

**1. CERTIFICATION OF COMPLIANCE**

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

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

**2. ROLL CALL**

Mr. Herzel, Mr. Franklin, Mrs. Koutsouris, Mr. Neiman, Mr. Banas, Mr. Follman, Mr. Schmuckler

**3. SWEARING IN OF PROFESSIONALS**

Mr. Vogt was sworn in.

**4. MEMORIALIZATION OF RESOLUTIONS**

- 1. SP# 1940** (Variance Requested)  
Applicant: Congregation Kehillas  
Location: Northeast corner of Hearthstone Drive and Jenna Court  
Block 428.01 Lot 1  
Conceptual Change of Use Site Plan with associated variances

A motion to memorialize this application was made by Mrs. Koutsouris and seconded by Mr. Schmuckler

Roll Call Mr. Herzel, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Schmuckler.

**2. Resolution approving Planning Board meeting dates for 2011-2012**

A motion to pass this resolution was made by Mr. Schmuckler and seconded by Mrs. Koutsouris.

Roll Call Mr. Herzel, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Schmuckler.

**5. NEW BUSINESS**

- 1. SP #1717** (No Variance Requested)  
Applicant: Nissim Sankary  
Location: Whitesville Road, opposite Gudz Road  
Block 252 Lots 3 & 8  
Preliminary & Final Major Subdivision – 4 Lots

Mr. Jackson stated that this application will be heard at the December 14, 2010 Public Hearing 6:00pm this meeting hall, there is no further notice required.

- 2. SD # 1753** (Variance Requested)  
Applicant: Regency Development  
Location: Corner of 4<sup>th</sup> Street, Monmouth Ave. & Steckler Street  
Block 160 Lots 1, 3, 5, 6, 13, 14 & 15  
Minor Subdivision to realign lot lines

### **Project Description**

The applicant seeks minor subdivision approval to subdivide Block 160, Lots 1, 3, 5, 6, 13-15 into two (2) properties, proposed Lots 1.01 and 1.02. The purpose of the Minor Subdivision application is to create a site for a retail/office development on proposed Lot 1.01. The 1.29 acre existing tract contains two (2) one-story masonry buildings, a trailer, and a two-story stucco building. The two (2) masonry buildings and trailer will be removed from proposed Lot 1.01, the site for the proposed retail/office development. The existing two-story stucco building will remain on proposed Lot 1.02. Proposed Lot 1.01 is a somewhat L-shaped lot fronting Monmouth Avenue, Fourth Street, and Steckler Street. However, the Minor Subdivision Plan shows a proposed vacation of Steckler Street which would make the proposed area of Lot 1.01 58,240.70 square feet (1.34 acres). The existing two-story stucco building will remain on proposed Lot 1.02. Proposed Lot 1.02 fronts Monmouth Avenue and contains 5,239.46 square feet (0.12 acres). No construction is proposed under this application. ***We have the following comments and recommendations per testimony provided at the 10/05/10 Planning Board Plan Review Meeting and comments from our initial review letter dated September 28, 2010:*** (I) **Zoning 1.** The proposed lots are located in the B-4 Wholesale Service Zone. The Minor Subdivision Plan lists both the existing and proposed uses as commercial. Testimony should be provided by the applicant's professionals regarding the proposed uses to confirm compliance with the UDO for this Zone. The existing structures on proposed Lot 1.01 will be removed for a proposed retail/office use which is the subject of a separate site plan application. The proposed use for the existing two-story stucco building to remain on proposed Lot 1.02 has not been indicated. ***Testimony shall be provided on the proposed use for the existing two-story stucco building to remain.*** 2. A minimum lot area variance is required for proposed Lot 1.02. A twenty thousand square foot (20,000 SF) lot area is required and a 5,239.46 square foot lot area is proposed. ***The Board shall take action on the required variance.*** 3. A minimum lot width variance is required for proposed Lot 1.02. A one hundred foot (100') lot width is required and a 55.54 foot lot width is proposed. ***The plan has***

**been corrected to a 55.56 foot proposed lot width which the Board shall take action on.** 4. The existing two-story stucco building to remain on proposed Lot 1.02 has an existing front yard setback of 7.48 feet which is nonconforming since twenty-five feet (25') is required. **The Board should take action on a front yard variance since a subdivision is being proposed.** 5. A rear yard setback variance is required for proposed Lot 1.02. A thirty foot (30') rear yard setback is required and a zero foot (0') rear yard setback is proposed. **The Board shall take action on the required variance.** 6. Side yard setback variances are required for proposed Lot 1.02. A side yard setback of ten feet (10') is required with an aggregate of twenty feet (20'). A zero foot (0') side yard setback is proposed with an aggregate of 0.25 feet. **The revised plan shows a zero foot (0') side yard setback is proposed with an aggregate of 0.50 feet. The Board shall take action on the side yard variances.** 7. There is no existing off-street parking for the existing two-story stucco building to remain on proposed Lot 1.02 and no off-street parking is proposed to remedy this nonconformance. **Testimony is required on the number of off-street parking spaces that are required.** 8. The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** 1. The schedule of bulk requirements requires revisions. Proposed Lot 1.01 has many bulk requirements listed which are the subject of a separate Major Site Plan application. Proposed Lot 1.02 has many existing nonconformities listed which will be newly created variances. **The schedule of bulk requirements still requires revisions.** 2. The minor subdivision plan shows no construction is proposed at this time. A separate major site plan application has been submitted for a proposed retail/office building. The application has been reviewed by our office under separate cover. **Statements of fact.** 3. This Minor Subdivision approval as submitted is predicated on the proposed Steckler Street road vacation being approved by the Township. **Testimony should be provided on the status of the proposed vacation.** 4. A waiver is required from providing a six foot (6') wide shade tree and utility easement along all property frontages. No shade trees are proposed for new Lot 1.02. The Site Plan for new Lot 1.01 proposes shade trees and landscaping. **A shade tree easement is proposed for new Lot 1.01, but the easement area needs to be corrected. The applicant is formally requesting a waiver from providing a shade tree easement for proposed Lot 1.02.** 5. The area of 50,740.70 square feet shown for proposed Lot 1.01 does not include the proposed seven thousand five hundred square foot (7,500 SF) street vacation. **The proposed lot area of new Lot 1.01 inclusive of the proposed Steckler Street vacations shall be corrected to 58,240.70 square feet.** 6. Minor corrections are required to the General Notes. **The General Notes have been corrected.** 7. Zone Boundary Lines must be added to the map. **The Zone Boundary Lines have been added to the map.** 8. The proposed setback lines must be added to the proposed lots. **The proposed setback line along the portion of Steckler Street to be vacated shall be corrected to a ten foot (10') side setback.** 9. There is a discrepancy between the front and rear lot line dimensions on proposed Lot 1.02. The proposed bearings show the lot is a rectangle. Therefore, the proposed

dimensions must be equal. **The discrepancy has been corrected to reflect the actual lot width of 55.56 feet.** 10. The structures to be removed on proposed Lot 1.01 shall be indicated. **The three (3) structures to be removed have been indicated.** 11. Existing and proposed setback dimensions must be added to the plan. **The proposed setback dimensions for new Lot 1.02 have been shown.** 12. The existing features shown on the survey, including the immediate surroundings, must be shown on the Minor Subdivision Map. **The survey has been submitted and the existing features are shown on the maps submitted for a separate site plan application.** 13. The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. **Statement of fact.** 14. Compliance with the Map Filing Law is required. **Statement of fact.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Township Committee (Street Vacation); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District (if required); and (d) All other required outside agency approvals.

**3A. SD # 1929** (Variance Requested)

Applicant: Regency Development

Location: Corner of 4<sup>th</sup> Street, Monmouth Ave. & Steckler Street  
Block 160 Lots 1, 3, 5, 6, 13, 14 & 15

Preliminary and Final Site Plan for 2 story retail & office

**Project Description**

The applicant is seeking Preliminary and Final Major Site Plan approvals for two (2) proposed projects. One site plan proposes construction of a retail/office development and the other site plan proposes approval of an existing building on a reduced sized Lot 13. The overall area presently contains a fixed trailer building, two (2) one-story masonry buildings, and a two-story stucco building. The existing property consists of multiple lots totaling 55,980 square feet which would mostly be consolidated as part of the site plan approval. However, existing Lot 13 which contains the two-story stucco building will be reduced in size to the back wall of the building. A separate Minor Subdivision application must be submitted to create the two (2) site plans. The original tract has existing frontages on three (3) municipal streets. Monmouth Avenue which has an eighty foot (80') right-of-way is located to the west, Fourth Street with a sixty foot (60') right-of-way is located to the north, and Steckler Street having a fifty foot (50') right-of-way is located to the east. Existing Lot 13 with the existing two-story stucco building has frontage on Monmouth Avenue directly north of an existing parking lot (Lot 11) owned by the Lakewood Development Corporation. The existing two-story stucco building will remain while the other existing structures along with virtually all of the existing site improvements will be removed. A building complex with two (2) small parking lots is proposed for the larger of the two site plans. The existing two-story stucco building fronting Monmouth Avenue is proposed to be the subject of the smaller site plan. It is not clear how the floor areas of the existing two-story stucco building will be utilized. A new

ninety-six foot (96') wide building is proposed to front Fourth Street. This building proposes ground floor retail use and second floor office use. The proposed ground floor retail use will be 12,915 square feet while the second floor office use will be 13,670 square feet. The differences in floor area are the result of a proposed ground level walkway connecting the proposed parking lots at the northwest and northeast corners of the site. Another new building fronting Steckler Street is proposed. The ground floor will be a supermarket with some mezzanine second floor office space. The proposed ground floor supermarket will be 16,335 square feet, while the second floor office space will be 3,000 square feet. The proposed two-story shopping center and office complex will total 45,920 square feet in gross floor area. The proposed shopping center/office design is based on Steckler Street being vacated and a portion of existing Lot 13 being conveyed. The half right-of-way width of twenty-five feet (25') would be added to the property's three hundred foot (300') frontage along Steckler Street. Meanwhile, the back part of existing Lot 13 would also be added to the proposed shopping center/office site plan. The additional seven thousand five hundred square feet (7,500 SF) from the vacation and the 1,195.22 square feet from the back of existing Lot 13 would bring the total tract area of the larger site plan up from 49,566.06 square feet to 58,261.28 square feet. Township Committee approval would be required for the street vacation and Subdivision approval would be required from this Board for the conveyance of part of existing Lot 13. A total of forty-eight (48) parking spaces are proposed for the larger site plan. Based on the proposed breakdown of retail and office use, two hundred three (203) parking spaces are required. The proposed parking spaces are divided evenly among the two (2) proposed parking lots. The proposed parking lots are located at the northwest and northeast corners of the site. The proposed northwest parking lot located at the corner of Monmouth Avenue and Fourth Street will have access from Monmouth Avenue. The proposed northeast parking lot located at the corner of Fourth Street and Steckler Street will have access from a twenty-four foot (24') wide drive located on a vacated portion of Steckler Street. Each proposed parking lot will have a van accessible handicap space. No parking is proposed for the smaller site plan where the existing two-story stucco building will remain on the remainder of existing Lot 13. The sites are in a developed section of the Township. The surrounding area contains a mixture of various uses. We have the following comments and recommendations. **(I)Waivers (A) The following waivers have been requested from the Land Development Checklist: (1) B2 - Topography within 200 feet thereof. (2) B4 - Contours of the area within 200 feet of the site boundaries. (3) B10 - Man-made features within 200 feet thereof.**A significant amount of topography outside the boundary of the subject property is provided on the Survey. Some minor area east of the property and the railroad tracks does not extend for a distance of two hundred feet (200'). Therefore, waivers are requested from B2, B4, and B10. The applicant shall provide supporting testimony on the requested waivers as required. We believe that sufficient existing data is provided to review the application. Therefore, we support the waivers as requested. **The Board granted the requested waivers at the April 13, 2010 Planning Board Workshop Hearing. However, the Board should technically take action on the waivers at the August 3, 2010 Planning Board**

**Workshop Hearing since the project now involves two (2) site plans and a subdivision. (II)Zoning (1)**

The two sites are located in the B-4 Wholesale Service Zone. Retail activities and service activities are permitted in the Zone. Testimony should be provided by the applicant's professionals regarding the proposed uses to confirm compliance with the UDO for this Zone. The proposed use for the existing two-story stucco building to remain has not been indicated. (2) A minimum lot area variance is required for the smaller site plan with the existing two-story stucco building to remain. A twenty thousand square foot (20,000 SF) lot area is required. The existing 6,414.11 square foot existing Lot 13 would be reduced to 5,218.89 square feet in area by aligning the rear lot line with the existing east wall of the building and the side lot line with the existing north wall of the building. (3) A minimum lot width variance is required for the smaller site plan with the existing two-story stucco building to remain. A one hundred foot (100') lot width is required. The existing fifty-six foot (56') width of existing Lot 13 would be reduced to 55.56 feet in width by aligning the side lot line with the existing north wall of the building. (4) Front yard setback variances are being requested. A twenty-five foot (25') front yard setback is required. A zero foot (0') front yard setback is proposed on the larger site plan for the portion of the proposed building fronting Fourth Street. A front yard setback of 7.48' is required on the smaller site plan for the existing two-story stucco building to remain. The variance should be required for this existing non-conformity since the proposed lot size would be reduced. (5) Rear yard setback variances are being requested. The Zoning requires a rear yard setback of thirty feet (30'). The plans have been designed on the premise that Steckler Street will be vacated and that the rear yard of the larger site plan project will be along the vacated Steckler Street side of the site. A 15.66' setback from the new lot line based on the vacation of Steckler Street is proposed for the supermarket portion of the building. A zero foot (0') rear yard setback is proposed on the smaller site plan for the existing two-story stucco building to remain. The proposed rear property line would be aligned with the existing rear wall of the building. (6) Side yard setback variances are being requested. A ten foot (10') side yard setback is required. A zero foot (0') side yard setback is proposed for the larger site plan where the supermarket portion of the building abuts the neighboring existing two-story stucco building that is to remain. A zero foot (0') side yard setback is proposed for the smaller site plan where the north wall of the existing two-story stucco building to remain will align with the proposed side property line. (7) Aggregate side yard setback variances are being requested. A twenty foot (20') aggregate side yard setback is required. A zero foot (0') aggregate side yard setback is proposed for the larger site plan. The proposed supermarket portion of the building abuts the neighboring existing two-story stucco building that is to remain. The proposed second floor office portion of the two-story retail/office use building also abuts the neighboring two-story stucco building that is to remain. A 0.25' aggregate side yard setback is proposed for the smaller site plan. The existing two-story stucco building to remain abuts the neighboring proposed second floor office portion of the two-story retail/office use building. The south side of the existing two-story stucco building to remain is 0.25' from the existing side property line of adjacent existing Lot 11. (8) Variances are required for the number of off-street parking spaces. The shopping center use requires one (1) space for every two hundred square feet (200 SF) of floor area and the office use requires one (1) space for every three hundred feet square feet (300 SF) of floor area. (9) On the larger site plan, the proposed shopping center use of 29,250 square feet requires one hundred forty-seven (147) parking spaces. The proposed office use of 16,670 square feet requires fifty-six (56) parking spaces. A total of two hundred three (203) spaces are required. Forty-eight (48) off-street spaces are proposed. Per communications with the applicant's professionals and as stated in the EIS report,

the proposed Steckler Street parking lot is intended to supply the remaining additional off-street parking required for this project. This proposed parking lot is being designed by the Lakewood Township Development Corporation through our office. **Confirming testimony is required from the applicant's professionals regarding the adequacy of proposed parking.** (10) On the smaller site plan for the existing two-story stucco building to remain, no off-street parking is proposed. The uses for this existing building have not been defined and no off-street parking calculations have been provided. Information on the proposed uses and floor areas is required in order for the Board to determine the extent of the parking variance that will be required. (11) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will 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.** (12) The proposed retail/office building has frontage on Fourth Street. The main access to the proposed supermarket is from the proposed vacated Steckler Street side of the project. Therefore, we question the designation of the proposed vacated Steckler Street side of the project being the proposed rear yard. Assuming the proposed Steckler Street vacation will be for its entire length, the proposed rear yard could be on the south side of the shopping center/office project. (III) Review Comments (A) Site Plan/Circulation/Parking (1) General Note #1 states that engineering documents for the vacation of Steckler Street were being developed by the Lakewood Township Engineering Department. **The proposed road vacation must be approved by the Township as a condition of Planning Board approval if/when forthcoming for the larger site plan project.** (2) The proposed parking lots for the larger site plan project are situated at the edges of the right-of-way lines. The proposed location for the northeast parking lot is based on the premise of Steckler Street being vacated. (3) As depicted on the current design for the larger site plan project, a twenty-four foot (24') wide access is proposed for Steckler Street (assumed to be vacated for design purposes). A six foot (6') width of the access is proposed west of the centerline and an eighteen foot (18') width of the access is proposed east of the centerline. These improvements as depicted vary from our current LDC project design. We recommend a coordination meeting with the LDC and the applicant's professionals to refine the proposed roadway design. The applicant's professionals have indicated that a coordination meeting with the LDC will be scheduled. (4) The proposed interior portions of the parking lots for the larger site plan are properly dimensioned. Some additional offset dimensioning should be provided to assure the correct construction location. (5) A loading area for the larger site plan is proposed in the southeast corner of the site. It appears the loading area will accommodate three (3) trucks and a trash compactor for only the supermarket use. Confirming testimony shall be provided, as well as how the retail/office portion of the site will be serviced. Vehicular circulation plans must be provided to confirm accessibility for the loading area, delivery, emergency, and trash pickup vehicles that will need to access the site. The applicant should address whether what appear to be bollards are being proposed across from the loading area to protect vehicles in the future municipal parking lot. Testimony shall also be provided regarding loading, delivery, and trash pickup on the smaller site plan for the existing two-story stucco building to remain since no facilities are proposed. (6) For the larger site plan, the proposed pavement tie-in location at the southeast corner of the site does not match existing conditions. The proposed disposition of Steckler Street south of the site, if any, should also be discussed. The applicant's professionals have indicated the proposed vacation of Steckler Street will be discussed with the LDC. (7) The plans for the larger site plan indicate a slight encroachment of the existing parking lot on Lot 11 owned by the Lakewood

Development Corporation onto the applicant's Lot 6. Since the property line is on a skew, we recommend a squaring off of the property line to correct the encroachment. The applicant's professionals have indicated that testimony will be provided to address the property line encroachment along Lot 11. (8) The Demolition Plans indicate off-site items to be removed and/or relocated. An existing tree and part of an existing fence are shown to be removed from Lot 11 owned by the Lakewood Development Corporation. An existing fence on the east side of Steckler Street is shown to be relocated five feet (5') by others. Testimony shall be provided to address these issues. (9) The plans are proposing sidewalk to be constructed adjacent the existing parking lot curb on part of Lot 11 owned by the Lakewood Development Corporation. The applicant's professionals have indicated that testimony will be provided to address the proposed sidewalk on Lot 11. (10) The plans for both site plans attempt to retain the bulk of existing curb and sidewalk on the Monmouth Avenue and Fourth Street frontages. Accordingly, the following note has been added to Sheet C-03: "Curb and sidewalk along the property frontage shall be replaced to the satisfaction of the Township Engineer (typ.)." (11) On the larger site plan, the existing curb radius at the intersection of Monmouth Avenue and Fourth Street will constrict pedestrian flow at the intersection. A proper curb radius of twenty-five feet (25') has been proposed along with the correct handicapped ramp. The existing handicapped ramps surrounding the site are being upgraded to current codes. (12) At a minimum, utility and driveway paving restorations will be required as a condition of approval for the larger site plan, if and when forthcoming. Locations of pavement repair and replacement have been added to Sheet C-02, the Demolition Plan. (13) Proposed floor area calculations have been confirmed for the larger site plan. Dimensions for the proposed ground floor retail area on the larger site plan have been added. There are no longer building dimension discrepancies between the site plans and architectural plans for the larger site plan. However, the proposed floor area calculations and dimensions for the existing two-story stucco building to remain on the smaller site plan must be addressed. The previous plans had a second floor connection between office uses of the proposed and existing building. This must no longer be the case, since a subdivision will be separating the existing two-story stucco building to remain from the proposed shopping center/office complex. (14) On the larger site plan, the "street signs" shown in the legend shall be corrected to "directional signs". (B) **Architectural (1)** Architectural Plans were submitted for review. Per review of the submitted plans, the proposed buildings for the larger site plan will be thirty-one feet three inches (31'-3") in height. The existing two-story stucco building to remain for the smaller site plan will be twenty-six feet six inches (26'-6") in height. The plans show stairs and openings to basement areas. However, no basement floor plans have been provided. The applicant's professionals have indicated that testimony will be provided to address the basements by the project architect. (2) The applicant's professionals have indicated that the project architect will provide testimony regarding the proposed building façade and treatments for both site plan projects. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. (3) The applicant's professionals have indicated that the project architect will provide testimony as to whether any roof-mounted HVAC equipment is proposed for the building complex of the larger site plan or the existing two-story stucco building to remain on the smaller site plan. If so, said equipment should be adequately screened. (4) The proposed building dimensions for the larger site plan are now consistent between the architectural plans and the site plan. In addition, access points now match. The building dimensions and access points for the existing two-story stucco building to remain for the smaller site plan requires coordination. Revisions to the architectural plans are necessary since the proposed subdivision will eliminate the previous second floor connection between office uses of the



proposed and existing buildings. (5) The architectural plans indicate the existing two-story stucco building to remain for the smaller site plan contains predominantly classrooms. However, virtually no interior improvements to the building are shown. The applicant's professionals indicate that testimony will be provided to address the existing building by the project architect. (C) **Grading (1)** Sheet C-04 is a detailed Grading, Drainage, & Utility Plan of the plan set. The proposed grading concept is to direct runoff to two (2) separate underground infiltration systems. Per review of the plan, the overall grading design is feasible as proposed. The proposed grading will take place on the larger shopping center/office site plan project. Virtually no proposed grading will take place on the smaller site plan project since it involves just the existing two-story stucco building to remain. (2) Proposed grading revisions have been made in the proposed northeast parking lot of the larger site plan. The parking lot has been graded to low points within the lot where catch basins would be installed to pipe runoff to a pretreatment device before it enters the underground recharge system. A high point will be created in the access driveway to keep runoff from escaping the site which would be contrary to the proposed design concept. (3) The proposed grading and limits of improvements to the Steckler Street portion of the larger project which is shown to be vacated needs to be addressed. (4) Proposed spot grades have been added at all building access points for both projects. However, in some cases it appears the grading is incorrect. We recommend that the applicant's engineer contact our office to coordinate necessary revisions. (5) The Grading, Excavation, and Backfilling Note #5 has been revised to allow the proposed gutter grades to be designed at a minimum 0.5% slope. Proposed gutter grades need to be added to the streets surrounding both site plans. (D) **Storm Water Management (1)** A proposed storm water management system has been designed for the larger site. The construction of two (2) separate underground infiltration systems is proposed to handle the increased runoff which will be generated by the project. Storm water management for the smaller site plan is not required since no change in impervious coverage is proposed. (2) The proposed underground recharge facilities for the larger site plan will have pretreatment devices. (3) Testimony is required confirming private maintenance of the storm water management system for the larger site. An excellent storm water maintenance manual has been provided for the proposed shopping center/office site plan. Revisions are only required to the "Corrective Response to Emergency Conditions" section. (4) The proposed shopping center/office project will reduce the proposed storm water discharge to the surrounding streets. The design of the storm sewer system in the proposed northeast parking has been revised to capture the storm water runoff from the site. (5) According to our review of the "Pond Reports" and the test pits, the bottom elevations of the infiltration systems for the proposed shopping center/office may require correction. Our review indicates the bottom elevation of underground recharge area #1 should be no lower than 58.00 and the bottom elevation of underground recharge area #2 should be no lower than 57.50. A design meeting among the professionals is recommended. (6) An excerpt from the Geotechnical Investigation has been included in the Appendix of the Storm Water Management Report for the proposed shopping center/office. The infiltration rates used for design are acceptable. (7) According to the soil borings, proposed Infiltration Basin #1 for the proposed shopping center/office will not be two feet (2') above seasonal high ground water table. The design engineer has averaged the seasonal high water table elevation throughout the site to establish a set elevation. This is incorrect since the ground water table will follow the topography and vary throughout the site. (8) The design for the loading area drainage and the pedestrian corridor drainage of the

proposed shopping/office center is incomplete.(F) **Lighting** (1) A detailed revised lighting design for the proposed shopping center/office site plan including a point to point diagram has been provided. The comprehensive lighting plan proposes eight (8) low pole mounted fixtures and eighteen (18) wall mounted fixtures. A table indicating the number of each type fixture and their respective wattage is required. No lighting is proposed for the smaller site plan where the existing two-story stucco building will remain.(2) The lighting design for the proposed shopping center/office site has been reconfigured such that all pole mounted fixtures proposed will not be located within any right-of-way. This assumes the vacation of Steckler Street will take place. (3) The illumination diagrams for the proposed shopping center/office site plan have been revised to show the respective lights used in the design. The plans have also been labeled to highlight the different light types and locations. The light count for the forty-two (42) watt wall mounted fixtures on the west side of the proposed building is incorrect. (G) **Utilities** (1) The projects are located in the New Jersey American Water Company franchise area. Public water and sewer service will be constructed by NJAWC for the proposed shopping center/office site plan. No existing or proposed water and sewer service is shown on the site plan where the existing two-story stucco building will remain. (2) A fire suppression system is proposed for the proposed shopping center/office buildings. Separate connections are proposed for potable water and fire protection measures. The water connections are being made on the Fourth Street side of the project. Testimony must be provided on whether there is an existing or proposed fire suppression system for the smaller site plan where the existing two-story stucco building will remain. (3) No additional fire hydrants are being proposed for either project site. (4) Proposed sanitary sewer for the proposed shopping center/office site plan is being connected to the existing system in Fourth Street. Easements for sanitary sewer mains and manholes may be required because of the size of the line and volume of proposed flows. No existing or proposed sanitary sewer connections are shown for the smaller site plan where the existing two-story stucco building will remain. (5) Gas and electric service to the proposed buildings for the shopping center/office site plan will be provided from the Fourth Street side of the project. No information has been provided for gas and electric service to the existing building on the smaller site plan. (H) **Signage** (1) The Shopping Center/Office Site Plan proposes wall signs, but no freestanding signage. Wall signs will be limited to sixty square feet (60 SF) which is the maximum area allowed for a building having more than sixty feet (60') of length. The architectural plans indicate proposed wall sign locations over the front and rear access points of the grocery store which is permitted. No dimensions or details have been provided to confirm that the signs comply with the area requirements. No signage information has been provided for the smaller site plan where the existing two-story stucco building will remain. (2) All signage proposed for either site plan that is not reviewed and approved as part of these site plan applications, if any, shall comply with the Township Ordinance. (I) **Environmental** (1) **Site Description**

Per review of the site plans, aerial photography, and a site investigation of the properties, the project sites consist of a 1.34 acre tract and a 0.12 acre property. The sites are currently developed as a mix of uses including auto service, retail, office, and vacant lots near the intersection of Monmouth Avenue and Fourth Street. The

larger site is bordered on the north by Fourth Street with residential uses on the opposite side. Steckler Street is located on the east side. A school is located to the south. Monmouth Avenue is a wide collector street located to the west. A two-story existing stucco building to remain comprises the smaller site which fronts Monmouth Avenue just north of an existing parking lot on Lot 11. Virtually the entire larger site will be renovated. (2) **Environmental Impact Statement**

The applicant has submitted an Environmental Impact Statement which covers both site plan properties. The document has been prepared by L2A Land Design, LLC to comply with Section 18-820 of the UDO. The report is dated February 9, 2010. To assess the sites for environmental concerns, natural resources search of the properties and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following highlights some of the documents and field inventories which were reviewed to evaluate potential environmental issues associated with development of these properties: (a) Known Contaminated sites (including deed notices of contaminated areas); (b) Wood Turtle and Urban Peregrine habitat areas; and (c) NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas.

The author of the Environmental Impact Statement concludes given the few potential adverse impacts and the mitigation of these impacts as proposed by the developments, the construction of the proposed projects will be an improvement to the parcels and the surrounding areas. We agree with this conclusion. (3) **Tree Management Plan** A Tree Management Plan which comprises the larger site plan project has been submitted for review. An existing building covers virtually all of the smaller site plan property. All of the existing trees will be removed. Ten (10) shade trees and twenty-two (22) shrubs are proposed to replace the existing vegetation. (J)**Traffic (1)** A Traffic Impact Assessment for the proposed projects has not been submitted for review, and is recommended. The proposed larger development site plan will bring additional vehicular traffic to the site. The Environmental Impact Statement recognizes the sites will depend on the construction of a new municipal parking lot to assist in providing the shortfall of off-street parking proposed. (2) Testimony should be provided by the applicant's traffic expert as to whether any improvements are warranted for safety purposes due to the developments of the sites. Testimony will be necessary for the public hearing, at a minimum. (K) **Construction Details (1)** Construction details are provided with the current design submission. We recommend that final construction details be revised as necessary during compliance review, if/when these projects are approved by the Board. (IV) **Regulatory Agency Approvals** Outside agency approvals for these projects may include, but are not limited to the following: (a) Township Committee (Street Vacation for larger site plan); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District (larger site plan); and (d) All other required outside agency approvals. New Jersey American Water Company will be

responsible for the construction of sanitary sewer and potable water service for the proposed projects. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

**3B. SD # 1929** (Variance Requested) PARKING REPORT

Applicant: Regency Development

Location: Corner of 4<sup>th</sup> Street, Monmouth Ave. & Steckler Street  
Block 160 Lots 1, 3, 5, 6, 13, 14 & 15

Preliminary and Final Site Plan for 2 story retail & office

**Project Description**

A total of forty-eight (48) parking spaces are proposed for the retail and office use site plan. Based on the proposed breakdown of retail and office use, two hundred three (203) parking spaces are required. The proposed parking spaces are divided evenly among the two (2) proposed parking lots. The proposed parking lots are located at the northwest and northeast corners of the site. The proposed northwest parking lot located at the corner of Monmouth Avenue and Fourth Street will have access from Monmouth Avenue. The proposed northeast parking lot located at the corner of Fourth Street and Steckler Street will have access from a twenty-four foot (24') wide drive located on a vacated portion of Steckler Street. Each proposed parking lot will have a van accessible handicap space. No parking is proposed for the existing two-story stucco building which will remain on the remainder of existing Lot 13. We have reviewed the documents submitted and offer the following for the Board's consideration: (1) Variances are required for the number of off-street parking spaces. The shopping center use requires one (1) space for every two hundred square feet (200 SF) of floor area and the office use requires one (1) space for every three hundred square feet (300 SF) of floor area. (2) The proposed shopping center use of 29,250 square feet requires one hundred forty-seven (147) parking spaces. The proposed office use of 16,670 square feet requires fifty-six (56) parking spaces. A total of two hundred three (203) spaces are required. Forty-eight (48) off-street spaces are proposed. The applicant's professionals make reference to parking generation as stated by the Institute of Transportation Engineers (ITE). Using the Institute of Transportation Engineers urban parking rates, the applicant's traffic engineer calculates that one hundred eight (108) off-street parking spaces will be required to support the new uses. The report indicates the proposed Steckler Street parking lot and surrounding on-street parking are intended to supply the off-street parking deficiency of this project. This proposed Steckler Street parking lot will be designed by the Lakewood Township Development Corporation through our office. **Confirming testimony is required from the applicant's professionals regarding the adequacy of proposed parking.** (3) No off-street parking is proposed for the existing two-story stucco building to remain. The uses for this existing building have not been defined and no off-street parking calculations have been provided. Information on the proposed uses and floor areas is required in order for the Board to determine the extent of the parking variance that will be required. Furthermore, the Parking Assessment submitted is silent on this existing building proposed to be subdivided from the original project site. **The Parking Assessment should be revised to address the existing two-story stucco**

**building to remain. A variance will be required since some type of off-street parking is necessary and none is proposed.** (4) The proposed parking lots for the retail/ office use site plan project are situated at the edges of the right-of-way lines. It should also be noted the proposed location for the northeast parking lot is based on the premise of Steckler Street being vacated. **A revised Traffic Assessment should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

MINUTES 11/23/10 PLANNING BOARD MEETING

Roll Call, Mr Herzel, Mr. Franklin, Mrs. Koutsouris, Mr. Neiman, Mr. Banas, Mr. Follman, Mr. Schmuckler

Moment of Silence for Menashe Miller, Committeeman, stationed in Afghanistan.

SP#1940

Moved to memorialize by Mrs. Koutsouris, seconded by Mr. Schmuckler

Roll Call, Mr Herzel, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

#2 Resolution approving 2011 – 2012 Planning Board Meeting Dates.

Moved by Mr. Schmuckler, seconded by Mrs. Koutsouris.

Roll Call, Mr Herzel, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

#5. NEW BUSINESS

#1 SP1717

Moved to 12/14/10 meeting. No further notice.

#2 and #3 will be heard together

SD#1753

SP #1929

Steven Pfeffer for the applicant would like to have all witnesses sworn in at once.

Elizabeth Dolan Engineer, Dolan and Kean Consulting, Lawrenceville New Jersey. Traffic Engineering.

Michael Dipple, LTR Land Design, Civil Engineering.

Daniel Tremeck, 808 South Lake Dr. Lkwd., vice chairman of LDC and former member of the Planning Board.

Michael Lynch, Retired Chief of Police, Lakewood NJ. Lakewood Police. Plumstead, NJ.

Shlomo Kanereck, Rabbi, 137 East 8th Street, Lakewood, NJ.

Mr. Pfeffer asked Chief Lynch what years he was Chief of Police in Lakewood. The Chief answered 1994 through 2002. And he was a police officer in Lakewood for 34 years.

Mr. Pfeffer then asked him to explain what the area of Corner of 4<sup>th</sup> Street and Monmouth and Steckler Avenues was like before Rabbi Kanerek purchased the land.

Chief Lynch stated that there was a high volume of reports to the Lakewood PD in the area in reference to drugs, drinking in public, trash unsafe area for pedestrian area and at night most people avoided the area.

Did you have occasion to speak to Rabbi Kanerek after he had purchased this land.

Chief Lynch stated that he had learned from Police Commissioner Franklin at the time to work very closely with the Township and the Community so therefore he had many meetings with Rabbi Kanerek where they focused on the area to see what we could do in partnership with the Lakewood Police Dept. and Rabbi Kanerek to reduce crime and make it a safe area. Some of the things that was talked about was not only having the Police make there presence known but also to have Rabbi Kanerek install exterior lighting on the building which he did. The area has made a complete turn around as far as safety.

Mr Pfeffer stated that at the Technical meeting he presented the Board with a letter from the LDC he entered that letter as Exhibit 1.

Mr. Tremack is the vice-chairman of the LDC and has been with the LDC for three years. He stated that the LDC has a Growth Plan for the Township. The area in question tonight is part of the area that the LDC is planning a public parking area in to enhance access to the Downtown Area. The parking lot will be a public lot being able to be used by everyone not just Rabbi Kanerek's patrons. The State must approve the parking facility but the funds have already been set aside for this parking project. The UEZ is funded by the 3.5%tax for the zone either all or part of the monies come to the UEZ and is managed by the LDZ. The UEZA a

state authority must approve the project first then the funds are made available on the local level.

Mr. Vogt stated that Remington, Vernick & Vena is in charge of the design of this parking area. The project is on hold because the layout of this design is going to require some minor roadway shifting if approved. The parking lot will be approximately 90 to 95 spaces, it is currently 93 spaces.

Mr. Schmuckler asked if Mr. Tremack was here representing the LDC. He stated that he was asked to appear on behalf of Rabbi Kanerek not the LDC. MR. Schmuckler asked how the Board can be assured that the parking project will move forward if there is not a majority vote from the ten members of the LDC. Mr. Tremack stated that his testimony was to let the Board know that this has been approved.

Mr. Pfeffer asked Rabbi Kanerek why he has started this project and what is his goal. Rabbi Kanerek stated that down the block from this property there was a girls high school, there was a problem having the girls traveling to and from school. At that time Rabbi Kanerek spoke to Mr. Corby of the UEZ and the plan was formed to try to make the area safer. At that time Rabbi Kanerek began to purchase the properties in the area to develop into a shopping center and a daycare center, it would take over twelve years. The reason it would take twelve years was in the timeframe of purchasing the properties, now that Rabbi Kanerek owns the properties the UEZ is short on funds to help develop the properties. We are proceeding with the project and the UEZ is providing the parking. There are interested tenants for the business center both retail and offices and the second floor will be for a daycare center. The area was very dangerous in the past but is now turning around. The food store is no longer a part of this project.

Mr. Neiman asked if there would be any type of medical offices. Rabbi Kanerek said he did not try to get any medical tenants as of yet, he is waiting for approval before soliciting tenants.

Mr. Dipple the project engineer spoke about the project. Everything on the site will be removed, demolition sheet C02. Sheet C03 is the proposed building site there was on the south side the food store which is no longer going to be a food store, on the north side are the retail spaces and the second floor is the daycare center. There are two access driveways on the site both lead to two parking lots on either side of the retail portion of the building, each having 24 parking spaces for a total of 48 on site parking spaces. Loading for the entire operation is provided off of Steckler Street, we have taken some liberty in the site plan assuming Steckler Street would be vacated. A portion of the street would go to Rabbi Kanerek assuming the street is vacated. This concept relies in part on the vacating of Steckler Street. If we do not get approval we can not build the

properties as shown. Right now Steckler Street is a gravel driveway that is approximately 30 feet wide.

Mr. Neiman announced a five minute break at this time. The court stenographer was excused due to illness. The proceedings are being recorded.

Mr. Dipple continued that the plan does show where Steckler Street is vacated and the actual travel way which is proposed at 24 feet would be located partially on the remaining property that would be held by the Township and partially on the property that would be retained by the applicant, approximately 6 feet. We have shown the area with the loading, there is loading space for three vehicles and trash collection. Trucks would use that entrance into the Steckler Street parking lot and back up to the loading dock. I think we would have to work it out with Reminton, Vernick & Vena when they make their designs to allow for the turning motions and we have the room to make that move. It was designed for a WB50 size which is not the largest trucks, without grocery here that could get smaller in size.

Mr. Banas stated that he has trouble understanding that Rabbi Kanerick said that the grocery store is not going to be part of the plan but the loading is being provided. Why?

Mr. Dipple stated that the loading is being provided for any type of retail space, because the supermarket is off the table for the time being my testimony was that the trucks could be smaller although we have designed them for a WB50 a rather large tandem truck.

Mr. Vogt questioned if the Board was to approve this project would there be a restriction on the certain type of vehicle, up to a certain amount or size can be used.

Mr. Dipple stated that there will have to be yes, that condition will have to be made.

Mr. Jackson asked if a truck were to make a maneuver to back into the loading space from Steckler Street would it block the parking entrance to block 160. Mr. Dipple explained that yes while the truck is making it's maneuver to back up the road will be blocked but once the truck is in the loading space there is enough room on Steckler Street for traffic to pass. Mr. Jackson then asked about the easement so that all the traffic for the parking lot can come down that roadway. Mr. Dipple stated that that is where he and Mr. Vogts office would have to coordinate the design of the parking area. Mr. Jackson stated that once the road is vacated there will have to be a perpetual easement from the owner on the other side of Steckler Street. Mr. Dipple stated that they are requiring a little



bit more room on the opposite side of the Steckler Street driveway in order for the trucks to make their maneuver to access the loading area.

Mr. Neiman stated that the owner on the other side would be the Township.

Mr. Banas asked if we use the property line as it is now how much of the proposed design of this property would be eliminated.

Mr. Dipple stated that if you look at sheet C03 Site Plan and you will see running through the top part of the site you can see the existing lot line. If Steckler Street were not vacated we would have to return to its current state and they would slide the development back ten feet.

Mr. Jackson stated that if the road is not vacated the applicant would have to come back with a brand new application. There would be too many changes.

Mr. Banas stated that when he hears all the problems that we have that will generate with the parking lot given all the previously testimony was offered to allow all the citizens in the area to use this parking, realizing that all of the traffic or about 90% of the traffic would be going out onto 4<sup>th</sup> Street which is really congested this says to me maybe we should think of a different type of a project.

Mr. Schmuckler asked Mr. Dipple if he had ever made plans for a shopping center in other areas. Mr. Dipple answered yes he had. Mr. Schmuckler then stated have you ever had the trucking have to back up in a main parking lot where people will be parking. The problem with this is that there will be pedestrians walking about in the parking lot. Is there some way to cut this off to pedestrians? Mr. Dipple stated that it is a small space and the truck traffic would not be that great. Mr. Schmuckler stated that trucks should not be able to be in that area. Mr. Dipple explained that there will be railings to keep pedestrians to cross at a different area. This area is a downtown area and things are tighter than a larger shopping area. Mr. Schmuckler asked could there be a loading area in a different area. Mr. Dipple stated that they worked with the Architect and they feel this is the best area for right now. There is pedestrian traffic in other areas as well, although Mr. Schmuckler's comments are not without merit they looked at other alternatives and came up with this one.

Mr. Neiman stated that he was looking at page 03 where you have the amount of square footage you say proposed ground floor /supermarket 16,335 and 3000 square feet and right underneath that you have a proposed two story shopping center 45,920 square feet. Mr. Dipple stated that that was the total square feet of the project.

Mr. Banas asked if there are going to be offices on the second floor of this building I can see a lot of these people going back and forth across Steckler

Street and for safety reasons that is something that should be taken into consideration.

Mr. Dipple stated that one feature of this building there is a walkway that goes through the site to try to direct people out to the parking area in one direction.

Mr. Banas asked how you get from the second floor of the supermarket portion of the building out to the parking. Mr. Dipple stated that that area is really a mezzanine area that is only an office space for whomever is running that retail space, 3000 square feet is rather small. The second floor office space is in another area that has internal vertical access. Rabbi Kanerek has not gotten all the tenants for the buildings so even the access doors may be moved depending on the number and types of tenants. Moving onto Grading and Storm Water Management, we have an extensive Storm Water Management system, which relies on two underground recharge basins one in each of the parking lots. Mr. Vogts comments stated that we have to further classification on the design. Basically we grab a lot of the parking lot and roof top runoff and we infiltrate it into the ground water, our soils are very good and our ground water is high so it is a very shallow system. Mr. Banas asked about the drainage if Mr. Dipple was made aware that there was a previous applicant on the corner of 4<sup>th</sup> and Princeton that complained about a lack of drainage in the area. Mr. Dipple stated that he has done other projects in the area and he would guess that there is a local problem and he is not aware of any drainage problems in this area. We did do some test logs and found ground water right where they expected it to be relatively shallow. The State requires two foot separation between ground water and any kind of filtration system, we do maintain that and he thinks he has as system that works, it may need a little tweaking but they will get there. The applicant will maintain the system.

Mr. Franklin stated that the pipes on 4<sup>th</sup> Street are too small and not able to carry more of a load than they are now. The water will be on the land.

Mr. Vogt explained that they only need to provide a two foot zone and they are using the seasonal high water level as there top level.

MR. Dipple explained that these are dead end systems and this is an improvement to the area by decreasing the runoff we decrease the volume and the rate.

Mr. Vogt asked what is the condition of the land now. Mr. Dipple stated that there is kind of a mix, there is gravel and impervious land, and there are buildings that were taken down. Mr. Vogt stated that the land is not fallow.

Mr. Dipple stated that the lighting plan is proposed with traditional fixtures, we plan to match the lighting in the area. There are a number of street trees

proposed, we did receive some comments from the Township Engineer and we have addressed those comments. In general we provide good lighting in the parking and loading areas and the pedestrian areas. There will be lighting from the store fronts and the pass thru area. The rest of the plan is technical in nature and if you have any comments I can address them.

Mr. Pfeffer and Mr. Dipple stated the following: The zone is B-4 and the permitted use in that zone is for combination of retail and business. The only variances required would be bulk variances and those regarding the parking spaces. The variances requested are a front yard setback variance and that occurs on 4<sup>th</sup> and Monmouth due to the elimination of Steckler Street we are proposing a zero foot setback. The zone for the front yard calls for 25 feet, we have it on the right of way line. There is space for a landscaped area the existing sidewalk which is about 4 feet and a 5 foot grass strip. So in general it would be from the travel way it will be about 14 or 15 feet setback from the actual road. Mr. Neiman stated that normally from the lot line the Board asks for a 25 foot setback, why then should they grant a zero foot setback. Mr. Dipple stated that this is a downtown property area, there are several areas that do not meet the setback in the area. We are only a couple of properties outside of the central business zone and this is a downtown area. Mr. Neiman stated that directly across the street is residential housing. Mr. Dipple stated that using the town parking lot we would like this to function as pedestrian friendly and using the 25 foot setback really wouldn't be consistent with some of the other uses going up and down the street, that is part of the reason that we are proposing a zero foot setback. We have a side yard setback with regard to the property adjacent, the minimum side yard is 10 feet and we are proposing a one foot setback. To the property to the south, and the rear yard setback where 30 feet is required we are proposing 15.66 feet and I should note that existing it is zero feet, there is a building that is right on the rear yard and we are proposing a 15 foot setback. Mr. Neiman stated that they should be consistent and go for a zero lot line there also. Mr. Dipple stated that the property is a weird configuration and there are two front yards. Under the current configuration with all the different uses proposed we require 203 parking spaces, on site we are providing 48 spaces, there are two separate lots each with 24 lots. You are going to hear testimony as to how we think this shopping area will work versus what the ordinance requires.

Mr. Banas asked what is the width of the sidewalk you are proposing on 4<sup>th</sup> street. Mr. Dipple answered 5 feet. Mr. Banas then stated that there will be a lot of traffic moving around people are going to be using that sidewalk so 5 feet does not seem adequate, what is being put between the sidewalk and the curb. Mr. Dipple stated that when you get up passed the building the walkway increases to about 11 feet. There is landscaping against the building then the sidewalk and then a grass strip until the curb. Mr. Banas stated that the pedestrians are coming from Monmouth with a 12 foot sidewalk to 4<sup>th</sup> street and now they only have a 5

foot sidewalk don't you think you should be more consistent. Mr. Dipple stated that the grass area is a buffer between the pedestrians and the street traffic, with out the grassy area the pedestrians will be directly at the curb. Mr. Banas asked in terms of the landscaping up against the building it may not be a good idea because of pedestrian traffic. Mr. Franklin stated that no one will maintain the shrubbery and therefore it will look in just a short time very unkempt. There should be concrete from the building to the curb. Mr. Dipple stated that his client just wanted the area to look good. Mr. Banas then stated in the past he worked with the Board of Ed on their plans and told them not to put sidewalks in but let the children dictate where the sidewalks would be by their traffic. This would not be approved and after thousands of dollars where spent we put in the additional sidewalks where the children went. Mr. Dipple stated that if the town wishes that there not be any landscaping then that is what will be provided.

Mr. Pfeffer redirected the comments to the permitted uses in this area. Mr. Dipple stated that this application complies with the permitted uses in the area.

Mr. Neiman asked the next witness to talk about parking, ingress and egress and the corner of 4<sup>th</sup> and Monmouth traffic signal, because there is another six story office building on that corner and the Board would like to know what the traffic impact would be with this project.

Ms. Dolan stated that looking at the overall parking exhibit sheet, Steckler Street in it's original configuration as an access way to the east side of this property, will be continued it will be narrower, it will be paved and it will be a two way access way not only for this redevelopment but also for the new 90 to 100 space lot that the town will be putting in and parking lot A the 24 space lot on the east side of the building there will be a separate driveway on Monmouth Ave. to access the other 24 space lot designated lot B. Mr. Neiman asked if the Monmouth Ave. entrance and exit is right in right out only. Mz. Dolan stated that that determination had not been discussed as of yet. Mr. Neiman stated that he thought that should be put in place as of now because of all the traffic in the area and it is so close to the intersection on 4<sup>th</sup> Street. Mz. Dolan stated that the existing building just to the south of Lot B and there is lot 11 with 13 spaces. There is parking along both sides of Monmouth Ave. , on one side of 4<sup>th</sup> Street and we have talked about the new lot to the east of Steclker Street that will be in the 90 to 100 spaces. The access and circulation as well as the new building on the corner caddy corner to this project and the existing signalized intersection we have not performed a traditional traffic impact analysis recognizing that this is a somewhat downtown, centralized urban business district. When we do a stand along traffic impact study it's based on 100% vehicular generation but when you start to look at a combination of office and retail there is a shared trip component, when you look at the proximity of the residential and the fact that this use is looking to cater towards the residents of the immediate area there is

more shared credits because you are reducing the vehicular generation and you are increasing the potential for pedestrian activity. We have not performed a full impact assessment given those types of scenarios, the existing residential and the proximity plus the shared trips between all of the users in the area. I would expect there to be certainly the traffic to and from the existing uses as well as this use and how that changes the characteristics of the traffic in the area is probably more of a reorientation of the traffic flows through the area but your intersection is still going to functioning operation as you basically have today unless it is blown out and widened. Our focus was on the parking variance where 203 spaces were required and we are providing 48. That deficit of 155 is what I focused on, many ordinances are based upon the parking requirements of a free standing more suburban use, certainly your ordinance requirements of one per 300 of office and one per 200 sq. feet of retail, those are pretty standard for stand alone suburban sites. What we did in looking at this particular development concept is look at some of the parking ratios that the Institute of Transportation Engineers recommends for a more urban setting recognizing that there is pedestrian trips and you do not have 100% vehicular generation. Those ratios are about 2 to 2.5 space per 1000 sq feet, so when I use those ITE ratios and look at some shared parking between the retail and office components because they are going to be peaking in their demands at different times. I calculated instead of the 203 about 104 as being the more likely parking for this location and that leaves a deficit of about 56 spaces. What we then did we inventoried the available parking on Monmouth Street and also Lot 11 with 13 spaces, what we found is that there are at least 30 spaces available to accommodate some of the overflow parking demands and that means that this applicant wouldn't be relying on the 90 to 100 spaces in the township lot, they would only be looking at about a quarter of those spaces being needed at the peak load of the retail operation and at the same time having some office demand. That is the analysis that I have prepared in support of the parking variance which is to really look at this as a more urban requirement and in recognition already available primarily on Monmouth because there is parking on both sides, so the Board realizes that this applicant will not be eating up all of the newly proposed spaces in the Township lot.

Mr. Vogt asked for an explanation of how they came up with the 104 parking spots. Mz. Dolan answered, we looked at the hour by hour demand of the retail and office component and the need for spaces to calculate 104 spaces available. There are 48 new on site spaces, twenty to 30 spaces available on Monmouth Ave. and lot 11 about 6 or 7 available, the balance is about 25 to 30 that would be in the new township lot.

Mr. Jackson stated that there is no parking on Monmouth as of right now. It is already packed right now. Mz. Dolan then stated that if there is not enough available spaces on Monmouth Ave. from second Street to Fourth Street there

were about 40 to 45 spaces available and when we did our study there were approximately 20 to 25 spaces available. We did our survey from 11am to 2pm on a Tuesday and a Sunday.

Mr. Franklin stated that the new four story building on the corner of Monmouth and 4<sup>th</sup> Street was not taken into consideration because it is not open yet. Mr. Pfeffer stated that there are 4 lots of residential area that are being bought next to the building and being made into parking. Mr. Franklin then stated that the Board did not know this and that is not how this application is being presented.

Mr. Banas stated that the witness is stating about when talking about the numbers in this report I would like specific numbers to be stated. Ms. Dolan stated that lot 11 there is a minimum available of 6 spaces. Along the street the cars where parking and moving and some of the striping was not as clear as it can be. Mr. Banas stated that the Board has not included street parking even though it is available in the development of any plans and he would suggest that that be deleted from this plan. Ms. Dolan stated that it is very obvious that there is a large deficit in the parking variance and the applicant asked her to show how they can help to support this variance. What we did was look at where is the available parking; I didn't go beyond this block I didn't go up Monmouth Ave. north of 4<sup>th</sup> Street to look at what parking may be available there. I did not handle the 5 story application and I am not totally familiar with that application but I was thinking that if that user did not have parking then their tenants would need parking to the north on Monmouth so it would not be reasonable to look at that but it certainly would be fair to look at a reasonable walking distance would be Monmouth Ave between 2<sup>nd</sup> Street and 4<sup>th</sup> Street, recognizing that there are other users there are some residential properties, there is the private lot further to the south but there is lot 11 with 13 spaces, I did not go beyond a reasonable distance to try and support this variance but what I did was look at the parking turnover along Monmouth Ave. and by our counts there would be on a routine basis it appeared that there would be about 20 spaces available on Monmouth between 2<sup>nd</sup> Street and 4<sup>th</sup> Street to help support these new users.

Mr. Banas asked if we use the number of spaces at 104 needed and we do not regard the on street parking we have only a total of 84 spaces .

Mr. Franklin asked if the traffic coming out of Steckler Street from the trucks to the cars parked in the township lot going to be able to go out to 4<sup>th</sup> street in two directions.

Ms. Dolan stated that 4<sup>th</sup> street is a two way street so yes it will be two way. It is a grid system and she was unsure of what the town's plans may be to connect to 2<sup>nd</sup> street.

Mr. Franklin stated that they did not own the property down there it is railroad property that the town's people drive over but it is not owned by the town.

Mr. Vogt stated that the plan shows a right of way that is not there. Mr. Dipple stated that there is a right of way that the town put asphalt down on because cars were using the right of way anyway. We don't know if your plan is to use that access but from Princeton around to the proposed lot is quite a wide access way. We don't have the plans yet but that is railroad property but it seems that there might be an opportunity for access there. On the same token going further south there is the same problem.

Mr. Franklin stated that when they were doing Mary's Lane the railroad was at the meetings and they let it go but at anytime they can shut it down because they own the property.

Mr. Dipple stated that he understands and the township should look at this because of the parking lot they are proposing it would be better to have a second entrance and exit.

Mr. Franklin stated that the railroad would have to cooperate and that does not look good.

Mr. Jackson asked why the applicant thinks that this building will work knowing the parking problem in the area.

Rabbi Kanerek stated that he never had a problem parking on Monmouth Ave. and I do have a 40 spot parking lot that I own that is right down the block to the south of the YWCA and is not counted in this parking it used to be the old library. I feel that Monmouth Ave. is not a problem for parking even with this large building diagonally across, they are putting in over 50 spots behind that building.

Mr. Jackson asked if on Monmouth are there any signs about restricting parking in that area. Rabbi Kanerek stated that there is no restriction at this time. He stated that this project is a project that he has been working with the town on for many, many years the only problem now is that the town can't do anything until he gets the approval and he can't get approval until he gets the town he can't solicit tenants until he gets the approval so once this is solidified he can solicit tenants and he may be back before the Board depending on what his tenants want. Rabbi Kanerek stated that he went before the Township and they gave their blessing on this project in order to rehabilitate the area that was so horrible in the past.

Mr. Jackson asked if there was a rendition of the building in the application. The Board was shown the depiction. Also Rabbi Kanerek stated that he received the Arbor Day reward for his school from the Shade Tree Commission just recently.

Mr. Schmuckler stated that he has an issue about the truck loading and unloading is not a good design because there is going to be too much pedestrian traffic in the area. Also the entrance to parking lot A, does it make sense to move it a little closer to the building going south. There will be cars lining up to make a turn into the parking lot. Shifting the entrance may alleviate some of the back-up.

Ms. Dolan stated that with a supermarket we would be expecting tractor trailers but now that this is a retail office space the trucks will be smaller in size. The loading area that is shown the only possibility of a problem when the trucks are backing in to the spot.

Mr. Dipple stated that he would not propose that this is the middle of the parking lot and people will be walking on the walkway to go around this area not walking toward the loading dock. The infrequency of the truck traffic and how far it is away from the bulk of the lot. This is an urban design not a suburban design.

Mr. Schmuckler stated that there should be no backing up of trucks at all in a parking lot area. What is the use of the building and will there be a loading time for deliveries.

Mr. Pfeffer stated that right now there are no tenants so there can be no prediction .

Mr. Neiman asked Mr. Jackson because of the type of application that this is , is there any way that you can get preliminary approval, and once you have an idea of who the tenants are and what are their needs you can come back for additional or final approval.

Mr. Jackson stated in the MLUL there is a specific statutory provision for preliminary Site Plan approval. The statute states that the Board is supposed to address major concerns regarding the Site, all the things relating to the public health, safety and morals, availability of different utilities, that sort of thing. In this particular instance it might make sense because the final configuration of the Municipal Parking Lot, the vacation of the roadway maybe even the Municipality can make some kind of accommodations on their adjoining property to facilitate trucks. My guess is that the Municipality might want to encourage this to help in the development of the downtown area.

Mr. Neiman stated that there are a lot of unanswered concerns at this time but the project is a good one. A preliminary approval if the Board so chooses to do that , give some type of preliminary approval so that they can go ahead with the development of this project but before they are going to put the shovel in the ground come back and say this is what we have. By that time the Parking Lot



will be closer to being done and they will know what their needs are going to be more specifically.

MR. Jackson asked Mr. Pfeffer what he thought of amending his application to a preliminary Site Plan approval.

Mr. Pfeffer stated that that made sense and he would do that.

Mr. Schmuckler asked would that allow the Township to go on, we don't want to get stuck.

Mr. Pfeffer stated that he spoke to Mr. Bathgate and would reach out to him again and tell him that it is a Preliminary Site Plan, that should be enough to go forward with the vacation of Steckler Street. If I am wrong I will come back here, hopefully that will work.

Mr. Neiman stated that he can not see the vision of the property with all of the unanswered questions.

Mr. Vogt stated that a Preliminary would be the way to go in order to find out about the vacation, the Municipal Parking Lot and also to see if this concept even works. You can't market something with out any approvals, hopefully Rabbi Kanerek can market this site with preliminary approval.

Mr. Banas stated that he had a question about the preliminary approval, if it was granted and the Board lists items on the approval that need to be done, what is the applicant's position to guarantee that they will be done.

Mr. Jackson stated that you can get building permits with preliminary approval, as well as some site improvements also, but one of the conditions of this preliminary approval in general overall would be the vacation of Steckler Street.

Mr. Banas stated that he has a concern, we are not calling this a supermarket but on the plans it is still marked as a supermarket.

Mr. Jackson stated that that would be part of the preliminary approval submitting new plans with out the supermarket and stating that is not a permitted use at this time.

Mr. Banas stated the other part of the same thing there is no indication as to what is going into that building. Rabbi Kanerek stated that there will not be any medical offices going in that building, however, there is many a slip between the cup and the lip. I would suggest that if that were just changed a wee bit we do not have enough parking in the existing design,

Mr. Pfeffer stated that the applicant is not seeking any variances only the permitted uses in a B4 Zone.

Mr. Jackson one of the things the Board can address in connection with a site plan approval is to take into account the nature of the use and if the Board has a concern with a particular nature of a use as being something that would require more parking or more demands on the site, I think they could limit it to a certain degree.

Rabbi Kanerek stated that he did not state that he would not have medical tenants but as of now he does not think he will be soliciting them. He has no tenants at all so he needs approval to go out and solicit tenants and when he gets them he will come back to the Board with what his needs are then.

Mr. Banas stated that is why he said there is many a slip between the cup and the lip, right now there is no interest, you are not going to seek medical facilities but it just so happened that a week ago you got a decline, what are you going to do then. I suggest that if we were going to move in a position granting a temporary approval that has to be spelled out right out front.

Rabbi Kanerek asked if there is a problem with medical tenants.

Mr. Schmuckler informed him that it requires more parking spots. Mr. Kielt stated that the parking almost doubles.

Mr. Schmuckler stated that he has a suggestion can the Board stipulate as a condition for the granting of preliminary approval that there will be no building permits until they get final approval.

Mr. Jackson asked would the applicant agree to no site disturbance and no building permits until the application is approved.

Mr. Pfeffer stated that he would agree.

Mr. Banas stated that he did not know I thought it was something to give the Municipal Government an idea to move forward on there developing of the parking lot, but all of a sudden during our discussion it has changed and we are already building something and I don't think I like that. I really don't.

Mr. Jackson stated that you would want as a final condition that that parking lot is built.

Mr. Vogt stated that the Municipal Lot would have to be built and in place prior to a C/O for this new use. Is that reasonable.

Mr. Pfeffer stated yes.

Mr. Banas stated that he doesn't know how if law says that the conditions of a preliminary approval are thus and so and we can all give our rights away if

doesn't make sense. Something is telling me that that is opening the door for legal advancement.

Mr. Jackson stated that the MLUL doesn't give a lot of guidance as to what preliminary approval versus final approval. There have been preliminary approvals where changes have been made but that are more for subdivisions. It is allowed on Site Plans and I think in this particular circumstance with these conditions in here that this might be a good opportunity to kind of fashion what we are approving particularly when the applicant has agreed to it as a condition; we are not forcing it on him he has said fine. The Municipal lot must be in place and the town has to vacate Steckler Street in order for anything to happen, it is rudimentary that he can not get a building permit until these things are done. His building goes out into public property as it is now.

Mr. Vogt stated that the Township would not vacate Steckler Street until they are OK with the concept.

Mr. Banas stated that he has already stated his case about the property, we have the limits of the property and the engineer has indicated where the property line is, build within that property line, that eliminates a lot of problems.

Mr. Franklin stated with the temporary approval from the Board the applicant can get foundation permits.

Mr. Jackson stated that they can't get foundation permits with this preliminary approval. Can't do any site disturbance can't put a shovel in the ground and they have agreed to that.

Mr. Pfeffer stated that the applicant would not go forward with out the Municipal parking lot anyway.

Mr. Banas asked Mr. Dipple during your presentation you used the word tunnel. Mr. Dipple stated he meant a pedestrian walkway between the two parking lots, its got a roof, it is a breezeway.

Mr. Neiman asked if anyone from the public wanted to be heard.

Mr. Larry Simon, 7 Schoolhouse Court stated that he has a number of concerns, number one, variances 25 foot required zero projected, 30 foot required 15.7 suggested, 10 foot required zero suggested, where basically saying forget the limitations for usage requirements and just give them zero. Number two, I'm going to toss out a couple of numbers 125, 104, 203, 48, 95 could someone please tell me what parking spot are suppose to be there exactly, 203 required, 104 were going to be recommended by the applicant, Mr. Schmuckler said 124, the applicants traffic engineer said 48, someone else said 95, explain all these numbers to me please.

Mr. Vogt stated that the 203 is based upon the proposed floor are the proposed use and again as indicated by the traffic specialists testimony that is assuming no shared use of parking that each of these are stand alone uses in the field and you have no reliance on on-street parking, which is not the case here being an urban area and being that there are different uses you have different peaks , your retail peak may be different from the office peak which may be different than the on-street parking peak. There expert has testified based upon analysis that they estimated that this layout need 104 spaces which is where that number came from. The 48 number was referring to what is currently being proposed as on site parking as part of this project. The 95 number is the approximate size of the Municipal lot going to be built.

Mr. Simon continued basically what we are saying 203 is required they are going to provide 104 that is a reduction of over 50%. Number three, the stores and the parking and the trucks, let's assume the largest truck 50 foot wheel base would have to come in, back in and make a k-turn to come out, etc, into the loading area in the mean time traffic trying to get in and out would be held up, if this large truck was there unloading there would be other trucks backed up waiting for this truck to unload. The parking on Monmouth, everyone has a different opinion. I would tend to disagree with the Rabbi's version that it is not a problem, especially if there is going to be parking on both sides of the road. Not knowing what type of stores is going in there we are unsure about the deliveries being done. Why is there such a rush for a preliminary approval with all these doubts that we have raised, why not have this straightened out and have the applicant come before the Board before an approval is given.

Mr. Neiman stated that the whole reason why is because there are other approvals that have to come after this.

Mr. Simon stated that his suggestion is to table this application until these concerns are satisfied and then you won't need a preliminary approval you can get a final approval.

Noreen Gill 192 Coventry Drive stated that she believes that Rabbi Kanerek is most anxious to get this through and I'm sure everything will work out for him, however I think in all fairness everyone sitting on this Board should just say to him Rabbi here's the story I don't like this, this, this and this, but when you come back you are going to have to look us in the face and say the parking is much better, this is much better, this is a good plan. Circulation in this town is terrible it's horrible there are people that come up Monmouth and come onto Eleventh they go onto 10<sup>th</sup>, 9<sup>th</sup>, 8<sup>th</sup>, Clifton Ave. turns out to be a zoo. We are using Princeton and Monmouth as main roads coming onto our side streets. Basically I feel that if you say Rabbi we are not happy with this I'm sure Rabbi Kanerek will be OK with that and say lets get this thing rolling.

William Hobday, 30 Schoolhouse Lane stated when we think about this we are talking about a projected project that will be built partially on a paper street that has not been vacated and utilize parking from a parking lot that does not exist. The project is interrelated with this parking lot design. The parking lot was approved more than a year ago I would like to understand who was the parking lot designed for if not for the existing neighbors at that time. If it was designed for the existing neighbors at that time then how can this project take away parking spaces from those neighbors that have been there? If anybody says there is parking on Monmouth Street is mistaken, there is no movement on Monmouth all the way from Second Street. Residents rely on parking on the streets for their automobiles. The LDC approved the parking lot in the absence of this project and the tall building on the opposite corner was being planned and I am sure that was the reason this lot was approved, for that building and the existing neighbors. The variances are very bad for the neighbors you are short parking no matter how you cut it. Therefore you are being restricted to what can be gotten from the parking lot to be built. The Township is cutting back on everything they are doing so how do we know the lot will even be built. You have a project that is being built on a paper street with no parking lot there yet, you have to be very sensitive to the neighbors that live there now. I don' believe there is enough information to have any approval of this project at this time.

Isreal Burstein 228 Sixth street, stated that being a Lakewood resident for close to thirty years it is about time we see a change on Monmouth Ave. Regarding the problem with the trucks, I am glad to see John Franklin back on the board I have spent many, many hours with John seeing how he planned out things with every truck every nook, with garbage etc. If John is comfortable with this plan that is enough. Rabbi Kanerek as well has great foresight he has brought a lot to this town and we are privileged to have such development to Lakewood.

This portion is closed to the public.

Mr. Pfeffer stated, As you heard Rabbi Kanerek came into an area that was a high crime high drug traffic area and Chief Lynch said that after he sat down with Rabbi Kanerek he cleaned up this area, who is a better person to clean up this area. I heard Mr. Hobday talk about being a good neighbor , there are no neighbors with in blocks range here tonight objecting. Rabbi Kanerek is going to be a good neighbor he has always been a good neighbor. He is not going to build this thing and run away. It is going to be a big success. I have no problem with a preliminary approval I understand that some of the Board has problems with the parking, but there have been some comments here that we are in a hurry, we are not in a hurry we started this project in April we have gone to the Tec meeting, we have gone to several different meetings, in a spirit of cooperation with the Boards professionals, the Township professionals, with Township Council we have been meeting back and forth the money is

earmarked. We have no problem with a preliminary approval that says the following: a)it is subject to the Township vacating part of Steckler Street, b)no building permits will be issued until the Township parking lot is paved, the money is earmarked the Township is going to go ahead with it, and it is going to alleviate some of the existing parking issues in the area and it's going to cater to some of the parking of this project we are not trying to hoodwink anyone. This was a tough area that Rabbi Kanerek bought property in the area in order to clean up the area he has been at this for a long time I feel that we need a preliminary approval to solicit tenants we will come back and tell you who the proposed tenants are and if you feel that changes still have to be made we will make them. I would like to thank you for your time.

Mr. Banas stated that there is no question to the position that the things that Rabbi Kanerek has done for the community, he is a real go-getter. It is something that even if there is a negative vote it is not against Rabbi Kanerek it is against the plan. There is nothing that we could say that would destroy that feeling.

Mr. Franklin stated that we talked about the truck backing into the large door, we never talked about a truck backing into the seven store on the side you may have to remove a few parking spots away from the front of the stores to accommodate an unloading zone on both ends there, it can be done. You have two driveways coming in one from Monmouth one from Steckler have the truck back in directly to the stores. You have to get product in if you are going to have seven stores. There are a lot of little things, we are putting an awful lot on one property and we don't have an idea what is going in here. If we had an idea of what is going in here it would help us come up with a sensible decision. I have a hard time going for this the way it is set, I would go for it if I had somewhat of an idea what is going into each of these stores, knowing how I am going to get materials into the stores and how I am going to control traffic flows. I am worried about all of the cars going out Steckler Street, because I have Princeton Ave and Monmouth Ave and a five story building going up across the street with no parking, we have a real cluster going here.

Mr. Neiman asked would Mr. Franklin feel better if this was a smaller building.

Mr. Franklin answered if we knew what kind of tenant and what kind of stores there would be a better understanding of the project.

Mr. Banas stated that the Planning Board attorney listed the things that the board would like to see in a resolution in order to get a preliminary approval. I think maybe we should start that and come in with a list of all that we discussed and when a motion is made by whomever one could vote according to that listing.

Mr. Jackson stated the list of things discussed is no supermarket, no medical tenants, appropriate loading zone for both buildings, no building permits without

final approval, subject to the municipal lot being built, subject to vacating Steckler Street, address to parking for the second store that fronts on 4<sup>th</sup> Street, more specific information on exactly what uses are going in, and then provide an adequate explanation or alternative to all the traffic going onto Steckler Street.

Mr Banas state that he had two other concerns that were discussed, to change all the drawings to reflect what is in the plans, and no foundations being built.

Mr. Steckler stated that they discussed right in, right out on parking lot B and moving the entrance of parking lot A, and no parking on Steckler Street.

Mr. Banas stated that we should ask for a more detailed traffic study that includes the surrounding buildings and how they would interact with this project.

Mr. Pfeffer stated that he would provide Ms. Dolan with the contracts for the four contiguous lots that just went into contract to provide strictly parking for the six story building across the street.

Mr. Schmuckler stated that the traffic study should include Princeton and 4<sup>th</sup> and Monmouth and 4<sup>th</sup>.

Mr. Jackson stated that he would put that down as traffic impact of other new sites competing for the municipal parking.

Mr. Franklin stated that there is no garbage pick-up site on this plan.

Mr. Banas stated that building B on 4<sup>th</sup> street, there is no way that any truck could service this building, maybe we should reduce parking in lot B.

Mr. Franklin stated that they could have stores facing both ways if they want to. There are to many if's here.

Mr. Schmuckler stated that at final they have to show all loading and unloading truck areas, they can do no building until they get final approval and it should all come together by then.

Mr. Banas stated that another aspect of this project stated that no parking on Monmouth Ave. should be considered as a relief for this project. And the last thing should be others subject to review.

Mr. Schmuckler stated that the sidewalks all along 4<sup>th</sup> Street should be the full 11 feet.

Mr Herzl made a motion to give a preliminary approval of this application with all of the conditions previously stated. Mr. Schmuckler seconded the motion.

Mr. Kielt stated that this preliminary approval is for both SD#1753 and SP#1929.

Mr. Jackson stated to clarify the motion to approve a preliminary approval subject to the extensive list of conditions that we just went through.

Roll Call Mr. Herzel, yes, Mr. Franklin, yes, Mrs. Koutsouris, no, Mr. Neiman, yes, Mr. Banas, no, Mr. Follman, yes, Mr. Schmuckler, yes.

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

### **Project Description**

The applicant seeks minor subdivision approval to subdivide Block 420, Lots 16 and 17. A one-story maintenance building, parking lot, and infiltration basin all exist on Lot 16. Lot 16 is a somewhat rectangular shaped lot fronting Route 9 and contains 135,741 square feet (3.116 acres). Two (2) one-story brick office buildings with associated parking exist on Lot 17. Lot 17 is a corner lot containing 57,583 square feet (1.322 acres). The total project area is 193,324 square feet (4.438 acres). No construction is proposed under this application. The properties are located in the central portion of the Township on the northwest corner of River Avenue (Route 9) and Prospect Street. The lots are entirely situated within the HD-7, Highway Development Zone. Route 9 is a State Highway and Prospect Street is a County Road. The site is mainly bordered on the north and west by parking areas and other office uses. Paul Kimball Hospital is located to the south on the opposite side of Prospect Street. The opposite side of Route 9, to the east, is developed with a mix of commercial and residential uses. Public water and sewer is available. Curb and sidewalk exist along the street frontages. The purpose of the Minor Subdivision application is to create a site for a proposed CVS Pharmacy. We have the following comments and recommendations: (1) **Zoning** (1) The parcels are located in the HD-7 Highway Development Zone. Retail business establishments such as drug and pharmaceutical stores are a permitted use in the zone. **Testimony should be provided on how the use of the existing building to remain on Lot 16 complies with the zoning.** (2) Per review of the Subdivision Map, a landlocked lot proposed Lot 16.02 would be created. Creating a landlocked lot will not be acceptable. The land required for the CVS site must be taken from existing Lot 16 and added to Lot 17. Until this revision is made it is not possible to evaluate the proposed Minor Subdivision with respect to the zone requirements. **Previously proposed Lot 16.02 is being incorporated into Lot 17.** (3) Since the existing one-story maintenance building will remain, a variance should be granted for the existing building located within the existing side yard setback. A thirty foot (30') side yard setback is required and the closest distance from the existing building to the side property line is 2.1



feet. **The Board should grant a variance for the existing nonconforming condition. The Zoning Schedule incorrectly lists an existing rear yard setback of 2.7 feet for the same structure. The existing building is over three hundred fifty feet (350') from the rear property line and 2.7 feet from a jog in the side property line.** (4) We recommend that the rear and side yard setback lines for the corner lot be reversed because of the frontage along Route 9 and the access proposed from Route 9. **The rear and side yard setback lines for the corner lot have been corrected.** (5) **We recommend the Board require the existing nonconforming frontage of the corner lot be corrected with this minor subdivision application. The minor subdivision proposes an easement on the adjoining property to the north for use by the future CVS which is the subject of a separate Site Plan application. The proposed minor subdivision line should be revised to include all proposed CVS improvements on the corner lot while keeping the adjoining lot to the north conforming.** (6) **We recommend the Board grant setback variances for the existing nonconforming yards on the corner lot to allow the existing buildings to remain until they are eventually demolished. A front yard setback of 27.0 feet from Prospect Street should be granted, where fifty feet (50') is required. A front yard setback of 49.6 feet from Route 9 should be granted, where seventy-five feet (75') is required. A rear yard setback of 45.8 feet should be granted, where fifty feet (50') is required. The Zoning Schedule must be corrected accordingly.** (7) **The Zoning Schedule shall list the minimum floor area, not the maximum floor area. The Board should grant a variance for the nonconforming floor area of the existing building on Lot 16.** (8) **A waiver is required from providing a six foot (6') wide shade tree and utility easement along the Prospect Street frontage of the subdivision.** (9) **The applicant must address the positive and negative criteria in support of any new variances and waivers requested or required. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.**

(II) **Review Comments** (1) The schedule of bulk requirements requires revision for the creation of two (2) proposed lots, one (1) for the proposed CVS Pharmacy and the other for the remaining lands. **The schedule of bulk requirements has been revised for the creation of two (2) proposed lots. However, multiple corrections are required to the schedule.** (2) The minor subdivision plan shows no construction is proposed at this time. A separate major site plan application has been submitted for a proposed CVS Pharmacy building on the northwest corner of Route 9 and Prospect Street. The application will be reviewed by our office under separate cover. **Statements of fact.** (3) Road widening dedications (if necessary) should be provided and shown on the plat. **The County is not requiring the dedication of any additional right-of-way along Prospect Street. The New Jersey Department of Transportation will determine whether any right-of-way dedication will be required along Route 9.** (4) A proposed six foot (6') wide shade tree and utility easement shall be depicted on the plan along all property frontages (unless waived by the Board). **The Minor Subdivision has been revised to show a six foot (6') wide shade tree and utility easement directly behind the fifty-seven foot (57') setback line from the centerline of Route 9 for future road**

**widening or improvements. An easement has not been added along the Prospect Street frontage, which will require a waiver from the Board.** (5) Minor corrections are required to the General Notes. **General Notes # 3 & 4 shall be corrected to reference "filed" maps.** (6) Zone Boundary Lines must be added to the map. **The Zone Boundary Lines must still be added.** (7) The side yard setback lines must be revised to thirty feet (30'). **The side yard setback lines have been corrected.** (8) The Plan indicates Cross Access and Drainage Basin Easements. The easement locations have been scaled from Deed Book 14006, Page 1251. Metes and bounds are required for these easements along with dedication to the proper parties. **Metes and bounds have been added for the easements. Dedication to the proper parties must still be addressed.** (9) The Certifications shall be in accordance with Section 18-604B.1 of the UDO. **Corrections to the Certifications are still required.** (10) The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. **The project must be submitted to the Tax Assessor to determine whether proposed lot numbers will be required.** (11) Compliance with the Map Filing Law is required. **Statement of fact.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) New Jersey Department of Transportation; and (c) All other required outside agency approvals. **A conditional approval was granted by the Ocean County Planning Board on July 7, 2010. The applicant's professionals indicate they will be submitting the project to NJDOT.**

**5. SP #1933** (Variance Requested)  
Applicant: First Hartford Realty Group/CVS  
Location: Northwest Corner of Route 9 & Prospect Street  
Block 420 Lots 16 & 17  
Preliminary & Final Site Plan for proposed CVS

### **Project Description**

The applicant is seeking Preliminary and Final Site Plan approval. This site plan is for a proposed CVS Pharmacy the lands for which would be created from a separate Minor Subdivision application from the same applicant. The applicant proposes to redevelop the site by demolishing two (2) single-story brick buildings, currently known as "Grand Prospect Center". The construction of a freestanding 15,043 SF CVS/Pharmacy retail store with a dual lane drive-thru, associated parking lot, landscaping, lighting, and utility upgrades is proposed. The proposed square footage for the first floor of the building is listed as 13,005 SF. The proposed square footage for the second floor of the building is listed as 2,038 SF. A total of sixty-six (66) parking spaces are proposed at the above-referenced location. Access to the proposed development will be provided by a right in/right out driveway on River Avenue (Route 9) and by a two-way driveway from Prospect Street. Route 9 is a

State Highway and Prospect Street is a County Road. The initial tract consists of two (2) lots for a total of 4.438 acres in area, and contains the medical buildings, a maintenance building, parking, and an infiltration basin. The proposed CVS portion of the site is listed at 1.69 acres. The remainder of the adjacent property will still contain the maintenance building, the parking lot as presently configured on Lot 16, and a redesigned infiltration basin. The project is located in the central portion of the Township on the northwesterly corner of River Avenue (Route 9) and Prospect Street. The intersection is signalized. The site is bordered to the north by the aforementioned infiltration basin which will be redesigned. Commercial development exists beyond the basin. A parking lot exists to the west of the site. Prospect Street borders the site to the south, with the Paul Kimball Hospital Site located on the opposite side. Route 9 comprises the easterly border of the tract with the Core Center on the opposite side of Route 9. The site is located within the Highway Development (HD-7) Zone District. Curb and sidewalk exist along the street frontages. Public water and sewer are available. **We have the following comments and recommendations per testimony provided at the 07/06/10 Planning Board Workshop Hearing and comments from our initial review letter dated July 1, 2010.** (I) **Waivers (A) The following waivers have been requested from the Land Development Checklist:** (a) B2 -- Topography within 200 feet thereof. (b) B4 -- Contours of the area within 200 feet of the site boundaries. (c) B10 – Man-made features within 200 feet thereof.

The indicated reason for waiver requests on B2, B4, and B10 is that the plans contain sufficient information for review. We concur that the mapping is sufficient and support the requested waivers as required. **The Board granted the above referenced waivers at the July 6, 2010 Technical Meeting. The list of waivers from the Land Development Checklist has been added to the plans.** A Tree Protection Management Plan has not been provided and a waiver from this requirement has not been requested. The plan should either be provided or the waiver requested. **The waiver requested from providing a Tree Protection Management Plan has been made. Action on this waiver request is required from the Board.** (II) **Zoning** (1) The site is situated within the HD-7, Highway Development Zone. Per Section 18-903H.1 of the UDO, under “permitted uses” in the HD-7 Zone cites various retail uses such as drug and pharmaceutical stores. **Statements of fact. (2)** A CVS Easement Line is proposed on the Site Plan. It is our opinion this easement line should be the proposed property line for both the Minor Subdivision and Major Site Plan Applications. In this manner the lot lines between the two (2) existing lots would be realigned and no additional lots created. The proposed bulk requirements should be revised accordingly. Testimony is required regarding the proposed property lines and easement lines. **As currently proposed the frontage on the CVS lot is nonconforming, it is one hundred thirty-five feet (135’) as opposed to a minimum of one hundred fifty feet (150’). We recommend the Board require all proposed CVS improvements be on the proposed corner lot while keeping the adjoining lot to the north conforming. The frontage information listed in the Zoning Summary Chart is incorrect since it is using an easement line as a property line and states a variance is required for Lot 16.** (3) A variance is requested from providing the required non-residential

front yard setback along a State Highway. A front yard setback of one hundred fifty feet (150') is required and a setback of 109.1' is proposed. ***New Ordinance 2010-19 negates the need for this variance since it reduces the front yard setback to seventy-five feet (75').*** (4) A variance has been requested from providing the minimum rear yard building setback. It is our opinion that the requested variance actually involves a side yard, not a rear yard. A thirty foot (30') side yard setback is required and less than thirty feet (30') is proposed. ***A side yard setback variance is required for the canopy of the drive-thru. A setback of 12.7 feet is proposed and thirty feet (30') is required.*** (5) A variance is requested from not providing a ten foot (10') buffer strip between the parking and a public road for a non-residential development. A two foot (2') distance is proposed between the right-of-way of Prospect Street and the proposed parking. ***The Board shall take action of the requested variance.*** (6) A variance has been requested from providing fewer off-street parking spaces than required. Seventy-six (76) off-street parking spaces are required and sixty-six (66) off-street parking spaces are proposed. ***Ocean County Planning Board is requiring the following revisions along Prospect Street: (a) Design the proposed driveway on Prospect Street in accordance with Section 606: C of the Ocean County Technical Design Manual. (b) Submit a sight right easement form for sight triangle easements at the proposed driveway on Prospect Street in accordance with County standards to Ocean County. (c) Remove the proposed parking spaces from within the sight triangle easement area. Compliance with the above requirements will reduce the proposed number of parking spaces thereby increasing the magnitude of the variance being requested.*** (7) The following sign variances are being requested: (a) An electronic message board on the CVS Monument Sign that does not show time and temperature only. (b) A greater sign area on the Monument Sign than allowed. (c) A greater sign height for the Monument Sign than allowed. (d) A greater amount and square footage of Wall Signs than allowed. (e) Wall Signs on building elevations that do not front a street. ***The Board shall take action on the sign variances being requested.*** (8) Per review of the site plans and application, the following design waivers appear to be required: (a) The providing of street trees along with shade tree and utility easements (Subsection 18-803.D.1.). ***Based on the revised plans, a waiver from providing street trees along with a shade tree and utility easement is required only along Prospect Street.*** (b) Minimum twenty-five foot (25') buffer from the property line to the proposed use (Subsection 18-803.E.2.a.). (c) Minimum 100 foot buffer from the State Highway (Subsection 18-803.E.2.g.). (d) Any and all other design waivers deemed necessary by the Board. ***The Board shall take action on the above referenced design waivers.*** (9) ***The applicant requests a side yard accessory setback for the proposed trash enclosure. A trash enclosure does not appear to meet the definition of an accessory structure from our review of the UDO.*** (10) ***The applicant must address the positive and negative criteria in support of the requested variances and waivers. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.*** (III) Review Comments (A) Site Plan/Circulation/Parking (1) The Plan Notes reference a Survey which was used to prepare the base plan. A copy of this document must be

provided for review. ***The Notes have been revised to show that the referenced survey is the Pronesti Survey submitted.*** (2) The “two hundred foot (200’) abutter’s list map” should be taken from the limits of existing Lots 16 and 17 since a Minor Subdivision has not yet been approved. This correction is required since it could impact property owner notifications within two hundred feet (200’). ***The revised two hundred foot (200’) abutter’s list has been incorporated into the revised plans.*** (3) As indicated in the site plans, access is being provided via a right in/right out access drive from Route 9. Access is also being provided by a two-way access drive from Prospect Street. A total of sixty-six (66) parking spaces are proposed for the site, four (4) of which are handicapped. Seventy-six (76) parking spaces are required. The requirements are based on a retail use of 15,043 SF with a space for every two hundred square feet (200 SF). The proposed standard parking spaces will be 9’ x 18’ in size and two-way drive aisles will be a minimum of twenty-four feet (24’) wide. The proposed one-way drive aisle on the north and west sides of the building servicing the dual lane drive-thru is eighteen feet (18’) wide. ***The proposed access drive from Prospect Street and the proposed number of parking spaces will be impacted by the requirements imposed by Ocean County.*** (4) A screened brick trash enclosure area, an enclosed compactor on a compactor pad, a loading area pad, and a 12’ X 68’ loading area are proposed on the west side of the proposed building. The loading area pad and loading area propose no screening since the area will be traversed as shown on the Vehicle Maneuvering Plan. Testimony is required on how this westerly part of the proposed site will function. ***The applicant’s professionals indicate that testimony will be provided.*** (5) A redesigned infiltration basin is proposed directly north of the CVS site on the easterly portion of the adjacent lot. Retaining walls are proposed for the redesigned basin which will be fenced by chain link fencing. Vehicular access will be provided at the spillway adjacent Route 9. A gate should be provided at the spillway to control basin access. Subsurface infiltration and storage basins are proposed on-site. ***An emergency double gate has been added to the plans at the location of the emergency spillway to control basin access.*** (6) The plans show an “NJDOT Desirable Typical Section” width of fifty-seven feet (57’) from the centerline of Route 9. Proposed improvements, including landscaping have been kept out of this corridor. The applicant’s professionals must provide information and testimony regarding any future widening plans and/or property acquisition along Route 9, and potential impacts (if any) to the proposed project. ***The applicant’s professionals indicate that testimony will be provided.*** (7) Traffic Striping is proposed throughout the site. The proposed striping limits should be dimensioned. Testimony is required to document the adequacy of proposed vehicular circulation and of the proposed loading area for facility operations. Stacking for the drive-thru should be addressed. ***Striping details have been added to the Site Details. Testimony should be provided on vehicular circulation, loading, facility operations, and stacking. Layout revisions will be required to comply with the County mandates.*** (8) Vehicular circulation plans indicate that accessibility for delivery, emergency, and trash pickup vehicles will take place on the west side of the site. ***Revisions are required to the Prospect Avenue driveway to comply with County standards.*** (9) Proposed pedestrian access may be restricted in the vicinity of the building vestibule. Testimony is required on the practicality of the proposed

layout. Proposed handicapped signage must be located behind the curb. In some instances it may be necessary to place the proposed signage on the building. **All proposed bollards have been placed behind the curb to not impact the parking stalls. Two (2) handicapped signs will be mounted on the CVS building to allow for a four foot (4') wide clearance for pedestrians. Wheel stops are proposed for the parking stalls in front of the building columns to preserve the four foot (4') pedestrian clearance. The proposed wheel stops are located two feet (2') behind the curb. (10)** Proposed "No Parking Fire Lane" signs must be added to the site plan. **The applicant's professionals have indicated the Fire Commissioners have approved the plans. A copy of the memorandum must be submitted. (11)** A proposed transformer pad for the electrical service is near the southwest corner of the building. Screening has not been provided. **The Landscape Plan has been revised to provide screening around the transformer pad. The proposed plant count requires correction. (12)** The proposed building footprint on the site plan should be dimensioned to assure a match with the architectural plans. **The proposed overall building dimensions shall be to the hundredth of a foot to match the architectural plans. (B) Architectural (1)** Architectural floor plans and elevations were submitted for review. Per review of the submitted plans, the building will be twenty-eight feet (28') in height. The Zoning Summary Chart shall be corrected accordingly. The proposed building height is easily below the sixty-five foot (65') allowable height. The structure will house predominantly retail floor space, with a pharmacy. Limited second floor area covers less than a sixth of the total building area. **The Zoning Summary Chart has been corrected. (2)** The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. **The applicant's professionals indicate that testimony will be provided. (3)** Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. **The applicant's professionals indicate that testimony will be provided. (4)** A fire suppression system is proposed. A two inch (2") potable water system connection and a six inch (6") fire suppression system connection are proposed. **Statements of fact. (5)** Roof drains have been depicted and coordinate with the engineering drawings. The storm water design indicates the entire building runoff being collected in a roof drainage system and piped to the storm sewer collection system. **Statement of fact. (6)** The architectural plans have been signed and sealed Robert Joseph Gehr, a licensed New Jersey Architect. His full name and license number must appear in the title box. **Revised plans are required. (C) Grading (1)** A detailed grading plan is provided on Sheet 5. Consistent with existing topography, proposed grading will generally slope towards the adjacent streets. A storm sewer collection system is proposed to collect runoff throughout the site. Additional grading on the adjoining property to the north is being provided because of the redesigning of the infiltration basin. **Statements of fact. (2)** All proposed curb should be designed to the hundredth of a foot to insure proper site grading. **All proposed curb grades have been designed to the hundredth of a foot to insure proper site grading. (3)** An infiltration basin is proposed to be redesigned on the adjoining property just north of the proposed project site. The basin will be five and a half feet (5.5') deep. Retaining walls are

proposed around the perimeter of the basin. A six foot (6') high chain link fence is proposed outside the walls. **Statements of fact. (4)** Per review of the current grading plan, it is generally acceptable. **A grading easement will be required from adjoining Lot 20. Proposed high points must be labeled. Some missing proposed contour lines must be added. (D) Storm Water Management (1)** A proposed storm sewer collection system has been designed utilizing reinforced concrete pipe to convey stormwater runoff into proposed subsurface infiltration basins with an overflow to the existing above ground modified infiltration basin located north of the proposed CVS development. The proposed underground infiltration basins are located underneath the proposed parking lot areas of the CVS site. Each underground infiltration basin will consist of seven (7) rows of forty-eight inch (48") diameter perforated high density polyethylene (HDPE) pipe. Each infiltration basin will be encased with a stone medium with a half foot (0.5') cover above and below the forty-eight inch (48") perforated pipes. **Statements of fact. (2)** Pretreatment has been designed for the proposed underground infiltration basins designed in series by a proposed CDS Unit. The plans also incorporate other Low-Impact Development strategies such as utilizing porous asphalt in the parking stalls and a grass stabilized area next to the loading space. **Statements of fact. (3)** The redesigned above ground infiltration basin next to Route 9 is intended to serve the surrounding existing sites, as well as be an overflow for the CVS site. The Storm Water Management Report calculations indicate the spillway for the proposed redesigned above ground infiltration basin will be overtopped during the 100 year storm event. While the redesigned basin has been designed large enough to contain the 2 and 10 year storm events without the use of the spillway, the basin is not large enough to contain the 100 year storm event without further modifications to the overall design. Since storm water discharge is being directed onto Route 9, we recommend the applicant's engineer enlarge the proposed infiltration basins to contain the entire 100 year storm event and the overflow provided only as an emergency outlet. Our office should be contacted regarding these design considerations. **Storm water management for the proposed CVS site has been properly designed. Only an emergency overflow in case of system failure will connect to the redesigned infiltration basin to the north of the site. The redesigned infiltration basin proposes enough storage volume to meet its original size and the peak water surface elevations for the various design storms will be slightly reduced. Therefore, our office is satisfied with the overall on-site and off-site storm water management design. (4)** A Geotechnical Investigation has been submitted which indicates ground water at a depth of approximately sixteen feet (16') below existing grade. However, no information has been supplied on the depth of seasonal high ground water. Therefore, a determination on whether the required two foot (2') separation between the proposed infiltration systems and seasonal high ground water cannot be made. **Based on the Geotechnical Investigation, it is likely there is a two foot (2') separation between the proposed infiltration systems and seasonal high ground water. However, should approval of this project be granted, we recommend the applicant be required to further investigate the seasonal high water table to determine whether any design revisions are necessary to the proposed storm water management system. (5)** Proposed storm sewer pipes entering the

redesigned infiltration basin are required to have an “in” invert at the basin bottom elevation with conduit outlet protection. Proposed drop manhole structures and/or alterations to other existing drainage structures will be necessary to accomplish this requirement. **Since the proposed storm sewer pipes serve as an emergency overflow from the CVS site, there is no guarantee the adjoining infiltration basin will be filled with water at the same time. Therefore, we recommend the proposed drop manhole structure be used prior to the pipes entering the basin.** (6) Storm sewer profiles will be reviewed subsequent to design revisions being undertaken. **Storm sewer profiles will be reviewed should site plan approval be granted.** (7) A storm water maintenance manual has not been provided in accordance with NJ Storm Water Rule (NJAC 7:8) and Township standards. **A Storm Water Operation & Maintenance Manual has been provided with this resubmission to the Planning Board. Our office will review the manual should site plan approval be granted.** (D) Traffic (1) A Traffic Impact Study has been submitted for review, assessing impacts of this project. **A second Traffic Impact Study has been submitted with traffic counts being conducted during the summer.** (2) Traffic counts were conducted at the existing medical buildings access driveway and the Route 9/Prospect Street intersection. These counts were done on Friday, January 30, 2009 from 3:30 PM to 6:30 PM and on Saturday, January 31, 2009 from 11:00 AM to 2:00 PM. Accordingly, the peak hours based on the data collected were from 3:45 PM to 4:45 PM on Friday and from 11:45 AM to 12:45 PM on Saturday. It should be noted that sundown at the end of January occurs at approximately 5:15 PM and Saturday is the Sabbath. We recommend new traffic counts be conducted to accurately depict the existing traffic conditions and the Study be revised accordingly. **The second set of traffic counts were conducted on Friday, July 23, 2010 from 12:00 PM to 6:00 PM and on Saturday, July 24, 2010 from 11:00 AM to 3:00 PM. Accordingly, the peak hours based on the data collected were from 2:15 PM to 3:15 PM on Friday and from 12:15 PM to 1:15 PM on Saturday.** (3) Based on the winter report, the Route 9 and Prospect Street intersection will operate at the following proposed levels of service: (a) Eastbound Prospect Street (LOS) D on Friday and (LOS) C on Saturday. (b) Southbound Route 9 (LOS) C on Friday and (LOS) B on Saturday. (c) Northbound Route 9 (LOS) F on Friday and (LOS) C on Saturday. (d) Overall Intersection (LOS) F on Friday and (LOS) C on Saturday. **Based on the summer report, the Route 9 and Prospect Street intersection will operate at the following proposed levels of service: (a) Eastbound Prospect Street (LOS) E on Friday and (LOS) D on Saturday. (b) Southbound Route 9 (LOS) E on Friday and (LOS) C on Saturday. (c) Northbound Route 9 (LOS) A on Friday and (LOS) A on Saturday. (d) Overall Intersection (LOS) D on Friday and (LOS) B on Saturday.** (4) Based on the winter report, the proposed Route 9 site driveway will operate at a level of service C on Friday and a level of service B on Saturday. The proposed Prospect Street site driveway will also operate at levels of service C on Friday and B on Saturday. **Based on the summer report, the proposed Route 9 site driveway will operate at levels of service C on Friday and on Saturday. The proposed Prospect Street site driveway will operate at levels of service B on Friday and B on Saturday.** (5) Based on the winter report, it should be noted that the average vehicle delay of 102.8 seconds on the northbound Route 9 approach on Friday will increase to 233.1



seconds under the Build conditions. **Based on the summer report, no substantial increases in the average vehicle delay takes place under the Build conditions.**

**(6)** Our office recommends new traffic counts be conducted during the local rush hour conditions and a revised Traffic Impact Study be submitted to the Board. **A second Traffic Impact Study was submitted with summer traffic counts.**

**(F) Landscaping (1)** The property lines must be added to the Landscape Plan. The limit of work is not clear, especially with respect to the topsoil, seed, and sod. **The property lines have been added to the Landscape Plan to clarify the limits of work.**

**(2)** Proposed landscaping along the Route 9 frontage of the site does not encroach on the NJDOT Desirable Typical Section Line. There is one (1) existing deciduous tree within the NJDOT Desirable Typical Section Line which will be protected and remain. **Statements of fact.**

**(3)** An irrigation system will be provided for the landscaping. **Statement of fact.**

**(4)** Some screening should be provided for the transformer on the proposed landscape island at the southwest corner of the building. **The Landscape Plan has been revised to provide screening around the transformer pad. A correction to the planting count is required.**

**(5)** The overall landscape design is subject to review and approval by the Board. **The Board should provide recommendations and comments, if any.**

**(6)** The applicant has not provided a six (6) foot shade tree and utility easement along the property frontages, and has requested a waiver from providing shade trees. The sight triangle easements for the proposed site access points should be added to Landscape Plan to avoid planting conflicts. **Shade trees and a shade tree and utility easement have been proposed along the Route 9 frontage but not along the Prospect Street frontage. Proposed sight triangle easements along Prospect Street must be revised in accordance with County standards.**

**(G) Lighting (1)** A detailed lighting design is provided on the Lighting Plan and Details. A point to point diagram has been included. Per review of the isometric data, the design appears to adequately illuminate the proposed use. **Statements of fact.**

**(2)** The proposed site lights consist of nine (9) single fixture pole mounted lights, one (1) double fixture pole mounted light, and seven (7) wall mounted lights. **Statement of fact.**

**(H) Utilities (1)** Public water and sewer services will be provided by the New Jersey American Water Company since the project is within their franchise area. **Statement of fact.**

**(2)** All proposed utility connections will be made on the Prospect Street side frontage of the project. All proposed connections will be underground. Sanitary sewer, potable water, gas, electric, and telephone service are all proposed. **Statements of fact.**

**(3)** Testimony should be provided regarding proposed fire protection measures. A two inch (2") potable water line and a six inch (6") fire suppression line are shown for the proposed building. **The applicant's professionals have indicated that testimony will be provided.**

**(I) Signage (1)** Signage information is provided for building-mounted signage on Sheet A-4.1 of the architectural plans. Signage information is provided for free-standing signage on Sheet 4 of the site plans. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) has been provided for review and approval as part of the site plan application. Sign variances are required. **The Board shall take action on the requested sign variances.**

**(2)** All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. **Statement of fact.**

**(J) Environmental (1) Site**

**Description** Per review of the site plans, aerial photography and a site inspection of the property, the initial tract consisted of a total 4.438 acres in area, and contains the medical buildings, a maintenance building, parking, and an infiltration basin. The proposed CVS portion of the site is listed at 1.69 acres. The remainder of the adjacent property will still contain the maintenance building, the parking lot as presently configured on existing Lot 16, and a redesigned infiltration basin. The project is located in the central portion of the Township on the northwesterly corner of River Avenue (Route 9) and Prospect Street. The intersection is signalized. The site is bordered to the north by the aforementioned infiltration basin which will be redesigned. Commercial development exists beyond the basin. A parking lot exists to the west of the site. Prospect Street borders the site to the south, with the Paul Kimball Hospital Site located on the opposite side. Route 9 comprises the easterly border of the project, with the Core Center on the opposite side of Route 9. ***The limits of the proposed CVS portion of the site are subject to change.*** (2) **Environmental Impact Statement** The applicant has submitted an Environmental Impact Statement. The document has been prepared by Vanasse Hangen Brustlin, Inc., to comply with Section 18-820 of the UDO. The report has been prepared for CVS to accompany the application for site plan approval. To assess the site for environmental concerns, natural resources search of the property and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following highlights some of the documents and field inventories which were reviewed to evaluate potential environmental issues associated with development of this property: (a) Known Contaminated sites (including deed notices of contaminated areas). (b) Wood Turtle and Urban Peregrine habitat areas; and (c) NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas.

There are many corrections required to the Environmental Impact Statement which our office can review with the applicant's professionals. ***A revised EIS has been submitted with the required corrections.*** (3) **Tree Management Plan** This application shall either include the submission of a Tree Management Plan or request a waiver from submission. It should be noted that the only trees to be removed are located between the existing medical building site and the existing infiltration basin. ***A waiver has been requested from providing a Tree Management Plan.*** (4) **Phase I/AOC's** If existing, a Phase I study should be provided to address potential areas of environmental concern (AOC's), if any within the site. At a minimum, we recommend that all existing debris and construction materials from demolition activities be removed and/or remediated in accordance with State and Local standards. ***A Phase I Environmental Assessment, a Hazardous Materials Inventory, and a Phase II Limited Subsurface Investigation have been submitted.*** (K) **Construction Details (1)** Four (4) sheets of construction details are provided on of the plans. However, design changes are anticipated. Therefore, we recommend that final construction details be revised as necessary during compliance review, if/when this project is approved by the Board. ***Various changes have been made to the Site Details for this***

**submission increasing the number of Site Detail sheets to five (5). A comprehensive review will be undertaken by our office should site plan approval be granted.** (2) All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. **Details will be checked during compliance review should site plan approval be granted.** (3) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. **Statement of fact. (IV) Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Water and Sewer service (NJAW); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District; (d) NJDOT (access permit); and (e) All other required outside agency approvals. **The applicant's professionals have indicated they received a confirmation from NJAW for both water and sewer service on this project. Ocean County Planning Board is requiring revisions to the project as outlined in their July 7, 2010 meeting minutes. The applicant's professionals have indicated they have responded to review comments received from the Ocean County Soil Conservation District. The applicant's professionals have indicated they are in the process of submitting for a Major Access Permit to the NJDOT. The applicant's professionals have also indicated they are requesting exemptions from NJDEP for Flood Hazard Area and CAFRA.**

Mr. Kielt stated that the SD#1741 and SP#1933 will be heard together.

Mr. Harvey York, Esq. for the applicant. We actually know what we are building we don't need a lot of parking spaces and by way of opening this is a project that when it is done will be a three million dollar rate able with no services required, not garbage not nothing. The application is at Prospect and Route 9 it is the old office building is, it will be torn down and we are sub-dividing off a piece of the adjoining property taking an additional easement for access. Some of the variances we originally needed are not needed now, we have some setback variances. There is a comment from the engineer in his letter about he would prefer us to build it all on our property, we can't, we have an easement for access that is a title issue, it doesn't effect planning. When you look down the street it will look exactly the way it should. We will get DOT permits, parking we are required 76 spaces we have 66, and we can explain why we do not need them, we can describe our truck traffic in and out. It is a site that does work, it is a CVS and they know exactly what they are doing, they know exactly how to operate it and we have some sign variances which we can go through.

Mr. David Caruso, Civil Engineer stated he has done approximately 12 CVS's over the past years. The property is located on lots 17 and 16 a portion of lot 16 on the corner of Route 9 and Prospect Street. What is proposed on site is a footprint of 12,900 sq feet, retail pharmacy with approximately 2,00 sq feet of mezzanine for approximately 15,000 sq feet total. Access to the site is off of Prospect Street that uses the existing curb cut that is widened out to accommodate a WB62 wheel base

62 delivery truck. We are also proposing a new right in right out access off of Route 9 South in the southern direction it has been approved by the NJDOT. Accessing the site from Route 9 traveling south you would make a right into the site and take a left into the parking lot between Route 9 and the building. On the southern side of the building you would enter from Prospect Street basically there are two fields of parking, there is one to the east side of the building and one to the south. There is a variance required for the canopy it is supposed to have 30 feet and it has 12.7 feet. This variance is adjacent to the parking lot to Kimball Medical center and has no adverse impact on anyone. There is a variance for a 10 foot buffer strip between the parking and the road it is basically right along the northern right of way line on Prospect Street. The reason why we are encroaching on that setback is due to the fact that we needed to provide additional parking on that side in order to provide enough parking spaces we are requesting relief but in order to maximize the parking spaces we are proposing on site. We are not impacting the existing sidewalk along the northern side of Prospect Street we are maintaining the curb line up tho the portion where we have the new curb cut, the sidewalk and the curb will basically remain in tact.

Mr. Neiman stated that Route 9 will be right in an right out. What about Prospect Street

Mr. Caruso stated that Rout 9 is right in right out and Prospect is continues full access as it is today we are just widening it out. Basically it is 24 foot wide we have to increase that width in order for the trucks to enter and exit from this side. The County planning board has reviewed this site and asked for changes to the geometry to the curb cut we will request a waiver for edge clearance on the Prospect Street curb cut. The suggested minutes from the Ocean County Planning Board does not require the removal of proposed existing parking spaces. We will redesign it with the County not to lose any more requires parking spaces. We are required to have 76 spaces and we have 66 spaces. It has been the experience of CVS and myself that in several different markets that the total maximum amount of parking spaces they need is in between 46 to 55 spaces and that is with a duel lane drive thru, this proposed development has a duel lane drive thru which will reduce the need for parking , with the 55 spaces maximum needed for the patrons and employees, we feel we have above the parking that is needed.

Mr. Jackson asked what the number 46 to 55 spaces is based on, the square footage of the building, retail site in general, the town.

Mr. Caruso stated that it is based on a similar market they are experiencing already in Lakewood and on their history with the duel lane drive thru it is less than what is required from a Township Ordinance of what is required 5 per 1000 square feet. The ordinance does not take into account that patrons will be using the drive up window and not parking spaces. Plus we have a mezzanine for storage which counts towards the total square footage but should not count towards the parking needed. The electronic message sign is located on the Monument sign which is located at the southeast corner of the site, it faces both north and south of Route 9 it is approximately two feet high by five feet wide, it displays time and temperature and

can be used for emergency services and information. It is CVS's policy to provide the Township with the opportunity to utilize the sign for various emergency situations. The use is permitted by ordinance it is the details that is not. A greater sign is proposed at 58.41 the 35 which is permitted, the height where six feet is permitted and the applicant is seeking 15 feet. This is due to the inclusion of the electronic message board and the foundation, it s a rather wide sign which needs a larger base. There is no sight triangle being affected by this. There are additional signs being proposed for the drive thru service and a 24 hour sign on the eastern and the southern side of the building.

Mr. Vogt stated we have identified the variances that you have requested on page four of our site plan are you interpreting that these variances are bulks that relate to signage. Mr. Pfeffer stated yes.

Mr. Caruso continued that the applicant is seeking a design waiver along the easement we are keeping are four trees on Route 9, we are keeping out of the NJDOT improvement right of way for any future proposed improvements. We are providing red maples along Route 9. Again there is not the number that we are required to have. The hours of operation are a proposed 24 hour store. There is on WB62 delivery truck that occurs once a week there are also daily single unit box trucks and very smaller trailer trucks delivering soda, chips, and newspapers things of that nature. The large truck will enter the site from Route 9 taking a left onto Prospect Street and then a right off of Prospect into the site, it will then traverse back opposite the one way exit drive for the drive thru and then back into the loading zone. This is to the left of the store. When it exits it will use a reverse motion and go out Prospect Street. The truck will block the drive thru area only when it is exiting.

Mr. Pfeffer stated that all of the other concerns in Mr. Vogts letter the applicant will comply with.

Mr. Jackson stated that he was uncomfortable with the electronic scrolling sign and meeting the variance. In the letter it references a sign as a conditional use permitted, if it changes. If that is a use issue this Board does not have the jurisdiction over that matter.

Mr. Banas stated that he is concerned with the entrance and exit on Prospect Street, I know that the DOT and the County approved but tell me how it is going to function. The delivery truck is going down a one way street. Mr. Caruso stated that it is an internal drive lane in the site not a one way street. Mr. Banas stated that they have shown that there will be painted on the road stop and do not enter, what happens when the road is covered with snow. Mr. Caruso stated that there will be other signs at the exit. Mr. Banas asked to be explained the exit of the trucks. Mr. Caruso showed Mr. Banas on the map how it will work. Mr. Banas asked about on the plans there were shown some illuminated lights on the walkways and handicapped illuminated walkways. Mr. Caruso explained that there are ADA or accessible routes off of Route 9 and Prospect and when those sidewalks converge towards the building they are basically in the front entrance vicinity of the store, where the

handicapped parking is those routes utilize the painted spaces between the accessible parking spaces as routes to the front door.

Mr. Bob Oelenschlager, Eastern Regional Sign Consultant for CVS Pharmacy, I have been involved in over 100 new sites and 4 to 5 hundred retro-fits. The electronic sign does not flash, does not scroll, and does not blink. The message remains static for 3 to 5 minutes. The change of the message is done through a very slow fade in and fade out effect, unless you were standing there staring at it you would never know that it had changed. For safety reasons by doing it this way when we go into a town and they say a flashing, rolling, blinking sign is prohibited; we do not fall into this category. We feel that we do not even need a variance for this sign.

Mr. Vogt stated that if the Board wants to approve this application maybe submit the sign request to the zoning board for interpretation and if they feel it is not a permitted sign you would have to get zoning board approval.

Mrs. Koutsouris stated that she feels the parking request is reasonable and it serves the community well both with the location and the drive thru.

There was no one from the public to be heard.

A motion to approve the application was made by Mr. Banas and seconded by Mr. Herzel.

Mr. Jackson stated that the sign is approved as presented subject to the approval from the zoning board.

Roll Call Mr. Herzel, yes. Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

**6. CORRESPONDENCE**

**7. PUBLIC PORTION**

**8. APPROVAL OF THE MINUTES**

Minutes from November 9, 2010 Planning Board Meeting.

Moved to accept by Mr. Schmuckler and seconded by Mrs. Koutsouris.

Roll Call Mr. Herzel, yes. Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

**9. APPROVAL OF BILLS**

Moved to accept by Mr. Schmuckler and seconded by Mrs. Koutsouris.

Roll Call Mr. Herzel, yes. Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Schmuckler, yes.

**10. ADJOURNMENT**

PLANNING BOARD MEETING  
NOVEMBER 23, 2010

TOWNSHIP OF LAKEWOOD  
PUBLIC HEARING MEETING

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Margaret Stazko  
Secretary