

## 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.”

## 2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas, Mr. Akerman,

## 3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Kielt said the only change in the agenda is item #6 SD 1633A Paradise Realty Group LLC. That application will not be heard because there is an opinion letter from the Zoning Officer that stated the application belonged at the Zoning Board

## 4. NEW BUSINESS

1. SD # 1637 (Variance Requested)  
Applicant: Lakewood Development Corp  
Location: Fifth Street & Clifton Avenue  
Block 93 Lots 6 & 12  
Minor Subdivision to realign two lots

Mr. Peters read from a letter dated August 28, 2008. The Applicant is seeking a Minor Subdivision approval to realign the lot lines of Lots 6 and 12 of Block 93. An area of 2,500 SF is to be conveyed from Lot 12 to Lot 6. After the realignment, the lots are to be known as Lots 12.01 and 6.01. All existing structures will be removed. The property has frontage along Fifth Street and Clifton Avenue. The site is situated within the B-2 zoning district. No variance is requested by the applicant. The applicant states on the plan a temporary waiver has been requested for not providing the list of all property owners within a 200 FT radius of the property;

however, the plan has been prepared to show the adjacent property owners. The waiver listing shall be removed from the plan. Outside agency approvals from Ocean County Planning Board will be required. Evidence of the approval shall be provided prior to signature of the final plat. The applicant states in the application form the existing commercial structure on Lot 12.01 will remain; however, the applicant indicates on the plan the remains of commercial building to be demolished and reconstructed. The applicant shall provide testimony to clarify this discrepancy. If the commercial building is to be reconstructed, the applicant will be required to file a site plan application for Planning Board approval. Per section 18-807 of the UDO, all non-residential uses in the B-2 zoning district are exempt from the parking requirements of the section; however, the applicant shall provide testimony on the location of parking facilities that can be used by employees and customers of building on Lot 12.01. The applicant shows on the plan existing curb and sidewalk/brick pavers exist along Fifth Street and Clifton Avenue at property frontages. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 29, 2008. The applicant proposes to subdivide a portion of Lot 12, approximately 2500 square feet, and consolidate the land with existing Lot 1. All structures on Lot 6.01 will be removed, and the commercial structure on new Lot 12.01 will remain. No improvements are proposed at this time. The property is located at the southwest corner of the intersection of Clifton Avenue and Fifth Street. The tract area is 0.34 acres. Zoning. The property is located in the B-2 Zone District. No variances are requested. Review Comments. All improvements shown on the plat to be removed must be removed prior to the filing of the plat unless a bond is posted. The list of property owners within 200 feet should be itemized on the plat. The balance of the comments are technical in nature.

Mr. Starkey Esq. appeared on behalf of the applicant. He stated the LDC is part of the township and they are the contract purchaser of a portion of this property. Andrew Marshall Jr. from Owen Little & Assoc. appeared as the engineer for the application and was qualified for the board. They proposed to remove 50 ft. from the property on Clifton Avenue and add it to the property on 5<sup>th</sup> Street and the buildings will all be demolished. Mr. Marshall agreed to comply with the comments in both professionals reports.

Mr. Starkey appealed to the board and requested they be put on the agenda of September 16, 2008. Mr. Banas said that meeting is pretty tight and Mr. Kiert said it is but based upon the fact that this is for the Township and should be a quick application, courtesy should be granted.

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

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

2. 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

Mr. Peters read from a letter dated September 1, 2008. The applicant is seeking amended Final Site Plan approval for a previously approved school building and its associated site improvements on Lots 57 and 60 of Block 104. The property has frontage along Apollo Road Extension. The site is situated within the R-12 Zone. The applicant was previously granted the variance as listed below: Maximum lot coverage: 25% was the maximum permitted, where 31.7% is proposed. This variance is longer required. Minimum sign setback: 34 feet was the minimum permitted where 15.5 feet is proposed. The revised architectural plans show the proposed school building will have a height of 38 FT. Per the Lakewood UDO, the allowable building height in the R-12 zoning district is 35 FT. A building height variance is required. Outside agency approvals from the Ocean County Planning Board, Ocean County Soil Conservation District will be required. Evidence of the approval shall be made a condition of the final Planning Board approval. The submitted NJDEP wetland letter of interpretation has been expired. In addition, the applicant shows on the plans changes in the wetland fill areas have been made. A new NJDEP wetland permit and letter of interpretation will be required. These approvals will be made a condition of the final Planning Board approval. The applicant shall revise the zoning schedule to show revised required parking calculations. The revised architectural plans indicate; 14 classrooms, two offices, and a library will be constructed during phase I, the number of the rooms will yield a total of 17 required parking spaces for phase I. Thirteen classrooms including the proposed gymnasium and 5 offices will be constructed during phase II, which will yield a total of 18 required parking spaces. Between the two phases 31 parking spaces are required, the applicant has proposed 54 parking spaces. The applicant shall provide testimony on status of the wetland buffer markers at the rear of the property. The applicant shows on the revised plans the markers are to be set. It has been three years since the site plan was originally approved, requiring the markers be set along the buffer. The applicant indicates on the revised plans extension of Apollo Road and a 290 LF PCPEP pipe are to be done by others. The applicant shall provide update on the status of the construction of the roadway and the will perform the construction. The applicant shows on the Improvement Plan (Phase I) the site will be accessed from the adjacent lot, Lots 61 and 53.17 during phase I of the construction. The applicant will require a temporary easement to access the neighboring lots. The applicant shall provide those easement agreements to the Board for review prior to the Final Site Plan Approval. The applicant shall provide safety fencing around each phase of construction to separate the construction areas from the active school. The fence lines shall be added to the phasing plans. The applicant shall provide testimony on where classes will be held during phases I and II of the construction. The applicant shall revise the plans to show the proposed concrete curb radiuses. The applicant shall provide a complete Stormwater Management Report for review. The stormwater management requirements have changes since the original approval. The report submitted provides a brief overview of the proposed stormwater management for the site but does not address the specific requirements for runoff rate reductions, groundwater recharge, and water quality. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 29, 2008. The applicant is seeking amended site plan approval to construct a school complex for a boys' elementary school. The proposed elementary school is a two-story building that will include a glass atrium and a gymnasium. The applicant notes that the proposed elementary school will be constructed in three phases. The first phase includes construction of the eastern portion of the school building, placement of stormwater and drainage for Phase I, a construction access drive, and a temporary chain link fence. Phase II includes the construction of the additional school wing and the gymnasium. Lastly, Phase III includes construction of the glass atrium. The proposed plan also notes that the complex will include a future high school and dormitory. Currently, there is a one-story structure and ten (10) temporary school trailers on the site. The plan also shows an existing paved parking area and a basketball court. The site is located at the end of the cul-de-sac on

Apollo Road and is 5.06 acres in area. Preliminary and Final Site Plan was granted by the Planning Board by a resolution memorialized on May 17, 2005. The Board approved the construction of the gymnasium as part of the initial phase. In this application, the gymnasium is proposed to be constructed in Phase II. Zoning. Educational uses and related accessory uses are permitted in the R-12 District. No variances are requested. The applicant should provide written confirmation from the Zoning Officer that the future dormitory is a permitted use. Variances. The applicant was granted a variance for maximum building coverage and the proposed sign setback as follows: Maximum building coverage. The applicant is permitted a maximum building coverage of 25 percent. In the prior site plan, the applicant received a variance for building coverage as they had proposed a building coverage of 31.7 percent. The applicant has removed this variance condition for this application and has proposed a building coverage of 13.5 percent. The applicant should specify whether the building coverage provided includes the future high school and dormitory. Sign setback. Lakewood Township Code requires a setback of 34 feet where 15.5 feet is proposed. The proposed sign is at the entrance of the driveway. Review Comments. Conditions of Site Plan Approval (May 17, 2005). Access Easement. As in the prior approval, the applicant has proposed to access the property for construction for Phase I via Lot 53.17. The applicant must submit a copy of the access easement agreement from the adjoining landowner as part of this approval. Apollo Road. The prior approval was expressly contingent upon Apollo Road being approved by the Lakewood Township Committee and constructed in accordance with the plans. The applicant should provide an updated status report to the Planning Board concerning the approvals/authorizations and construction schedule of Apollo Road. Safety Fence. The applicant was required to provide a safety fence around the construction site during construction. The applicant has proposed a six-foot high temporary chain link fence on the site plan. Buffer. A twenty-foot vegetative buffer is required for properties that are located within a residential district (Section 18-906). In the prior approval, buffer landscaping was a condition of approval by the Board. The applicant has proposed a ten-foot buffer along the western edge of the school. No additional buffering has been proposed on the eastern edge of the property. An additional requirement of the Township buffer requirements is that parking not be permitted in the buffer. The applicant has proposed parking and the driveway in the buffer area. The applicant shall provide testimony regarding compliance with Township buffer requirements. In regards to buffer landscaping, the applicant should consider providing additional variety of vegetative species for the site. Parking. In the prior site plan, the applicant was required to discuss compliance with the ordinance parking requirements for the school for all phases. On the site plan, the applicant has indicated parking requirements for the two phases of the project. Based on the site plan, the applicant is providing 54 parking spaces. However, there appears to be discrepancies with the site plan proposal and the architectural plans regarding the number of classrooms and offices as well as omissions for parking for the library, meeting space and place of worship areas as follows:

<b>Township Requirement: One parking space per school use (Section 18-906)</b>		
	<b>Site Plan</b>	<b>Architectural Plan</b>
<b>Classrooms</b>	<b>16 (Phase I &amp; II)</b>	<b>27</b>
<b>Library</b>	<b>0</b>	<b>1</b>
<b>Meeting Room</b>	<b>0</b>	<b>1</b>
<b>Office</b>	<b>18 (Phase I &amp; II)</b>	<b>7</b>
<b>Township Requirement: 1.25 parking space for 100 square feet (2,000 to</b>		

<b>2,999 square feet) (Section 18-905)*</b>		
<b>Place of Worship</b>	<b>0</b>	<b>~ 26</b>
<b>Township Requirement: None provided for gymnasiums</b>		
<b>Gymnasium</b>	<b>0</b>	<b>0</b>
<b>Township Requirement: None provided for dormitories</b>		
	<b>0</b>	<b>0</b>
<b>Total</b>	<b>34</b>	<b>62</b>

\* Clarify whether the shul shown in the architect’s drawings is limited to the school.

The applicant should confirm that adequate parking will be provided. In addition, the applicant shall specify parking needs for the intended future use of the site. As there are no standards for provided for gymnasiums and dormitories, the applicant should specify how they intend to provide sufficient parking for these uses. Site Plan Checklist. The Board discussed the following waiver requests on August: Environmental. The applicant requested that an Environmental Impact Statement be waived. The Board requested a copy of the NJDEP Letter of Interpretation (LOI). The applicant submitted a copy of the LOI obtained for Lots 55 & 57. The intermediate resource wetland is delineated on the lot directly to the North of the site. A NJDEP LOI jurisdiction determination is valid for five years from the date of the letter. On the site plan, the applicant notes that the date of the letter is July 18, 2004. The copy provided to the Board is dated August 5, 2005. The applicant shall indicate the correct date to the Board and on the site plan. Compliance with all NJDEP Freshwater wetlands is required. The applicant has proposed to locate the gymnasium partially in the wetland area. The applicant should consider placing the delineated wetland areas within a conservation easement. As applicable, the applicant must comply with all applicable Surface Water Quality Standards for Category One waterways. Tree Protection Plan. The applicant requested that a Tree Protection Plan be waived. The Board granted this waiver. Recreation Areas. The applicant shows an existing basketball court on the site plan. The basketball court will be removed for the proposed improvements. There are no provisions for outside recreation areas for the school site. The applicant should indicate whether recreation areas will be provided for the new school. Bus Loading/Unloading. The applicant indicates that all students will be bussed and that no student shall be permitted to drive to and from school. The pick up and drop off times proposed are between 8:30 and 5:30 pm. The proposed design is subject to the approval of the Board Engineer. Lakewood Agency Comments. The applicant received comments from Lakewood Fire District No. 1 on August 19, 2008. Compliance with the Lakewood Fire District No. 1 comments is required. Architectural Plans. The applicant should provide architectural renderings for the proposed gymnasium and glass atrium for Board review. Sequencing. The applicant should provide testimony addressing the sufficient and appropriate site improvements for each phase. The time frame for the use of the temporary trailers gym and the demolition of the existing structure should be clearly specified. The applicant also should specify when the intended high school and dormitory is proposed. Utilities. The applicant should specify how water and sewer will be provided. Lighting. The applicant’s lighting plan is subject to review by the Board Engineer. Trash/Refuse. The applicant should specify whether the proposed solid waste management facility is sufficient for all the proposed uses on the site. Site plan approval will be required for the future buildings. The site plan should be revised to substitute “Building Coverage” for “Lot Coverage” in the Zoning Chart. The balance of the comments are technical in nature.

**Mr. Kelly Esq. appeared on behalf of the applicant. He said they are in receipt of both review letters and Mr. Surmonte will go through the letters from the professionals for the board. Mr. Kelly said the first comment talks about an access easement and he said he has spoken to the adjacent property owner and has a draft of the access easement and he will provide it to the board attorney and it is an agreement to the cross access easement to allow the school to have access through the adjoining property owners' property. Mr. Banas said what is also important is the future planning of the dormitory and they need to identify where the dormitory is going to be located.**

**Mr. Surmonte started with Mr. Peter's report and said as far as the building height, he believes there are some changes to the architectural plans that he was not privy to, so he needs to determine what they are and maybe go over them with Max to see how he came up with 38 ft. because his review was a height not to exceed 35 ft. He said if it is over 35 ft. they would request a variance and Mr. Banas said not think they would like to go and grant a variance on that and they have not granted height variances. Mr. Surmonte said he would iron that out with Max. Mr. Surmonte said they have put together a revised wetland application to the State and they are seeking an LOI and a modified transition area as part of that LOI to permit the construction proposed under this plan. He said part of the previous approval was the setting of permanent markers along the modified transition area but he said once they knew they were modifying the plans, they didn't set the markers but will once final approval is granted and through the State. Mr. Surmonte said there are some improvements associated with this project that are linked with the Askenazi subdivision that had a little bit of construction take place. The only thing constructed so far has been the sanitary sewer extension which they have tied into. The comment of the 290 lf of perforated pipe running down the easterly property line is not critical to their application, it is only critical to that subdivision and it permits them a means of discharge of their stormwater system so this application does not propose to construct that but it does create a problem with the request from Marty for the buffering requirement along that easterly property line. They do not want to buffer that area prior to the subdivision running that drainage down but they want to be conscience of the ability of that line to work in the future when they do eventually buffer it, so he wanted to go over with Marty plantings that could be done that would not compromise that system and Mr. Banas and Mr. Truscott said that would be the direction to take. Mr. Banas asked how close it was to their property line and Mr. Surmonte said it is shown as 10 ft. off the property line with a 20 ft. easement around it. Mr. Surmonte said they are proposing safety fences and it will be indicated on the phasing plans. He will revise the stormwater reports for the next meeting.**

**With regards to the planner's report, Mr. Surmonte stated the 13.5 % coverage does not include the future high school and dormitory but he believes they will still be under 25% when he computes the numbers. Mr. Banas said they will be asking that question. As far as the status of Apollo Road, he believes Rabbi Dabbah may need to enter into some type of agreement with the owner of the subdivision because they will have to develop a certain amount of Apollo Road to access their property. The schul that is proposed is strictly for use of the students so they is no additional parking needed for that. Mr. Banas said the board is not blind to the fact of having green parking areas available and remembers them doing that for the previous application for the school. Mr. Surmonte said regardless of the discrepancy between the architectural plans and the classrooms etc. he does not believe they will need more than 32-34 parking spaces and they are proposing 54 spaces. With regard to the comment by the Lakewood Fire District, they have a narrow landscape aisle leading into a circular element by the building and they**

recommend they be removed to allow access for emergency vehicles and he is not sure if they mean the entire island or a dimension only and Mr. Banas said some of their vehicles are extremely large and they can't turn the equipment around. Mr. Kielt told them to contact Mr. D'Elia for more instructions. The applicant wishes to keep that element into their design and Mr. Banas said as long as it does not impede the flow of the emergency equipment. Mr. Surmonte said he will also look at the trash/refuse comment to see if it is sufficient and agrees to the remainder of the comments in the planner's report.

Mr. Akerman asked about the school buses and the entrance and if it was a wide enough turn for them to get in. Mr. Surmonte said the curb radius is sufficient to get a bus in and out. Mr. Banas said it might not be big enough for the fire equipment.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to advance to the meeting of October 28, 2008

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

3. SD# 1639 (No variance requested)  
Applicant: Pinchas Wohler  
Location: Ridge Avenue, west of Hackett Street  
Block 238 Lots 15 through 17  
Concept Plan for 4 proposed duplex lots

Mr. Peters read from a letter dated August 28, 2008. The Applicant is seeking a Conceptual Plan review for subdividing three (3) lots into four (4) new lots. The existing dwellings are proposed to be removed, and four (4) duplex dwellings and parking areas are to be constructed. The property has the frontage along Ridge Avenue. The site is situated within the R-7.5 zoning district. The following variance will be required for Lots 1, 2, and 3: Minimum lot area for Lots 1, 2, and 3; 10,000 SF is required for duplexes in the R-7.5 zoning district, where 7,946 SF, 7,956 SF, and 7,899 SF are provided for Lots 1, 2, and 3 respectively. Minimum lot frontage for Lots 1, 2, and 3; 50 Ft is required, where 0 Ft are provided. Minimum combined side yard setback for Lots 1, 2, and 3; 15 FT is required, where 14.11 FT, 14 FT, and 14 FT are provided for Lots 1, 2, and 3. Maximum building coverage for Lots 2 and 3; 30 percent is permitted, where 30.7 and 30.4 are proposed for Lots 2 and 3 respectively. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District will be required. Evidence of the approvals should be provided prior to final Planning Board Approval. The applicant will be requesting a variance for not providing sufficient parking spaces. The applicant indicates in the zoning schedule four (4) parking spaces are required for each unit; for a total of thirty two (32) required parking spaces, and twenty six (26) parking spaces will be provided. The Planning Board should determine if the proposed number of parking spaces will be adequate. We have safety concerns about the five (5) parking spaces proposed along Ridge Avenue where the cars will have to back out to Ridge Avenue. We recommend the applicant provide parallel parking spaces along the western side of the proposed driveway and remove the five (5) parking spaces from the plan. The length of each parallel parking space should be no less than twenty three (23) FT in length per NJ RSIS section 5:21-4.14 (f). The applicant should provided architectural plans to the Board for review. The proposed dwellings on Lots 1, 2, and 3 will have no access

to a public road. The applicant shows on the plan those lots will be given access to Ridge Avenue through a proposed driveway. Owners of the Lots 1, 2, 3, and 4 will each own the portion of the driveway in front of their building. The Board should determine if the applicant should make the parking area a public right of way. If the driveway will remain privately owned as shown on the plan, we recommend the driveway to be made a separate lot to be owned and maintained by a homeowner association. Having no frontage on a public right of way will required Planning Board approval of a variance for not providing public frontage for Lots 1, 2, and 3. The site is surrounded by single family dwellings, with the homes on neighboring Lots 12, 14, and 18 located close to the proposed subdivision. Per section 18-803.E. of the UDO, the applicant should provide a thirty (30) FT wide buffer area along the property lines; however, the thirty (30) FT buffer can be reduced to fifteen (15) FT, if dense landscaping is provided. The Board should determine to what extent buffering will be required. The applicant shows on the plan, a ten (10) FT shade tree easement along the property frontage is to be dedicated to the Township. Curb and sidewalk shall be provided along Ridge Avenue as required by the Planning Board. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 28, 2008. The applicant seeks input from the Planning Board regarding a concept plan to subdivide the existing tract into four (4) duplex structures or 8 dwelling units. The tract is 34, 809 square feet (0.8 acres) and is located on the north side of Ridge Avenue, just south of Hackett Street. Zoning. The tract is located in the R-7.5 Zone. Single-family residential lots are permitted on a minimum lot area of 7,500 square feet and duplexes are permitted, provided the lot area is 10,000 square feet. The following variances will be required if this proposal were submitted as a minor subdivision application: Three of the lots do not have frontage on a street. Density Variance (Planning Board jurisdiction) Lot area variance Side yard setbacks Building coverage. Review Comments. The frontage of the project site would yield three (3) single-family lots based on 50 feet each; however, the applicant proposes 8 units. The proposal includes an off-street parking area consisting of 21 off-street parking spaces, plus 5 spaces perpendicular to Ridge Avenue. This configuration, in our opinion, is inconsistent with a single-family residential area. The parking area proposed along Ridge Avenue would require backing movements onto Ridge Avenue to exit the space. The number of parking spaces should also be discussed. Based on the size of the proposed duplexes, we anticipate that the number of bedrooms will exceed 4 bedrooms per unit. The proposed units have a large footprint (20 feet by 60 feet), and the scale and mass of the proposed residential structures, presumably 2-story, will be significant. Smaller units should be considered to address setback and coverage variances. Duplex units, one dwelling over the other dwelling, should be considered to yield additional yard area and reduce building coverage. The lot frontage is actually 150 feet, not 200 feet as shown on the concept plan. Collection of solid waste should be addressed by the applicant. Access and stormwater management easements will be necessary. The applicant should address the location of stormwater management facilities. Buffer landscaping to mitigate the proposed development will be restricted by the limited proposed setbacks.

Mr. Penzer Esq. appeared on behalf of the applicant. He stated they were approached by the township to try to do something with this area due to a number of problems in this area. He said he was surprised to hear the comments the lots don't have frontage on the street, most of the houses don't have frontage on the street, and they have frontage on the driveway. None of them were made a public street. They think they are cleaning up the area. They are emulating



the other developer in the area, Aharon Rottenberg, as far as the setbacks etc., but would like to hear the boards' opinion on how to make the application better.

Mr. Banas said the board always encourages conceptual plans; however, when you come with 4 lots and try to put 8 units in it, that is going pretty far with the chutzpah. He said this is overbuilt; you only have room for 4 single family homes. Mr. Penzer said his question is, are they making an improvement or making destruction and Mr. Banas said they are not making an improvement, he is impacting the area where there will be no room to move. Ridge Avenue is a very narrow street and to go and put the number of parking spaces and being 35 and then based on the number of bedrooms the possibility would be even greater than 35 and they are short spaces already. Mr. Banas said he does not like this and he would not suggest the board advance it.

Mr. Neiman said he knows the area also, but the Chairman is right, it is a lot of homes for this property and he feels if the homes had basements that would make it a disaster. If they were built on slabs, then you could probably get away with these 4 duplexes with the amount of parking that you have even with taking away those 5, but not with basements; then you are looking at 4 units with duplexes. That is his opinion. Mr. Banas said he does not like a 0 lot line and Mr. Neiman said all townhouses and duplexes have 0 lot lines.

Mr. Hopkins said it is no 0 lot lines, they are proposing lots stacked off of Ridge Avenue parallel. There are 14 ft. between the buildings it is just that the lots front on an easement rather than a right of way and easement will be owned by a homeowner's association rather than the township. (the parking area) They will have 50 ft. of "frontage" on this easement.

Mr. Franklin said it was awfully tight. One recommendation he would make if it were to move forward would be to move the parking away from the front of the building and put it to the other side of the parking lot. It is totally impossible to service this for garbage and fire and ambulance this way, he would have to back his trucks all the way out. Mr. Penzer agreed and said he would explore the idea of the slab.

Mr. Akerman said 3 duplexes with basements would also be a more positive for the area. He would assume they could do that without variances and Mr. Penzer said his client asked if 3 duplexes and 1 single family would be acceptable and Mr. Banas said it is too dense.

Mr. Franklin said 3 duplexes would make it nice and the parking would probably be adequate.

4. **SP# 1900** (No variance requested)  
**Applicant:** Advance Auto Parts  
**Location:** River Avenue, north of Locust Street  
Block 534 Lots 8 & 10  
Concept Plan for auto parts store

Mr. Peters read from a letter dated August 28, 2008. The Applicant is seeking a Conceptual Plan review for constructing an auto parts retail store on Lots 8 and 10 of Block 534. Parking lots are provided along the property frontage and a stormwater retention basin is proposed at the rear

of the site. An existing two (2) story office building is currently located on site and is to be removed. The property has the frontage along River Road (State Highway Route 9). The site is situated within the HD-7 zoning district. The applicant shows in the zoning schedule the following required variances: Minimum front yard setback; 75.67 FT are provided, where 150 FT is required as the property fronts a state highway. Minimum rear yard setback; 13.33 FT are provided, where 50 FT is required. Parking lots are proposed in a non-conforming front yard. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDOT will be required. Evidence of the approvals should be provided prior to the Planning Board Approval. Per section 18-807 of the UDO, one (1) parking space is required per 200 SF of the proposed building gross floor area for a retail use. The applicant shows on the plan the proposed building will have a gross floor area of 6000 SF which will yield thirty (30) required parking spaces. The applicant shows on the plan thirty (30) parking spaces are proposed with two of the parking spaces being handicap parking spaces. The Planning Board will determine if the proposed parking will be adequate. The applicant should provided architectural plans to the Board Professional for review. The applicant show on the plan a proposed dumpster at the western corner of the proposed parking lots. The applicant should show on the plan, the dimensions of the trash receptacle area and provided testimony on the anticipated waste volume generated by the site. In addition, the waste receptacle area should be designed in accordance with section 18-809.E. of the UDO. The applicant shows on the plan no developments are proposed within the 57 FT NJDOT desired typical section along River Road. The term setback shall be revised to section in label. No curb or sidewalk is proposed along the property frontage. Both should be added to the plans. Six foot shade tree and utility easements along the property frontage are usually required and will be determined by the Planning Board. In addition, sight triangles at the proposed entrance should be dedicated to the NJDOT. The two lots should be consolidated as part of the site plan application. The paving or the existing driveway should be removed and vegetated. The handicapped accessible parking spaces should be relocated to be in front of the main entrance. A loading area should be indicated on the plans and yellow striping provided to in that location. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 28, 2008. The applicant seeks Planning Board comments on a concept plan for an Advance Auto parts site plan. The property is 1.14 acres in area and located on the west side of River Avenue (Route 9) approximately 100 feet north of Locust Street. The rear of the site will be used for a stormwater retention basin. The proposed building is 6,000 square feet in area and the proposed parking area contains thirty (30) spaces. Zoning and Variances. The tract is located in the HD-7 Highway Development Zone. Retail business establishments are permitted uses in the HD-7 Zone. The applicant should confirm that the proposed use is limited to retail trade and no automotive repair is proposed. The following variances will be required when an application for site plan approval is submitted: Front Yard Setback 150 feet required and 75.67 feet proposed: Rear Yard Setback: 50 feet required and 13.3 feet proposed. The site plan indicates that a variance is required for an off-street parking area within the 150-foot setback. In our opinion, that variance is not required. Review Comments. The concept plan shows the desired typical half-section of 57 feet and the proposed parking area respects that boundary. The applicant should provide testimony about deliveries; a loading zone is not shown. A landscaping and lighting plan will be required. The width of the sidewalk in front of the building should be six feet or protective bollards should be installed. Foundation plantings should be provided along the north side of the building. The applicant should confirm that all paved areas will be curbed. Preliminary Architectural plans

should be submitted for Board review. The proposed off-street parking complies with the Ordinance – 30 spaces required and 30 spaces are provided. Ocean County Planning Board approval will be required. NJ Department of Transportation approval will be required. The concept plan indicates that public water and sewer is proposed.

Mr. York Esq. appeared on behalf of the applicant. He said a historic site in town will be removed for this application and that is Sydney Krupnick Real Estate office. The reason for the variance is the unusual shape of the lot. They can accommodate all the comments in the reports and the loading zone is in the side of the building and is done in off hours.

Mr. Neiman said they had the 150 ft. from Route 9 and they said no because the rear setback is 50 and they only have 155 ft. total so you couldn't build a building. Mr. Banas said he thought it was 150 ft. from the centerline and Mr. Kielt said the typical desired setback (TDS) is 57 ft from the center going both ways and it is shown on the plans and they have maintained it. Mr. Neiman questioned the parking and said they have had this in one or two other applications and thought they could still do it with 150 ft. was Mr. York told them they could not build anything wider than 15ft. Mr. Banas asked if they could purchase 84 Lumber and he said that was a little more than they want to do right now. They are taking a difficult piece of land with a less than desirable site and putting it into a ratable first class building.

Mr. Banas said he likes that they are trying to do something with the piece of land; however the board has been extremely firm in maintaining the HD6 & HD7 and he does not know how they are going to get around this. Mr. York said from his perspective it is simple, if the board says the setback has to be back there then their client will have to find land someplace else. They put the building as far back as they possibly could without losing site of the building all together. Mr. Banas suggested they turn the building around and Mr. York said the building is square and can't be turned around. They discussed numerous ways of situating the building.

Mr. Franklin said that 150 ft. came about before they had the TDS; then about 3 years ago they came up with the DTS and we eased up on the 150 ft. Mr. York said they also have a drainage basin so it makes it more difficult to see the site.

Mr. Banas said the County Planning Board has taken the position and advised all the municipalities along the length of Route 9 that when an application was coming up, the 150 ft. line would be adhered to. Mr. York said in Toms River, they are not even thinking about it because all the applications he has on Route 9 are anywhere from 50 to 100 ft. He has 3 right now and all are under 100 ft., and these are current approvals. He said the Dover Mall is in for an application to tear down the entire mall and the buildings will be only 60 ft. from Route 9; the current buildings are only 42 ft. right now.

Mr. Banas said the county and the state have indicated if they even want to have Route 9 dualized they would have to take serious concern in not developing anything closer to that TDS. Mr. York said the change of Route 9 being dualized now that the DEP has said it will remain a country road is pretty much 0.

Mr. Peters said when the chairman talked about making the building a different shape, he asked if that would be pulling the southern limits down closer to the side property line. He was looking at how the numbers would work out; if they would make it 100 x 60 they would still have

the same square footage, they would not get the 150 ft. but maybe you could give a little more setback. Mr. Peters also pointed out that the applicant is staying out of the TDS along the Route 9 frontage, so they are leaving that future desired right of way open for the state.

Mr. Franklin asked if they could table this until Mr. Kielt checks with the county again because once they get the delineation of where the side of the road is then they would be certain. Mr. Kielt added that he thought they might be talking about 2 separate items; the 150 ft. that they are referring to is strictly a municipal setback. It has nothing to do with the county. The only county setback they talked about is the Typical Desired Section of 57 ft. from the center and that is what they want maintained clear. They never talked about 150ft. because that is a municipal ordinance.

Mr. Akerman said he remembers applications that came up and they did give in to the TDS and if they are tabling it, maybe Mr. Kielt could look through the old applications for comparisons of the 57 ft. Mr. Banas said the one that he thinks is paramount is Winkleman's property. Mr. Kielt said that is residential and that is 100 ft. setback.

Mr. Truscott added that under the MLUL you can bifurcate your bulk variances for site plan applications; it is not typically done but you can that and come in with a concept plan just for variances and if the board denies it then you only have a concept plan

It was decided to table the application to the meeting of October 7, 2008

5. 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

Mr. Peters read from a letter dated September 1, 2008. The Applicant is seeking a Preliminary and Final Major Site Plan approval for Block 37, Lots 3 & 9. The applicant has proposed to construct a two story pediatric office building and associated site improvements. An existing building is located on each of the lots, which will be removed. The property will have frontage along County Line Road West and Cedarview Avenue. The project is located within the OT zoning district. No variances are requested by the applicant. The applicant shall revise the zoning table to show the property has two front yards, one side, and one rear, as the property is a corner lot. The applicant is requesting a parking variance. Per section 18-807 of the UDO, one (1) parking space is required per every 200 FT of gross floor area for medical office. The applicant shows on the plan a total floor are of 5,280 SF which yields a total number of twenty six (26) required off-street parking spaces. The applicant has provided twenty three (23) parking spaces are provided. The applicant shows on the architectural plans basement is proposed for the two story office building. Additional required parking spaces may be required depending on the use of the basement. The applicant shall provide testimony on the use of the basement. The Board should determine if the parking variance shall be granted. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District will be required. Evidence of the approvals shall be made a condition of Final Site Plan approval. The applicant

shows on the plans existing curb and proposed sidewalk along property frontages. A note shall be added to the plans stating any existing concrete curb along the property frontage that is deteriorated or damages shall be replaced as directed by the Township Engineer. A 5.25 FT roadway easement along County Line Road West is shown on the plan to be dedicated to the Ocean County. The applicant has provided a six (6) foot shade tree and utility easements along the property frontages to be dedicated to the Township. In accordance with section 18-803 E of the UDO, a 50 FT buffer shall be provided along the northern property line of the site, since the property is adjacent to two single family dwellings. In addition, per section 18-902.K.4. of the UDO, a five (5) FT solid buffer area shall be provided along the northern parking area. The applicant has proposed 6 FT board on Board fence along the property line. The Board should determine to what extent screening of the property will be required. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 28, 2008. The applicant is seeking preliminary and final major site plan approval to construct a two-story, 5,280-square foot office building on a 16,274-square foot lot along County Line Road. There are two existing residential buildings on the lots which will be removed as part of this plan. The proposed building will include a pediatrician office on the first floor and office space on the second floor. The applicant has proposed a total of twenty-three (23) parking spaces for the proposed office use. The tract is located on the north side of County Line Road at the intersection with Cedarview Road. The subject site is located within an area with residential uses and some commercial uses. The applicant has proposed sidewalks and a shade tree and utility easement. A variable width roadway dedication to Ocean County also has been proposed. The applicant presented a concept plan on May 6, 2008 to the Planning Board meeting. Zoning and Variances. The tract is located in the Office Transitional Use Zone (OT). Medical offices are a permitted use in this zone. A variance is needed for the number of off-street parking spaces; 26 spaces are required, and 23 spaces are proposed. A variance is required from the buffer requirements of the OT Zone District. A five-foot solid buffer is required if the adjacent properties are residential. The applicant has proposed a six-foot high board-on-board fence within an approximate 2.9 foot setback from the adjoining residential use on the rear of the property. Review Comments. Site Plan. The applicant will need to revise its bulk schedule to correctly identify the setbacks. The applicant should specify compliance with the parking setback requirements for both front yards on the bulk schedule. In addition, the applicant should clearly identify the structures to be removed on the plan. Design Waiver. The applicant shall request from the Planning Board a design waiver from the landscape buffer requirements. The applicant is required to provide a minimum fifty (50) foot wide buffer area as the proposed office building is adjacent to an existing single-family residential development. A design waiver should be requested. Sign. The applicant has not specified the location of the proposed sign for this site. The OT Zone District development regulations specify the sign design requirements permitted. Additional details should be provided by the applicant regarding the sign location, dimensions, and proposed illumination. Landscaping. The applicant has provided a landscape plan as part of this submission. Landscaping has been proposed to screen the parking area, as well as the dumpster. We recommend that the applicant consider providing landscaping along the rear and side of the building to provide a vegetative screen from the adjoining properties. The applicant also should consider a greater variety of vegetative species for the site. Lighting. The applicant's lighting plan is subject to review by the Board Engineer. Site lighting should be configured to minimize any impact on nearby residential uses. Parking. An entrance to the off-street parking area is proposed from Cedarview Road. As part of the concept plan review, the

Board discussed that the applicant would restrict the second-floor office to non-medical uses. Appropriate language should be provided to the Board prior to site plan approval. Trash/Refuse. The applicant has proposed a solid waste enclosure at the rear setback of the lot. The applicant had previously proposed the solid waste enclosure in the front yard along County Line Road. The new location is proposed near the handicap ramp entrance of the building. The applicant should specify whether the proposed solid waste enclosure is similar to the masonry of the office building. Architectural Plans. The applicant has submitted architectural plans that show an unfinished basement, a medical office on the first floor, and an office on the second floor. The basement area should be limited to storage and denoted as such on all plan submissions. Public water and sewer will be provided. The applicant has submitted an Environmental Impact Statement in accordance with Township development regulations at Section 18-820. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery said the only item they do not agree with is the 50 ft. buffer and said the ordinance states (18-803E2A) it reads "50 ft. wide where the non residential development is adjacent to an existing single family residential development or an area zoned for residential land uses". He said this is an OT zone so it is not zoned for residential uses and it is not next to a residential single family residential development because that is defined as 6 or more detached homes. Mr. Flannery does not feel it qualifies as a residential zone but there is a buffer requirement in the OT zone and they will be requesting that design waiver and will address the justification for that at the public hearing.

Mr. Banas asked what he is suggesting for a depth of a buffer and Mr. Flannery said the zone is 5 ft. and Mr. Truscott said what he is referring to is the parking area but the building itself has its own buffer requirements. Mr. Flannery said the real issue is if it is buffered properly and he said at the public hearing he will present the testimony, the neighbors have been noticed and if they do not like the buffer they will certainly come forward and we will address that issue then. Mr. Flannery said they will address the remainder of the comments in the professionals' comments. Mr. Banas asked what is going on in the basement and Mr. Flannery stated it is just for storage and they will mark that on the plans. They will provide testimony about the 3 parking spaces and why they feel they are not needed. Mr. Banas said the fact that he has been in business a long time is meaningless, and why aren't they providing the 26 parking spaces and Mr. Flannery said at the public hearing they will present the size of the building vs. the parking requirement and what is available.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to advance to the meeting of October 28, 2008

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

6. SD # 1633A (Variance Requested)  
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 townhouse lots

Sent to zoning board.

7. SD # 1638 (Variance requested)  
Applicant: Benzion Harnick  
Location: corner of New York Avenue & Ridge Avenue  
Block 223 Lot 93  
Minor Subdivision to create 2 lots

Mr. Peters read from a letter dated September 1, 2008. The Applicant is seeking a Minor Subdivision approval to subdividing one (1) lot into two (2) new lots. The new lots are to be known as Lots 93.01 and 93.02. No construction is proposed under this application. The property has frontages along Ridge Avenue and New York Avenue. The site is situated within the R-10 zoning district. The applicant is requesting a front yard setback variance for Lot 93.01; thirty (30) FT is required, where 12.5 FT are provided along New York Avenue. The applicant shall revise the zoning schedule to show seventy five (75) FT as required lot width, not fifty (50) feet. Outside agency approval from Ocean County Planning Board is required. Evidence of the approval should be provided prior to the final Planning Board Approval. The applicant states on the plan three (3) off street parking spaces will be provided per lot, when new dwellings are to be constructed in the future. The NJ RSIS standards for single family dwellings top out at three (3) required parking spaces. The Board should determine if the proposed number of parking spaces is adequate. The applicant shows on the plan, a ten (10) FT roadway widening easement along New York Avenue is to be dedicated to the Township. In addition, a six (6) FT shade tree and utility easement is to be dedicated to the Township along both frontages. The easements total 16 feet along New York Avenue, the applicant has requested a front yard setback of 12 feet from New York Avenue. Should the Board grant a front yard setback variance along New York Avenue, we recommend the setback be no less than 16 feet. The applicant shows on the plan curbs exist along New York Avenue and Ridge Avenue at property frontages. As shown on the plan sidewalk along New York Avenue is proposed, the applicant shall provide sidewalk along Ridge Avenue as well. The applicant shall provide a vicinity map to show the neighboring lots within the 200 FT radius of the property. The applicant shall revise the Location Map to provide a north arrow. The existing dwelling spans the two new lots shall be removed prior to the approval of the minor subdivision or a bond posted to ensure the prompt removal of the structure. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 28, 2008. The applicant is seeking minor subdivision approval to create two building lots. Lot 93 contains a single-family detached dwelling and is 20,025 square feet (0.46 acres) in area. The existing residence will be removed. The property is located at the intersection of New York Avenue and Ridge Avenue. The property is located in the R-10 Zone. No variances are requested. The applicant proposes a "Road Widening Easement" to address the deficient right-of-way of New York Avenue (existing 30-foot right-of-way) and Ridge Avenue (existing 33-foot right-of-way). We recommend that a right-of-way dedication be provided instead of an easement. However, the choice between a dedication and an easement is the decision of the Board. Please note that a right-of-way dedication will result in lot area variances and requires a modification of the front yard setback. The property will be served by public water and sewer. Sidewalk is not proposed along the Ridge Avenue frontage. The balance of the comments are technical in nature.

Mr. Doyle Esq. appeared on behalf of the applicant. He stated there is an existing and aged house that will be removed and the sidewalks will be installed on Ridge along with the shade tree easements and trees. New York Avenue is a one block street, it runs only between E.7<sup>th</sup> & Ridge and has several existing houses along it and the curbs have already been set at 18 ft. so as a result the utilities such as telephone poles, and recently installed sewer and water lines are just outside that 18 ft. so the width of the road is pretty much respectfully given so the likelihood of road widening for the one block is exceeding limited at best he would hope that the easement as has been done in the past would be appropriate. They agree to comply with the remainder of the comments in the professionals' report. Because it is a corner lot they would still need some sort of setback variance and they would indicate that in their testimony at the public hearing.

Mr. Banas asked Mr. Franklin if there were many streets like this and Mr. Franklin said there were not too many lanes like this left. Mr. Banas said the board had a problem with another application fronting on a lane like this, it was too narrow (Negba Street) and asked if it was a two way street and Mr. Doyle said yes. Mr. Doyle said there has been a recent approval for a flag lot on their side of the street further down and signs of soon to be development on the opposite side of the street. Mr. Franklin said there is a new sewer line going in there and there will be a new road going in there shortly, it is based now.

Mr. Peters said one of his concerns with the front setback is that part of that setback would allow the building to be within the shade tree easement and he asked what type of setback they would be asking for. Mr. Hopkins said they would be modifying that to 16 ft. so it would be that distance from New York Ave.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to advance to the meeting of October 28, 2008

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

8. SD # 1640 (No variance requested)  
Applicant: 16 South Clifton Ave LLC  
Location: South Clifton Avenue, south of Main Street  
Block 8 Lots 8 & 18  
Minor Subdivision to realign existing lot lines

Mr. Peters read from a letter dated August 28, 2008. The Applicant is seeking Minor Subdivision Approval to realign the lot lines of Lots 8 and 18. The lots will be known as Lots 8.01 and 18.01 after the subdivision. An approximately 2,600 SF area of land will be transferred from Lot 18.01 to Lot 8.01. Lot 8.01 will also gain 2.9 FT width along the property frontage. No construction is proposed under this application; however, these lots are the subject of Site Plan application number SP-1901. The property has frontage along South Clifton Avenue just south of Main Street. The site is located within the B-4 zoning district. The applicant indicates on the plan the site is located with in the B-2 zoning district; however, as shown on the office zoning map and confirmed by the Township Zoning Officer, the site is located within the B-4 zoning district. The



applicant shall revise the zoning schedule accordingly. The applicant will require the following variance: Minimum lot area; 4,793 SF and 10,435 SF are provided for Lot 8.01 and Lot 18.01 respectively, where 20,000 SF is required. Both lots were previously undersized. Minimum lot width; 24.90 FT and 98.19 FT are provided for Lot 8.01 and Lot 18.01, where 100 FT is required. Minimum front yard setback; 0 FT are provided for each lot, where 25 FT is required. This is an existing condition. Minimum side yard setback; 0 FT are provided, where 10 FT on one side and 20 FT combined side yard setback is required. Outside agency approval from Ocean County Planning Board is required. Evidence of the approval shall be made a condition of the Planning Board approval. The application shall indicate on the plan Main Street and South Clifton Avenue are State Highway Route 88 and Ocean County Route 528 respectively. It appears the 10 FT x 24 FT area of land transferred from Lot 18 to Lot 8 is within a portion of the existing building on Lot 18. The applicant shall address this issue. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 28, 2008. The applicant seeks minor subdivision approval to re-align the existing lot line between Lots 8 and 18 to enlarge Lot 8. The applicant also proposes to construct a new commercial building on new Lot 8.01 under pending Application SP-1901. The property is 15,228 square feet (0.35 acres) in area and located at the southwest corner of the intersection of South Clifton Avenue and Main Street (also known as NJ route 88). The property contains a building on each lot. The structure on Lot 8 will be razed. The proposed site is located in the B-4 (Wholesale Services) Zone. No variances are requested. The plat provides bulk zoning information for the B-2 Zone; however, the site is in the B-4 Zone, per the Zoning Officer. In our opinion, the following variances are required: Lot Area – Lots 8.01 and 18.01; Lot Width – Lots 8.01 and 18.01; Front Yard Setback – Lots 8.01 and 18.01; and Side Yard Setback – Lots 8.01 and 18.01. Review Comments. As noted, the plat indicates that the site is located in the B-2 Zone. This is incorrect. The General Notes and Bulk (Zoning) Chart should be revised accordingly. All variances should be identified. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. He said Mr. Surmonte was given information that this was in the B2 zone and he advertised for the B2 zone and none of the variances were there. Now that they know it is in the B4 zone and this existing property is next door to the old Lakewood Hardware property and there is not really any property next to it to park so that is why Father Michael is here, because he is being a very good neighbor and he is helping to provide parking in the lot owned by them.

Mr. Banas asked the attorney if he is in conflict as he is a communicant of St. Mary's and Mr. Penzer said he would waive any rules or objections for the record.

Mr. Penzer said this is a minor subdivision and the next application is the site plan. The issue is that these are existing condition that they are building upon, so when they say variances are requested, those are existing conditions and we are increasing the non conforming use based on that. They will address the comments in the Site Plan application.

He said the comments in Max's report with regard to the variances were accurate. Both lots were previously undersized, so they have not changed anything with regard to it. The lot width is not changing at all because it is an existing condition and the minimum front yard setback is an existing condition and the sideyard setback is because they are moving the lot line. There is

a mistake as far as the proposed lot line and Mr. Surmonte will correct that so it will make sense. The can address the remainder of the professionals' report.

Mr. Peters questioned the area in front of the new building, the area that was 10 x 24 ft. where the stairs are going, and asked if that is going to be constructed within the existing building and Mr. Surmonte said yes.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to advance to the meeting of October 28, 2008

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

Mr. Penzer said they will re-notice for both applications

9. **SP# 1901** (Variance requested)  
**Applicant:** 16 South Clifton Ave LLC  
**Location:** South Clifton Avenue, south of Main Street  
Block 8 Lots 8 & 18  
Preliminary & Final Site Plan for proposed 2 story office building

Mr. Penzer said instead of reading the reports, he would just address them. They were entered into the minutes.

Mr. Peters read from a letter dated August 28, 2008. The Applicant is seeking a Preliminary and Final Site Plan Approval to construction a two (2) story office building with 3,859 SF of floor area on Lot 8.01. Lots 8.01 and 18.01 are currently known as Lots 8 and 18. Reconfiguration of the two lots is being reviewed under application SD-1640. The property has the frontage along South Clifton Avenue. The site is located within the B-4 zoning district. The applicant indicates on the plan the site is located with in the B-2 zoning district; however, as shown on the official zoning map of Lakewood Township and confirmed by the Lakewood Zoning Officers, the site is located within the B-4 zoning district. The applicant shall revise the zoning schedule accordingly. The applicant shall request the following variance: Minimum lot area; 4,793 SF and 10,435 SF are provided for Lot 8.01 and Lot 18.01 respectively, where 20,000 SF is required. Both lots were previously undersized as well. Minimum lot width; 24.90 FT and 98.19 FT are provided for Lot 8.01 and Lot 18.01, where 100 FT is required. Minimum front yard setback; 0 FT are provided for each lot, where 25 FT is required. This is an existing condition. Minimum side yard setback; 0 FT are provided, where 10 FT on one side and 20 FT combined side yard setback is required. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be made a condition of the Planning Board approval. As a result of the project site being located within the B-4 zoning district, not the B-2 district, the applicant is required to provide parking spaces in accordance with the Lakewood UDO. The applicant stated in the application form that the building will be used as office space; however, the architectural plans show the building is to be an office/retail building. The applicant shall address this discrepancy and show required and proposed parking spaces in the zoning schedule along with calculations for the number of required parking spaces. The Board shall determine the adequate number of parking spaces.

The applicant shows on the Existing Condition Plan two 5 FT x 7 FT dumpsters located in the rear yard of the Lot 18; however, no trash receptacle areas are shown on the Improvement Plan. The applicant shall provide testimony on storage and disposal of solid waste generated on site. The applicant shows on the site plans, the proposed office building will encroach into the existing building on Lot 18.01 and the applicant did not indicate on the plans any modifications to the existing building. The applicant shall address this issue. Per section 18-803.E. of the UDO, a minimum buffer area of twenty five (25) FT shall be provided along the property lines. The applicant has provided landscaping along the southern property line of Lot 8.01; however, the landscaping is located outside the property line into the neighboring lot, Lot 1. The applicant shall address this issue. The proposed office building on Lot 8.01 and the existing building on Lot 18.01 are shown on the plans located along the southern and northern track boundary lines. The applicant will need a variance for not providing sufficient buffer areas. The applicant shows on the plans a proposed retaining wall along the southern property line of Lot 8.01 is located at the rear yard of the lot. The applicant will need an easement from the owner of Lot 1 to install and maintain the retaining wall. The easement agreement and legal descriptions shall be provided to the Planning Board for review. Site Plan Review The parking/loading area at the rear of Lot 8.01 has no access to a public right of way. This will require an access easement through a neighboring lot. Easement agreements and legal descriptions shall be provided for review. In addition, we have concerns about accessibility of this area. We recommend the applicant work with the owners of the neighboring lots to reconstruct the area with improved access. The applicant shall discuss access to this area with the board. The applicant shall revise the plans to show the existing building on Lot 8.01 is to be removed. The proposed building on Lot 8.01 appears to be delineated with a double line. It is difficult to discern the limits of the building, especially the areas of the stairways. This shall be clarified. The applicant indicates on the plans the parking/loading area is to be reconstructed. The limits of reconstruction shall be shown on the plans, and the parking and loading areas lined and dimensioned. The applicant shows on the plan the proposed lot line of Lot 8.01 along the property frontage is 24.90 FT long. The lot line is shown on the plan consisting of two segments of 22 FT and 10 FT. As the two segments do not yield the 24.90 FT of the total length, the applicant shall revise the plan to address this issue. The application shall indicate on the plan Main Street and South Clifton Avenue is State Highway Route 88 and Ocean County Route 528 respectively. In addition, the applicant shall revise the plans to show right of way dimensions of the Main Street and South Clifton Avenue. The applicant shall revise the Landscaping and Lighting Plan to show iso-lux lines for the proposed lighting structures. A note shall be added to the Improvement Plan stating that any damage to the concrete sidewalk and/or the brick pavers during construction of the proposed office building will be repaired as directed by the Township Engineer. The applicant shows on the Soil Erosion and Sediment Control Plan silt fence and wheel cleaning blanket are proposed in the neighboring lots. The applicant will need to obtain temporary easements from the neighboring lot owners. The easement agreements shall be provided to the Planning Board professionals for review. Stormwater Report Review The applicant shall revise the grading at the rear of Lot 8.01 to collect as much of the stormwater runoff from the rear yard as possible. The proposed grates, contours, and retaining wall elevations will allow most of the runoff to flow out site to the neighboring parking lots. Construction Details- A note shall be added to the Concrete Sidewalk Detail to state that thickness of the sidewalk shall be increased to 6" at where driveway apron are encountered.

**Mr. Truscott read from a letter dated August 29, 2008. The applicant seeks preliminary and final major site plan approval to construct a two-story retail and office building. The subject parcel is 15,228 square feet in area and located at the southwest corner of the intersection of Main Street (State Highway Route 88) and South Clifton Avenue. The property contains an existing building and has approximately 123.09 feet of frontage on South Clifton Avenue. The existing structure on new Lot 8.01 will be razed. The proposed building will be constructed on new Lot 8.01 and will be 4,793 square feet in area. The applicant has submitted a minor subdivision application to align the lot line between Lots 8 and 18 as Application SD-1640, also pending before the Planning Board. Zoning. The property is located in the B-4 Zone. Retail and office uses are permitted in the B-4 zone district. No Variances are requested. Review Comments. The site plan should be revised to address the B-4 zoning requirements and necessary variances. Off-street parking requirements must be addressed or a waiver requested. The architectural drawings indicate two floors of retail/office use. Entrances for customers to the first floor are located in the front of the building (Clifton Avenue) as well as one on the side of the building. Access to the second floor is provided at the front and rear of the building. The south side of the proposed building will have a finished façade. The site improvements on the south side of the building do not match the architectural plan. Please clarify. Isolux levels for the building-mounted lighting should be shown on the site plan. Landscaping is proposed off-site on adjoining Lot 1. The owner of Lot 1 must consent in writing to the proposed improvements. Information should be provided regarding solid waste storage in the building and collection. Building-mounted signage must comply with the UDO requirements. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Ocean County Soil Conservation District.**

**Mr. Penzer said the issues that are new have to do with the B4 zone. Under B2 they did not need parking but under B4 they do and the church is the owner of the parking lot and Father Mike is here to state he has not objections to letting them use the parking lot. Mr. Penzer said they would need 20-30 parking spaces total and Mr. Banas said that would have to be written and submitted to the attorney. Mr. Penzer said he did not know if they could lease it but they are giving them a right to use it and Mr. Banas said it would be better to have it in writing. Mr. Penzer said the same place the dumpsters are now, Mr. Franklin is picking them up there and they will keep them there. The proposed building will encroach into the existing building and they are going to be a part of it, the only modification is they are going to close up the window and put up a door and that is the only change they are doing. They don't really have room to put in a buffer area, it is tight and the landscaping is about 5 ft. and to maintain it we would have to go onto the church property and Father Mike will allow it. The applicant will put a retaining wall on the property but they can't construct it without going onto the church's property and Mr. Peters said when they provide a letter granting permission to go onto the adjoining property for maintenance of the landscaping and parking permission, you can put a line into the same letter about the retaining wall construction. Mr. Banas also suggestion the staging area for the building and asked where they were going to have a staging area for that also. Mr. Penzer said they do the loading in the front now and feel no need to change. The applicant agreed to the remainder of the items in the professionals' reports.**

**Mr. Penzer asked Mr. Franklin's opinion on where to have the staging area and Mr. Franklin suggested using the area on the side of the building. He also asked if the store was going to remain open and Mr. Penzer said he would have to find out. Mr. Franklin said the parking spaces they would use for the store they could use for the construction.**

Mr. Truscott asked Mr. Surmonte about the door on one of the architectural plans and Mr. Surmonte said the finished floor of the building is going to be 5ft. above the existing grade so the door is not feasible and the architectural plans will be revised.

Motion was made by Mr. Franklin, seconded by Mr. Neiman, to advance to the meeting of October 28, 2008

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

## **5. PUBLIC PORTION**

-None at this time

## **6. CORRESPONDENCE**

-None at this time

## **7. APPROVAL OF MINUTES**

- Minutes from August 19, 2008 Planning Board Meeting

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

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

## **8. APPROVAL OF BILLS**

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

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

**PLANNING BOARD MEETING  
SEPTEMBER 2, 2009**

**TOWNSHIP OF LAKEWOOD  
PLAN REVIEW MEETING**

**9. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

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