

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Franklin, Mr. Fink, Mr. Neiman, Mrs. Koutsouris, Mr. Schmuckler, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

Mr. Kielt said there was one change to the agenda. Item #1 SD 1694 North Lake Realty LLC. A letter was received from the applicant's attorney requesting this be carried to the December 1, 2009 Plan Review Meeting.

Item #1 under Public Hearing items – SD 1509B Majestic Contracting. This is carried to the meeting of October 27, 2009 and no further notice will be provided.

Mr. Herzl arrived at the meeting.

4. PLAN REVIEW ITEMS

1. SD # 1694 (Variance Requested)
Applicant: North Lake Realty LLC
Location: Lafayette Boulevard
Block 265 Lot 1
Minor Subdivision to create 2 lots

Tabled to December 1, 2009

2. SD # 1695 (Variance Requested)

**PLANNING BOARD MEETING
OCTOBER 20, 2009
MEETING**

**TOWNSHIP OF LAKEWOOD
PLAN REVIEW**

Applicant: Benzion Green
Location: Harvard Street, west of Apple Street
Block 171 Lots 3, 11 & 19
Minor Subdivision – 4 lots

Mr. Vogt prepared a letter dated October 15, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide three (3) existing lots, known as Lots 3, 11, and 19 in Block 171 into four (4) new residential lots, designated as Lots 3, 11, 19.01, and 19.02 on the subdivision plan. The subdivision will also resolve a deed overlap between existing Lots 3 and 19. There is a dwelling on existing Lot 3, which will remain on proposed Lot 3 subsequent to the subdivision. Dwellings and structures on existing Lots 11 and 19 will all be removed. The plans state that new single family dwellings will be proposed for new Lots 11 and 19.02, and a new duplex dwelling will be proposed for new Lot 19.01. The site is situated within a residential area, and has frontages along Harvard Street and East County Line Road. Lot 3 is located on the south side of East County Line Road and Lots 11 and 19 are located on the north side of Harvard Street. Curb exists along the Harvard Street and East County Line Road frontages. No existing or proposed conditions, as well as topography, are shown along East County Line Road and Lot 3. We have the following comments and recommendations: Zoning and Waivers- Partial topography without any spot elevations has been provided. No topography is shown for Lot 3 and along East County Line Road, and the topography for the remainder of the site is incomplete. Therefore a waiver is required. As a result, the status of improvements along East County Line Road, as well as the rest of the site is not addressed. Therefore, we recommend the topographic survey be completed. The parcels are located in the R-7.5 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Duplex Housing is also a permitted use in the zone, provided a minimum lot size of 10,000 square feet is proposed. Duplex Housing is only proposed for new Lot 19.01 which would be in excess of 10,000 square feet. Therefore, the proposed uses of all proposed lots are conforming. The required minimum lot width for proposed Lot 19.02 has not been provided. The UDO definitions state lot width is the mean horizontal distance between the side lot lines measured at right angles to its depth. Required lot width shall be measured at the most forward allowable setback line. Furthermore, the mean width of the lot is less than the required width since the lot is narrower behind the front setback line. A reconfiguration of the proposed lot lines can remedy the unintended nonconformity. Review Comments- The proposed lot widths in the Zoning Data table are all less than indicated because of the skewed side lot lines. A reconfiguration of the proposed lot lines is required to make the project conforming. The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling and 5 off-street parking spaces for a duplex when the number of bedrooms is not specified. No specific parking data for the existing and proposed lots is provided. This information must be provided on the plans. No driveways and/or off-street parking spaces are proposed for all four (4) new lots. A turnaround is recommended for the driveway on proposed Lot 3 so vehicles do not back out onto a highly traveled County road. Testimony should be provided as to whether basements are proposed for any of the proposed dwellings. Parking shall be provided to the satisfaction of the Board. Curbing exists along the property's Harvard Street and East County Line Road frontages, even though no plan information is shown along the site's East County Line Road frontage. Sidewalk is proposed along Harvard Street, while no information has been provided for the East County Line Road frontage. The areas of the three (3) existing lots and the bearings and distances of all existing lot lines shall be shown. The area of the deed overlap must be included. A proposed five foot (5') wide road dedication will be given to Lakewood Township from existing Lot 11. As a result of this dedication, it appears all proper right-of-way widths will be attained on all road frontages. Typical dimensions shall be added to the proposed setback lines shown on the plat. The plan indicates that new structures are to be serviced by public

water and sewer. The plan should identify that NJAWC will provide the services. Existing utilities shall be added to the plan. Testimony shall be provided regarding existing water and sewer service to the dwelling remaining on Lot 3. Proposed lot numbers have been assigned by the Tax Assessor and the plat signed by the Tax Assessor. Six foot (6') wide shade tree and utility easements are illustrated on the plan along the property's East County Line Road and Harvard Street frontages. The easements on the proposed individual lots must be labeled on the plan with bearings, distances, and areas. The area for the proposed easement on new Lot 3 should be 588.0 square feet. No shade trees are proposed within the easements. Landscaping should be provided to the satisfaction of the Board. Due to no construction of new dwellings at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. Compliance with the Map Filing Law is required. At a minimum, monuments or pins are necessary for the proposed lots subdivision lines, and at all property corners. Construction details should be provided on the subdivision plan such as concrete sidewalk, concrete aprons, concrete curb, depressed curb, and road restoration details. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals; Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals.

Mr. Glenn Lines appeared on behalf of the applicant as the engineer. He said the applicant already has a site plan application for the Zoning Board for Lots 3,4,5,6 and those lots are included here because of a deed overlap of 13 ft. when they widened County Line Road the survey was done. He said they are not proposing any changes to Lot 3-there is a different site plan for that, so any of the comments in the letter that refer to Lot 3 (driveways, shade trees, etc.) will be handled in that application and Mr. Vogt asked if they going to be draining onto that line and Mr. Lines said no. Mr. Vogt said based on the engineers representation, he has no problem with the partial waiver. Mr. Vogt said he would work with the engineer to eliminate the variances and if they could not work them out, then he would have to notice for the public meeting. Mr. Lines said he had not problem complying with the comments of the professional.

Mr. Neiman asked what he is going to the Zoning Board for and Mr. Lines it is the adjacent owner and lot that is going to the Zoning Board. Mr. Lines said they are interested in dividing the 3 lots on Harvard Street but because of this deed overlap, they had to include Lot 3 in this subdivision.

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutsouris, to advance to the meeting of November 17, 2009.

Mr. Akerman arrived at the meeting.

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

3. SD # 1696 (Variance Requested)
Applicant: Mark Properties
Location: Drake and Whitesville Roads
Block 251 Lots 4 & 5
Minor Subdivision- 2 lots to 4

Mr. Vogt prepared a letter dated October 14, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide two (2) existing lots totaling 48,582 square feet

in area known as Lots 4 and 5 in Block 251 into four (4) new residential lots, designated as Lots 4.01- 4.04 on the subdivision plan. The site is wooded, heavily-vegetated and undeveloped in its current condition. Public water is available, but public sewer is not available. The site is situated within an undeveloped area, and has frontage along Whitesville Road to the north and Drake Road to the east. A recently approved major subdivision, Oak Glen Estates (SD# 1681) borders the site to the west. Proposed Lot 4.01 will have frontage along Whitesville Road and Drake Road. Proposed Lots 4.02- 4.04 will have frontage on Drake Road. Curb and sidewalk are proposed along the street frontages. The lots are situated within the R-12 Single Family Residential Zone. Variances are required to create this subdivision. We have the following comments and recommendations: Zoning - The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Area (proposed Lots 4.03 and 4.04, 11,002 SF and 11,002 SF respectively, 12,000 SF required) – proposed conditions. Minimum Lot Width (proposed Lots 4.02 and 4.03, 81.97 ft. and 85.85 ft. respectively, 90 ft. required) – proposed conditions. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents may be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. Review Comments- The applicant is proposing an 8.50' road widening easement on Whitesville Road and a variable width road widening easement on Drake Road. We recommend the Board require right-of-way dedications to attain the proper half widths for the abutting streets. A radial dedication should be provided at the intersection of Whitesville Road and Drake Road so that proposed improvements will be located within the right-of-way. Additional variances will be required unless the proposed subdivision is reconfigured. The NJ R.S.I.S. requires 2.5 off-street parking spaces for four (4) bedroom single-family dwellings which are specified on the plans. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be provided for each unit. Testimony should be provided as to whether basements are proposed for any of the proposed dwellings. Parking shall be provided to the satisfaction of the Board. The plans show where new concrete curb and sidewalk is proposed. The proposed curb along both Whitesville Road and Drake Road is at fifteen feet (15') from the centerline. The curb radius at the intersection is twenty feet (20'). Existing and proposed grades are required along the site frontages for the proper widening of the roads. Road widening/reconstruction design plans are required. The plan indicates that all future dwellings to be serviced by septic systems. Water service will be provided by New Jersey American Water Company. Our site investigation revealed that public water is available and existing water facilities should be added to the plans. General Note 4 on the plans should be corrected to indicate the proposed use to be residential. General Note 7 on the plans indicates the location and size of structures within two hundred feet (200') of the site are approximate. No structures are shown on the plans, but our site investigation confirmed there are two (2) structures within two hundred feet (200') of the site on the opposite side of Drake Road. The correct owners must be listed in the signature blocks giving consent to the subdivision. A legend is required on the Minor Subdivision Plan. Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. A ten foot (10') wide shade tree and utility easement is illustrated on the plan along the property's Whitesville Road and Drake Road frontages. Bearings, distances, and areas must be labeled on the plan for each individual lot. No shade trees are proposed within the easement. Landscaping should be provided to the satisfaction of the Board. No sight triangle easement is indicated at the intersection. The applicant's professionals shall provide testimony as to whether the easement is necessary. The Tree Management Plan for the neighboring Oak Glen Estates subdivision indicates a number of mature trees exist on the site. Many of these trees are unsalvageable if the lots are developed as proposed, but some of these trees appear salvageable. Compensatory plantings should be

provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, final plot plans submitted for Township review should include tree protective measures to save mature vegetation where practicable. Due to no construction of new dwellings at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. Compliance with the Map Filing Law is required. At a minimum, monuments or pins are necessary for the proposed lot subdivision lines, and at all property corners. The joint sealer is not necessary on the concrete curb detail since the pavement will be asphalt. The sidewalk detail shall indicate a four foot (4') width and the location dimensions from the face of curb and property line. The following construction details must be provided: Road widening and pavement restoration; depressed curb; Concrete aprons; Handicapped ramps. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District (if necessary); Ocean County Board of Health (septic systems); New Jersey American Water Company (water); and all other required outside agency approvals.

Mr. Timothy Shea Esq. appeared on behalf of the applicant with Mr. Brian Flannery as the engineer for the applicant. Mr. Flannery said the application is for 48,000 sf lots and said they could divide it into 4 conforming lots and at the public hearing they will indicate why they feel this is a better zoning alternative. They are making the corner lot a little bigger because of the corner setbacks. With respect to a comment in Mr. Vogt's letter about what exhibits they should bring to the public hearing and the surrounding area doesn't really answer into what they are doing here, this application is better. He said they could provide that plan if the board wants to see it. Mr. Flannery said they would agree to address the remaining minor issues.

Mr. Neiman said they do want to see the other lots in the area just for size and since they are asking for size variance it would be good for testimony.

Motion was made by Mr. Akerman, seconded by Mrs. Koutsouris, to advance to the meeting of November 17, 2009.

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

4. SD # 1697 (No Variance Requested)
Applicant: New Hampshire Avenue LLC
Location: northeast corner of Route 88 & New Hampshire Avenue
Block 189.03 Lots 81, 84-86, 91, 98, 103, 104, 201
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated October 14, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to receive a conveyance of 0.982 acres of land from the owner of existing Lot 81 in Block 189.03. The applicant, New Hampshire Avenue, LLC, owns numerous contiguous parcels totaling 3.859 acres on the northeast corner of New Hampshire Avenue (a County Road) and Ocean Avenue (N.J.S.H. Route No. 88). The proposal would create proposed Lot 91.01, increasing the acreage to 4.877 acres. The properties owned by the applicant contain two (2) single family dwellings, a number of sheds, and other site improvements. However, the bulk of the lands are wooded. The owner of existing Lot 81 in

Block 189.03 is Pine Belt Chevrolet. This property is immediately east of the applicant's site and is located on the north side Route 88. The existing area is 4.758 acres, which would be decreased to 3.776 acres after the conveyance. A wooded portion of this lot is proposed to be conveyed to the applicant. The improved portion of the property containing the automobile dealership building will remain. The proposed conveyance would square off the two (2) lots proposed. The proposed lots are situated within the B-4, Wholesale Service Zone. No new construction or variances are proposed as part of this application. The surrounding land uses are predominantly business. We have the following comments and recommendations: Zoning- The parcels are located in the B-4 Wholesale Service Zone District. Automobile Dealerships are a permitted use in the zone. It is our understanding that the automobile dealership will continue on proposed Lot 81.01. Testimony must be given with respect to the present and future uses. The plan indicates "automobile dealership" as the proposed use, but no new construction is proposed for new Lot 91.01. No variances are requested and it appears none are required. Review Comments- The Zoning Schedule on the plan has incorrect required information and must be fixed. Minimum lot area, front setback, and rear setback values must be corrected. However, it appears no variances are required. The appropriate front and rear setback lines on the plan shall be corrected. The Zoning Schedule lists precise values for the setbacks on proposed Lot 91.01. However, no construction is proposed. Testimony should be provided regarding the future plans for proposed Lot 91.01. No roadway dedications are proposed on the Minor Subdivision Plan. The right-of-way width of Route 88 varies with a number of jogs along the frontage. Testimony should be provided regarding the right-of-way. Approval from the NJDOT appears to be required. New Hampshire Avenue is a County Road and the right-of-way width appears to be consistent. County approval of the minor subdivision is required. The removal of all existing improvements on proposed Lot 91.01 should be confirmed, particularly the metal shed and paved driveway which encroach onto proposed Lot 81.01. Concrete curb exists along the Route 88 frontage, but there is no curb along the New Hampshire Avenue frontage. No sidewalk exists along either frontage. No new curb or sidewalk is proposed with this application. It should be noted that sidewalk cannot be constructed totally within the right-of-way along Route 88. No construction is proposed and no construction details have been provided. The plan states that the proposed block and lot numbers were approved by the Lakewood Tax Assessor on June 5, 2009. A signature block shall be provided for the Tax Assessor to sign. Testimony should be provided on the availability of water and sewer to proposed Lot 91.01. There is an existing utility easement on the east side of proposed Lot 81.01 which presumably services Pine Belt Chevrolet. The project is within the Lakewood Township Municipal Utilities Authority franchise area. A proposed six foot (6') wide shade tree and utility easement should be depicted on the plan along all property frontages (unless waived by the Board). No shade trees or landscaping is proposed. Landscaping shall be provided to the satisfaction of the Board. Compliance with the Map Filing Law is required. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District (if necessary) New Jersey Department of Transportation; and all other required outside agency approvals.

Mr. Tim Shea Esq. appeared on behalf of the applicant with Mr. Murphy. Mr. Murphy said there was a lot consolidation that occurred on the existing dealership due to the common ownership and they are requesting to put the line back where it was previously.

Mr. Schmuckler asked if they were building on it and Mr. Murphy said no, they area just moving the lot line.

**PLANNING BOARD MEETING
OCTOBER 20, 2009
MEETING**

**TOWNSHIP OF LAKEWOOD
PLAN REVIEW**

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to advance to the meeting of November 17, 2009.

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

5. **SD # 1430D (No variance Requested)**
Applicant: Pine River Village/Somerset Walk
Location: Pine Street
Blocks 830.01-830.07 Lots all
Amended Preliminary & Final Subdivision and Site Plan

Mr. Vogt prepared a letter dated October 15, 2009 and is entered in its entirety. The applicant proposes to amend the Board approval granted for the existing Pine River Village age-restricted project, situated south of Pine Street, to allow for non age-restricted housing in the eastern portion of the project. The existing project approval, last amended in March, 2007 (Resolution SD #1430C) allowed for the construction of 153 age-restricted single family homes and 22 townhomes, based on site plans entitled "Pine River Village", prepared by Van Note-Harvey Associates, P.C., dated May 28, 2004 and revised through August 25, 2006. Proposed amenities associated with the original approval included two (recreation buildings) located south of Swan Lane. In August, 2009, including recommendations from the Planning Board, The Township modified the re-existing M-2 zoning and Redevelopment Plan to allow for residential development, provided that the development be limited to 175 units, and that at least one-half (½) of the units are age-restricted as defined and regulated by the Fair Housing Act. Minimum lot area and yard requirements were also stipulated in the M-2 zoning amendment. The amended plan as proposed would allow for non age-restricted development within the eastern portion of the project, now proposed as "Somerset Walk". Age-restricted development is still proposed in the westerly portion of the site, in general conformance with the former "Pine River Village" approval. "Pine River Village" will consist of eighty-two (82) single family lots and six (6) townhomes, two clubhouse/synagogue buildings, and with a new tot lot. Per review of the amended site plan submission and the originally-approved plans, the majority of the original road and lot layouts appear to remain as previously approved. However, proposed project revisions include but are not limited to the following: The eastern portion of the original intersection "tee" of Swan Lane and Goldcrest Drive is being eliminated. The corresponding section of Goldcrest Drive will be vacated as illustrated on the amended (L2A Land Design) plans. As a result, the two (2) new developments will have no common vehicular connection. The Pine Street/Swan Lake intersection access will serve Pine River Village (only), and not Somerset Walk. Somerset Walk will be accessible from Pine Street via the proposed Raven Lane and Eagle Lane intersections. A new clubhouse and parking is proposed within the Somerset Walk portion of the project, in lieu of two (2) single-family dwellings originally approved south of the intersection of Raven Lane and Goldcrest Drive. The recreation building originally proposed immediately south of Swan Lane, as depicted on the Van-Note Harvey Associates design plans is referenced as an "Existing Synagogue" on the amended (L2A Land Design) plans, and incorporated within the Pine River Village project. What appears to be a new playground and Tot Lot is depicted as proposed immediately south of the above-referenced Synagogue building. Although the amended plans show the location of this playground within the Pine River Village property, the "Playground Equipment" plan sheet (C-09) in the amended (L2A Land Design) plans appears to reference this new playground as being "shared" between the developments. The property immediately southeast of the Pine Street/Swan Lane intersection is proposed as a "Large Park" as illustrated on the amended (L2A Land Design)

plans, and will be surrounded by a post and rail fence. Crossing sidewalk as originally proposed within the original (Van-Note Harvey Associates) design was eliminated. Similarly, two “pocket parks” are identified on small sections of land bordered by proposed Alleys 7, 8 and 13. A new playground and Tot Lot are proposed in the southeast corner of the property, along Eagle Lane. Zoning- The site is located in the M-2 Industrial Zone. As amended by Township resolution, residential development in accordance with an integrated overall development plan is a permitted use in the zone district. As amended by Township resolution, minimum residential area and yard requirements in the M-2 include but are not limited to the following: Minimum Lot Area, corner lots – 5,000 square feet (sf) Minimum Lot Area, interior lots – 3,600 square feet (sf) Minimum Lot Frontage, corner lots – 50 feet Minimum Lot Frontage, interior lots – 36 feet Minimum Lot depth – 95 feet Minimum front yard setback – 5 feet Minimum Lot width (townhome lots) – 24 feet. As stipulated in Board Resolution SD#1430A, approved August, 2004, the following area and yard variances were requested by the Applicant and granted for the existing Pine River Village project: Minimum lot area, corner single-family lots – 4,900 square feet (sf) Minimum lot area, interior single-family lots – 3,400 square feet (sf) Minimum Lot Frontage, corner lots – 50 feet Minimum Lot Frontage, interior lots – 36 feet Minimum Lot depth – 95 feet Minimum front yard setback – 5 feet Front and side interior roadway setbacks (townhomes) – 1 foot Minimum Lot width (townhome lots) – 24 feet. Sheet C-02, “Overall Site Plan” of the L2A amended plan submission includes detailed area and yard requirement summaries for both the existing Pine River Village approval and the proposed (amended) Pine River Village/Somerset Walk project(s). As noted on these summaries, all requested area and yard requirements for the amended project appear to be in compliance with the recently-adopted M-2 residential standards or in conformance with variances previously-granted for application SD-#1430A. Testimony should be provided by the Applicant’s professionals whether any variances or design waivers (e.g., parking for the new Club House) are necessary as part of the amended approval application. If any, testimony justifying required relief will be necessary at the forthcoming Public Hearing. Review Comments- General-Summary testimony should be provided by the applicant and/or his consultants summarizing the request for amended approval, proposed design and site layout revisions to the existing Board approval, and what elements of the original layout and design will remain unchanged. Summary testimony should be provided by the applicant and/or his consultants relative to changes to the project’s impacts due to a partial shift from age-restricted to non age-restricted residents, including but not limited to school children, bus pickups, and the adequacy of proposed on-site recreational amenities for each portion (Pine River Village, Somerset Walk) of the proposed development. Summary testimony should be provided by the applicant and/or his consultants regarding the proposed unit designs for each portion (Pine River Village, Somerset Walk) of the proposed development. Renderings should be provided for the Board’s review at the forthcoming public hearing. Although the proposed lot configurations appear virtually identical between the original approved plans and the amended design plans, there appear to be minor differences in the building pads as depicted on the respective designs. Testimony should be provided regarding proposed footprint revisions, and impacts (if any) on lot coverage vs. the existing approval. Said information should also be provided on forthcoming amended site plan revisions. An amended traffic study or summary report should be provided to assess increased trip generations (if any) resulting from the proposed shift to non age-restricted residents in the Somerset Walk project. Professional testimony is recommended at the forthcoming Public Hearing. The applicant and/or professionals should provide testimony whether the existing Homeowners Association will be responsible for each section of the amended project, or whether separate HOA’s are proposed. If new or amended HOA’s are proposed, said documents will have to be submitted for compliance review if/when the amended project is approved by the Board. Plan Review- As noted previously, the eastern portion of the original intersection “tee” of Swan Lane and Goldcrest Drive is being eliminated. Testimony is requested from the

applicant's professionals regarding impacts (if any) to the overall site circulation resulting from this revision. The Township's police, DPW and fire departments should review and approve the revised circulation design as a condition of Board approval if/when forthcoming. The re-design associated with the above referenced intersection revision is depicted on Sheets C-06 and C-07 of the amended plans, including but not limited to revised road geometry, stormwater collection, grading, utility and landscape revisions. Landscaping shall be provided to the satisfaction of the Board. The proposed design revisions appear feasible, but will be reviewed in further detail during compliance review if/when Board approval is forthcoming. Per review of the existing approved and amended design plans, it appears that the remainder of the proposed infrastructure (roads, utilities, landscaping, lighting) are proposed to remain in accordance with the existing approved (Van Note Harvey) design. Confirming testimony is required from the applicant's professionals. Revised design documents will be required during compliance review if/when the amended project is approved by the Board. The site design associated with the newly-proposed Clubhouse and parking within the Somerset Walk project is depicted on Sheets C-04 and C-05 of the amended plans, including but not limited to revised paving, stormwater collection, and utility and landscape revisions. Landscaping shall be provided to the satisfaction of the Board. The proposed design revisions appear feasible, but will be reviewed in further detail during compliance review if/when Board approval is forthcoming. The proposed "Typical" single-family and townhome plot plans are depicted on Sheet C-08 of the amended site design. Testimony is required from the applicant's professionals regarding differences (if any) between these plans and the original design, and impacts (if any) on the approved grading and drainage designs for the Somerset Walk portion of the project. Proposed playground equipment is on Sheet C-09 for two (2) proposed playgrounds identified on the Somerset Walk Site Plan (Sheet C-03). One playground is proposed in the southeast corner of the Somerset Walk property, and one "shared" playground is proposed in the southeasterly corner of the amended Pine River Village property. Testimony should be required as to how the "shared" playground will be operated between the two communities. Detailed design documents for both playgrounds will be required during compliance review if/when the amended project is approved by the Board. Grading- Limited (new) grading information is provided on the amended plans other than grading information for amendments to the approved design (i.e., Clubhouse plans C04-C05 and Street Vacation plans C06-C07). Amended grading plans as presented appear feasible, and will be reviewed in detail during compliance review if/when the amended application is approved by the Board. It appears that the remainder of proposed grading for roads, infrastructure, etc. appear to remain as design and approved for the original project. Confirming testimony is required from the applicant's professionals. Testimony should be provided from the applicant's professionals regarding effects of amended lot layouts depicted on Sheet C-08 (Plot Plans), if any, on the existing approved grading design for the "Somerset Walk" portion of the project. An overall grading plan(s) reflecting the new lot layout should be provided for review if/when the amended application is approved by the Board. Stormwater Management- Per review of the existing (approved) and amended stormwater designs as depicted on the project plans, proposed stormwater management will not change significantly upon approval and construction of the amended plans (other than minor utility and grading revisions. As approved, the majority of post-development stormwater will be collected and discharged into a large off-site basin located on the north side of Pine Street, within the Cedarbridge Corporate Campus. Another "onsite" basin is proposed along the easterly property line of Somerset Walk, near Eagle Lane. Confirming testimony is required from the applicant's professionals. Testimony is required from the applicant's professionals regarding increases (or decreases) in impervious coverage that will result from the amended unit designs, the new clubhouse and parking lot, and other design amendments proposed, and impacts (if any) on the existing stormwater design. A summary drainage design report documenting impacts of the amended design should be provided for review. Per review of the approved (November 9, 2004)

stormwater report, the approved stormwater design was prepared in accordance with the NJ Stormwater Rule (NJAC 7:8), which is compliant with existing Township standards. Testimony is necessary from the applicant's professionals regarding stormwater facility maintenance for the proposed projects, including maintenance of the on-site basin, maintenance of collection systems within amended Pine River Village and Somerset Walk developments, and shared maintenance responsibilities (if any) for the off-site basin in the Cedarbridge Corporate campus. Unless the Township is responsible for on-site stormwater facility maintenance, stormwater maintenance plans appear necessary for the proposed developments. Testimony is required from the applicant's professionals regarding this issue. Landscaping and Lighting- Per review of the existing and amended design plans, it is our understanding that the only amendments to the approved landscape and lighting designs would be those associated with the proposed road vacation and the new clubhouse and parking within Somerset Walk, as depicted on the amended design plans (Sheets C04-C07). Confirming testimony is required from the applicant's professionals. Landscaping shall be provided to the satisfaction of the Board. Final review of landscape and lighting design amendments will be performed during compliance review if/when the amended application is approved by the Board. Utilities- per review of the existing and amended design plans, it is our understanding that the only amendments to the approved utility designs would be those associated with the proposed road vacation and the new clubhouse and parking within Somerset Walk, as depicted on the amended design plans (Sheets C04-C07). Confirming testimony is required from the applicant's professionals. Final review of utilities design amendments will be performed during compliance review if/when the amended application is approved by the Board (and subject to review by the Fire official if hydrants are being removed or relocated). Signage- No signage details are provided with the amended plans. We assume that proposed signage will be generally consistent with the approved design plans. Confirming testimony should be provided by the applicant's professionals, as well as whether variance relief is necessary for any proposed signage. A complete sign package should be provided for compliance review if/when the amended project is approved by the Board. No project identification signs are proposed. Testimony is required from the applicant's professionals whether any new signage is proposed. Construction Details- Proposed construction details are included on Sheets C-10 through C-12. A detailed review of construction details per current Township standards will be performed during compliance review if/when the amended project is approved by the Board. Final Plat- Amended subdivision plats have provided for both sections of the amended project, including lot line and geometric revisions to accommodate the road vacation and new clubhouse facility proposed on the amended plans. A detailed review of these plats will be performed during compliance review if/when the amended application is reviewed by the Board. Compliance with the Map Filing Law is required. Final Design Plans (Somerset Walk) If/when this amended application is approved by the Planning Board, we recommend that a comprehensive set of amended design plans (also incorporating all remaining previously approved-design elements of the former Van Note-Harvey design) be prepared and submitted as part of Compliance review for the Somerset Walk project. A comprehensive design plan set for each proposed phase of the amended project will be necessary for processing construction permits and construction observation purposes. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Lakewood Township MUA (water and sewer); and all other required outside agency approvals. Testimony should be provided by the applicant's professionals regarding what outside agency approvals are outstanding and/or require amended approvals (if any).

Mr. Kevin Moore Esq. appeared on behalf of the applicant and said this is an application for an amended preliminary and final site plan and subdivision approval. Mr. Michael Dipple is the

engineer for the applicant and said the changes to the Pine River Village is now to split it into 2 developments.

Mr. Banas arrived at the meeting.

Mr. Dipple continued and said it will separated into 2 separate developments-the western portion is Pine River Village and the eastern portion is being called Somerset Walk which will be the non age restricted portion. He said the development is similar and the changes are there is no interconnection between Swan Lane and Goldcrest Drive and where Raven Lane comes in off Pine Street they have replaced 2 residential dwellings with a clubhouse. He had a colored up display of page CO-7 in the plans entitled "Street vacation Plan 2" which depicts a large park area in front of the existing clubhouse building and park in the rear and no interconnections between the roads. He pointed to fence lines and trees and said they are a little different than what is in the plans because there are ongoing discussions with interested parties as to exactly how that is going to be divided but at this time they are proposing a fence and Mr. Dipple pointed to the display and told the board the fence was going to be dragged through the park to bring it into Somerset Walk portion of the development and then continuing to the back of the site and giving the other park to the Pine River Village.

Mr. Neiman asked if there was still going to be a fence dividing the 2 developments and Mr. Dipple said yes.

Mr. Dipple continued and said he had a rendering CO-4 entitled "Clubhouse Pine 1" and said the rendering depicts the location where 2 of the single family residential will be replaced with the clubhouse. There will be one way access off of Goldcrest Drive and will have 17 parking spaces in the back and traffic can then angle out to Goldcrest Drive. Mr. Neiman asked if the clubhouse that is there now will remain for the seniors and the new one will be constructed for Somerset Walk and Mr. Dipple said yes. Mr. Dipple said the footprint is about 4,000sf and they balanced the parking that they have for the other clubhouse so they maintained the same ratio. Mr. Neiman asked Mr. Vogt is they are ok with parking as far as RSIS and Mr. Vogt said yes

Mr. Banas asked what do they mean by sharing parking with the other clubhouses and Mr. Dipple said no it is not a sharing situation but the ratio they are providing for this clubhouse is the same as the other clubhouse. Mr. Vogt said what they have shown for parking on this clubhouse, it is similar to the other side and Mr. Dipple said that is exactly what he is saying.

Mr. Schmuckler said this is a totally different development, the other side is seniors and this side is different and he doesn't accept this. The senior development has one car per family and no children and Mr. Neiman said it is based on the square footage of the clubhouse. Mr. Dipple said they will be prepared for more testimony as to what goes on inside the building. Mr. Dipple pointed to a display and Mr. Banas asked what sheet he was using and Mr. Dipple said it is Street Vacation Plan 2. Mr. Fink asked him to go back to the first rendering he had displayed and asked Mr. Dipple to show the members where the parks are going to be and Mr. Dipple showed them one was located in the back of the existing clubhouse building and the fence would go in a north-south direction and showed where the open space park was provided for the Pine River Village and they are proposing an open space with a playground in the triangle space which is buffered off by Pine Street and the backs of the residential units. They made a minor change at the location in between all the homes, they changed the way the sidewalk works there to provide a bigger open space instead of a walkway through and that happens at each one of the green corridors in between the fronts of the homes. Mr. Banas asked how many there were and was told 3 of that style. Mr. Fink said what they are not proposing is any park on

the other side of the development at all and said he would like to see a park on the other side. Mr. Dipple said they have another pocket park at a location (he pointed to the display) along Eagle Lane they have one and then they have a large playground in the southeast corner of the property. Mr. Fink said that is fine, so the parks are balanced throughout the community. Mr. Percal asked if they have 2 different playgrounds and Mr. Dipple said they have 2 playgrounds and an existing playground that will remain (he pointed to the display).

Mr. Akerman asked what they plan on doing in the pocket parks and Mr. Dipple said they will not be putting in recreation and they are more passive recreation and open space. Mr. Banas asked how many units they are constructing and Mr. Dipple said there are 85 units and Mr. Banas asked how many square feet they are providing for playgrounds and Mr. Dipple said he will have to check and Mr. Banas said there is an ordinance that directs that determination. Mr. Neiman asked about off street parking and Mr. Dipple said there are 4 off street parking spaces per residential unit for single family and they are a mix of large driveways and 2 car garages for the 24 units on the southside and where the footprint is a little different they have 4 spaces in the back alleys and in the middle ones they have 3 spaces in the back and when you add the on street parking spaces it becomes 4.2 spaces. Mr. Banas asked how many spaces were provided for visitors and Mr. Dipple said they would be the on street parking and Mr. Banas said then they don't have 4 spaces per unit. Mr. Banas asked how many additional spaces and Mr. Dipple said none.

Ralph Zucker said 4 accommodates visitors as well and they exceed the 4 spaces. If somebody is visiting a home, they have both on street and off street available. One of the 4 off street parking spaces will be for visitors, not including the clubhouse.

Mr. Schmuckler asked how wide the streets are and Mr. Dipple said they are 30 ft. from curb to curb on Goldcrest Drive and that is the only place that parking is located. Mr. Schmuckler asked about Eagle Lane and Mr. Dipple said they don't have any parking proposed along Eagle Lane and he believes it is 18 ft. wide and that hasn't changed from the original application.

Mr. Vogt asked if what they have shown is still compliant with RSIS and Mr. Dipple said yes. Mr. Schmuckler asked about the alleys and Mr. Dipple said they are 18 ft. in width also. Mr. Schmuckler asked if they are adding sidewalk and curbing and Mr. Dipple said they do not have sidewalks or curbing on the alleys but they are on all the streets.

Mr. Neiman asked how many entrances and exits there are and Mr. Dipple said they have one at Braden Lane and one at Eagle Lane and Mr. Neiman said there are 3 entrances and exits and Mr. Dipple said yes.

Mr. Banas said he thinks it is important for them to identify what those entrances are because many of the members sitting today don't know what was proposed at a later time and he has forgotten too. Mr. Neiman said when they come in front of the board for the public hearing, try to show on the plans and make believe it is a new application and not revert to what was approved in the past. It is an amended plan but the board is looking at it as if it is new and Mr. Vogt recommended the board have the key sheets from the original plan set from Van Note & Harvey. Mr. Neiman said that was for seniors, typically 2 people living in the home and this is for families with kids there so there are going to be differences in parking and playground so there are going to be changes. Mr. Vogt said they recommended in their letter that the applicant give that information. Mr. Dipple said they have the entire layout in the plan set.

Mr. Fink said they layout has a lot of merit but the one thing he is really concerned about is the parks for the children to play. In a complex like this they could be looking at 600 children and with 85 homes that is not unlikely. Mr. Schmuckler asked if there were also basements and Mr. Zucker said there is an entrance that could serve as an outside entrance. Mr. Fink said he wants to make sure they have enough parks for the children to play-they need to be open and they don't want the children to be running around in the streets with the cars. Mr. Zucker said this is an existing plan with an existing community, they do not have the ability to make any changes to the roadway and if they have to go back and re-engineer the site they may as well back off the entire application. The idea is that this is an existing site and a lot of the roadways have been cut and the pipes are on site and they have kept all the lots the same and even the existing approval by the MUA and the state agencies-five years of approvals, that is why this is a modification. The driver to him is economic and the driver to the people in the community is they want to get this thing done in their lifetime. Mr. Zucker said this is not a high density development, they are dealing with 4 units per acre and they all have large yards and plenty of space. He said this works very well with the pocket parks and better in typical recreation areas and has more recreational area than what is approved in this town. This is, in a way, the density of an R75 community where you don't have any parks and even though this was an active adult community and this doesn't make sense to change an active adult community to work, the design originally wasn't designed to just accommodate one group but is extremely family friendly design.

Mr. Franklin said he had a very important question and said when they had the other development, they were going to back down these aisles (alleyways) to pick up the garbage and he can't do that with kids in there. Mr. Zucker said he doesn't think they do; he thinks they wheel them out and he would stipulate clearly and he remembers his testimony was that they were going to bring the containers to the head of the alleyways and as a condition of approval they will not that. Mr. Schmuckler asked where are they going to place them and Mr. Franklin said they are looking at homes that have one can, now you are looking at homes that are going to have 3 and 4 cans. Mr. Schmuckler said they are going to have 40 cans a week sitting out on Goldcrest Drive and Mr. Franklin said you are going to have parking on that street so he doesn't know where you are going to place them and his engineer will have to look at that.

Mr. Banas told Mr. Zucker he understood what he said in terms of the development and infrastructure that was developed and completed but the difficulty he has is in accepting the type of a structure that you had for the active senior and active adolescent. That structure has got to be a different structure and Mr. Zucker said he agreed and what he said earlier is what they did for the seniors was not a typical senior development; these are regular streets and alleyways and it was developed as a typical development to begin with which works equally well with seniors and non seniors. Mr. Banas said he convinced him at the first go around that this was a real senior citizen development and he remembers discussing the idea with Mr. Zucker of putting the master bedroom on the second floor and now it seems as though he is suggesting that this was developed and built with the idea of moving towards this end. Mr. Zucker said absolutely not, what he said was that this development is adaptable for seniors and non seniors and the majority of the homes built and occupied by seniors, the bedrooms are all master down and said they spent a fortune marketing this for seniors and this was not a pre-design. Mr. Banas said he could accept the street development but the homes are different and asked if there is an architectural drawing within the set of plans and Mr. Zucker said he has them if the board wants to see them and Mr. Banas said he thinks they should look at them. Mr. Vogt said they have plot plans and concept renderings in the plans he was given.

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Mr. Neiman said they should be ready at the next meeting to talk about everything; the architectural, the garbage, school buses, etc. Mr. Fink said they do have a lot of concerns and questions so they should come prepared and Mr. Zucker said he would invite the board to come for a walk through to the community and see what is there and said as far as school buses, they do have a rendering with bus stops. Mr. Banas said that actually should be part of their plans.

Mr. Neiman asked if they looked at the other comments from the professional and Mr. Dipple said the bulk of the report is general and he didn't have any concerns or questions about the review.

Mr. Banas asked if they were or were not providing curbs and sidewalks and Mr. Dipple said they are not providing them in the alleys. Mr. Banas asked why they are not providing curbs and Mr. Dipple said it is kind of the traditional development design, it is not supposed to look like a road, it is supposed to appear like alley. Mr. Banas asked if cars are going to be going to be moving there rather than in front of the buildings and said he thinks there needs to be some type of protection for the kids. Mr. Banas said he won't accept this and Mr. Zucker said they do not have a choice to re engineer the site.

Mr. Schmuckler asked what the sizes of the front and back yards and how much green area does a typical house have. Mr. Zucker again invited the board to come out and see it because when you look at it in plan it doesn't sound like much. Mr. Zucker said the typical setback is 5 ft. and Mr. Schmuckler said he cares about the typical area of each house for the child to play without having to go to the park. Mr. Zucker said they don't have a rendering of the townhomes but they are similar to a house (he pointed to a display). Mr. Fink said as far as the main street goes, he asked if he intended to put in sidewalks and Mr. Zucker said yes and continued to speak about the townhouses and Mr. Schmuckler said they are used to townhouses but wanted to know about the area and Mr. Zucker said there is a 20 x 20 deck and it is a 100 ft. lot and Mr. Schmuckler asked if that was for townhouses and Mr. Zucker was pointing to a display and his testimony was to the effect that it was 25 ft. but the testimony was not understandable. Mr. Schmuckler asked if that was the front yard or back yard and Mr. Zucker said it was the backyard. Mr. Zucker continued with testimony that was not understandable because he was pointing to a display and saying figures as he was pointing to a house. Mr. Dipple said 35 ft. from the back of the property line.

Mr. Fink said he thinks the planning board members should go down and visit the site and review the complex that is there now. Mr. Fink said he was down there a week or 2 ago to check some things out on his own and a lot of good questions were asked tonight and prior to the next meeting he thinks they should do their homework and go and visit the site and they can come up with some comments and get to Mr. Zucker prior to the next meeting so he can address them. Mr. Neiman said he did too have the opportunity to go down and it looks so much different than on paper and told Mr. Banas those curb cuts were not necessary and it takes away from the beauty. Mr. Zucker said Pine River has no yards at all so they fenced in the little side and these are much larger lots and if the people want to fence them in they can fence them in on their own.

Mr. Percal said as in other projects, if 10 years from now they had to expand the social hall, is there room to do so and Mr. Zucker said no. He said he has architectural plans but he did not bring them here but they kept it without a basement on purpose. He said this development has a lot of public space and the homes are large with 3,600 – 4,000 sf homes and they can host parties in their homes so he did not want to put any parking by the new clubhouse because it is designed to be right of the middle of the community and is walkable. If it was up to him he

would erase all the parking lot and have not parking and said the structure is strictly a one story structure and there is no room for future expansion. Mr. Schmuckler said his biggest concern is the traffic flow and congestion and he would like no on street parking at all. Mr. Dipple said this would allow parking on both sides per RSIS. Mr. Schmuckler asked about ownership of the streets and plowing and who is responsible and Mr. Zucker said the alleys are private, the streets are public. Mr. Franklin asked about the drainage and said there is a lot of drainage down the back of the lots and they haven't been taking street where the drainage is offsite. He was looking at plan CO-4 and the rear of the lot has a lot of drainage pipe back there that he cannot get to for maintenance. Mr. Dipple said nothing changes from the existing development that was previously approved and Mr. Franklin said that is maintained by the homeowners association and Mr. Zucker said they will answer that but he believes there will be a new homeowners association for this side and Mr. Vogt said that is an important question. Mr. Vogt asked if they can get information as to what the existing HOA covers and then tell us what the 2 new HOA's will cover and Mr. Dipple said yes.

Mr. Neiman said Mr. Zucker has homework for the next couple of weeks and they want him to come prepared. Mr. Banas asked if there were any variances and Mr. Dipple said there are no new variances and Mr. Banas asked what he meant by new variances and Mr. Dipple said there were variances that were approved under the Pine River Village development and they are not asking for additional variances. Someone else was speaking about a variance but it could not be heard because of paper crinkling but Mr. Banas did ask why they needed something 8 ft. tall. Mr. Gary F. from the firm of Stark & Starkey who represents the residents of Pine River Village and said they have requested an 8 ft. fence because they purchased in a development that was age restricted and this will change the character of that and they are sensitive to those changes. The concern with a 6 ft. fence is whether there will be balls flying over it or depending on the topography and their perception is that an 8 ft. fence makes a very big difference in their quality of life and that is why they requested it.

Mr. Banas asked when the ordinance was proposed a month or so ago, they had a overwhelming majority of people from their village who endorsed this change and asked if now these people have changed their idea and Mr. F. said the fence is a detail of the decision that the residents have that they did not previously have an opportunity to consider. Mr. Banas said they are not being friendly at all and first they open their arms and then they close it so somebody is not talking the truth. Mr. F. said their concerns are very limited in nature and not in the overall proposal and he encouraged the board to advance this application.

Motion was made by Mrs. Koutsouris, seconded by Mr. Percal, to advance to the meeting of November 17, 2009.

Mr. Neiman took roll call in Mr. Kielt's absence.

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

5. PUBLIC HEARING ITEMS

- 1. SD # 1509B (Variance Requested)**

Applicant: Majestic Contracting
Location: Massachusetts Avenue, south of Prospect Street
Block 445 Lot 18
Preliminary & Final Subdivision & Site Plan for 17 two family townhouses

Tabled to October

2. Discussion/Recommendation- 2009 Capital Improvements

Not discussed.

6. CORRESPONDENCE

Mr. Penzer appeared on correspondence that was to be heard. He said he felt to be fair; it should be noticed and asked if it could be done on November 17th on the agenda and he will notice and will come back as regular item on the agenda as an amended site plan.

7. PUBLIC PORTION

No one at this time.

8. APPROVAL OF MINUTES

- Minutes from October 13, 2009 Planning Board Meeting

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

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

9. APPROVAL OF BILLS

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

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

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10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted
Johnson
Board Recording Secretary

Respectfully

Chris
Planning