  
Applicant: Congregation Rachminstrivka  
Location: East County Line Road, east of Park Place  
Block 171 Lots 2 & 18  
Minor Subdivision for 2 lots

Mr. Peters' letter stated the applicant is seeking a Minor Subdivision approval to reconfigure Block 171, Lots 2 & 18. No improvements are proposed under this application; however, the applicant has proposed a synagogue on Lot 2.02 under a different application, SP1894. A synagogue exists on Lot 2.01 and will remain. An existing garage that will span the two new lots will be removed. An existing dwelling on Lot 2.02 will be removed as well. The property has frontage along East County Line Road. The site is situated within the R-7.5 zoning district. The applicant is requesting a side yard setback variance for Lot 2.01; 4.4 FT are provided, where 7 FT is required. This is an existing condition. Outside agency approval from Ocean County Planning Board will be required. Evidence of the approval will be made a condition of the minor subdivision approval. An existing garage which spans through Lots 2.01 and 2.02 is to be removed as shown on the plan. The garage shall be removed prior to signature of the final plat or a bond posted to ensure the prompt removal of the garage. A 6 FT shade tree and utility easement along the property frontage is usually required to be dedicated to the Township. The Board should determine if such easement will be required. The property is served by public sewer and water. The applicant shows on the plan an existing 5.2 FT roadway widen easement along East County Line Road at the property frontage. Since the road is a county road, the applicant shall specify and call out on the plan the easement is dedicated to Ocean County. The applicant shows on the plan existing curb along the property frontage, but neither existing nor proposed sidewalk. As no proposed sidewalk along the frontage is shown on the site plans under application #SP1894. The applicant shall provide sidewalk along County Line Road at the property frontage. Map Filing Law The applicant shall revise the Surveyor's Certification to use the exact wording from section 46:23-9.11,3.n.(1) of the New Jersey Map Filing Law. The phrase "with outbound corners marked" shall be added to the certification before "as promulgated by

the state board of professional.” The Legend shown on the plan indicates three of the four outbound corner markers, in this case concrete monuments, are “to be set”. All outbound corner markers shall be either found or set prior to signature of Surveyor’s Certification, as stated in the certification. Only interior corner markers can be bonded and set at a later time. The applicant shall address this issue. The applicant shall provide dimensions for the two segments of the eastern lot lines of the properties. Per section 46:23-9.11, 3. j. of the New Jersey Map Filing Law, a minimum of three (3) outbound corners must be label with coordinates. The applicant shall revise the plan to show a minimum of three (3) outbound corners with coordinates.

Mr. Slachetka sent a letter dated July 29, 2008. The applicant seeks minor subdivision approval to resubdivide existing Lots 2 and 18 of Block 171. New Lot 2.02, which is proposed for a future synagogue and off-street parking area, will have approximately 69.6 feet of frontage on East County Line Road. New Lot 2.02 will be “L” shaped and will be 18,867 square feet in area. New Lot 2.01 will also have 52.05 feet of frontage on East County Line Road and will have 7,587 square feet in area. A site plan application has been filed as SP-1894 for development on the tract. The tract is 0.60 acres in area and is located approximately 23.2 feet east of the intersection of County Line Road with Park Place. The property is located in the northern part of the Township in the R-7.5 Zone. The tract contains one single-family dwelling and a frame garage, both which will be removed, and a one-story synagogue which will remain. Zoning. As noted above, the site is located in the R7.5 Residential Zone. The proposed uses are permitted in this zone district. A variance is requested for a side yard setback of 4.4 feet for Lot 2.01 when a minimum of 7 feet is required. This is an existing condition not exacerbated by the proposed subdivision. Review Comments. The applicant should address any requirement for a dedication of right-of-way or road widening easement to Ocean County. The subdivision indicates that the existing synagogue on Lot 2.01 has 650 square feet of sanctuary space. Section 18-905.A. does not require on-site parking in cases where there is less than 900 square feet of sanctuary space. The applicant should indicate the number of parking spaces which will remain after the subdivision. The property will be served by public water and sewer. Sidewalk is not proposed along the property frontage. The existing frame garage, shown to be removed, should be razed prior to filing of the plat or a bond should be posted. Performance guarantees should be posted for all improvements in the right-of-way. The reference on the plat to NJ RSIS parking standards should be removed from the plat since they are not applicable. A shade tree/utility easement is not shown on the plat. The proposed lot numbers should be submitted to the Lakewood Tax Assessor for approval. Evidence of the approval should be provided to the Planning Board. Compliance with Map Filing Law is required. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board

Mr. Penzer Esq. appeared on behalf of the applicant. He said they agree to everything in both reports.

Motion was made by Mrs. Koutsouris, seconded by Mr. Akerman, to advance this application to the meeting of September 16, 2008

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

5. SP # 1894 (Variance requested)  
Applicant: Congregation Rachminstrivka  
Location: East County Line Road, east of Park Place  
Block 171 Lot 2.02  
Preliminary & Final Site Plan for proposed synagogue

Mr. Peters' letter stated the applicant is seeking a Preliminary and Final Site Plan approval to construct a synagogue and its associated improvement on Lot 2.02. Lot 2.02 and its adjacent lot, Lot 2.01, shown on the plans are currently under review by the Board for minor subdivision approval under application number SD #1630. No construction is proposed on Lot 2.01. The property has the frontage along East County Line Road. The site is situated within the R-7.5 zoning district. The applicant is requesting a rear yard setback variance for Lot 2.02; 15 FT is required, where 7 FT are provided. The applicant shows on the Minor Subdivision plan under application SD #1630 the existing structure on Lot 2.01 is currently being utilized as a synagogue; however, the structure is shown on the site plans as a dwelling. The applicant shall provide testimony regarding the use of the existing building on Lot 2.01. The applicant shall revise the zoning schedule to include the required and provided parking spaces. Per section 18-905 A.1.a. of the UDO, one (1) parking space is required per every 100 SF of main sanctuary space. The architectural plans show a main sanctuary area of 1,954 SF which yields a requirement of 20 parking spaces for Lot 2.02, the applicant has proposed 23 parking spaces. The Board should determine if the parking spaces provided will be adequate. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals will be made a condition of the minor subdivision approval. A 6 FT shade tree and utility easement along the property frontage is usually required to be dedicated to the Township. The Board should determine if such easement will be required. The property will be served by public sewer and water. The applicant shows on the plan a 2.61 FT deed overlap, the deed overlap will be corrected when the minor subdivision plan is filed. Per section 18-905 B. of the UDO, a 20 foot buffer is required between a synagogue and residential properties, a landscaped screen and board on board fence should be provided to shield the parking area from neighboring lots. Site Plan Review Parking spaces are not permitted within five feet of a property line per Section 18-905 of the Lakewood UDO. A design waiver will be required. The applicant shows on the plan existing curb along the property frontage, but neither existing nor proposed sidewalk. The applicant shall provide sidewalk along County Line Road at the property frontage. The applicant shows on the Site Plan what appear to be existing fences within the proposed parking area on Lot 2.02. The fences shall be labeled as to be removed (TBR). The applicant shows on the plan a 5.2 FT roadway widen easement along East County Line Road at the property frontage. Since the road is a county road, the applicant shall call out on the plan the easement is to be dedicated to Ocean County. A handicap parking sign shall be provided and called out on the Site Plan. A handicap ramp shall be provided along the proposed curb in front of the proposed synagogue. The applicant shall revise the Site Plan to show proposed water and sewer connections for Lot 2.02. A stop sign and a stop bar shall be provided at the proposed entrance of the site. In addition, color and width of the stop bar shall be called out on the plan. A proposed handicap ramp entrance is shown on the plans at the back of the synagogue. The applicant shall provide detail of the proposed entrance to show that it is in conformance with the ADA standards. The applicant shall revise the Grading and Drainage Plan to show any proposed roof drains and cleanouts. The applicant shall provide a Lighting and Landscaping Plan to show proposed lighting fixtures and landscaping. The plan shall show iso-lux diagrams for each of the proposed lighting fixtures to demonstrate sufficient

lighting will be provided on site, and excess lighting will not spill over onto neighboring properties. The applicant shall revise the Grading and Drainage Plan to show location of where the soil boring was performed. The proposed basement floor elevation of the synagogue shall be shown on the grading plan. The floor elevation shall be at a minimum two (2) FT above the seasonal high groundwater table elevation. The soil boring test report sheets did not state the S.H.G.T. elevation. The applicant shall state the S.H.G.T. elevation on the boring test report sheets to demonstrate such separation will be achieved. In addition, spot elevations at the corners of the building shall be shown on the plan. Storm water Report Review. The applicant shall provide pre-development and post-development drainage area maps to show drainage areas, flow paths, and areas of pervious and impervious for each of the drainage areas. The applicant shows on the plan a 50 LF 15" RCP pipe at 0.00% slope is used to connect the proposed HDPE pipes. Since storm water runoff collected by the RCP pipe will not be able to infiltrate through the RCP, the RCP shall be installed with appropriate slope to prevent any erosion and environmental problems caused by standing water. Per NJ BMP manual, a safety factor of 2 shall apply to the laboratory tested permeability rate for storm water infiltration calculations. The applicant shall revise the storm water report to comply with this requirement. Per NJ BMP manual, the proposed underground recharge trenches shall have the trench bottom invert elevations at minimum two (2) FT above the seasonal high groundwater table elevation. The applicant shall state the S.H.G.T. elevation on the boring test report sheets to demonstrate such separation will be achieved. Per NJ BMP manual, storm water runoff from parking area shall be pre-treated prior to discharge to an underground storm water recharge system. The applicant shall address this requirement. Construction Detail Review The applicant shall revise the Handicap Sign Detail to show 250 dollar penalties instead of 100 dollar penalties shown in the detail. A note shall be added to the Concrete Sidewalk Detail to state where driveways are encountered thickness of the sidewalk shall be increased to 6 inches.

Mr. Slachetka sent a letter dated July 29, 2008. The applicant seeks preliminary and final major site plan approval with associated variance relief to construct a two-story synagogue building on the subject lot. The applicant has filed a minor subdivision application, under Application No. SD-1630, to create new Lot 2.02 for the proposed synagogue. An off-street parking area is also proposed to serve the proposed use. The subject property is 18,867 square feet (0.43 acres) in area and located just east of the intersection of Park Place and East County Line Road. The adjoining land use is primarily residential. Commercial uses are located in the vicinity. Zoning and Variances. The site is located in the R-7.5 Residential Zone District. Houses of worship are a permitted use in this zone. A variance is requested for a rear yard setback of 7 feet and a minimum of 15 feet is required. The applicant should address the positive and negative criteria for the requested variance. Review Comments. Sidewalk is not proposed along the street frontage. In addition, provisions should be made for pedestrians to enter the site and walk to the synagogue from the street sidewalk. The architectural plans indicate that the building will contain a basement, the sanctuary area on the main floor, and a partial second story. A handicapped ramp is proposed in the rear on the west side of the structure. The site plan should indicate locations where the handicapped ramp is above three feet above finished grade, since a three-foot setback is required in such instances. Any encroachments will require a waiver of Section 18-818 (*Projections into Required Yards*). Clarify the proposed use of the structure to remain on new Lot 2.01. Buffer and landscaping requirements are determined by the adjoining use. Parking. Based on 1,954 square feet of sanctuary space, a minimum of 20 spaces are required. The applicant proposes 23 off-street spaces on Lot 2.02 and 6 spaces on Lot 2.01, the adjacent lot, for a total of 29 spaces. The 23 off-street spaces on Lot 2.02 will be



located in a proposed parking area in front of the synagogue. The six spaces on adjoining Lot 2.01 are not identified on the site plan. The applicant should also indicate if there is a walkway between the lots for users of the parking on Lot 2.01, or if users will access the site from the front. Section 18-905 of the UDO does not permit parking areas within 5 feet of a side property line. The parking area appears to be about 1-2 feet from the property line shared with Lot 2.01. The site plan should be revised or a variance requested. In addition, a six-foot solid fence plus shrubs are required by 18-905. A. 2. to hide the parking area from the residence. Landscaping. No landscaping is proposed on the site plan. The site plan should be revised to address buffer plantings required by 18-905 B. A minimum buffer of 20 feet is required for properties adjacent to residential use. The plans should be revised or a variance requested. The species and caliper of the proposed street trees should be provided on the Landscape Plan. A planting detail and landscape notes should be provided. The proposed board-on-board fence along the western property line shown on the Landscape Plan should also be identified on the site plan. The Landscape Plan does not indicate the location, if any, of existing trees 12 inches in caliper or greater, on the parcel. Spillage from the proposed light fixture on the adjoining Lot 2.01 should be addressed. A construction detail of the proposed fixture should be provided on the site plan. Several fixtures of lesser height or bollards would possibly be appropriate to provide better site lighting without impacting the adjoining lot. Any building-mounted lighting should also be identified. The landscape treatment of the eastern area of Lot 2.02 should be addressed. Provisions for solid waste collection and removal should be provided. The site plan should be revised to dimension the proposed building and to show the setback of the handicapped ramp to the rear property line. The site will be served by public water and sewer by the NJ American Water Company. A performance bond should be posted in accordance with Ordinance requirements. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; Sewer and water utilities; and, All other required outside agency approvals.

Mr. Penzer Esq. appeared on behalf of the applicant and said he agreed to all the professional comments and are prepared to meet them at the time of hearing.

Mr. Neiman asked the difference between the two applications and Mr. Penzer said in order to make the site plan they have to move the lot line over so the procedure is to make the subdivision and then the site plan.

Motion was made by Mr. Akerman, seconded by Mrs. Koutsouris, to advance this application to the meeting of September 16, 2008

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

6. SD # 1633

Applicant: Paradise Realty Group LLC

Location: Squankum, 9<sup>th</sup> & Monmouth Ave triangle (old VFW building)  
Block 154 Lot 1

Conceptual Plan-Preliminary and final Major Subdivision for 10 multi family units

**Mr. Moore stated the Applicant is seeking a Conceptual Plan review for the construction of 10 multi-family units on Lot 1 of Block 154. The lot is proposed to be subdivided into nine (9) new lots. An existing building and its associated site improvements will be removed. The property has frontage along Monmouth Avenue, Ninth Street, and Squankum Road. The site is situated within the R-M zoning district. The applicant has described the proposed development as a multi-family use, where ten units are proposed on nine new lots. It is our opinion that the proposed development should be considered a townhouse development and the zoning table revised accordingly. A nine lot subdivision is a major subdivision, all applicable checklist items shall be addressed in the subdivision application package. The applicant shows in the zoning schedule, the only requested variance is for a front yard setback for the proposed multi-family tract; 25 LF is required, where 20 LF is provided. Since the property is proposed to be subdivided, the required zoning criteria should be applied to each individual proposed lot. The applicant should revise the zoning schedule to show two front yard setbacks for Lots 1.01, 1.06, and 1.08 to reflect these lots will have a dual frontage. In addition, each of the lots should be restrict to have access to only one of the roadways on which they have frontage. Outside agency approvals from the Ocean County Planning Board and Ocean County Soil Conservation District will be required. Evidence of the approvals will be made condition of Planning Board approval. The applicant shows on the plan, Lot 1.06 at the eastern corner of the block, and the proposed building on the lot is shown to be divided into two areas which are labeled as 106.01 and 106.02. The applicant should clarify what is proposed for this area. The applicant should provided architectural plans to the Board for review. The applicant should provide testimony on how solid waste generated from the proposed development will be stored and disposed of. The applicant shows on the plan sidewalks and curbs are either existing or proposed along the property frontages. A six foot shade tree and utility easement along the property frontage should be provided and labeled as dedicated to Lakewood Township. The applicant shows on the plan 24 proposed parking spaces; however, 26 parking spaces are stated in the zoning schedule as proposed number. The applicant should address this discrepancy. The off-street parking calculations shown in the zoning schedule are based on the requirement of 2.3 parking spaces per unit for a townhouse with an un-known number of bedrooms. The board should determine how many parking spaces will be required for the proposed development. UDO Section 18-902 H.1.d requires for parking calculations for townhouses in the RM Zone, each townhouse is to be counted as two units if the townhouse has a basement. The required parking calculations may have to be revised based on how the board determines the project should be classified. An Environmental Impact Statement should be provided to the Board Professionals for review. The remaining comments are technical in nature.**

**Mr. Truscott read from a letter dated August 4, 2008. The applicant seeks Planning Board comments on a conceptual site plan for a proposed multifamily residential development at the above referenced site. The property is 31,150 square feet (0.7 acres) in area and has street frontage on four sides. The site is the former VFW property. The applicant proposes to construct ten (10) residential units on the site. Zoning and Variances. The property is located in the RM Multifamily Residential Zone. The layout gives the appearance of town home units for Units 1.02 through 1.05, which are limited by Ordinance to eight units per acre. The townhouse units (1.02-1.05) are proposed at a density of 19.2 units per care, which exceeds the Ordinance limit. The applicant proposes a density of 14 units per acre for the overall parcel. The balance of the units appear to be multifamily at a density of 11.8 units per acre. As noted, the Ordinance allows a density of 15 units per acre for multifamily units. We recommend that the concept plan, accompanied by conceptual architectural drawings, be submitted to the Zoning Officer for a**

determination of jurisdiction. If all of the units are determined to be multifamily units, a density of up to 15 units per acre is permitted and the Board would be able to hear the application. The pertinent UDO definitions for types of dwellings are as follows: *“Multi-family dwelling: Two (2) or more dwelling units located within a single building, with a private entrance to each dwelling unit.”* *“Townhouse: A dwelling which is designed for, and occupied exclusively as, the residence of one (1) housekeeping unit. That is attached by means of one (1) or more common fire walls to two (2) or more other townhouse dwellings in the same building and each townhouse is intended for occupancy by one (1) housekeeping unit. Townhouse dwellings may not have any other dwellings above or below them within the same building. Townhouse buildings must exclusively consist of units that do not have any other dwellings above or below any of the individual units. Any unit in excess of two units that does not meet the townhouse definition shall be considered a multifamily dwelling.”* Architectural drawings are necessary to provide definitive guidance to the applicant. The proposed residential structure does not comply with the minimum front yard setback on Monmouth Street, Ninth Street, and the majority of the Squankum Road frontage. Variances would be required. Review Comments. Off-street parking: The applicant proposes a total of 24 off-street parking spaces or 2.4 parking spaces per unit. The number of bedrooms per unit has not been provided; however, the NJRSIS requires a minimum of 2.4 bedrooms per townhouse unit. The applicant should discuss the sufficiency of parking with the Planning Board. Conceptual architectural elevations and floor plans should be submitted and reviewed. Sidewalk is proposed along all street frontages. It appears that the application will require major subdivision and site plan approval. Easements will be required for maintenance of any proposed storm water management system. The right-of-way on Squankum Road is 41.5 feet. A road widening or right-of-way dedication may be necessary. The applicant should clarify the square footage and floor plan of units 1.06.01 and 1.06.02 the proposed unit appears to be a duplex.

Mr. Banas said he echoes a lot of things that both professionals suggested and one thing he found that is difficult is determining the parking spaces. They do not know anything about the floor plans, don't know if there is a basement involved, but looking at this quickly, his first take would be is he would not want to see any off street parking in this development. This whole section is one that is really tight with parking and there is not any space open on the existing roads so without even seeing what the houses are going to look like, he suggests about a 35 to 40 parking spaces to accommodate this. What is troublesome to him is item #3 in Mr. Truscott report about the determination of whether this belongs at this board or the zoning board of adjustment,

Mr. Flannery appeared on behalf of the applicant and said that is why they came here because they wanted to get that issue right out in the open. Mr. Truscott was nice in including the definitions of multi family or townhouse and that is the threshold issue. Mr. Flannery felt they were not townhouses because the project is a 10 unit multi family building. On Lot 1.06 it is a flat type arrangement, one unit above the other; that is not a townhouse, so that part of the definition is not them, This project cannot get the benefits of the townhouse because it does not meet the definition: “townhouse dwellings must not have any other dwellings above or below them within the same building” and this is one building that has units above and below so it is clearly not a townhouse. Although there are similarities to townhouses, it is clearly a multifamily. Mr. Banas said there is one person who they need the stamp of approval and that is the zoning officer. Mr. Flannery disagreed and said if the board thought it was crystal clear they have the authority to agree that it should be here and that is why they are here. Then they

would deal with the parking and whether it would be 2.4 or 2.7 for multi family but they wanted to get the board's opinion first. Mr. Banas said he heard his opinion and he really would want to have excess in parking spaces on this corner than a deficiency. There is just no place to park the cars. Mr. Flannery agreed and said they would not come to the board with a plan that was deficient in parking because they know that parking is an issue and there would be no way to justify the variance but if they come back with a plan that complies with parking and provide sufficient parking then we would anticipate an approval.

Mr. Penzer said he would like to go bolder and said supposed they satisfied the boards' request if they had 5 or 6 bedrooms then Mr. Banas said they needed 4 spaces. There was then discussion on the number of spaces needed with basements etc. and Mr. Flannery disagreed with the number that Mr. Banas was quoting and Mr. Banas told him not to hide anything. Mr. Flannery said what they are trying to do is have an application with smaller unit types that are more affordable to some of the families; the board has seen some of the applications that have come here in the recent past and most of them for the 3,000-4,000 sf townhouses with the rentable basements and 7 bedrooms and a study, children's study and den, etc. These are smaller more affordable units and therefore they anticipate the parking would be in accordance with RSIS.

Mr. Jackson said he respectfully disagreed with one of the propositions Mr. Flannery made earlier about the Planning Board's initial grasp of jurisdiction of this. When an application comes in the zoning officer is the statutory authority that makes the official designation of what board to send an application to; if an individual is aggrieved by that then their remedy is to appeal the zoning officer's determination to the board of adjustment and then to the courts. Mr. Flannery said they would submit that request and assuming he concurs they would come back with the plans.

Mr. Akerman said he is misunderstanding something. It said they are subdividing 9 lots and there are going to be units on top and units on the bottom and Mr. Flannery said only on the one lot and said it would be a multi family unit. The ownership is fee simple for 8 of the people, 2 of them will share it. If it were a townhouse development and they provided basements they would have to provide parking for the basements but with multi family, the ordinance does not require them to provide parking and when they come to the board they will satisfy the board that there aren't those rental opportunities so the board will be comfortable with the plan.

Mr. Penzer wanted to bring something to the boards' attention and that was they moved the houses closer because of a comment Mr. Franklin made about making it look more like streets instead of driveways.

Mr. Schmuckler asked how much grass area is in the center area and was told, with the exception of Lot 1.06 where they have to share the yard, each unit would get a yard about 20 ft x 26 ft. Mr. Banas asked where the playground was and Mr. Flannery said it would be the municipal playground. Mr. Banas said that is a busy area and the roads are very dangerous to cross. Mr. Flannery said they do not need recreation until there is 25 units. Mr. Banas said even if you have that requirement on the books, your heart should tell you have to provide something for the kids. Mr. Flannery said that is why they made it a "U" shaped. Mr. Schmuckler asked if there was going to be a homeowner's association and was told yes. Mr. Schmuckler said if you were having a homeowners association with a center courtyard, why not

have recreation there. Mr. Flannery said that was a good idea. Mr. Akerman said he was going to recommend they make one big backyard, there is not much they can do with a 20x26ft backyard.

Mr. Neiman said there was a similar application before, and to have driveways backing out onto Ninth Street is dangerous and he thinks on 4<sup>th</sup> Street, when you moved the houses up to the sidewalks and have one parking lot in the middle with one entrance and one exit and the kids can play in that parking lot he thinks is a much safer plan and you can cover the parking and cover the area the kids can play and it is not driveways backing out onto Squankum or Ninth St. Mr. Flannery said they would look at it and if there was a potential to reduce the front setback they will. Mr. Neiman said he would rather give a front yard setback and have the parking situated and centralized.

Mr. Banas said it is just too many units in a small space. Mr. Flannery said a RM zone allows 50 units per acre and Mr. Banas said he knows what it allows.

Mr. Truscott said there might be a better way of doing it and still reaching what is allowed under the ordinance with a difference configuration; more centralized, he agrees with the parking with one entrance and one exit and maybe going up instead of spreading out.

7. SD# 1634 (Variance requested)  
Applicant: Schmucl Friedman  
Location: Cushman Street, west of Route 9  
Block 430 Lots 9 & 54  
Concept Plan of a Minor Subdivision to create 2 lots

Mr. Moore stated the Applicant is seeking a Conceptual Plan review for constructing a two-story office/retail building and an auto dealership w/service bays. Each use will have a proposed parking area and shared storm water management basin. The existing lot lines of Lots 9 and 54 will be reconfigured. Two existing dwellings are to be razed. The property has frontages along River Avenue (State Highway Route 9) and Cushman Street. The site is situated within the HD-7 zoning district. The application as currently proposed would require the following variances: Minimum lot area for Lot 9.01; one (1) acre is required, where 0.68 acres area provided. Minimum Lot Frontage for Lot 9.01; one hundred and fifty (150) FT is required, where 80.75 FT are proposed, this is an existing condition. Front yard setback for Lot 9.01; one hundred and fifty (150) FT is required along a state highway, where 29 FT is provided. Side yard setback for Lot 9.01; thirty 30 FT is required, where 11 FT is provided. Rear yard setback for Lot 54.01; fifty (50) FT is required, where 29 FT is provided. The applicant should indicate in the zoning schedule a lot area variance will be required for Lot 9.01. The applicant shows on the plan 10'x10' refuse storage areas will be proposed for Lots 9.01 and 54.01. The applicant should provide testimony on the anticipated amount of solid waste that will be generated on site to demonstrate the proposed refusal areas will be sufficient. In addition, the proposed refusal areas are inconveniently located more than one hundred feet away from the proposed building. We recommend the applicant relocate the refusal areas closer to the buildings. The enclosure should be designed in accordance with section 18-809.E. of the UDO. A detail of the enclosure should be shown on the construction detail sheet. Curbs and sidewalks shall be provided at

property frontages. A six foot shade tree and utility easements along the property frontage is usually required to be dedicated to the Township. The Planning Board should determine if the easement will be required. The applicant shows in the zoning schedule 30 off street parking spaces will be provided for Lot 9.01 where 30 are required. The applicant shows 44 parking spaces are provided for Lot 54.01 where 17 parking spaces are required. The parking spaces shown on the plan within the display areas for Lot 54.01 should not be counted toward to the parking spaces provided, since those spaces will be utilized for merchandise storage and not parking for employees and customers. The applicant should discuss with the board the anticipated number of cars for sale that will be stored on-site. A note should be included to site plans stating that no dental or medical offices will be allowed in the office/retail building on Lot 9.01. Additional parking spaces maybe required for the lot, if dental or medical offices are permitted in the building. In accordance with section 18-803 E. of the UDO, a minimum twenty five (25) FT buffer area should be provided from property lines toward the proposed use for non-residential development. When non-residential development is adjacent to an existing single-family residential development or an area zoned for residential land uses the buffer should be increased to fifty (50) FT. From an online aerial map, two (2) single-family dwellings are located to the north and west of Lot 54.01 and two commercial buildings are located to the south and north of Lot 9.01. The applicant should show on the plans locations of the surrounding building; furthermore, the applicant should confirm the uses of the surrounding lots and provide required buffer areas. The remaining comments are technical in nature.

Mr. Truscott read a letter dated July 29, 2008. The applicant seeks Planning Board comment on a conceptual site plan for a proposed 5,950-square foot, two-story retail and office building on Lot 9.01, Block 430, and 13,541-square foot auto dealership on Lot 54.01. The applicant proposes to reconfigure the lots, so a minor subdivision as well as site plan is required. The land use of the lots to the north on new Lot 54.01 is single-family residential. The property is located in the HD-7Highway Development Zone District. The applicant requires the following variance relief: Lot area. The lot area of new Lot 9.021 is 0.68 acres and a minimum lot area of one acre is required; Lot Frontage. The lot frontage of new Lot 9.01 is 80.75 feet and a minimum of 150 feet is required. Front yard setback. The proposed front yard setback on new Lot 9.01 is 29 feet and a minimum of 50 feet is required. Side yard setback. The requested side yard on new Lot 9.01 is 11 feet and a minimum of 30 feet is required. Rear Yard setback. The proposed rear yard setback on new Lot 54.01 is 29 feet and a minimum of 50 feet is required. Review Comments. The site plan delineates the location of the Route 9 Desired Typical Section (DTS). The applicant should discuss the relationship of the DTS to the proposed building location. Sidewalk is not proposed on either frontage. The applicant should discuss the appropriateness of a dealership on a local roadway from the standpoints of feasibility, traffic and land use impacts. Parking. The off-street parking for the retail office building on Route 9 appears to address the ordinance. However, the applicant should provide additional information concerning the parking requirements for the dealership. Sufficient parking must be providing for the auto inventory (display and stock), employees, customers, and cars awaiting service. A total of 44 off-street spaces are proposed of which almost 75% (32 spaces) of the total are proposed in two gravel display areas. Landscaping. Testimony should address proposed landscaping to buffer the adjoining uses, especially the proposed parking lots on Lot 54.01. Provisions for storm water management should be discussed.

Mr. Shea Esq. appeared on behalf of the applicant and said he is familiar with the new policy and have digested both reports and they know they have to supply a traffic study to

demonstrate that the movements can be done safely for the proposed dealership. They will be asking for a partial waiver of a tree planting because most of the trees will be coming down, this is in the Route 9 corridor but they will identify the specimen trees. The rest of the reports they can live with, the only problem they will have is the question of buffers and he has to read the ordinance again, but he does not think it said you have to supply a buffer of 50 ft. adjacent to a residential dwelling which is a pre-existing non conforming use in a commercial zone, but thinks you have to supply a buffer where you are adjacent to a residential development. Mr. Banas said as in the previous application he had the professional read the reports into the record.

After the reports were read into the record, Mr. Banas asked if it was an auto dealership there or is it a repair shop and Mr. Shea said it would be an auto dealership with some service but principally a dealership. Mr. Percal asked if it would be new or used cars and was told both. Mr. Banas said the building is closely in location to the building that they had in the area a few months ago and he was not in favor of it then because it did not have enough space and the applicant is again asking for .65 acres of land in an area that requires 1 acre to build anything on and as he felt in the previous application, there are other items and things that are available to do with that property other than put something like this on it. Mr. Shea said of all the permitted uses in the HD7 zone, if you take a look at the configuration of the property and the depth of it, this is probably the most appropriate choice and hopefully Mr. Banas will see it differently at the public hearing.

Mr. Schmuckler said he likes the configuration of the auto dealership where the vehicles and parking will be in the back and would like to see landscaping to hide the parking around the gravel lots in the back which will hide the cars that are being repaired (the properties to the east and west of the site). Mr. Shea said they are both permitted uses: they are taking down 2 buildings that are non permitted uses in the zone. Mr. Schmuckler also said when they have applications on Route 9 they talk about the access coming to a road and the road coming on to Route 9, not to have the traffic come directly on and off from Route 9.

No other members had comments and Mr. Banas wished them good luck.

8. **SP # 1897** (No variance requested)  
**Applicant:** Cedar Holdings LLC  
**Location:** Cedar Bridge Avenue, across from Arlington Avenue  
Block 536 Lot 75.04

Preliminary and Final Site Plan for retail and warehouse building- total 28,770 sf

Mr. Peters' letter stated the Applicant is seeking Preliminary and Final Major Site Plan Approval of Block 536, Lot 75.04. The applicant has proposed to construct a retail/warehouse building with a total floor area of 28,770 SF and its associated site improvements. The site is situated along Cedar Bridge Avenue, near its intersection with Arlington Avenue. The property is located within the B-4 zoning district. The applicant is requesting a parking variance for not providing the required amount of parking space. The applicant called out on the plans the proposed build is consistent of a 14,885 SF retail area and a 14,885 SF warehouse area. Per Lakewood UDO, one (1) parking space is required per every 200 SF gross floor area for retail use and one (1) parking space is required for every one thousand (1,000) SF warehouse area. A total number of eighty nine (89) parking spaces are required, where seventy eight (78) parking

spaces are provided. The applicant shall revise the zoning schedule to state the required and proposed aggregated side yard setbacks. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals should be made a condition of Final Planning Board approval. The applicant shows in the Key Map on the Cover Sheet wetland lines in the proximity of the site. A wetland letter of interpretation will be required from the NJDEP to show that no disturbance will be occurred within wetland and wetland buffer areas. A 6 FT shaded tree and utility easement along the property frontage is usually required to be dedicated to the Township. The Board should determine if such easement will be required. Per section 18-803 E.2.a. of the Lakewood UDO, a minimum of 25 FT wide buffer area is required along property lines of a non-residential development. The applicant shows on the plans a 10 FT side yard setback from the proposed building to the eastern property line. A design waiver shall be required for not providing the required buffer area. Plan Review. The applicant shall revise the survey plan to show all existing features of the site which include any building structures, wood areas, contours, and etc. The applicant shows on the plans an existing foundation is located at north of the site. The applicant shall provide testimony on the existing use of the site and purpose of the foundation. The applicant shows on the plans two (2) 10 FT x10 FT trash enclosures will be provided. The applicant shall provide testimony on amount of solid waste will be generated on site. The sizes of the proposed trash enclosures are subjected to Office of the Public Work approval. The applicant shows on the plans existing curb and sidewalk along Cedar Bridge Avenue at the property frontage. The applicant shows on the plans curves with 20 FT radius are proposed at the proposed 24 FT wide entrance. The Circulation Plan indicates the site will be visited by WB-50 truck trailers. We recommend the applicant increase the wide and the radius at the entrance to allow safe and smooth ingress and egress of the truck trailers; however, since the entrance is proposed along Cedar Bridge Avenue, a county road, we will defer this issue to the County Planning Board. The applicant calls out on the plans the proposed building will contain a 14,885 SF basement which will be used as warehouse area; however, no basement is shown on the submitted architectural plan. The applicant shall address this issue. The applicant shall provide handicap ramps at the proposed site entrance to maintain the handicap accessibility of the existing sidewalks. The applicant shall revise the plans to show proposed stop signs and stop bars at entrances to the proposed parking areas at the front and rear of the building. The applicant shall revise the plans to show proposed tree lines. The applicant shall revise the plans to show the 88 FT Cedar Bridge Avenue right of way. A dimension of 42 FT is measured off of the site plans from the center line of the road to the property line. The applicant shall revise the Grading Plan to show location of the soil borings performed on site. The applicant shall revise the Grading Plan to show the location of the proposed roof leaders and cleanouts, if proposed. The point of discharge for the roof runoff shall be identified. The applicant shows on the Grading Plan ADS pipes are proposed; however, RCP pipes are called out on the Profile drawing. In addition, the applicant shows on the Profile proposed storm water sewer pipes with deeper invert elevations than what are shown on the Grading Plan. Graphic and numerical scales shall be added to the Circulation Plan. Storm water Report Review. The applicant cited in section 3 of the Drainage report a permeability rate of 40.1 in/hr was determined from soil boring tests performed on site; however, the Soil Boring Logs and Interpretations sheets in appendix 1 of the report show no indication of such result. The applicant shall provide permeability analysis and calculations to back up the permeability rate. A safety factor of two shall be applied to the tested permeability rate when performing the calculations. The applicant shall determine the Estimated Seasonal High Groundwater Table (E.S.G.T.) elevation where storm water recharge systems are proposed. Per NJ BMP manual, inverts of the proposed infiltration



basin and the underground recharge trench shall be a minimum two (2) FT above the E.S.G.T. elevation. In accordance with the NJ BMP Manual, an infiltration basin must fully drain the storm water quality design storm runoff volume within 72 hours. The applicant shall provide calculations in regard to the above requirement in the drainage report. The applicant shall revise the Storm Sewer Tabulation in appendix 4 of the Drainage Report to show actual velocity in each of the proposed storm drainage pipes. Construction Details The applicant shows on the Details Sheet-9 a handicap curb ramp detail. A detail of truncated domes shall be added to the sheet to show layout and dimension of the domes. The sign mounting detail shall be revised to include a red retro-reflective sheeting on the sign post. The applicant shows on the Details Sheet (10 of 13), a Pavement Section for Residential Access and Neighborhood Streets. Since heavy truck trailers will access the site, we recommend heavy duty paving to be provided at the proposed loading area and drive aisle and a heavy duty pavement detail shall be added to the Detail. Environmental Impact Statement. The Environmental Impact Statement (EIS) prepared by Challoner & Associates, LLC and dated June 2008 was reviewed for compliance with the Township of Lakewood Chapter XVIII Unified Development Ordinance (Ordinance). The EIS provides a description of the subject site, the proposed construction, an environmental inventory, and assessment of the proposed impacts. The EIS briefly references an attached Limited Phase II Investigation of the subject property prepared in 1999. No further summary or integration of the Limited Phase II Investigation report's findings was provided in the EIS. Our review of the Phase II Investigation report indicates that site soils are contaminated with arsenic, lead, and zinc associated with the former filling and dumping of coal ash and household waste. Lead was reported at concentrations five to ten times the New Jersey Direct Contact Soil Cleanup Criteria for both residential and non-residential uses. The status of the investigation or course of action to remediate the subject property was not provided. To gain a better understanding of the site history and former land use, the applicant should provide the Phase I Environmental Site Assessment (ESA) prepared for the subject property as well as other reports, work plans, correspondence, or data that pertain to the investigation or remediation of the site. The EIS should be revised to fully incorporate the findings of the Phase I ESA, the Limited Phase II Investigation, and other reports prepared for the site. We will perform a more comprehensive review and provide further recommendations to the Board once all information is received. On April 21, 2008, Junetta N. Dix Consulting, Inc. prepared and submitted a Letter of Interpretation Presence/Absence Determination Application to the NJ Department of Environmental Protection (NJDEP). A copy of the application was attached to the EIS and is currently pending review by the NJDEP. The applicant seeks confirmation that no wetlands or wetland buffers are present at the subject site. We recommend that a copy of the LOI determination from the NJDEP be forwarded to the Board and T&M Associates for review and to supplement the Township's file.

Mr. Slachetka sent a letter dated August 1, 2008. The applicant seeks preliminary and final major site plan approval and an associated design waiver to construct a 29,770-square foot retail/warehouse facility. The site improvements will include related off-street parking, storm water management, landscaping and lighting facilities. The subject site is an unimproved wooded lot which is 1.56 acres in area. The property is situated on the north side of Cedar Bridge Avenue, opposite the intersection with Arlington Avenue. The proposed building will contain 14, 8885 square feet of retail space. The plans show a total of nine (9) retail units in the building. The structure will also include a basement warehouse of 14,885 square feet. Access to the warehouse will be located in the rear of the building. The surrounding land uses are the Greenwood Cemetery on the east and a vacant lot to the north and west. Zoning and Waivers.

The site is located in the B-4 Wholesale Services Zone District. Retail and warehouse uses are permitted in this zone. A variance is requested for the number of off-street parking spaces. This request is actually a design waiver since the minimum number of parking spaces is regulated by Section 18-807.B (Unified Development Ordinance). A minimum of 89 off-street spaces are required as shown below and only 78 spaces are provided:

<u>Use</u>	<u>Required Parking Standard</u>	<u>Floor Area</u>	<u>#Spaces</u>
Retail	1 space per 200 sq ft	14,885	74.4
Warehouse	1 space per 1,000 sq. ft.	14,885	14.9
Total			89.

An additional waiver is required from Section 18-807C6. Parking facilities must be located twenty (20) feet from the street line. The applicant proposes a 10-foot setback from Cedar Bridge Avenue. The applicant should provide testimony addressing the need for the design waivers. The Planning Board has the power to grant exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review if the literal enforcement of one or more of the provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question..

**Review Comments.** The parcel is located on the south side of the South Branch of the Metedeconk Creek. Wetlands maps of the NJ Department of Environmental Protection show a limited portion of the north side of the site is encumbered by wetlands. The applicant has applied to the NJDEP for a Letter of Presence or Absence (for Wetlands) and the status of the regulatory submissions should be addressed since it impacts the site configuration.

**Landscaping.** The applicant has provided a landscape plan as part of this submission, and we have the following comments: The retaining wall shown on the western boundary of the site on Sheet 7, Landscaping and Lighting Plan, is not shown on the site plan. Landscaping should be provided at the top of the wall. Low level plantings should continue along the front of the site into the sight triangle easement. Provisions should be made to maintain and limit the height of the vegetation to a maximum of 30 inches. Low level vegetative screening should be provided around the trash enclosure to fully comply with Section 18-803.E.2.d. Lighting. The applicant's lighting plan is subject to review by the Board Engineer. There is existing sidewalk along the property frontage. The Woodlands Management Plan is subject to the review and comment of the Environmental and Shade Tree Commissions. We recommend that the compensation trees be distinguished from the other landscaping on the site plan. The site plan should be revised to provide a walkway from the sidewalk along the site frontage into the property to offer pedestrians the ability to walk from the street to the building.

**Architectural Plans.** As noted, the applicant has submitted architectural plans that show nine tenant spaces on the ground level. Two of the retail spaces will face to the west of the site and the balance along Cedar Bridge Avenue. The loading area for the basement will be located in the southeast corner of the building.

**Environmental.** The applicant has submitted an Environmental Impact Statement to comply with the Ordinance requirements. The EIS includes a copy of a Limited Phase II Environmental Assessment of the site performed in 1999. Several compounds were detected in the soil samples which exceeded NJDEP Soil Cleanup Criteria. The EIS does not address any update of Soil Cleanup activities or any further documentation from the NJDEP. This information should be addressed in testimony and submission of any appropriate documentation.

**Utilities.** Public water and sewer will be provided by NJ American Water Company.

**Trash/Refuse.** The site plan shows a trash enclosure area consisting of two ten-foot by ten-foot bays in the rear of the property for the structure. The site plan should be revised to

add the requirements of the sight triangle easement to the site plan. Evidence of filing of the easement should be provided to the Planning Board. Sign Plan. All signage should comply with Township requirements. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Agency Approvals. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; Sewer and water utilities, prior to construction permits; and, All other required Outside Agency approvals.

Mr. Doyle Esq. appeared on behalf of the applicant and said they have gone through the reports from the professionals, they can make the changes, they feel the waivers for buffering is appropriate because it is next to a cemetery and they will provide testimony they feel with justify the waivers. There were comments about the Environmental Impact Statement, and they have since received a "no further action" letter from NJDEP that will hopefully be a sufficient response. They acknowledge an LOI is to be obtained, the wetlands interpretation has been is pending with the State since April and hopefully that will be in by the time they come for public meeting in September. They accept the reports from the professionals.

Mr. Schmuckler asked what part is being warehouse and what is being where and Mr. Challoner said the rendering shows the upper floor visible from Cedarbridge Avenue is the retail space, the back has a basement with truck access which will not be visible from the street. There will be an upper level of parking to facilitate the retail space and truck access for the basement, and warehouse storage.

Mr. Akerman did not see where the variances were and Mr. Challoner said it is a parking variance for the warehouse storage. They have 78 provided and need 89; Mr. Doyle said this use for Mr. Schwartzblat is a very successful furniture store business and their proofs will show at the time of the hearing that the parking requirements are somewhat repetitive in the sense that they need a space for retail and a space for warehouse, that is in practice going to be 1 space, not 2 and so the 78 provided will come very close and will more than meet the need. Mr. Banas asked why they couldn't provide the 89 spaces and Mr. Challoner said retail space requires 74 spaces and the upper level parking they are providing for the retail is 75 spaces so for the retail alone they meet the requirements. Generally, basements in the town do not require additional spaces; however, they are doing truck access to allow storage in that basement and the township zoning requires additional spaces for that because it is being considered a warehouse, not just a basement. They do have 3 spaces provided in the back of the building for the warehouse, they don't anticipate any further need other than the 3 spaces. Mr. Banas said they missed his question, Mr. Doyle said they believed that the actual need is being met; while they can meet the required number by reducing the size of the facility, that will provide for more impervious surface that would otherwise be unneeded. If this was a warehouse which the ordinance contemplated in requiring parking spaces, people would drive to that warehouse and have to park a car and go into it. In this particular case, trucks are coming in and there not going to be the need for the approximate 15 cars because it is not a commercial warehouse in the sense that would require people driving to it. Mr. Banas said they might have to cut that building down and Mr. Doyle said he would like to think that the building will provide a significant and important commercial ratable and attract a business that is now between Lakewood and Howell and contribute to this area.

Mr. Truscott asked a question for clarification and said the basement use of the warehouse; is that storage for the retail above it or is that a separate operation. Mr. Challoner said it will be storage for some of the retail above it and also storage for the owner of the building who has a furniture showroom.

Mr. Schmuckler asked where the entrances were and Mr. Challoner showed him from Cedarbridge and from the western side where the parking is; there is store frontage on those 2 sides. Mr. Schmuckler asked if there were sidewalks from the back of the stores to the front and was told there sidewalks on one level all the way around to the front.

Mr. Challoner said it had to be classified as warehouse space because it has truck access. Mr. Akerman said if it were basement storage it would not require parking.

Motion was made by Mr. Herzl, seconded by Mr. Schmuckler, to advance this application to the meeting of September 16, 2008

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

9. SD# 1635 (Variance requested)  
Applicant: Batim Management Inc.  
Location: 228, 232 Sixth Street, between Clifton and Lexington Avenues  
Block 117 Lots 14 & 2  
Preliminary & Final Major Subdivision – 2 lots for multi-family

Mr. Peters' letter stated the applicant is seeking a Preliminary & Final Major Subdivision Approval to subdivide two lots into four new lots to be known as Lots 2.01, 2.02, 2.03, and 2.04 of Block 117. Two 2-story single family dwellings exist on each existing lot and will be removed. A multi family dwelling is proposed on each of the new lots. The property has the frontage along Sixth Street, between Clifton and Lexington. The site is situated within the R-M zoning district. The applicant is requesting a side yard setback variance for the track: Twenty-five feet one side and fifty feet combined are required, where 5.5 FT and 50 FT are provided. The applicant shall request variances for minimum lot area for all lots; 12,500 SF is required, where 5,250 SF, 3,900 SF, 3,900 SF, and 5,025 SF are provided for Lots 2.01 through 2.04. The applicant shall revise the zoning schedule to show 25 FT and 50 FT as the required one side and combined side yard setbacks respectively. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. The applicant has proposed to subdivide the property into four separate lots for the four proposed units, in a townhouse type arrangement. The zoning schedule on the layout plan is based on the requirements for a multi-family building on a single lot. The applicant should discuss with the board what type of development is proposed. The applicant shows on the plans a driveway can accommodate three cars for each of the proposed lots. As shown on the Architectural Plans, each unit can accommodate up to seven (7) bedrooms. The NJ RSIS standards for townhouse units top out at 2.4 off-street parking spaces for townhouse units with three (3) bedrooms. The Board should determine if the proposed parking spaces will be sufficient. The applicant shows on the Grading, Drainage & Utility Plan basement floor elevations; however, the architectural plan set

doesn't include a basement floor plan. The applicant shall address this issue. If basements are proposed, depending on contents of the basements addition parking spaces may be required. The project is located in the RM Zone. If the development is considered to be a townhouse development each basement shall be considered a separate unit for the purpose of parking calculations. The development will be served by public water and sewer. Curb and sidewalk are proposed along Sixth Street at the property frontage. A 6' utility and shade tree easement along Sixth Street at the property frontage is proposed to be dedicated to the Township. The applicant shows on the Final Map drainage easement is to be dedicated to a Homeowner Association (H.O.A.). The applicant shall provide H.O.A. documentation to the Board Engineer, Planner, and Solicitor for review. The documents shall address the ownership and maintenance of the proposed storm water management system in the H.O.A. document. The applicant shall provide a Lighting Plan to the Board Professional for review. The applicant shall show iso-luxe diagram for any proposed street lighting fixtures. Per section 18-803 E. b. of the Township UDO, when a multi-family structure is adjacent to single family dwellings, a thirty (30) FT wide buffer area shall be provided from the property line toward the proposed use. The width of the buffer can be reduced to fifteen (15) FT, if a dense landscaping screen is provided. The applicant shows on the Landscaping Plan existing shrubs and proposed landscaping along the western property line where an adjacent single-family dwelling is shown west of the property line; however, only a 7 FT buffer area is provided. The Board should determine if the width of the buffer will be sufficient. The Board should note that the applicant shows on the plans a 6 FT board on board fence along the eastern property line where an adjacent multi-family dwelling is shown across the property line east to the site. The applicant shows on the site plans a 118 FT continuous depressed curb as the means of egress and ingress for the entire proposed multi family units. We recommend the applicant revise the plans to show a separated depressed curb for each multi family unit to provide safer access to the multi family units. The existing dwellings shall be removed prior to signature of the Final Map or a bond post to ensure the prompt removal of the dwellings. Plan Review. The applicant shall revise the Layout Plan to show setback lines and call out distance of setbacks.

The applicant shows on the Tree Management Plan an existing 24" maple along Sixth Street at the property frontage is to be removed; however, no street trees are proposed. The Board should determine how many proposed trees will be required to be planted in replacement of the existing tree. Storm water Management Report. From the existing grades shown on the plans a neighboring area south to the site shall be included in the storm water runoff calculations. Although the applicant isn't required to reduce the peak flow rates for storm water runoff from the neighboring area, the proposed underground recharge system shall be sufficient to accept and discharge the runoff volume. The applicant states in the Storm water Management Report the site consists of Downer Gravelly Sandy Loam, a type 'B' soil. The applicant shall provide backup material for this claim. A soil map from NRCS website should be sufficient. The applicant shall perform soil boring test within the proposed underground recharge trench to determine the seasonal high groundwater table elevation and permeability rate of the on site soil. In accordance with the NJ BMP manual, the proposed recharge trench shall have the bottom invert elevation located at a minimum two (2) FT above the season high elevation. In addition, the permeability rate used in the storm water runoff calculations shall be determined from field tests and laboratory analysis, utilizing a safety factor of two. The applicant shall provide additional proposed spot elevations in the rear yard area to show the proposed inlets 4 and 5 will effectively collect storm water runoff from the drainage area 1 shown on the Post Development Drainage Area Map. The applicant shows on the site plans a storm water underground recharge trench with a length of 110 FT; however, in the Storm water management

Report the length of 115 FT was used for storm water runoff calculations. The applicant shall address this discrepancy. Construction Detail. The Concrete Driveway Apron Detail shown on the Construction Detail Plan does not reflect the current design of a 118 FT continuous depressed concrete apron. The applicant shall address this issue. Environmental Impact Statement. The EIS states that two (2) dwellings will be demolished and removed from the site. We recommend the applicant provide a statement that demolition waste will be properly disposed offsite at a permitted facility. A note shall be added to the plans stating any underground storage tanks (USTs), will be decommissioned and removed in accordance with local, county, and/or State regulations. Map Filing Law. The applicant shows on the plan outbound corners are labeled with assumed (local) coordinates; however, a note found on the plan stating that survey datum is from N.J. State Plane System. The applicant shall address this discrepancy. The applicant indicated on the plan all outbound corners have been set; as a result, the applicant shall remove the monument bond certification from the plan. The applicant shows on the plan the north arrow is labeled with text which is too small to be read. The applicant shall enlarge the text, so it is readable to the reviewer. The applicant has made an error on labeling one of the drainage easement lines which orientates along the Sixth Street with a length of 120.50 FT. The correct length is 113.00 FT, the applicant shall revise the plan accordingly. The blank labeled "Lot & Block Numbers Approved" shall be removed from the plan, since a Tax Assessor signature block is provided on the plan.

Mr. Slachetka sent a letter dated August 4, 2008. The applicant is seeking Preliminary and Final Minor Subdivision and Major Site Plan approval to construct four (4) fee simple townhouses totaling 6,321 square feet, by creating four residential lots from two existing residential lots. Lots 2 and 14 currently each contain a two-story residential dwelling. The existing dwellings will be removed, and four (4) three-story townhouses (rear architectural elevation indicates 3 stories) will be constructed. The site fronts on 6<sup>th</sup> Street. The subject site is located within an area of residential uses and is across the street from the Clifton Avenue Grade School. Townhouses are an approved use in the R-M Multifamily Residential Zone. Zoning and Variances. The site is located in the R-M Multifamily Residential Zone District. Several types of residential dwellings are permitted in the R-M Zone. The proposed units appear to be townhouse-type units, which have a lower density limit (8 units per acre) than multifamily dwellings (15 units per acre). The proposed density in this application is 9.6 units per acre. The pertinent UDO definitions are as follows: *"Multi-family dwelling: Two (2) or more dwelling units located within a single building, with a private entrance to each dwelling unit."* *"Townhouse: A dwelling which is designed for, and occupied exclusively as, the residence of one (1) housekeeping unit. That is attached by means of one (1) or more common fire walls to two (2) or more other townhouse dwellings in the same building and each townhouse is intended for occupancy by one (1) housekeeping unit. Townhouse dwellings may not have any other dwellings above or below them within the same building. Townhouse buildings must exclusively consist of units that do not have any other dwellings above or below any of the individual units. Any unit in excess of two units that does not meet the townhouse definition shall be considered a multifamily dwelling."* To retain jurisdiction in this matter, the Planning Board must be able to classify the proposed dwellings are "multifamily." A side yard setback variance is required. Twenty-five feet on one side and a combined side yard setback of 50 feet are the minimum requirements. The applicant proposes 5.5 feet on one side and nine (9) feet on the other side, or a combined side setback of 14.5 feet. Review Comments. Off-street parking. The applicant proposes 12 parking spaces. The number of bedrooms per unit is 6 bedrooms, if the playroom and optional 3<sup>rd</sup> floor bedrooms are included. The applicant should discuss the

sufficiency of parking with the Planning Board. The applicant has proposed a 6-foot wide shade tree easement along 6<sup>th</sup> Avenue; however, the applicant proposes a continuous 118-foot wide depressed apron across the entire frontage of the property and proposes no shade trees. Although the continuous apron is necessary to accommodate the amount of parking stalls required, this configuration presents safety concerns specifically since it is located directly across from a grade school where children will be walking to school. The applicant should consider revising the design to provide separate curb cuts for each use. Options are to reduce the number of bedrooms, thereby resulting in less parking required, reduce the number of units, or to provide garages to reduce the width of parking. A drainage easement will be required for each lot for maintenance of the proposed storm water management system. The appropriate documentation should be submitted to the Board professionals for review. Sheet 3 of the plans should be revised to indicate the barn and shed to be removed and to provide the correct density and side yard setback requirements. The plans indicate two separate kitchens, in each of the two end units. The applicant should testify regarding the purpose of same. The concern is whether these units could potentially be used for more than one tenant. Please address. The architectural view indicates a second front door for each unit. The applicant should clarify the need for same. The second door gives the appearance of additional units, and there does not appear to be a walkway to these doors on the site plan. The applicant should verify that the easterly inlet structure and manhole (subsurface) will not encroach on the neighboring property given their proximity to the lot line. Trees shown to be retained on the Tree Management Plan should also be identified on the Soil Erosion Control Plan. Compliance with the Map Filing Law is required. The tax lot numbers should be reviewed by the Tax Assessor. All improvements should be designed in accordance with NJ RSIS. Outside agency approvals will include: Ocean County Planning Board; Ocean Soil Conservation District; Water and Sewer Utilities.

An objector, Mr. Young, appeared to speak, was told he could not, but Mr. Banas told him there was a question of a jurisdictional issue so it may not even be at this board but to be seating until they discuss it.

Mr. Penzer Esq. appeared on behalf of the applicant. He said he had a copy of the minutes from a similar application a few houses away from this board that they ruled on that it was a multi family. The application is SP 1859 and the board ruled that it was multi family condo fee simple. Mr. Banas referred Mr. Truscott to it and Mr. Truscott said it was somewhat accurate and said there was another application by the same applicant in close proximity to this, the initial application, the board ruled that it did not have jurisdiction and sent it back to the zoning officer. The applicant came back to the board with 4 townhouse units on one single lot, but in the end ultimately the application the board approved did have 4 townhouse lots. Mr. Truscott said it is his viewpoint that these are really townhouse units, not really multi family though the definitions are somewhat blurred in the ordinance so the board needs to make sure they are clear on it and rule in that way.

Mr. Jackson was asked his legal opinion, but he was not aware of the application, and asked for the information again, and said he needed to study it. Mr. Truscott explained it to him and gave him his opinion. Mr. Penzer said his problem is they are doing exactly the same application as the other one the board and he read the minutes for the board. Mr. Jackson said he does not remember the circumstances from the previous application, which was over a year ago. Mr. Truscott said if the board wants to look at this application in the same way so be it, but these are townhouses in every sense of the word, as everybody refers to them, but if you want to

classify them as multi family and as was read from the previous minutes, the nuances of multi family development and the definition, you can take notice of what the board's prior action. Mr. Jackson said the think he has is if it is a townhouse and the townhouse has a specific density, why does the UDO draw that distinction, and that is what he is struggling with. Mr. Banas and Mr. Truscott said they cannot answer that. Mr. Penzer said to make things even more difficult, if you look at the definition, anything that is on top of another is considered multi family, then how do you have a basement as a legal unit and have a unit on top of it; automatically, that would make it multi family.

Mr. Jackson said he does want some time to look at that other application and see if there is a distinction and look and Mr. Banas said let's say for this meeting, it is a multi family structure but Mr. Jackson, Mr. Banas would like to research this completely, and by the public meeting if it is not, they will be sent to the zoning officer. Mr. Penzer also asked the question about the basements and then said the ordinance said you can't have a townhouse with a unit above or below it and this conflicts with the basement ordinance, so it he is going to research it, do both parts. Mr. Penzer told him to look at H1D-932 in the RM zone which talked about the basements. Mr. Banas said he has another question and said he doesn't think the zoning line is correct where they go from a B2 to a RM. He believes the zone was changed westerly to Lot 8 then moving northerly to the middle of the block then westerly. Mr. Miller just arrived. Mr. Penzer said they would have to do some checking on that.

Mr. Penzer said he would like to correct 2 comments on Mr. Slachetka report, his client intends to reside with his father on the 2 end units and the middle units are the ones that he is either going to sell or rent, so if you look at the architectural plans you will see the letter "P" which stands for peso kitchen, or Passover kitchen. In addition, when they are asking for a second front door that was because they wanted to satisfy Mr. Franklin. The legend on the architectural "G" is for garbage and is a short room for garbage only. Mr. Truscott said he spoke to Mr. Carpenter today and this was clarified to him. Mr. Penzer said they accept all the rest of the comments.

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutsouris, to advance this application to the meeting of September 16, 2008 depending on the jurisdictional issue on the multi family or townhouse.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

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

Mr. Peters' letter stated the applicant is seeking a Minor Subdivision Approval to subdivide Lot 15 of Block 187.13 into two new lots which are to be known as Lots 15.01 and 15.02. An existing dwelling will be relocated to Lot 15.01. No construction is proposed on Lot 15.02 under this application. The property has frontage along Pasadena Street. The site is situated within the R-



15 zoning district. The applicant is requesting the following variances: Minimum lot area for both new lots; 15,000 SF is required, where 13,697 SF and 13,459 SF are provided for Lot 15.01 and Lot 15.02 respectively. Minimum lot width for both new lots; 100 FT is required, where 82 FT and 67.7 FT are provided for Lot 15.01 and Lot 15.02 respectively. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. The applicant states in the zoning schedule three (3) off street parking spaces are required and three (3) parking spaces will be provided. Per NJ RSIS standards a single family dwelling with five bedrooms is required to provide three (3) off street parking spaces. The Board shall determine if the proposed parking spaces will be sufficient. A note shall be added to the plan stating a minimum of three (3) off-street parking spaces will be provided when development is proposed on Lot 15.02. The applicant shows on the Minor Subdivision Plan curb and sidewalk along the property frontage. The applicant shall call out on the plan whether the curb and sidewalk are proposed or existing. If curb and sidewalk are proposed, details of curb and sidewalk shall be added to the plan. A 6' utility and shade tree easement along Pasadena Street at the property frontage is proposed to be dedicated to the Township. The applicant shall revise the plan to show right of way width for Pasadena Street. The applicant shall revise the plan to label and dimension the building setback lines. The applicant shall provide testimony on how water and sewer are provided to the existing dwelling, and how the dwelling will be served after the relocation. A zoning map shall be added to the plan. A north arrow shall be added to the Location Map. Map Filing Law. The applicant shall set two outbound corner markers at the north and southwestern corners of the property. The corner markers shall be set prior to signature of the final plat, as stated in the Surveyor's Certification. A minimum of three (3) outbound corners shall be labeled with coordinates in accordance with section 46:23-9.11, 3. j. of the Map Filing Law. The applicant shall revise the plan to show complete curve data per section 46:23-9.11,3. of the Map Filing Law. The basis of vertical datum shall be provided on the Minor Subdivision Plan. If non-radical lot lines are proposed, the applicant shall label them as non-radical. The applicant labeled the north arrow with F.M. The applicant shall identify the filed map. The applicant shows on the plan a length of 338.12 FT for the neighboring lot line along the Pasadena Street north to the site. The applicant shall show on the plan northern end of the lot line and provide bearing for the lot line.

Mr. Slachetka sent a letter dated July 25, 2008. The applicant seeks minor subdivision and variance approvals to subdivide Lot 15, Block 187.13 into two irregular non-conforming lots. The existing and proposed use is single-family residential. The subject lot is 27,156.3 square feet in area and fronts on the north side of Pasadena Street. The property contains one single-family dwelling which will be relocated to new Lot 15.01. One new single-family residence is proposed. The site is located in the northeast portion of the Township. Zoning. The site is located in the R-15 Residential Zone. Single-family detached dwellings are a permitted use. The following variances are requested: Lot Area: A minimum lot area of 15, 000 square feet is required. Lot 15.01 has a proposed lot area of 13,697.2 square feet, and Lot 15.02 has a proposed lot area of 13, 459.2 square feet. Lot Width: A minimum lot width of 100 feet is required and Lot 15.01 has a proposed lot width of 82 feet, and Lot 15.02 has a proposed lot width of 67.7 feet. Compliance with lot width is required at the front yard setback. In addition, mean width shall not be less than the required lot width. It appears that the mean lot width is approximately 53 feet for each lot and must be addressed in the lot width variance. The applicant should provide testimony addressing the positive and negative criteria. The testimony should include information concerning the prevailing lot area and lot widths in the surrounding

neighborhood. Review Comments. The lot will be served by public water and sewer. There is existing sidewalk along the lot frontage. Proposed street trees should be shown. Each lot must comply with the New Jersey Residential Site Improvement Standards for off-street parking. The zoning chart indicates that three off-street parking spaces will be provided for each lot. The proposal for off-street parking is sufficient for new Lot 15.02, but the number of spaces for new Lot 15.01 will be based upon the number of bedrooms in the relocated home. The dwelling must be relocated prior to the filing of the subdivision plat. The proposed lot numbers should be reviewed by the Township Tax Assessor. The required outside agency approvals include, but are not limited to: Ocean County Planning Board; Soil Conservation District, prior to construction permits; Sewer and water utilities, prior to construction permits; and All other required approvals.

Mr. Alfieri Esq. appeared on behalf of the applicant. He said the applicant has reviewed both reports and will address the comments and is ready to move forward.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to advance this application to the meeting of September 16, 2008

**ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes**

There is an additional item for the evening. It is a capital project budget for the year. Mr. Banas said this goes on for a 5 year plan for things that will be done within the municipality. Mr. Banas asked if there were any questions on the budget.

Mr. Schmuckler said since he is new to the board he did not know what the budget was and Mr. Banas explained that it was the Planning Board who must review the capital projects that the municipality has and this is a listing of the capital improvement/projects for next year and the next 6 years. These are projects that are \$25,000. in value.

Motion was made by Mrs. Koutsouris, seconded by Mr. Herzl, to have Mr. Jackson draft a letter that the board votes in favor the capital budget.

**ROLL CALL: Mr. Herzl; yes, Mr. Franklin; not voting, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Schmuckler; abstain, Mr. Percal; yes**

## **6. PUBLIC PORTION**

Tracy Tift, 1380 Pasadena Street, asked if he could get a copy of that budget. Someone must have handed it to him because he thanked the board.

No one else came forward, so this portion was closed to the public.

## 7. CORRESPONDENCE

Mr. Banas said he has received a letter from Mr. Sernotti, co-chairman from the Master Plan. He states the need for parking in the downtown area. Attached to the letter was a petition signed by residents living in or near the downtown area where the B2 is affecting them directly on a daily basis. Mr. Sernotti is urging the Planning Board to modify regulations that would require parking be included in the B2 zone. Mr. Banas said the board does not accept petitions but Mr. Jackson said in this instance they can because it is not in regards to an application but in a public portion, correspondence to the board it should not be a problem. Mr. Franklin said it should be forwarded to the Township Committee. Mr. Banas said a copy should go to Mr. Coles and Mr. Miller, they have copies of it, but he does not see how the board can do this; they are asking the Planning Board to modify regulations to that would require parking be included in the B2 zone.

Mr. Franklin made a motion it be forwarded to the Township Committee, seconded by Mr. Herzl

All were in favor, none opposed. Mr. Banas instructed Mr. Jackson to forward it to the Township Committee for their action.

## 8. APPROVAL OF MINUTES

- Minutes from July 15, 2008 Planning Board Meeting

Motion was made by Mr. Franklin, seconded by Mr. Miller, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

## 9. APPROVAL OF BILLS

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

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

Mr. Banas said what the board has done today was a step out of necessity because they could not hear, but he thinks it moved the work very much faster and they may try it at the next technical meeting as well. The board members agreed. Mr. Akerman asked Mr. Kiert if they could get the letters in advance and Mr. Kiert said they would have to speak to T&M about that because his office gets the letters the day of the meeting or the day before. Mr. Franklin said they do not have the time to read the letters at the meeting and doesn't see how you can skip not doing them and still get the information to get a decent vote. Mr. Kiert said most towns get them in advance and if this board could also and if they can work out a new schedule with T&M

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PLAN REVIEW MEETING**

and get Marty to work a little faster and Mr. Truscott said they would have to get the plan sooner and Mr. Kielt said they have been getting them 2-3 weeks in advance. Mr. Kielt's suggestion is to email them to the members and Mr. Banas said it is not acceptable and rather than make a decision today he wanted to wait until they chew it over in their own minds.

## **10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

**Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary**