

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

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

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. PUBLIC HEARING ITEMS

#3 Adjourned to the 2/15/11 meeting, no further notice required

#9 Adjourned to the 1/4/11 meeting, no further notice.

#1 and #2 are being heard together.

1. SP# 1943

Applicant: Congregation Chasidei Skulen DeLakewood

Location: Northeast corner of County Line Road East & Princeton Ave.
Block 142 Lots 1 & 4

Preliminary & Final Site Plan for proposed synagogue & associated site

Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a two-story synagogue, which includes a first floor Main Sanctuary of approximately 2,310 square feet (sf) of gross floor area, a library, a Rabbi's Room and various amenities. A second floor including a 1,742 sf Mezzanine and supporting facilities is also proposed. Finally, an unimproved basement is depicted, all within a

4,875 square foot footprint (per the site plans). An interior parking area consisting of fourteen (14) parking spaces and other site improvements are proposed within the property. Additionally, a 5-foot wide concrete walk/ramp is proposed from Princeton, extending along the north side of the building to the northeast corner of the building. A 4 foot-wide sidewalk is also proposed for access at the rear of the building (adjacent to Lot 6), leading to descending stairs to the basement. Access to the site is provided from Princeton Avenue. The tract consists of a rectangular shaped lot that totals 12,500 square feet. The site contains two (2) existing residences, driveways and other appurtenances which will be removed. The site is located in the northern portion of the Township on the northeast corner of Princeton Avenue and County Line Road East. Both property frontages have existing curb and sidewalk. New sidewalk is proposed along the Princeton Avenue frontage, associated with the proposed parking access to the site. The surrounding properties are mostly developed with residential uses. Although an existing 1-story dwelling is depicted on Lot 8 immediately north of the site, the plans note this property as "vacant", as well as adjacent Lot 15. The property is located in the OT (Office Transitional Use) Zone District. Places of worship are permitted uses. (I) **Zoning** (1) The parcel is located in the OT (Office Transitional Use) Zone District. Places of worship are a permitted use in the zone, subject to the provisions of Section 18-905. (2) The applicant shall comply with recently adopted Ordinance 2010-28 which adds new Section 18-403 Developers Agreements to the UDO. (3) Variances have been requested for Minimum Side Yard Setback (12 feet required, 10 feet proposed), Minimum Rear Yard Setback (15 feet required, 10 feet proposed), Maximum Building Coverage (25% allowed, 39% proposed), and the number of parking spaces (14 spaces proposed). Per our review of the lot layout, we recommend that the setback to adjacent Lot 6 be treated as a second side yard (not rear yard) due to the property's dual frontage on County Line Road. The Bulk Requirements Table should be revised accordingly. (4) The applicant must address the positive and negative criteria in support of the required 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.** (5) According to Section 18-905 B. 3. Perimeter Buffer: Since a 20-foot wide undisturbed buffer to residential properties cannot be provided, grading, the applicant shall provide an adequate screen of at least six (6) feet height so as to continually restrict the view (to existing adjacent residential properties). A (partial) waiver has been requested. Similarly, a buffer design waiver from 18-803E2a has been requested. In consideration of this waiver, the UDO states that the "Board *may* require landscaping, fences or walls to ensure privacy". (6) Submission waivers are requested for topography and contours within two-hundred feet of the site. We support these waivers since sufficient topography is provided to evaluate the proposed design. (7) The applicant shall comply with recently adopted Ordinance 2010-28 which adds new Section 18-403 Developers Agreements to the UDO. (II) **Review Comments (A) Site Plan/Circulation/Parking** (1) As indicated previously, a fourteen (14) space parking lot is proposed. For Places of Worship (Section 18-905 A 1), parking for such uses is only required for sanctuary space above 800 square feet (sf) in floor area, unless a catering facility is proposed on-site. The architectural floor plan and the civil/site plans depict a

sanctuary space exceeding 2,300 sf, which requires (at least) seventeen (17) spaces in accordance with the schedule contained within this section of the UDO. A variance has been requested. (2) Confirming testimony must be provided that an on-site catering facility is not proposed. Otherwise, additional spaces may be required as defined in the UDO. (3) A design waiver is necessary relative to the function of the (stacked) parking spaces. Parking shall be provided to the satisfaction of the Board. (4) No refuse enclosures are depicted on the plans. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. (5) Curb radii for the proposed parking access driveway (and handicap ramps) are necessary. (6) A "Road Widening Easement" is proposed along the County's County Line Road frontage, and must be dimensioned. Metes and bounds will be required during compliance review if/when this project is approved. (7) No shade tree and utility easements are depicted in existing or proposed conditions. We note that it is impractical to provide shade tree easements along Princeton Avenue or within the site triangle depicted within County Line Road East due to the proposed parking and access. A utility easement(s) is recommended along the Princeton Avenue frontage, at a minimum. (8) A site triangle is depicted on the site plans for the proposed parking area access. Metes and bounds will be required during compliance review if/when this project is approved. Per review of the site plan, we note a de-minimus encroachment of the corner of one proposed parking space with the northerly corner of the site triangle. Otherwise, the site triangle will function as proposed. Site distance along County Line Road relative to this project is ultimately subject to County review and approval.

(B) **Architectural** (1) Per review of the architectural plans and the site plans, the proposed building will be two stories with an unfinished basement. The maximum building height (at the proposed parapet) is approximately 35 feet, the maximum allowed in the OT Zone. Testimony should be provided that the building height will not exceed 35 feet (or a variance requested). (3) Per review of the architectural and site plans, there are some discrepancies in layout and access. The primary discrepancy is the location and access to the rear door as depicted at the northeast corner of the building. These discrepancies appear easily resolvable. (3) Testimony should be provided regarding ADA accessibility. It appears only the first floor is accessible. (4) Testimony should be provided as to whether the proposed synagogue will include a sprinkler system. (5) We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. (6) We recommend that color renderings of the building be provided for the Board's use at the forthcoming public hearing for the application.

(C) **Grading (1)** Grading information is provided on the current Grading, Drainage and Utility Plan (Sheet 4 of 6). As depicted, existing and proposed site grades are relatively flat. The proposed first floor of the synagogue will be approximately six (6) feet above existing grade. (2) Per review of proposed grading, the design is feasible as proposed. Additional grading around the building and parking/pedestrian areas is necessary, and can be provided in a revised submission and/or during compliance review (if/when approval is granted). (3) Soil data are necessary to identify the seasonal high water table as well as permeability rates of on-site soils, and can be provided in a revised submission and/or during compliance review (if/when approval is granted).

(D) **Storm Water Management** (1) A recharge system including a 3'

wide, 75' long stone trench and perforated pipe is proposed along the southern side of the building. Building roof leaders are depicted as connecting to the trench system. As noted in the stormwater report, a very minor increase in impervious coverage (0.05 acres) is proposed as a result of the removal of existing homes, structures and driveways proposed with redevelopment of this site. Although the final stormwater design must be revised based on site-specific soils data, it is clearly feasible as proposed. (2) The applicant must confirm that the proposed stormwater system will be maintained by the applicant. Since the project is exempt from the NJ Stormwater Rule, a maintenance plan is not required. (3) Per review of the existing/proposed gutter grades at the parking area's Princeton Avenue curb cut entrance, the grades are insufficient for adequate gutter flow. We recommend that as a condition of Board approval, if/when forthcoming, that the gutter in this area be reworked to provide a more positive grade to the existing inlet depicted near the intersection with County Line Road. (E) **Landscaping and Lighting** (1) No new landscaping is currently proposed as depicted on the site plans. As depicted on Sheet 3 of the site plans, a six-foot high board on board fence is proposed along the easterly property line, adjacent to existing Lot 6. An existing chain link fence is depicted along existing Lots 8 and 15 at the northern property line. (2) As indicated previously, no shade trees are proposed along the property frontages, presumably due to the proposed parking access on Princeton Avenue and the proposed site triangle along the majority of the property's dual County Line Road frontage. (3) Landscaping should be provided to the satisfaction of the Board. (4) No lighting information is provided on the plans. Testimony must be provided whether lighting (security, parking areas, other) is proposed. If lighting is proposed (other than security), we recommend that timers be provided. Lighting (if any) should be provided to the satisfaction of the Board. (F) **Utilities** (1) Sheet 4 of the site plans shows public water and sewer present within County Line Road, and proposed utility connections. (2) The applicant must receive necessary approvals from the local agency (NJAW). (G) **Signage** (1) No signage information is provided (other than handicap signage on the Construction Details Sheet). If signage is proposed, a full signage package should be provided for review and approval as part of the site plan application. (2) All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. (H) **Environmental** (1) No Environmental Impact Statement (EIS) was prepared for this project or required due to the project size. (2) To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmentally-sensitive areas exist per available mapping. Testimony should be provided by the applicant's professionals as to whether there are any known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property. (3) We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. (I) **Construction Details** (1) Additional construction details will be required for any additional

improvements required by the Board. All proposed construction details must comply with applicable Township and/or applicable 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. (2) A detailed review of construction details will be provided during compliance review, if/when approved by the Board. (3) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. (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) Ocean County Soil Conservation District; (c) NJAW (Public Water and Sewer); and (d) All other required outside agency approvals.

A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

2. SD# 1785

Applicant: Congregation Chasidei Skulen DeLakewood
Location: Northeast corner of County Line Road East & Princeton Ave.
Block 142 Lots 1, 4 & 6
Consolidated Minor Subdivision

Project Description

The applicant seeks minor subdivision approval to subdivide an existing twenty-five thousand square foot (25,000 SF) L-shaped property known as Lots 1, 4, and 6 in Block 142 into two (2) new lots. The proposed properties are designated as proposed Lots 4.01 and 6.01 on the subdivision plan. The purpose of this subdivision is to allow for the construction of a synagogue on proposed Lot 4.01. The proposed synagogue will involve a separate site plan application. No construction is proposed under this application. Proposed Lot 4.01 would be a twenty thousand square foot (20,000 SF), 100' X 200' rectangular lot. Proposed Lot 6.01 would be a five thousand square foot (5,000 SF), 50' X 100' rectangular lot. The properties involved in this application have frontage on County Line Road East, Princeton Avenue, and Kennedy Boulevard East. Proposed Lot 4.01 would be situated on the northeast corner of County Line Road East and Princeton Avenue. The frontage along County Line Road East would be two hundred feet (200') and the frontage along Princeton Avenue would be one hundred feet (100'). Proposed Lot 6.01 would be situated on the south side of Kennedy Boulevard East. It would be one hundred fifty feet (150') from the intersection with Princeton Avenue and have frontage of fifty feet (50'). Curb and sidewalk exists along all the site frontages. The site and its surroundings are developed in its current condition. County Line Road East and Kennedy Boulevard East are both County Roads. Both County Roads intersect with Princeton Avenue and both intersections are signalized. A Road Widening Easement of 5.25 feet is proposed for the County Line Road East frontage of the site. The Kennedy Boulevard East right-of-way width is depicted as eighty feet

(80') and the Princeton Avenue right-of-way width is depicted as sixty feet (60') across the frontage of the property. The lots are situated within the O-T Office Transitional Use Zone. The proposed subdivision is located within the New Jersey American Water Company franchise area. Variances for the proposed lots are required to create this subdivision. 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. Except for adding topography on and in front of (Kennedy Boulevard) proposed Lot 6.01, we support the waivers requested for this minor subdivision application. The waivers are appropriate since the plan filed contains sufficient detail and information to allow an informed judgment on the application despite the failure to comply with the plans details checklist of the ordinance. (II) **Zoning** (1) The parcels are located in the O-T Office Transitional Use Zone District. Houses of worship are an implied use in the zone. (2) Per review of the Subdivision Map and the zone requirements, the following variances are required: (a) Minimum Lot Area (proposed Lot 6.01, 5,000 SF proposed, 10,000 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lot 6.01, 50 feet proposed, 75 feet required) – proposed condition. (3) 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) Site specific information for proposed Lot 4.01 is being reviewed as part of a separate site plan application. No information has been provided for the use of proposed Lot 6.01. The General Notes list the existing and proposed uses for both lots as single family residential which is incorrect. Confirming testimony should be provided by the applicant's professionals on the existing and proposed use for proposed Lot 6.01. Existing Lot 6 contains a parking lot with access to Kennedy Boulevard East which serves the building fronting County Line Road East. (2) The Surveyor's Certification reference an old survey from 8/02/04. The General Notes reference a new survey from 6/24/10. The surveyor's Certification shall be corrected and a copy of a new survey should be provided for the project. (3) The locations of all existing lot lines and where they will be removed needs to be clarified on the plan. (4) Proposed setback lines must be added to the plan. (5) Proposed lot and block numbers must be approved by the tax assessor's office. (6) Compliance with the Map Filing Law is required. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; and (b) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

3. SD# 1717

Applicant: Nissim Sankary

Location: Whitesville Road, opposite Gudz Road
Block 252 Lots 3, 8
Preliminary & Final Major Subdivision – 4 lots

Project Description

The owner/applicant is Nissim Sankary, 398 Dr. Martin Luther King Drive, Lakewood, New Jersey 08701. The applicant is seeking Preliminary and Final Major Subdivision approval. The applicant proposes to subdivide the existing two (2) lots into four (4) proposed lots. The existing two (2) lots known as Lots 3 and 8 in Block 252 are proposed to be subdivided into four (4) lots shown as proposed Lots 3.01-3.03 and 8.01 on the Major Subdivision Plan. Existing Lot 3 has frontage on Lafayette Boulevard, an unimproved right-of-way. Existing Lot 8 has frontage on Whitesville Road, with a variable width right-of-way. A subdivision is being proposed by requesting a road vacation of Lafayette Boulevard in front of existing Lot 3 and using the area along with a sliver of land from existing Lot 8 to create three (3) new properties Lots 3.01-3.03, with a remainder tract Lot 8.01. A proposed right-of-way easement connecting to Third Avenue near its intersection with Whitesville Road would provide access to the three (3) new lots which used to front Lafayette Boulevard. The remainder of existing Lot 8 would become new Lot 8.01 and still front Whitesville Road. **Therefore, this application is contingent upon Lakewood Township vacating a portion of Lafayette Boulevard and providing an access easement.** Public sewer and water is not available for the major subdivision. The approximate locations of existing and proposed septic systems and potable wells are shown on the plans. No improvements are proposed for new Lot 8.01 which contains an existing dwelling. No improvements to new Lots 3.01-3.03 are shown at this time. The proposed access to the lots would be from a twenty foot (20') wide paved cart way within a twenty-five foot (25') wide right-of-way owned by the Township. The cart way is proposed to terminate at a hammerhead turnaround in the right-of-way of Second Avenue just past proposed Lot 3.03, the last lot in the sequence. Curb, sidewalk, and shade trees are proposed across the frontage of proposed Lot 8.01. Shade trees are proposed across the frontage of proposed Lots 3.01-3.03. Otherwise, no other improvements are proposed across proposed Lot 3.01-3.03 such as curb and sidewalk. A Freshwater Wetlands/Waters Boundary Line with NJDEP File No. 1514-09-0012.1 is indicated off-site to the east. The fifty foot (50') buffer associated with this line is shown to cross the northeast corner of proposed Lot 3.03. ***We have the following comments and recommendations per testimony provided at the 8/3/10 Planning Board Workshop Meeting, and comments from our most recent review letter dated July 28, 2010:*** (I) **Waivers (A) The following waivers have been requested from the Land Development Checklist:** (1) C14 - Tree Protection Management Plan. (2) C16- Soil Erosion and Sediment Control Plan. (3) C17 - Design calculations showing proposed drainage facilities to be in accordance with the appropriate drainage runoff requirements. ***The Board denied the above referenced waiver requests at the***

June 1, 2010 Workshop. A Soil Erosion and Sediment Control Plan has been provided. The applicant's professionals have determined that there are less than ten (10) trees of twelve inch (12") caliper on the site and no specimen trees. Therefore, in accordance with Section 18-803H.3.b of the UDO, a Tree Protection Management Plan is not required. By our site investigation our office can concur with applicants professional's determination. The applicant's professionals acknowledge that the project proposes more than a quarter acre of new impervious surface. Therefore, water quality standards must be addressed.

(II) Zoning (1) The site is situated within the R-12, Single-Family Residential Zone District. Single-Family residences are permitted in the R-12 Zone.

Statements of fact. (2) No bulk variances are being requested for the proposed lots in the subdivision. **A front yard setback variance for proposed Lot 8.01 will be required with the proper right-of-way dedication along Whitesville Road. The subdivision plan indicates the centerline alignment of Whitesville Road was held per Ocean County Engineering Plan #15-005-104 (a copy of the plan should be provided). However, a variable width right-of-way easement is proposed to the Township of Lakewood. Unless this portion of Whitesville Road has reverted to the Township, a right-of-way dedication to Ocean County is required.** (3) The plans note that the access roadway for proposed Lots 3.01-3.03 is to be an eighteen foot (18') wide Rural Lane with no on-street parking, no sidewalk, and no curbing in accordance with RSIS 5:21-4.2(c) and Table 4.3. It should be noted that the roadway being proposed by the applicant is gravel. It should also be noted that Table 4.2 in RSIS describes a Rural Lane as a street that serves dwellings on lots that are two (2) acres or greater. The subdivision being proposed consists of twelve thousand square foot (12,000 SF) lots. Lot to street access should also be designed so vehicles do not have to back out of lots onto the street. **The plans have been revised to provide a twenty foot (20') wide Rural Street with no curb, sidewalk, or on-street parking. A de minimus exception is requested to allow three (3) twelve thousand square foot (12,000 SF) lots access by the street, where Table 4.2 defines a Rural Street as accessing lots of one (1) acre or more. Our office has requested an interpretation from the Department of Community Affairs as to whether the municipality can issue a de minimus exception to classify a proposed street as a Rural Street if it does not meet the conditions of RSIS. Based on the response received (copy enclosed), the NJDCA has determined that the proposed road for this projects does not fit the "Rural Street" definition in RSIS. Per review of the recommended RSIS widths, and due to the potential future development of property on the other side of the street, we recommend a minimum cartway width of 28 feet (based on the "Residential Access" RSIS classification, and one parking lane) for this project.** (4) **A de minimus exception is requested for a right-of-way width of twenty-five feet (25'), where forty feet (40') is recommended by RSIS Table 4.3 for Rural Streets. Testimony justifying this request is necessary. Based on our recommendation (above), additional right of way easement, at a minimum, is necessary.** (5) The applicant must address the positive and negative criteria in support of the required variances and requested de minimus exception. **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)

General/Layout/Parking (1) The subdivision references a Topographic and Outbound Survey, dated 5/20/09, prepared by Anthony T. Romeo, PLS, NJ License #12674 of Clearpoint Services, LLC. A copy of this survey must be submitted. **A copy of the Survey has been submitted. Additional off-site topography is required for the off-site improvements proposed. The applicant's professionals have indicated the additional off-site topography will be provided upon completion.** (2) On the adjoining properties immediately to the west of proposed Lot 8.01, the half right-of-way width of Whitesville Road scales twenty-five feet (25'). The Planning Board should require a dedication from proposed Lot 8.01 to provide a half right-of-way width of twenty-five feet (25'), consistent with the neighboring lands to the west. **A right-of-way easement is being proposed to circumvent a front yard setback variance and from the existing septic field from being too close to the right-of-way. The Subdivision should be conditioned upon the Board granting a front yard setback variance as well as approvals by the Ocean County Planning Board and Ocean County Board of Health, even if existing septic system and potable well facilities have to be relocated for conformance with the current requirements.** (3) Off-street parking: The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. No specific parking data for the proposed lots is provided. Therefore, the zoning table rounds up to three (3) off-street parking spaces being required. The location of an existing dwelling is shown on proposed Lot 8.01, but no driveway, garage, basement, or number of bedrooms is indicated to confirm off-street parking compliance. No dwellings are proposed for new Lots 3.01-3.03 at this time. Testimony on the existing and proposed dwellings should be provided.

Parking shall be provided to the satisfaction of the Board. The applicant's engineer has indicated that adequate parking will be provided when the grading plans are provided for each lot. The applicant's engineer has also indicated that the existing dwelling on proposed Lot 8.01 has three (3) bedrooms and three (3) parking spaces. The existing driveway dimensions indicate that two (2) parking spaces can be accommodated within the driveway even after considering the proper right-of-way dedication. Another space is available in the garage. (4) Since a dwelling exists on proposed Lot 8.01, the actual zoning data shall be provided to insure no variances are being created. The existing building dimensions are required on the plans and survey for completeness. Zoning data has been provided for the existing house on proposed Lot 8.01. The proposed lot area must be corrected because of the required right-of-way dedication. The front yard setback dimension must be corrected because of the required right-of-way dedication and a variance will be necessary. A side yard setback dimension of 21.0' has been added from the southwest house corner to the side property line. Accordingly, the proposed aggregate side yard setback has been corrected to 36.4'. The existing wood deck has been added to the existing house and the building coverage must be recalculated. The rear yard setback dimension has been calculated from the corner of the deck based on the deck elevation shown on the plan. (5) Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. Should the Township be

responsible for collection, the proposed scheme must be reviewed and approved by the Department of Public Works. Street side collection by the Township is proposed. The applicant's professionals have indicated the hammerhead turnaround has been dimensioned based on the turning template for a single unit truck. Testimony and a graphic display should be presented at the Public Hearing. (6) The plans indicate a portion of Lafayette Boulevard was vacated by Ordinance 2008-34. However, the current configuration of the existing lots and right-of-ways is not correctly depicted. The correct configuration appears on the latest Tax Map. The lots and right-of-ways configuration has been corrected. An area and dimensions for the small section of Lafayette Boulevard proposed to be vacated in front of existing Lot 4.01 have been added. (7) A line that appears to be an old centerline extension of Lafayette Boulevard is shown to intersect Whitesville Road. This line shall be eliminated from the drawing since old Lafayette Boulevard intersects with Third Avenue. The centerline of Lafayette Boulevard has been corrected to intersect with Third Avenue. (8) To create the proposed subdivision, the right-of-way of Lafayette Boulevard across the frontage of the site from Second Avenue to the previous vacation of Lafayette Boulevard needs to be vacated by the Township. The limits for the proposed vacation are not correctly shown. The proposed right-of-way vacation has included the area in front of existing Lot 4.01 to reach the limit of the prior vacation. (9) A Freshwater Wetlands/Waters Boundary Line with NJDEP File No. 1514-09-0012.1 is indicated off-site to the east. The fifty foot (50') buffer associated with this line is shown to cross the northeast corner of proposed Lot 3.03. A copy of the Letter of Interpretation along with the stamped plan shall be provided. A copy of the Letter of Interpretation dated November 4, 2009 was submitted. The applicant's professionals have agreed to provide a copy of the approved plan. (10) Since vertical datum is assumed, a bench mark must be provided. A bench mark has been provided on the Grading & Drainage Plan. (B) Architectural (1) No architectural plans are provided. There is an existing dwelling on proposed Lot 8.01, but no units are shown for proposed Lots 3.01-3.03 at this time. The Zoning Schedule indicates the proposed dwellings will be conforming on the new lots. Statements of fact. (C) Grading (1) The only proposed grading shown on the Grading & Drainage Plan is the crowning of the gravel driveway to direct surface runoff from the proposed drive. In some instances the crown is reversed and directs runoff to the center of the drive. No drainage is provided. The proposed paved road has been graded with a crown. No drainage is proposed and runoff will collect at a low point being created on the south side of the road. Runoff from the proposed north side of the road will flow overland through existing and proposed lots. Proposed storm drainage must be addressed. A profile is required for the design of the proposed road. The applicant's professionals have indicated that the profile and drainage will be addressed after the off-site topography is completed. (2) No proposed grading is provided for the new lots. Grading for the proposed lots has been added to the plans. Revisions are necessary to direct more runoff away from the rear yards and to avoid trapping runoff on adjacent Lot 4.01. (3) The applicant should indicate whether basements will be proposed; in which case minimum basement elevations must be added to the plans and soil borings provided to determine whether a two foot (2') separation from the seasonal high water table is maintained. The applicant's engineer indicates there are no proposed house plans have been prepared at this time. The applicant's engineer

indicates that seasonal high water table will be determined for any dwellings with basements proposed. (D) Storm Water Management (1) No proposed storm water management measures are proposed and a waiver has been requested. Testimony shall be provided on current and future storm water management matters. A waiver from providing storm water management measures was denied by the Board. Recharge is proposed for each house and sample calculations are on the revised plans. The applicant's professionals must still address storm water management measures for the paved access to the proposed lots. (E) Landscaping (1) Nine (9) October Glory Maples are proposed along the property frontages of proposed Lots 3.01-3.03. No shade trees are proposed along the property frontage of proposed Lot 8.01. Three (3) proposed shade trees have been added to the proposed Lot 8.01 frontage. (2) The five foot (5') radius should be removed from the tree protection detail. The tree protection detail has been corrected. (3) A six foot (6') wide shade tree and utility easement is proposed along all property frontages, except for Second Avenue which is unimproved. No sight triangle easements are proposed, however Second Avenue which intersects the remaining Lafayette Boulevard right-of-way is unimproved. Proposed areas for the shade tree and utility easements have been provided on a per lot basis. The area must be corrected on proposed Lot 3.03. (F) Lighting (1) Testimony shall be provided on street lighting. No street lighting has been provided for the twenty-five foot (25') right-of-way. The applicant's engineer has indicated that testimony will be provided. (G) Utilities (1) New structures are to be serviced by septic and well approved by the Ocean County Health Department. The approximate locations of the existing septic system and potable well for the dwelling on proposed Lot 8.01 is shown on the plans. Ocean County Health Department approval is required for the Subdivision. (2) Testimony should be provided regarding other proposed utilities. No information is provided for electric, gas, telephone, and cable television. The applicant's engineer has indicated that electric, cable, and telephone will be provided underground. Furthermore, there is a natural gas main on Whitesville Road that will be extended to the new lots. (H) Environmental (1) Site Description Per review of the subdivision plans, aerial photography, and a site inspection of the property, existing Lot 3 is undeveloped and wooded. Existing Lot 8 is residentially developed. Statements of fact. (2) Environmental Impact Statement An Environmental Impact Statement (EIS) report was not prepared and submitted for the project, nor does one appear necessary given the nature of the project. Our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: (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. A Freshwater Wetlands/Waters Boundary Line with NJDEP File No. 1514-09-0012.1 is indicated off-site to the east. The fifty foot (50') buffer associated with this line is shown to cross the northeast corner of proposed Lot 3.03. Confirmation of the location for the Wetlands Boundary Line is required by a bearing since there is only a

survey tie distance to the proposed subdivision project. (2) Tree Management A waiver has been requested from providing a Tree Protection Management Plan. The Board denied the waiver from providing a Tree Protection Management Plan. The applicant's professionals have determined that there are less than ten (10) trees of twelve inch (12") caliper on the site and no specimen trees. Therefore, in accordance with Section 18-803H.3.b of the UDO, a Tree Protection Management Plan is not required. By our site investigation our office can concur with applicants professional's determination. (I) Construction Details (1) Limited construction details are provided due to the lack of improvements proposed. Construction details have been provided for the improvements proposed. A detailed review will be undertaken by our office during resolution compliance should subdivision approval be granted. (2) All proposed construction details must be prepared to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific. No relief is requested from the details that have been provided. (3) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Statement of fact. (J) Final Plat (Major Subdivision) (1) A legend is required. The legend provided requires corrections. The monuments to be set should be differentiated from the monuments set. (2) The Blocks and Lots indicated for the surrounding properties must be completed. The Blocks and Lots numbers of adjacent properties have been added. (3) Survey information and areas of the easements on the individual proposed lots must be indicated. Some additional survey information has been completed for some of the proposed easements. A correction is required for proposed Lot 3.03. (4) The location for the tie distance is not clear. The existing lots and right-of-ways configuration also needs to be corrected. The location for the tie distance to the Whitesville Road and Third Avenue intersection has been clarified. The existing lots and right-of-ways configuration has been corrected. (5) Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. The plat must still be signed by the Tax Assessor. (6) Building setback lines must be added for proposed Lot 8.01. The front yard building setback line should be corrected because of the required right-of-way dedication. (7) The date must be corrected for the Notary Public signature block. The Notary Public date has been corrected. (8) Compliance with the Map Filing Law is required. The applicant's professionals have indicated that the Final Plat will comply with the Map Filing Law prior to filing at the Ocean County Clerk's Office.(IV) Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: (a) Township Committee (Street Vacation, road acceptance); (b) Ocean County Planning Board;(c) Ocean County Soil Conservation District; (d) Ocean County Board of Health (Well and Septic); (e) NJDEP (Freshwater Wetlands); and (f) All other required outside agency approvals. ***NJDEP Freshwater Wetlands Letter of Interpretation – Line Verification was issued on November 4, 2009. Evidence of all other outside agency approvals must be submitted when they are obtained.***

Mr. Abe Penzer for the applicant. At the last meeting we were trying to purchase more land because of the neighbors concerns about the parking. The property we did purchase is only half of the property we wished to buy. We now have 18

new parking spaces in the new lot, we now have 23 on site and right next door immediately in front of the property we have 8 to 31, basically what we did was combine the applications to make a minor subdivision to take away a piece and add a piece to the property in question, we no longer have a lot coverage issue we are below it we are only 24.5% instead of 25%, we do not have a problem with parking, we are greatly increased in the amount of parking. The only issue is a minor variance with regard to these lots. We also agreed as a condition that another neighbor asked us we signed an agreement with this neighbor about not having any outside catering it is limited to only members of the shul, we intend to have a mikva downstairs so it wouldn't work so well anyway.

Mr. Brian Flannery PE, the application as it is presented is two fold at this point, first is a minor consolidation sub-division, we had 3 lots 2 of them non-conforming, one of them a flag shaped lot that had frontage on Cty Line Rd and Kennedy Blvd. This application consolidates what were the 3 lots with housed along Cty Line Rd. and it leaves a vacant lot on Kennedy Blvd. That vacant lot will require a variance for lot area 5,000 sq feet where 10,000 is required. It is as close to an existing condition that you can get because it is a piece that is stuck up there and the lot width is an existing condition. With respect to the variances for the site plan the only relief that we are asking for is a 10 foot side set-back to the building where 12 feet is required. It is diminimus in nature, the initial application that we submitted had parking which backed out onto Princeton Ave. there is no longer any backing out of parking, the parking that is on Princeton Ave. is in a wing type of formation, the cars will be able to pull in and park and back out and pull forward onto Princeton Ave. We have a double loaded parking area behind the building. The comments in the reports with respect to the issues generally indicate minor issues which we would satisfy in resolution compliance and we would agree to satisfy your engineer on all those conditions. Exhibit A1 is a rendered version of the site plan showing where the building is, the parking and the vacant lot to the north. A2 is an arial exhibit showing the three existing residences along Cty Line Rd. and a portion of lot 6.01 there is a parking area on that rear portion which is to remain.

Mr. Penzer would like to add with regard to ADA accessibility the first floor meets all the accessibility and all of the basic uses is on the first floor and this complies with the ADA, the mezzanine is only for the overflow. Mr. Penzer finished with at story of a child being hit by a car and living. The child was the son of the man that sold the property for this application and the rabbi wrote a letter saying that anyone that helps this application will be blessed. This is a holy application. Thank you.

Chairman Neiman opened this portion to the public.

Mr. Neill Gittleman, his office address 450 E. Kennedy Blvd. I am a residence of Lakewood since 1988 and I have been practicing pediatrics at the current location since March of 1992, the traffic volumes and patterns have changed considerably over the last 20 years. I have no objection to the building of the Synagogue. I also understand the need for synagogues to be within walking distance for Sabbath observance, my concern is regarding week day and week night usage including just before and just after the Sabbath and holidays. This usage included considerable vehicular traffic with hazards for other vehicles and pedestrians, including but not limited to families with young children. Let us not forget that several traffic lights in the immediate vicinity of the proposed structure of relatively recent installation are the direct or near direct result of the tragic pedestrian death in the neighborhood. That tragedy is only one example of significant events that can and do occur with somewhat alarming frequency, a review of Police and Ambulance records would likely indicate a rather not uncommon incidence of motor vehicle and pedestrian injuries in the area which is only likely to increase with anticipated higher volume of traffic. Additionally we have our own local safety concerns, despite having do not enter signs and no thru traffic signs, cars use our parking lot as a pass thru any way, some of these are related with the offices in the building and some are not. Between our property and the proposed synagogue there is a day care center there is traffic with the busses and children, we have issues in our parking lot also. We know very well that there is another synagogue across the street and when there are special events and longer prayers the blocks are full of cars. There is also an entrance and exit from Coventry Square that goes directly through Princeton. I would respectfully request that some sort of traffic survey be done to assess this thing if it has not already been done, most of what I see with lot coverage these things don't make much difference to me, but in terms of the parking the code would seem to be a minimum standard and we need to include what we have learned from other similar developments and synagogue to deal with the vehicular traffic and parking and most importantly to deal with the safety of pedestrians and families with children.

Mr. Jackson asked Mr. Vogt if this is an office transitional zone and in your view how does this fare with other uses, would a traffic survey assist the Board in their decision. Mr. Vogt stated that he is aware that it is a relatively congested traffic area, however you have parking proposed, right or wrong, which is in excess of the Township standards for what is on the site. As far as the accesses compared to what was initially proposed this is a significant improvement for two reasons, one you have much more parking and there is no stacking and more importantly there is no backing out onto Princeton Ave. There are two exits one on County Line Rd. and the second exit on Princeton Ave. is near a signalized intersection on a county road. Is it a busy area, yes, do I believe that it is properly designed, based upon what I see, the answer is yes I do.

Mrs. Noreen Gill, 192 Coventry Dr. was sworn in. She stated I have a problem with the traffic and a problem with the 5,000 sq feet empty space.

Mr. Flannery stated that the minor sub-division sub divides that lot and there is no use proposed at this point, any use that will be proposed for that the property owner would have to come back for site plan approval. He then pointed out the property on the exhibit.

Mrs. Gill stated that she has a problem with the fact that she feels there will be an expansion and there was a shul near her were they were granted 22 parking spaces with the possibility of an expansion. Within a year they expanded and now there are 52 cars on Kennedy Blvd. on Berkowitz which is going to present a problem with this I have near me 4 shuls within less than three years, there is no more room to park. If there is parking off street I would like to know where it is going to be.

Exhibit A-3 was put into evidence a depiction of the architectural elevation.

Mr. Schmuckler asked Mr. Flannery about the parking studies that are done.

Mr. Flannery stated that normally parking studied are done a much larger scale that would have some impact on the existing road. Clearly this is on three very busy roadways that the properties front, they are very busy and they are going to stay very busy. This is a permitted use we are providing parking in accordance with what the ordinance requires, we are providing entrances in accordance with sound engineering standards, so all a traffic study is going to do is to tell you how busy the existing roads are.

Mr. Schmuckler asked if Mr. Flannery thought that there would be a difference at this location if there was only a right in right out for the entrances or would there be any modification to this lot that could make this area safer.

Mr. Flannery answered that there are two entrances, the entrance on Princeton Ave. is near a signalized intersection and would allow right in and right out without any problem. The entrance on County Line Road would be decided upon by the County. My professional opinion is to leave it that you can make a right or left in and out, is the appropriate thing to do. Certainly the congregants going here will know when it is not safe to make a left off of County Line and they can go around the block to Princeton.

Mr. Schmuckler stated that the County had recently changes County Line Road in this area, making a right or left out would not be a problem, you might have to wait a while but the County will decide if they can make a left in off of County Line Rd.

Dr. Gittleman stated that there may be a problem with people that are not going to be members of this synagogue and are coming to visit, they would not know the traffic pattern in the area and they could cause a problem.

Chairman Neiman closed this portion of the application to the public.

Mr. Penzer made a closing statement. We didn't talk about what the existing conditions are everybody is worried about traffic but are you aware that there are three houses there with a lot of children that is less than one foot away from County Line Road. What we are doing is improving the area. Dr. Gittleman is correct about the traffic but I don't think he is aware that the traffic lights are synchronized that is made to cause a spacing between the lights so that the cars can go in and out. Traffic is not a reason for the Board to approve or disapprove an application. I can not change that I can only change the planning and this is going to be a beautiful building.

Mr. Banas made a motion to approve this application. Seconded by Mr. Follman.

Mr. Kielt stated that this is for the Site Plan and the Sub-division.

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

4. SD# 1756

Applicant: Baruch Halpern
Location: Astor Drive, north of Kennedy Blvd. East
Block 104 Lots 16 & 27
Minor Subdivision to create 4 lots

Project Description

The applicant seeks minor subdivision approval to subdivide two (2) existing lots totaling 30,002 square feet (0.69 acres) in area known as Lots 16 & 27 in Block 104 into four (4) new residential lots, designated as proposed Lots 27.01-27.04 on the subdivision plan. The site contains an existing one-story dwelling, two (2) existing sheds, two (2) existing driveways, an existing septic system, and other appurtenances, all of which will be removed. Proposed Lots 27.01-27.04 will become new residential building lots. Public water will be available via a water main extension within Astor Drive as depicted on the plans. Septic systems are proposed for each of the new lots. ***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 August 24,***

2010: (I) **Zoning** (1) The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. **Statements of fact.** (2) Per review of the **revised** Subdivision Map and the zone requirements, the following variances are required: (a) Minimum Lot Area (proposed Lots 27.01-27.04, 7,500.5 SF each, 12,000 SF required) – proposed conditions. (b) Minimum Lot Width (proposed Lots 27.01-27.04, 50 ft each, 90 ft required) – proposed conditions. (c) Minimum Side Yard Setback (proposed Lots 27.01, 27.02, and 27.04, 7.5 ft each, 10 ft required) – proposed conditions. (d) Minimum Aggregate Side Yard Setback (proposed Lots 27.01-27.04, 18 ft, 15 ft, 20 ft, and 15 ft, respectively, 25 ft required) – proposed conditions. **The Board shall take action on the above listed variances.** (3) 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 existing home, sheds, driveway, interior sidewalks and appurtenances will be removed to develop the site. A note has been provided on the Improvement Plan. **This item has been addressed.** (2) The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be provided for each unit. The proposed driveways on the proposed lots have been dimensioned to be large enough to accommodate four (4) spaces. **Testimony should be provided on the proposed number of bedrooms.** (3) Testimony should be provided as to whether basements are proposed for the proposed dwellings on proposed Lots 27.01-27.04. Parking shall be provided to the satisfaction of the Board. **Testimony should be provided and off-street parking shall conform to new ordinance 2010-62.** (4) Proposed lot and block numbers must be approved by the tax assessor's office. **The plat shall also be signed by the tax assessor.** (5) Dimensions for the proposed building footprints were provided on the Improvement Plan to confirm less than 25% proposed building coverage on the new lots. **Statement of fact.** (6) The Bulk Requirements table must be revised to specify a side yard width of 7.5 feet (not 7 feet) as depicted on the Subdivision Plan. **The Bulk Requirements table has been corrected.** (7) Grading and drainage information is proposed on the Improvement Plan. As depicted, proposed lot grading would convey most post-development storm water towards Astor Drive. We recommend that roof leaders be provided to direct all building runoff towards Astor Drive, or provide dry wells if not possible. A more detailed review of grading and drainage will be performed during plot plan review. **A note has been added to the plan indicating that all roof leaders shall be directed toward Astor Drive.** (8) A six foot (6') wide shade tree and utility easement is proposed for the Astor Drive frontage of the project. No shade trees are proposed along the property's frontage. Landscaping should be provided to the satisfaction of the Board. **The applicant's professionals should provide testimony on landscaping.** (9) The Plan indicates a number of mature trees exist on the site. Many of these trees are unsalvageable if the proposed lots are developed as shown, but some of these trees appear salvageable. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature

trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans for proposed Lots 27.01-27.04 submitted for Township review should include tree protective measures to save mature vegetation where practicable. **The applicant's attorney indicated that existing vegetation would be saved where possible and compensatory plantings provided.** (10) The plans depict a proposed water main extension from Kennedy Boulevard East across the property frontage to serve the future lots. Testimony should be provided as to who is installing the main (and when) as well as the regulating agency (NJAW). Additionally, Ocean County Health Department should be listed as a Regulatory Agency approval needed for the proposed septic systems. If septic approvals cannot be obtained, extension of public sewer will also be necessary. **Ocean County Board of Health has been added to the list of Regulatory Agency approvals on the plan.** (11) Virtually all of the existing curb will be disturbed by the construction of this subdivision. We recommend that this curb be replaced and the proposed gutter be reconstructed to allow runoff to drain to the existing inlet immediately to the south of the project. **Proposed curb is being replaced to permit the proposed gutter to drain towards the existing inlet at a slope of 0.3 %.** **The limits of pavement reconstruction associated with the curb replacement must be shown.** (12) Due to no construction of new dwellings on proposed Lots 27.01-27.04 at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. **Statement of fact.** (13) Compliance with the Map Filing Law is required. **Statement of fact.** (14) Construction details were provided and will be reviewed during Compliance if/when Board approval is granted. **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) Ocean County Soil Conservation District; (c) Ocean County Health Department; (d) New Jersey American Water (water main extension); and (e) All other required outside agency approvals.

Mr. John Doyle for the applicant, the report and the nature of this application is clear it is for residential development which is what this area is planned and zoned for it is located near Kennedy Blvd East it is located immediately adjacent to a recently constructed Shul and it is significant change to the are to the betterment. Our property had at least one house on it that has been demolished and the property needs some redressing and hopefully we will provide that. There are three parts the first is the engineering comments and I would say as you note the second engineering report we have corrected all of the issues from the first one that are correctable. The second circumstance is the utilities, presently there is a lack of capacity because of recent development on the sure side there is a need to bring public water to this area, we believe that the application has constitute it would be able because of the opportunity that constructing four residential structures would allow us to be better economically supportive of the need to expand sewer and water. Thirdly there are the variances that Mr. Flannery will address.

Mr. Brian Flannery stated with respect to the engineering comments we will stay within the twenty five percent coverage we have added planned notes about the roof leaders and the drainage and we will meet all of the administrative comments in the application. The property as indicated, what we have is a marked up cop of the tax map labeled as A-1 it highlights the subject property in orange in the middle of the application. To the east is Coventry Square which is the RLM Zone and it is a townhouse development with a density of greater than ten per acre, on public sewer. Public sewer is in Coventry Square. To the north of us is a townhouse development on Joda Drive, again on public sewer and what we have is this development sandwiched in between that is single family detached residential on septic and well. To the west of us is the townhouses at Whispering Pines Development on public sewer and water below that is the B-4 you have the WaWa, below us to the south is the OT Zone. This is a donut hole filled with old houses that is clearly, according to the Master Plan, in need of redevelopment. When you look at it for redevelopment the Master Plan does indicate on page 68 that duplexes should be permitted in R-12 in specific areas. The Board is probably familiar at one point duplexes were to be permitted on 15,000 sq foot lots in certain areas of the R-12 but it probably would have taken another year to figure out what R-12's those were, so it was left that way, clearly this would be an R-12, to the north of it the R-12 is townhouses on all sides of it is not R-12 developments so this clearly would fit into one where duplexes as a method of development would be Smart Growth. We have a 30,000 sq. ft. lot 15,000 sq feet each would be two duplexes four lots. It is my professional opinion and testimony that single families would be better suited here. The applicant is trying to get public sewer, and bring public sewer into the area. As Mr. Doyle indicated we can't agree on that at this point because New Jersey American Water has not agreed to it yet, we are probably looking at a cost of close to a quarter of a million dollars to bring public sewer into the area. The Master Plan also indicates that bringing public sewer in is a benefit and that applicants should be given additional density in order to do that. It would be a benefit to this property obviously. The Shul to the south of us would benefit, and all the other lots in here would benefit and it would provide for redevelopment in accordance with the Master Plan. Looking at the relief that we are asking for minimum lot area we are asking for 7500 which is consistent with an R75, typically when you get more than one zone drop the Board starts looking at me as if I must be crazy to even bring this application here. But this is not a typical area of town it is an area that is surrounded by townhouses, it is an area that is greatly in need of public sewer, the applicant has looked at it if public sewer does not work they would need to go for special septic systems that would cost close to \$30,000 per lot. Optimally the applicant would like to say that he has public sewer but he can't commit to public sewer at this time because we are waiting for New Jersey American Water and their decision. We are asking this based on the location of it and based on that fact that it would really make sense if we

went to the zoning board and said we wanted two duplexes I think that is something that the Board would grant based on the ordinance but I don't think that is what is best for this neighborhood. What is best for this area are the 7,500 sq. foot lots that we requested it is a good transition in between this whole area with the OT the B-4 and the townhouses surrounding it. We are asking for a lot width of fifty where ninety is required, again the fifty is more consistent with an R75. The side setbacks we are asking for 7.5 feet each where the ordinance requires 10 and again the 7.5 is consistent with an R75 and aggregates of 15 feet where 25 feet is required. The MLUL requires us to show the positive and the negative criteria, as far as the positive what I have indicated in the Master Plan, the housing opportunities that we meet. If we look at the negative criteria you look at what the adverse impact would be on the area as well as if there is any detriment to the Zone plan or zoning ordinance. It is my testimony that an area of this size is very insignificant when you look at the zone plan and zoning ordinance so there would be no adverse impact there the surrounding area it would be a redevelopment consistent with the Master Plan. The Master Plan also says on page 56 to encourage development and redevelopment based on Smart Growth planning principals and I think that is what we have here that would be a way to get the redevelopment and the MLUL has several areas under NJAC 40-55.D2 to encourage municipal action to guide the appropriate use and development of all land, again it is my professional opinion that would be an appropriate use. Development of the property would take care of it, parking would be provided esthetics would be provided I don't think there would be an adverse impact.

Mr. Neiman asked in this small donut hole how many lots are less than 12,000 sq feet. Mr. Flannery stated that there are none. Mr. Neiman stated that in essence what you are doing is changing an R12 to an R75. Mr. Flannery stated that in essence what we are doing is trying to provide a mechanism to redevelop this area, the majority of the houses in this area are in need of redevelopment and they are going nowhere because it is well and septic and it is large lots that don't bring any incentive to redevelop. This would provide the incentive to redevelop and if things work out with NJAW it would also bring public water and sewer into the area which would benefit all of the lots. Mr. Neiman asked where they were with NJAW. Mr. Flannery stated that it is going to be a long ordeal over many months .

Mr. Schmuckler asked where they would be pulling the water from. Mr. Flannery stated there are three different areas where it could come from. Squankum Road has existing sewer right across from Whispering Pines, there is a capacity problem on that line. The other sewer that is available would be further down Squankum Road on the other side of County Line Rd. and we would have to cross two county roads and there is also sewer available at the entrance to Coventry Square and there is sewer available in County Line Rd, we could get

an easement, there are several ways we can do it. It doesn't make sense for the applicant to spend a lot of money figuring how to make the sewer work if the Board is going to say you have wasted your time.

Mr. Schmuckler asked does the Yeshiva a block away do they have water and sewer. Mr. Flannery stated that they are the ones that tipped over the capacity on the pump station. Mr. Schmuckler asked if the houses would be situated differently on the lot if there is water and sewer versus septic. Mr. Flannery stated that they would move slightly.

Mr. Fink asked are these going to be the only undersized lots in this R12 zone. Mr. Flannery stated that they would be in this zone but if you notice the R12 zone as it continues north and there are probably 60 townhouses in that R12 zone that are at twice the density that we are asking for. If you compare us only to the single families we don't look good but if you compare us to the whole area we do look good.

Mr. Banas stated that Mr. Flannery knows the position of the Board and the interest that the Board has to show a rendering and we thank you for presenting that to us prior to our request, do you have that today and forgot to present it to us. Mr. Flannery stated that the tax map that he has shows the R12 and normally we only show in that zone I didn't color in all I did was put blue around the townhouses to the north and it would be that whole area would be non-conforming and then the areas of the single families that I think are in need of redevelopment, they all conform with lot sizes. Mr. Banas stated that if they asked for three lots here instead of four I think that I would be a little more comfortable. This is too much in my estimation, when I look at the figures, and they are presented very well, you showed what you are doing for everybody around you except for yourself. I don't know how you can justify putting lots equal to an R75, size wise, and ask for a variance on that. It doesn't make sense to me. Mr. Flannery stated that a prior applicant to the north of us asked for a density twice what ours is and was successful and I don't think his testimony was any more compelling as was ours, but the circumstances were different. Mr. Fink asked in what zone was that and how long ago. Mr. Flannery stated that it was probably twenty years ago.

Mr. Neiman stated that Mr. Flannery was involved in the last Master Plan and there were 213 recommendations for changes, how come this donut hole there were no recommendations for changes on this one. Mr. Flannery stated that that is an excellent question and the reason is that there were probably 80 of them that were requested and this wasn't one of the 80 so rather than look for new ones it was look at the 80 that were requested and see which of them made sense, I think 35 made the cut that came to the Board and after the public hearings it was whittled down to half of that. I think if this was one of them it

would have been reviewed favorably. Mr. Neiman stated that it was a totally complete neighborhood there wasn't any empty lots in here there was no reason to rezone this, this is an R12 zone, yes it is a small neighborhood but it is complete, do I think that it can be changed and be made better yes it is need for repair, but I think that what you are doing today is coming to a master plan meeting and saying lets change this to an R75 that is really what you are doing today and this Board has never changed an R12 zone. We have never gone less than 12,000, as far as my memory serves me, we have never changed an R12 zone. The ordinances have allowed duplexes in smaller zones because that is the nature of the zone, it's compact, the R12 is the nicer zone in Lakewood. Should the zone be changes from an R12 to an R75, very possible, but I just don't feel that this is the setting to change that and that is really what you are doing here today is asking us to change this to an R75 zone.

Mr. Doyle stated that your points and Mr. Banas's points come from a point of view based on precedence based on you recollection of the Master Plan review along with Mr. Flannery's based upon the map. I would like to add to Mr. Flannery's comments and make the best legal argument that I can and then perhaps the Board will share with us their thoughts, of perhaps Mr. Banas's idea of the three units while more than the two could be more than livable and yet we are looking for four and you can make a judgment as between the three and the four. What I have heard in the discussion between the Board members and Mr. Flannery is an agreement that this area id one that needs redevelopment it is an area where there is some disrepair and houses that are in need. Our lot sites it, if you are going to have redevelopment it has to start somewhere, somebody has to be the first one this owner is prepared to step up and be that first one. Is this lot unique amongst the twenty or so lots in the area, I would suggest it is, the other areas do conform they do have basically 12,000 sq feet. This one has 30,000 sq feet, two plus lots in one place. It is the single unique lot in this area that needs redevelopment that has the size and wear with all to produce the economic contribution hopefully to bring public water and sewer to this area rather than wells and septic. It is the single lot out of a couple of dozen as you look at the map that not only because of it's size but because of it's location it is right next to the shul and closest to Kennedy Blvd. and it has the widest common line with a ten units to the acre townhouse development. There is a uniqueness about this keyhole with which we try to start development but this is the right lot to get us to where a rezoning would get us, provide the economic contribution because of it's size and it is uniquely located in that it is the only one that isn't in the midst of the neighborhood but is closest to a non-residential use, the shul, and the nearby commercial use. So I think this makes the legal challenge of being a uniquely situated lot and having the capacity to do public betterment that no other lots would do and so for that reason it fortifies Mr. Flannery's thoughts as to why the four which is a step up more than a step down

and when you do that step down it creates the problems that both Mr. Banas and Mr. Neiman have addressed but those are frequently where they are grades of single family residential, that isn't what is happening here we are next to a different kind of residential all together a multi family residential. We wish to keep the character of a single family and have a lot less density than our immediate neighbor to the west. I think this provides the uniqueness, the public reasons and hopefully you will give consideration as you decide weather to deny all variances and allow only two homes which I think would be beyond what is being suggested by Mr. Banas but I think it provides a legitimate understanding why four might be appropriate rather than the three and I will leave you with that decision.

Mr. Banas stated that he has not looked at this application from the stand point of size weather three would do it or two would do it, as you're suggesting. I leave that up to Mr. Flannery and his office. However I think four is to many and it doesn't fit, 12,000 sq feet is the zone that it is in I suggest we leave it at 12,000, an R12.

Mr. Neiman asked if anyone from the public had a comment.

Mrs. Noreen Gill, 192 Coventry Drive, this is in the area where I live, Astor Dr. presently has nowhere to park. There are four shuls within a block and a half and the one on County Line will make five. This is an R12 zone , Mr. Flannery said he was looking for a mechanism to redevelop this area he is asking the Township and this Board, he is asking instead of ninety feet wide give us fifty feet, now the mechanism to getting this redeveloped means any home that is purchased in the R12 zone which is 12,000 sq. feet will turn around and do the same thing and pack them in. There is no parking and I don't see four homes in this area because the first home next to the shul you could spit out the window and hit it.

Mr. Bill Hobday, 30 Schoolhouse lane stated that this application has a lot of problems, 30,000 sq foot lot can safely sustain two homes not four lots. The applicant is asking you to take this from an R12 to an R75 that skips right through an R10, even three it could not sustain. The business with the NJAW there is over capacity everywhere around this, I don't want to get into a situation where there would be an attempt to bring sewer and water to it and that can go on for years and in the meantime they would come back and say they have to do septic and wells. I ask that the Planning Board not allow this, this is an R12 area and it should stay as an R12.

Mr. Neiman closed this section to the public.

Mr. Doyle redirected I think there have been cogent reasons why the Board is given as to why the four is a little bit more than would be expected. I tried to provide good, legal, factual, planning, zoning redevelopment reasons for the

four. I think the suggestion of maintaining the two does away with the idea of at least starting some redevelopment, if you were to draw on this map and show how many 15,000 sq foot lots are, there would not be that many, so we would have two of the largest lots in the area, I think Mr. Banas's comments with respect to three lots being doable that presents 10,000 sq foot lots and is consistent with the one step down. Mr. Hobday stated keep them at two and require big lots. You have heard from me that four lots are doable, you have heard a suggestion for three lots, I would hope that if the Board was to call it, it would make a decision for three or four lots and give us a chance to redevelop the area.

Mr. Neiman asked Mr. Doyle if there were sidewalks in front of the homes. The answer was yes.

A discussion ensued as to the state of the application and whether it has to be changed to show three lots instead of four lots.

Mr. Doyle stated that they would be prepared to come back to a public meeting with revised plans for three lots.

A motion was made by Mr. Follman for the applicant to come back to the January 18th public meeting with revised plans. Mr. Herzel seconded the motion.

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

Mr. Jackson stated that this application will be continued on January 18, this meeting room. No further notice required.

5. SD# 1740

Applicant: Star Developers LLC
Location: North Apple Street and Kennedy Blvd.
Block 172 Lots 16.01
Minor Subdivision to create 2 Zero Lot Line lots

Project Description

The applicant seeks a Zero Lot line subdivision approval in accordance with Section 18-911 of the UDO to subdivide an existing irregular 9,999.6 square foot property known as Lot 16.01 in Block 172 into two (2) new residential lots, designated Lots 16.03 and 16.04 on the subdivision plan. The site is currently being developed, with

a two-story duplex building under construction. **It should be noted that the existing lot (Lot 16.01) was created via a Minor Subdivision approval granted by the Planning Board (SD 1425c) in November, 2008. This lot was proposed to contain one (1) single family dwelling per the prior approval.** The site is situated within a predominantly residential area, and has frontage along North Apple Street, approximately at the intersection with Kennedy Boulevard East. The subdivision plan depicts North Apple Street as having a 50' wide right-of-way, with curbing existing along the property frontage. We have the following comments and recommendations per our review of the application in accordance with the UDO, and the Township's Zero Lot Line Residential Development ordinance (Section 18-911):

(I) **Zoning/Applicability** (10 The property is located in the B-4 Central Business Zone District. Zero lot line residential dwellings are permitted in the B-4 zoning district. (2) As noted on the minor subdivision plan, a variance is required for proposed Lot 16.03 (secondary) front yard setback onto Kennedy Boulevard East. (3) As noted on the minor subdivision plan, a lot coverage variance is required for proposed Lot 16.04. (4) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents may be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Property Development Standards (Section 18-911(D))** Per review of the application and the Property Development Standards set forth within the Zero Lot Line Ordinance as they apply to B-4 zoned parcels developed for two-family residential units, the proposed subdivision complies with the ordinance requirements as summarized below:

	Zoning	Proposed	Proposed
Requirement	Standard (limit)	(Lot 16.03)	(Lot 16.04)
Lot Area	50% (5,000 square feet (sf)) (minimum)	6097.4 sf	3,902.2 sf
Front yard	25 feet (minimum)	20.03 feet(*)	25.54 feet
Setback			
Side yard	7 feet (minimum)	N/A	7 feet
Setback			
	Zoning	Proposed	Proposed
Requirement	Standard (limit)	(Lot 16.03)	(Lot 16.04)
Rear yard	15 feet (minimum)	30.23 feet	26.06 feet
Setback			
Height	35 feet (maximum)	35 feet	35 feet

Building	30% (maximum)	26.1%	36.3%(***)
Coverage			
Parking	Four (4) spaces per dwelling unit (minimum)	4 spaces(**)	4 spaces(**)

() Property has dual frontage, access proposed off of North Apple Street. Primary frontage is 25 feet, secondary (Kennedy Blvd) frontage is 20.03 feet.(**) The zero lot line ordinance requires parking for each duplex unit as if each unit was a single-family dwelling. The zoning schedule on the plan indicates that four (4) spaces are provided for each unit. Eight (8) 9'x18' spaces are proposed, five of which are on Lot 16.03. A cross-access easement is depicted for access to the 4th space from the owner of Lot 16.04 onto Lot 16.03. Therefore, four(4) spaces per dwelling would be provided.(***) Dwelling exceeds zoning standard. (III) Recommendations* Per review of the above referenced application, if/when Planning Board approval is granted for this subdivision, we recommend approval of the requested zero lot line subdivision provided that a revised minor subdivision plan is submitted in accordance with the following conditions: **(1)** Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required. **Said agreement must address shared access of parking space 4 as depicted on Lot 16.03.** **(2)** Compliance with the Map Filing Law, as applicable. **(3)** Outstanding outside agency approvals (if any).

Mr. Ray Shea for the applicant this is a lot four inched short of the 10,000 sq feet required, we are creating two lots it is a duplex and as Mr. Vogt's report it is allowable use the duplex is under construction, because it fronts on two roads Kennedy Blvd East and Apple Street for one lot we had to oversize so instead of splitting it 5,000 and 5,000 evenly we had to go to 6,000 and 3,600 so that is where the variance comes in on the building coverage, we had to do that because of the geometry of the site and because of the double frontage on the corner lot, it is the only reason for the variance. Each lot gets four parking spaces.

Mr. Brian Flannery PE stated in October 2008 there was one piece of property we came in for a sub-division and we created a sub-division line with one lot for a single family home and a duplex lot. In September 2009 the applicant received approval to build a duplex building along with the eight parking spaces from the duplex. Now the applicant is here for a zero lot line sub-division of this which normally is done administratively at the Township but due to the fact that this lot isn't cut exactly in half one of the lots the smaller lot needs a relief on the lot coverage. The lot coverage when you look at it as a whole it is not a problem the lot coverage when you take the two pieces one has a lot and one does not conform.

Mr. Jackson asked what changes because of the sub-division. Mr. Flannery stated that nothing changes on the ground, once you place a zero lot line you

can have independent ownership. This is a technical sub-division. We end up with 26% lot coverage on the bigger lot 36% coverage on the smaller lot. There are no negatives to this application. The same thing will exist just that each half will be able to own there own lots.

The exhibit of the 2008 subdivision is A-1 the exhibit of the 2009 plot plan will be A2 and the exhibit of the current zero lot line and minor sub-division is A3.

Mr. Nieman opened this section to the public. Seeing no one he closed this portion of the application.

A motion to approve this zero lot line was made by Mr. Herzel and seconded by Mrs. Koutsouris.

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

6. SD# 1759

Applicant: Congregation Zichron Binyamin
Location: Northeast corner of Princeton Avenue and 7th Street
Block 165 Lot 19
Minor Subdivision to create 3 lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 150' X 150' lot totaling 22,500 square feet (0.52 acres) in area known as Lot 19 in Block 165 into three (3) new lots, designated as proposed Lots 19.01 through 19.03 on the subdivision plan. The existing synagogue building will remain on proposed Lot 19.01. One (1) zero lot line duplex building is proposed, with one dwelling unit within each proposed lot (19.02 and 19.03). Public water and sewer is available. **As noted below, remaining outstanding comments are minor in nature, and can be addressed during compliance if/when Board approval is granted. 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 parcels are located in the R-M Multi-Family Residential (RM) Zone District. The existing synagogue and the proposed duplex/zero lot dwellings are permitted uses in the zone. **Statements of fact.** (1) Per review of the Subdivision Map and the zone requirements, the following variances are required: (a) Minimum Front Yard Setbacks (proposed Lot 19.01 (synagogue) – 24.7 feet (Princeton Ave.), 6.4 feet (Seventh St.), 25 feet minimum

required – existing condition. (b) Minimum Side Yard Setback, proposed Lot 19.01, 4.72 feet, 12 feet required (Places of Worship) – proposed condition. (c) Maximum Building Coverage, proposed Lot 19.01, 39% proposed, 35% maximum (Places of Worship) – proposed condition. **The Board shall take action on the above listed variances. The minimum front yard setback on Seventh Street shall be corrected to 6.4 feet in the Zoning Data.** (2) 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 NJ R.S.I.S. requires 3 off-street parking spaces dwelling unit. No parking schedule or number of units is provided on the subdivision plan. Off-street parking for the proposed duplex units must be provided per RSIS standards and to the satisfaction of the Board. **The zoning table has been revised to indicate four (4) parking spaces will be provided for each duplex unit.** (2) Several revisions are necessary to the Bulk Requirements Table on the subdivision plan (comments #3-#5 below). We recommend separate tables for the proposed synagogue lot and the proposed duplex units. **Separate zoning tables have been provided for the duplex and synagogue lots. The proposed lot area for the synagogue lot shall be corrected to 12,498 square feet.** (3) The per lot width requirements for the proposed duplex unit lots (19.02, 19.03) should be revised to 30 foot minimum (per Ordinance 2010-22), and the minimum lot width for proposed Lot 19.01 revised to 75 feet minimum. **The lot width for the duplex has been revised to fifty feet (50') for the whole lot and twenty-five feet (25') for the zero lot line lots per the R-M zone requirements.** (4) The proposed side yard width requirement for Lot 19.01 should be revised to 12 foot minimum. **The plan has been corrected.** (5) The maximum building coverage limit for Lot 19.01 should be revised to 35%. **The plan has been corrected.** (6) We note that a 5' wide cross access easement within proposed Lot 19.02 is depicted, presumably to allow access to the existing walkway area behind the synagogue. Confirming testimony should be provided from the applicant's professionals. Per review of the subdivision plan, it appears that this easement must be widened (slightly) to provide access for the entire existing walkway. **The easement has been widened to seven feet (7'), which is sufficient.** (7) We note that although listed as 7 foot (minimum), the proposed side yard setback line for proposed duplex Lot 19.02 is depicted at 12 feet as scaled on the subdivision plan (i.e., the unit setback is seven (7) feet from the proposed 5' wide cross access easement for the synagogue). Confirming testimony should be provided from the applicant's professionals. **The proposed side yard setback line has been corrected to be seven feet (7') from the proposed subdivision line.** (8) The subdivision plan depicts 6' wide shade tree and utility easements along the property's Princeton Avenue and Seventh Street frontage. Additionally, a sight triangle easement is depicted at the property's intersection. **The easement dimension on the Princeton Avenue side of proposed Lot 19.01 shall be corrected to 64+.32 feet.** (9) Proposed lot and block numbers must be approved by the tax assessor's office. **The plat shall also be signed by the tax assessor.** (10) No grading or drainage is provided for the proposed duplex units. If/when this application is approved; it should be conditioned upon provision of plot plans to the

Township Engineering office prior to duplex construction. **Statements of fact.** (11) Compliance with the Map Filing Law is required. **Statement of fact.** (12) The existing handicap accessible ramp at the road corner must be upgraded per applicable NJDOT standards as a condition of approval. **The new 2007 NJDOT details are required on the plan.** (13) Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required for Lots 19.02 and 19.03. **The executed written agreement has been submitted.** (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) Ocean County Soil Conservation District (if necessary); (c) NJAW (water & sewer); and (d) All other required outside agency approvals.

Mr. Abraham Penzer for the applicant, this across the street from the Yeshivas 102 apartments. All the changes that the Board requested we have done. The issue of the shape is we do not have a wider lot than it is so therefore we have tried to make the duplex comply as much as possible in order to do that we had to go into encroach.

Mr. Glenn Lines, PE this is a fully compliant duplex lot except for the one new side setback variance to the synagogue all the other variances are existing conditions.

Mr. Schmuckler asked how much the variance is for. Mr. Lines stated they are 4.2 feet where 12 feet is required.

Mr. Neiman asked if there were any questions or comments from the public. Seeing none it is closed to the public.

A motion to approve was made by Mr. Herzal and seconded by Mr. Follman.

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

7. SD# 1760

Applicant: Pine Street Development
Location: Northwest corner of Vine Avenue & Pine Street
Block 774.01 Lot 6
Minor Subdivision to create 3 lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 41,742 square foot irregular lot known as Lot 6 in Block 774.01 into three (3) new residential

lots. The proposed properties are designated as proposed Lots 6.01-6.03 on the subdivision plan. Duplex dwellings are under construction on proposed Lots 6.01 and 6.02, which would be created as "Zero Lot Line" subdivided lots as proposed under this approval. Proposed Lot 6.03 is not proposed to be developed at this time. Public water and sewer is available. The site is situated on the northerly side of Pine Street at its intersection with Vine Avenue, which is undeveloped at this time. Curb exists along the Pine Street frontage, and sidewalk is proposed across the Pine Street frontage of the proposed lots. The lots are situated within the R-10 Single Family Residential Zone, with the northeasterly corner of proposed Lot 6.03 being zoned as R-7.5 Single Family Residential. Variances for proposed Lots 6.02 and 6.03 are required to create this subdivision.

It should be noted that the aggregate size of proposed Lots 6.01 and 6.02 exceeds 12,000 square feet, which is the minimum size to construct duplex housing in the R-10 zone. Therefore, the proposed subdivision as it affects the duplex units under construction is in general conformance with the Township's Zero Lot Line Residential Development ordinance (Section 18-911). ***The plans have been revised sufficiently for the Board's consideration of approval. If/when granted, remaining plat revisions identified below can be addressed during compliance. 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 27, 2010:*** (I) **Zoning 910** The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings and duplex housing on zero lot line properties are permitted uses in the zone. **Statements of fact.** (2) Per review of the Subdivision Map and the zone requirements, the following variances are required: (a) Minimum Lot Width for a Single-Family Lot (proposed Lot 6.03 -- 53.36 feet proposed, 75 feet required) -- proposed condition. (b) Minimum Side Yard Setback (proposed Lot 6.03 -- 7 feet proposed, 10 feet required) -- proposed condition. (c) Minimum Side Yard Setback (proposed Lot 6.02 -- 7.9 feet proposed, 10 feet required) -- proposed condition. (d) Minimum Aggregate Side Yard Setback (proposed Lot 6.03 -- 15 feet proposed, 25 feet required) -- proposed condition. (e) Maximum Building Coverage (proposed Lot 6.02 -- 27.9% proposed, 25% required). ***The corrected information for the variances required shall be listed on the revised Bulk Requirements table during compliance (if/when approved by the Board).*** (3) The Bulk requirement Table incorrectly notes a proposed Lot coverage of 30% for Lot 6.03. ***We recommend that the Bulk Requirements table be revised to specify the 25% lot coverage limit allowed in the R-10 zone, otherwise additional relief is necessary.*** (4) The applicant must address the positive and negative criteria in support of the requested variances. **Fact.** (II) **Review Comments** (1) Per the Bulk Requirements table on the plan, four (4) off-street parking spaces are being provided for each proposed lot. The proposed driveway/parking areas should be dimensioned to confirm that four (4) 9' x 18' foot spaces can be provided for each dwelling unit. ***Both proposed units have been provided with 18' X 36' parking areas capable of parking four (4) vehicles. This item has been addressed.*** (2) Sidewalk is

proposed along the property's Pine Street frontage, but not Vine Avenue, presumably because it is undeveloped at this time. **Fact. (3)** Since specific information (house type, grading, drainage, utilities, etc) is not provided for the development of Lots 6.01 and 6.02, we assume a plot plan was (or will be) provided for review and approval by the Township Engineering Department as a condition of approval. Confirming testimony should be provided by the applicant's professionals. **Testimony shall be provided. (4)** The subdivision plat depicts a proposed 6 foot-wide Shade Tree Easement along the property's Pine Street frontage. Shade trees should be provided per the UDO, or waiver sought. **The Shade Tree Easements labels shall be revised to Shade Tree & Utility Easements. Easement dimensions and bearings should be provided during compliance if/when Board approval is granted. Shade trees are proposed along the Pine Street frontage of the subdivision.** (5) Proposed lot and block numbers must be approved by the Tax Assessor's office. **The plan indicates the proposed lot numbers have been approved. The plat shall be signed by the tax assessor (during compliance).** (6) Compliance with the Map Filing Law is required. At a minimum, a monument appears necessary where the proposed zero lot line meets the Pine Street ROW. **A Legend is required to differentiate the bonded and set monuments.** (7) Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required for Lots 6.01 and 6.02. **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) Ocean County Soil Conservation District;; (c) New Jersey American Water (water & sewer); and (d) All other required outside agency approvals.

Mr. Abe Penzer for the applicant the house is already built all of these variances are existing. All we are doing now is zero lot.

Mr. Franklin asked why this application is here if it already exists. Who OK'ed this application in the first place.

Mr. Lines explained that this was not ever approved by a board. It was a lot that exists in a zone that permits a duplex to be constructed so one duplex was constructed on the lot as was permitted by ordinance. There is no variance that is required for the duplex that is sitting on the oversized lot. We are asking for a variance relating to the single family lot that is adjoining it. The single family is not built yet.

Mr. Jackson stated that no one has done anything wrong in this application.

Mr. Neiman stated that Mr. Franklin is right that the perception is that the thing is built and now you are coming before this Board for approval. We might as well shut this board down.

Mr. Lines stated that that is not the situation on this variance; the application is for 41,742 sq foot lot in the R10 zone. The R10 zone permits duplexes on 12,000 sq

foot lots. What we are asking for is that 12,000 sq foot lot for the lot where the duplex is already existing. In addition to that we are asking for one single family lot which would be the remainder of it and on that one we are asking for a 50 foot width where 75 is required by the R10. The justification for that is that this is in a small area of R10 adjoining R75, this particular lot and the subject of the application is in a split zone. The Master Plan says that that area should be R75 the development that surrounds that entire area is all R75, what we are asking for is not any lot area variances the single family lot that we are proposing there is going to be 28,000 sq feet where 10,000 sq feet is the requirement, we have more than double the area required for a single family lot. We are asking for the minimum lot width and this is the lot that will be fronting along Pine Street 50 feet where 75 feet is required. Side yard setbacks of 7 where 10 is required and a combined aggregate side setback of 15 where 25 is required. The variances that we are requesting for the width and setbacks only are consistent with an R75 it allows for the appropriateness of this it allows for a 28,000 sq foot lot for a single family detached dwelling. Additionally we have a conforming duplex that is already constructed and for that duplex we are asking for a zero lot line, constructed according to the building permit that was issued properly. That zero lot line application, if that was all we needed we could go administratively and get that done. Since it is on a 40,000 sq foot piece of property the applicant started on the duplex that is permitted and he is asking for a 28,000 sq foot single family lot.

Mr. Banas stated that the remaining new lot is 28,539 sq feet, we got into a little problem with a creeping major sub-division, I don't want to get caught into this problem again. What is going to happen to the rest of the property.

Mr. Lines stated that the property shown on the map is along Vine Street. Vine Street is a paper street, if Vine Street gets constructed than certainly we would come back and ask for additional sub-division. The definition of the sub-division is based on the number of lots and it is based on 2005 so if we do something in 2006, 2007 and 2008 when we come back in 2011 all that is part of the same application so creeping sub-divisions that used to be referred to as the Chiam Abadi Sub-divisions have been eliminated with the 2005 UDO. The UDO specifies the date that when you look at it so if we came back in we would be looking at the three lots we have plus anything additional we would be doing.

Mr. Jackson stated correct me if I am wrong but the only real issue with a creeping major is that you do it in a piece meal fashion and in some context that can save you from having to do certain details usually the only difference between a major and a minor is the information you have to enter for the application, so it doesn't change the substance of it and if everyone is alert you will see when it comes back within a year and the engineer should pick that up

in his review that within a time period this was recently sub-divided they have to treat this as if it is a major and I think that is the only consequence of that.

Mr. Franklin stated that there is enough property in lot 6.03 that you can make lot 6.02 conforming.

Mr. Neiman stated that lot 6.03 is big enough to just include that flag portion of the new 6.03 into 6.02, to make it a conforming lot.

Mr. Lines stated that if the land was vacant today he would say that this land is in an area that this Board and the master plan said should be in an R75. The property that is developed to the east the property that is behind is R75. On that particular lot the only relief we are asking for is lot width and if you look at the other lots in that area that will be the widest lot on Pine Street.

Mr. Schmuckler stated that we are creating a piece that is odd shaped , why not just square it off.

Mr. Lines stated that the applicant would agree that if he comes back in the future for a subdivision, will be treated as a major subdivision.

Mr. Neiman asked if there was anyone from the public on this application, seeing no one he closed it to the public.

Mr. Franklin would like to make a motion that this request be denied and that a new plan be drawn showing that lot 6.02 doesn't have any variances. Mr. Banas seconded the motion.

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

8. SD# 1761

Applicant: King Gardens 2010 LLC
Location: Dr. Martin Luther King Drive
Block 768 Lots 55, 56 & 58
Minor Subdivision – 4 zero lot line lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 150' X 150' lot totaling 22,500 square feet (0.516 acres) in area known as Lots 55, 56 and 58 in Block 768 into four (4) new residential lots, designated as proposed Lots 56.01 through 56.04 on the subdivision plan. Two (2) zero lot line duplex buildings are

proposed, with one dwelling unit within each proposed lot. The site contains three (3) existing dwellings and appurtenances which will be removed. Public water and sewer is available. **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 27, 2010:** (I) **Zoning** (1) The parcels are located in the R-M Multi-Family Residential Zone District. Duplex/zero lot line dwellings are a permitted use in the zone. **Statements of fact.** (2) Per review of the application and the subdivision plans, the application appears to comply with both the Two-Family bulk requirement standards within the R-M zone as well as the Township's Zero Lot Line ordinance (18-911). Testimony should be provided by the applicant's professionals as to whether any variances are sought for this project. **Testimony shall be provided.** (II) **Review Comments** (1) The NJ R.S.I.S. requires 3 off-street parking spaces per dwelling unit. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be provided for each unit. Although the proposed driveways must be dimensioned on the revised subdivision plans, they appear to be depicted as 18'x36' in size, and capable of providing four (4) 9'x18' spaces per dwelling unit. **The driveways have been dimensioned and will provide four (4) spaces per dwelling unit.** (2) Testimony should be provided regarding the number of bedrooms in the proposed dwellings to determine whether additional off-street parking is required. **Testimony should be provided on the proposed number of bedrooms.** (3) Testimony should be provided as to whether basements are proposed. Parking shall be provided to the satisfaction of the Board. **Testimony should be provided and off-street parking shall conform to new ordinance 2010-62.** (4) Proposed lot and block numbers must be approved by the tax assessor's office. **The plat shall also be signed by the tax assessor.** (5) General Note 8 (should be corrected as '9') references the architectural dimensions of the proposed structures to be 29' x 55', which will provide less than twenty-nine percent (29%) lot coverage, within the allowable coverage of thirty percent (30%). **The note has been corrected.** (6) The Plan indicates a number of mature trees exist on the site. At least some of the mature trees in the future rear yards appear salvageable. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. **Testimony should be provided.** (7) A legend is required on the Minor Subdivision Plan. **Pins "found" and "to be set" have the same symbol.** (8) A 6' wide shade tree and utility easement is proposed along the property's frontage. Two (2) Green Vase Zelkovas are proposed as shade trees. Landscaping should be provided to the satisfaction of the Board. **The Board should provide recommendations on landscaping, if any.** (9) Compliance with the Map Filing Law is required. **Statement of fact.** (10) Construction details are provided on the Improvement plan, and are in general conformance with Township standards. A detailed review of details will be performed during compliance review if/when approved by the Board. **Statements of fact.** (11) No pavement restoration details are provided. A detail(s) must be provided, as well as the proposed extent of restoration associated with the new service connections. Pavement restoration must be provided during construction to the satisfaction of the Township. **Pavement restoration limits should be added along the gutter to allow flow of runoff to**

the existing inlet. (12) Existing deteriorated curb and sidewalk (if any) along the property frontage should be replaced during construction to the satisfaction of the Township. **A note should be added to the plan.** (13) Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required for the future lots. **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) Ocean County Soil Conservation District (if necessary); (c) NJAW or LTMUA (water & sewer); and (d) All other required outside agency approvals.

Mr. John Doyle for the applicant we do not believe that we have any variances so we concur with Mr. Vogt's letter. We seek to subdivide this into 4 duplex lots meaning that each lot would have more than the required 5,000 sq feet, each having 10,000 sq feet that complies under the ordinance that you can have zero lot lines. The only other issue that was raised, we will conform with the bedroom ordinance we will make all of the comments that are required by the engineers report including specifically we will do the pavement restoration limits which should be added to the plan we will take care of the existing deteriorating curb and sidewalk and provide a note to that fact and meet all of the outside approvals. We will probably be able to keep some of the trees along the back line and we will work with your engineer on any other compensatory landscaping.

Mr. Charles Surmonte PE was sworn stating there are no variances needed for this application and we will work with the Township engineer on all the comments in his letter. We will provide the curbs and sidewalks and we meet the standards.

There were no questions from the Board or the public.

Mr. Schmuckler made a motion to approve seconded by Mr. Percal.

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

9. SP# 1937

Applicant: KT Management Services

Location: Syracuse Court, north of Oberlin Avenue South
Block 1600 Lot 8

Preliminary & Final Site Plan for proposed addition to existing warehouse

Tabled to 1/4/10

10. SP# 1938

Applicant: Lakewood Realty/Lakewood Toyota
Location: Route 88 (Ocean Avenue) east of New Hampshire Ave.
Block 569 Lot 110
Preliminary & Final Site Plan for provide additional service bays and offices

Project Description

The applicant is seeking Preliminary and Final Major Site Plan approval. The applicant proposes to expand the two (2) existing buildings. The existing 6,532 SF one-story show room building is proposed to be expanded to 7,537 SF. A partial second story addition of three thousand square feet (3,000 SF) for offices is also proposed for the rear section of the building. The existing 14,010 SF service building is proposed to be expanded by 6,001 SF for service bays. An existing second floor area for the service building of 6,043 SF will be added to by 2,520 SF. Therefore, a total floor area of 39,111 SF is proposed within a 27,548 SF proposed building area. According to the revised site plan, the three hundred seven-one (371) existing off-street parking spaces will be reduced to three hundred thirty-eight (338) proposed off-street parking spaces. Two hundred thirty (230) of these spaces are not striped, used for vehicle sales storage, and will be unchanged from existing to proposed conditions. Therefore, a reduction of thirty-three (33) striped spaces (141 to 108) is proposed.

Access to the site is be provided by two (2) existing two-way driveways from Ocean Avenue (Route 88). Route 88 is a State Highway. The tract consists of 4.67 acres in area, and is mostly developed with the exception of a wooded area in the southern portion of the property which is bounded by the South Branch of the Metedeconk River. The property slopes downwards from northeast to southwest. The south Branch of the Metedeconk River is designated as a C-1 waterway which carries a three hundred foot (300') Riparian Buffer. The site fronts the southwest side of Ocean Avenue (Route 88). The roadway is improved with municipally supplied water and sewer services already serving the site. Except for the south side of the tract, surrounding lands are all improved with large commercial land uses. ***We have the following comments and recommendations per testimony provided at the 10/5/10 Planning Board Plan Review Meeting, and comments from our initial review letter dated September 27, 2010:*** (I) **Waivers** (A) **The following waivers have been requested or are required from the Land Development Checklist:** (1) B -- Site Features. (2) C13 – Environmental Impact Statement. (3) C14 – Tree Protection Management Plan. (4) C17 – Design calculations showing proposed drainage facilities to be in accordance with the appropriate drainage runoff requirements. We support the requested waivers. However, a summary EIS should be provided addressing wetlands and category one buffer impacts, if any, on the proposed site design. ***The Board granted the waiver requests at the 10/5/10 Plan Review Meeting.*** (II) **Zoning** (1) Testimony is required on the number of off-street parking spaces. Per Section 18-807B.1., of the UDO, retail trade or personal

service establishments, one (1) parking space shall be required for each two hundred square feet (200 SF) of gross floor area. Based on a proposed gross floor area of approximately 36,647 SF, one hundred eighty-four (184) parking spaces would be required. We count the project proposes one hundred twelve (112) striped spaces and two hundred thirty (230) unmarked spaces. **The revised plans propose a gross floor area of 39,111 SF, requiring one hundred ninety-six (196) parking spaces. The revised project proposes one hundred eight (108) striped spaces and two hundred thirty (230) unmarked spaces.** (2) The site plans indicate no changes are proposed to any existing free standing signs and no new free standing signs are proposed. Per Section 18-812A.9.b., of the UDO, a fifteen foot (15') setback from the right-of-way is required and the existing free standing signs are within fifteen feet (15') of the right-of-way. This situation is an existing nonconformity. **Statements of fact.** (3) The architectural plans indicate proposed wall mounted signage on two (2) sides of the showroom building and the front of the service building. However, the information is incomplete for the service building. Testimony is required on the compliance of the proposed wall mounted signage. Variances may be necessary. **The revised architectural plans clarify the proposed wall mounted signage. Variances are requested for the proposed wall mounted signage on the showroom building. A total signage area of 154 SF is proposed on the front of the showroom building and a total signage area of 138 SF is proposed on the east side of the showroom building. A permitted signage area of sixty square feet (60 SF) per building face is allowed. The existing wall mounted signage on the service building is nonconforming and will be replaced in kind.** (4) Per review of the site plans and application, the following design waivers appear to be required: (a) Providing parking facilities closer than twenty feet (20') from the street line (Subsection 18-807.C.6.). The nearest proposed parking facility to the street line is about five feet (5'). (b) Providing concrete sidewalk along the project frontage (Subsection 18-814.M.). Asphalt pavement extends to the back of the existing curb along Route 88. (c) Providing curb for the parking area. No curb exists or is proposed for the rear parking area allowing runoff to flow into the woods. (d) Providing shade trees and a shade tree and utility easement along the project frontage. No shade trees or landscaping exist on the site and none is proposed. (e) Any and all other design waivers deemed necessary by the Board. **The Board shall take action on the design waivers.** (5) The applicant must address the positive and negative criteria in support of the required variances and design 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 B-4 Zone Requirements shown on the Cover Sheet must be corrected. Our review of the project to the correct design regulations indicates no setback variances will be required. **The "Required" column and the proposed front setback must be corrected.** (2) The Parking Requirements shown on the Cover Sheet must be corrected to conform to the proper section of the UDO. **The proper UDO section is referenced, but the revised building floor area and the correct number of required parking spaces must be shown.** (3) The General Notes indicate that the outbound and topographic information was taken from a

survey dated February 4, 2003. A copy of this survey shall be submitted. Updating of the survey is recommended since it is over seven (7) years old. **Testimony should be provided on the survey.** (4) Testimony should be provided on loading/unloading of vehicles and service products. **Testimony should be provided.** (5) Some aisle widths are too narrow for two-way circulation. We recommend a minimum aisle width of twenty-four feet (24') be adhered to. **Testimony should be provided.** (6) A trash storage area for three (3) dumpsters is proposed behind the service building. Dimensions and construction details are required. Testimony is required regarding the adequacy of the trash storage area. The waste receptacle area should be designed in accordance with Section 18-809.E. of the UDO. **Dimensions and construction details have been provided. Class B concrete shall be used for the pad. A waiver is required from providing landscaping around the enclosure.** (7) No sight triangles associated with the proposed vehicular site access points have been indicated. **Sight triangles should be addressed.** (8) Route 88 is improved with utilities, curbing, and pavement. No changes to the existing improvements are proposed along the site frontage or driveway access points. No sidewalk exists within the right-of-way and none is proposed. The adjoining sites do not have sidewalk within the right-of-way. **Statements of fact.** (9) No provisions have been made for handicapped parking spaces. **The revised plans propose three (3) handicapped parking spaces, two (2) of which are van accessible. Based on the proposed number of striped parking spaces, five (5) handicapped parking spaces should be provided. The proposed parking can easily be reconfigured to provide these spaces.** (10) Proposed building dimensions must be added to the site plan. **Dimensions for the service building addition must be added.** (B) **Architectural** (1) Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. **Testimony should be provided.** (2) ADA accessibility to the proposed buildings should be addressed. **Testimony should be provided.** (C) **Grading** (1) Grading is proposed on the southerly portion of the project site. The rear parking area will be sloped at four percent (4%) and have walls constructed from modular block interlocking units on the sides. Unless the walls are moved inwards on the site, proposed clearing limits should be shown. Runoff will continue to drainage towards the South Branch of the Metedeconk River. **The proposed limit of disturbance must be added.** (D) **Storm Water Management** (1) A waiver has been requested from the submission of drainage calculations and alteration to the storm sewer collection system as there is no change in impervious coverage on the site. **The waiver was granted at the Plan Review Meeting.** (E) **Landscaping** (1) Proposed landscape planting for the site has not been provided. Furthermore, as observed from our site investigation, no ornamental landscaping exists on-site. **The Board shall take action on whether to require landscaping.** (2) The overall landscape design is subject to review and approval by the Board. **The Board should provide landscaping recommendations, if any.** (3) The applicant has not provided shade trees, a six foot (6') shade tree and utility easement along the property frontage, and sight triangle easements for the existing site access driveways. **The Board shall take action on whether to waive shade trees and the shade tree and utility easement. Sight triangles should be addressed.** (F) **Lighting** (1) The project contains existing site lighting. No

alterations to the existing site lighting are proposed. **Testimony should be provided on the adequacy of existing site lighting.** (G) **Utilities** (1) Upgrades to existing utilities would be completed as required. **Statement of fact.** (H) **Signage** (1) Signage information is provided for building mounted signage on the architectural plans. However, the information is incomplete for the service building. Testimony is required on the compliance of the proposed wall mounted signage. Variances may be necessary. **The revised architectural plans outline the required variances and the existing nonconformities with respect to building mounted signage.** (I) **Environmental** (1) **Site Description** Per review of the site plans, aerial photography, and a site inspection of the property, the tract is a developed automobile sales and service lot fronting on the southwest side of Route 88 east of New Hampshire Avenue. The vegetation on site consists of only a wooded area on the south side of the site bordering the South Branch of the Metedeconk River. The property slopes downwards from northeast to southwest. The South Branch of the Metedeconk River is a C-1 waterway with an associated three hundred feet (300') Riparian Buffer. **Testimony is required on how the proposed project impacts the Riparian Buffer.** (2) **Environmental Impact Statement** No Environmental Impact Statement (EIS) was submitted for the project and a waiver has been requested. We recommend the applicant's professionals provide testimony regarding the existence of freshwater wetlands and how the category one buffer could impact proposed improvements. **The Board granted a waiver from providing an Environmental Impact Statement at the Plan Review Meeting. Testimony should be provided on the existence of freshwater wetlands.** (3) **Tree Protection Management Plan** A waiver is required from the submission of a Tree Protection Management Plan. No Tree Protection Management Plan was submitted or appears necessary given the minimal amount of clearing required for the proposed improvements. **The Board granted a waiver from providing a Tree Protection Management Plan at the Plan Review Meeting.** (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. **Testimony should be provided.** (J) **Construction Details** (1) 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. **Only the pad for the trash enclosure requires upgrading.** (2) Signage and striping color must be provided for the Van Accessible Handicapped Parking Detail. **The signage detail must reference the 2007 specifications.** (3) A final design must be provided for the retaining wall prior to construction. **The final design may be a condition of approval.** (4) Handicap Ramp Details must be in accordance with the latest NJDOT Standard Construction Details. **Additional details are required.** (IV) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) NJDEP (Freshwater Wetlands); (d) NJDOT (Access, Right-of-Way, and/or Occupancy); and (e) All other required outside agency approvals.

Mr. Ray Shea for the applicant as the application indicates this is a commercial application on Route 88 simply an extension of the Toyota Dealership in the

manner described in the application and commented upon in your engineers report. This is a relatively simple application not requiring any relief.

Mr. Jeffrey Carr PE was sworn stating that the applicant can meet all the comments on tis application.

Exhibit A is a colored rendition of the addition to the Dealership. Exhibit A-2 is sheet three of seven of the plans.

There were no comments from the Board or the public.

A motion to approve was made by Mr. Schmuckler and seconded by Mr. Follman.

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

11. SD# 1762

Applicant: Rochel Rubin
Location: Henry Street, east of Rose Place
Block 418 Lots 7 & 8
Minor Subdivision to create 3 lots

Project Description

The applicant seeks minor subdivision approval to subdivide two (2) existing lots totaling 22,400 square feet (0.514 acres) in area known as Lots 7 & 8 in Block 418 into three (3) new residential lots consisting of a single-family unit and a duplex unit on two (2) zero lot line parcels. The proposed properties are designated as proposed Lots 7.01, 7.02, and 8.01 on the subdivision plan. The existing lots each contain existing two-story dwellings and existing sheds. Existing Lot 8 also contains an existing in ground pool. It appears all structures will be removed from existing Lot 7 along with all other existing site improvements. The existing shed on existing Lot 8 will be relocated to comply with the proposed lot line and the rest of the improvements will remain. Proposed Lots 7.01 and 7.02 will become two (2) zero lot line properties for a duplex unit. Proposed Lot 8.01 will become a new single-family residential lot for the existing dwelling on old Lot 8. Public water and sewer is available. Curb and sidewalk exist across the frontage of the tract. ***We have the following comments and recommendations per testimony provided at the 11/09/10 Planning Board Public Hearing Meeting and comments from our initial review letter dated October 21, 2010: (I) Zoning (1) The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings and duplex housing on zero lot line properties are permitted uses in the zone.***

Statements of fact. (2) Per review of the Subdivision Map and the zone requirements, it appears no variances or waivers are required. **Statement of fact.** (II) **Review Comments** (1) Testimony should be provided on whether the existing shed shown on the plan for Lot 7 will be removed. Should the shed remain in its current location a rear yard variance for an accessory structure will be required for proposed Lot 7.02. **The revised plans indicate the existing shed on proposed Lot 7.02 will be removed.** (2) A signed and sealed copy of an outbound and topographic survey prepared by Clearpoint Services, LLC, has been submitted. Correcting fence encroachments should be a condition of the Minor Subdivision approval since existing fences cross property lines in multiple locations. **Fences have been identified for removal or relocation to correct the encroachments.** (3) The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be required for each unit. The proposed driveways on the proposed Lots 7.01 and 7.02 have been dimensioned to be large enough to accommodate four (4) spaces. The Schedule of Bulk Requirements indicates there are three (3) existing off-street parking spaces for proposed Lot 8.01. However, the existing driveway and garage can only accommodate one (1) space each. Therefore, the existing driveway should be widened to provide the required number of off-street parking spaces. Testimony should be provided regarding the number of bedrooms in order to determine whether additional off-street parking is required. **The applicant's professionals indicate that testimony will be provided for the proposed parking on the single family dwelling.** (4) Testimony should be provided as to whether basements are proposed for the proposed dwellings on proposed Lots 7.01 and 7.02. Parking shall be provided to the satisfaction of the Board. **The applicant's professionals indicate that basements will be proposed and adequate parking provided.** (5) The proposed building boxes shown on the Improvement Plan should have dimensions added. The proposed building boxes are within the allowable coverage of twenty-five percent (25%). **Dimensions have been added along with proposed decks to maximize the allowable building coverage.** (6) Proposed lot and block numbers must be approved by the tax assessor's office. **The Map shall be signed by the tax assessor's office.** (7) The Surveyor's Certification has not been signed since the monuments have not been set as shown in the Legend of the Minor Subdivision Plan. **The Surveyor's Certification cannot be signed until the monuments have been set.** (8) Based on the anticipated disturbance and the condition of the existing sidewalk, curb, and pavement in front of the property. We recommend replacing the entire sidewalk and curb, as well as a six foot (6') pavement swath in front of proposed Lots 7.01 and 7.02. The sidewalk, curb, and pavement in front of proposed Lot 8.01 should be replaced on an as needed basis. **The six foot (6') wide pavement replacement swath is based on the existing conditions. The proposed stabilized base course thickness may be reduced to three inches (3") by increasing the dense graded aggregate thickness to six inches (6").** (9) A proposed six foot (6') wide shade tree and utility easement is provided for the project. Proposed easement areas have been indicated for the individual lots. Three (3) "October Glory Maples" and three (3) "Pin Oak" shade trees are proposed along the property's frontage. Landscaping should be provided to the satisfaction of the Board. **The Board should**

review the proposed landscaping. (10) Our site investigation indicated a number of mature trees exist on the site. Some of these trees are unsalvageable if the proposed lots are developed as shown, but some of these trees appear salvageable. The proposed grading should limit the area of disturbance. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. The final plot plans for proposed Lots 7.01 and 7.02 submitted for Township review should include tree protective measures to save mature vegetation where practicable. **The applicant's engineer indicates that tree locations in accordance with the current ordinance will be provided to the Township Engineer when plot plans are submitted.** (11) Testimony should be provided on storm water management and the disposition of storm water from roof leaders. **The revised plans note that roof leaders will be directed toward the street. Testimony shall be provided on storm water management.** (12) Compliance with the Map Filing Law is required. **Statement of fact.** (13) Some minor corrections to the construction details are required and details must be provided for driveways, aprons, curb, depressed curb, pavement repair strip, and pavement restoration. **Construction details will be reviewed during Resolution Compliance should approval be granted.** (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) Ocean County Soil Conservation District; (c) New Jersey American Water (water & sewer); and (d) All other required outside agency approvals.

Mr. Glenn Lines for the applicant was sworn and stated that the only small issue that I would like to bring up to the Board is the existing house is a split level house with three bedrooms, our driveway is a one car garage it is 30 feet long and 12 feet wide it suits the house, with the garage it has plenty of parking. There is no basement it is built on a slab. There are four spaces for the duplex.

There were no comments from the Board of the Public.

A motion to approve the application with the one lot with only three parking spots was made by Mr. Herzel and seconded by Mr. Schmuckler

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

12. SD# 1766

Applicant: Barbara Flannery
Location: Oak Street, west of Albert Ave.
Block 1159 Lots 79 & 80
Minor Subdivision to create 2 lots

Project Description

The applicant seeks minor subdivision approval to subdivide two (2) existing properties to create three (3) new single-family residential lots. The two (2) existing lots, totaling 58,901 square feet (1.352 acres) in area, are known as Lots 79 and 80 in Block 1159. Existing Lot 79 is one hundred ten feet (110') wide and contains just over twenty-three thousand square feet (23,000 SF). Existing Lot 80 is 191.21 feet wide, containing just under thirty-six thousand square feet (36,000 SF). The three (3) proposed residential lots are designated as proposed Lots 79.01, 80.01, and 80.02 on the subdivision plan. All proposed lots are designed with an undersized width. The area of proposed Lot 79.01 will be nineteen thousand square feet (19,000 SF) and proposed Lot 80.01 will be 19,901 square feet, both undersized. Only proposed Lot 80.02 will be conforming in area at twenty thousand square feet (20,000 SF).

We have the following comments and recommendations per testimony provided at the 11/09/10 Planning Board Public Hearing Meeting and comments from our initial review letter dated October 25, 2010: (I) Zoning (1) The parcels are located in the R-20 Single Family Residential Zone. Single family detached housing is a permitted use in the zone. ***Statements of fact. (2)*** Per review of the Subdivision Map and the zone requirements, the following variances are requested: ***(a)*** Minimum Lot Area (proposed Lots 79.01 & 80.01, 19,000 SF and 19,901 SF respectively; 20,000 SF required) – proposed condition. ***(b)*** Minimum Lot Width (proposed Lots 79.01, 80.01, & 80.02, 97.87 feet, 96.22 feet, and 95.84 feet respectively; 100 feet required) – proposed condition. It should be noted the mean lot widths are less than the proposed lot widths at the front building line since all proposed lots narrow towards the rear. ***The Board shall take action on the requested variances. (3)*** 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 existing property slopes southward, away from Oak Street. Since no units are depicted at this time, testimony is required to address proposed grading and drainage. ***The applicant's engineer requests the final building layouts, grading, and drainage be provided upon plot plan submission. We support this request. (2)*** No construction or dwelling units are proposed at this time. Parking has not been addressed in the General Notes or Schedule of Bulk Requirements. The NJ R.S.I.S. requires 2.5 off-street parking spaces for an unknown number of bedrooms for single-family dwellings. The application indicates that four (4) off-street parking spaces will be provided for each lot. Testimony should be provided on off-street parking. ***The applicant's professionals indicate that testimony shall be provided to address parking. (3)*** Testimony should be provided as to whether basements are proposed for the future dwellings on proposed Lots 79.01, 80.01, and 80.02. Should basements be proposed,

information on seasonal high water table will be required. Also, parking shall be provided to the satisfaction of the Board. ***The applicant's professionals indicate that testimony will be provided to address basement use. (4)*** Testimony should be provided on storm water management and the disposition of storm water from roof leaders. ***The applicant's engineer indicates that dry wells shall be provided on the submission of plot plans. (5)*** No shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. ***Testimony should be provided as to whether shade trees will be proposed. (6)*** The Plan does not indicate any existing trees on the site. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans submitted for Township review should include tree protection measures to save mature vegetation where practicable. ***The applicant's professionals indicate testimony shall be provided regarding specimen trees onsite. Compensatory plantings shall be provided upon submission of plot plans. (7)*** Due to no construction of new dwellings at this time, the Board may wish to require the cost of any improvements to be bonded or placed in escrow to avoid replacing them in the future. ***The applicant's professionals indicate they will provide testimony on this matter. (7)*** Construction details will be necessary for curb and pavement replacement which may be needed when the driveways are installed. A distance of 4.6 feet from the back of sidewalk to the right-of-way shall be used on the cross section views of the various details. ***A concrete curb detail is still required. Since the proposed sidewalk will now be set 4.6 feet from the face of curb, a distance of four feet (4') from the back of sidewalk to the right-of-way shall be used on the various construction detail views. (8)*** The plan is silent on whether public sewer and water will be provided by New Jersey American Water Company. Testimony should be provided on existing utilities. Should individual septic systems and/or potable wells be required, approval from the Ocean County Board of Health will be necessary. ***General Note #9 has been added indicating that the new lots are to be serviced by individual septic systems and individual private wells. Therefore, approval will be required from the Ocean County Board of Health. (9)*** The Surveyor's certification on the Minor Subdivision Plan should be revised since the survey indicates a corner marker waiver was given. Also, the signature shall be removed since the monuments shown as "set" are not in place. ***The Minor Subdivision Plan shows corner markers "found" or "set". A Monument Certification is required. (10)*** 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)*** Ocean County Soil Conservation District; ***(c)*** Ocean County Board of Health (well & septic); and ***(d)*** All other required outside agency approvals.

Mr. Brian Flannery PE stated as indicated it is an R20 zone were we are requesting 3 lots one is 20,000 sq feet the other two are 19,000 plus I would call that diminimus. The lot widths they all have 100 feet of frontage along the road and

since they diverge as they go towards the back we are asking for relief on the lot widths 97.87, 96.22 and 95.84, I would call that diminimus as well. The other technical items we will provide all the building information at the time of building permit and satisfy the engineer.

There were no comments from the Board or the public.

A motion to approve this application was made by Mr. Schmuckler seconded by Mr. Follman

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

Chairman Neiman stated that the reason that the Board is able to go through these last few applications with out questions is because these applicants have answered Mr. Vogt's comments in total and the application was already heard at the Tech meeting.

13. SD# 1768

Applicant: Pinchos Wohlender
Location: Spruce Street, east of Route 9
Block 778.06 Lot 60
Minor Subdivision to create 2 lots

Project Description

The applicant seeks minor subdivision approval to subdivide two (2) existing properties to create three (3) new single-family residential lots. The two (2) existing lots, totaling 58,901 square feet (1.352 acres) in area, are known as Lots 79 and 80 in Block 1159. Existing Lot 79 is one hundred ten feet (110') wide and contains just over twenty-three thousand square feet (23,000 SF). Existing Lot 80 is 191.21 feet wide, containing just under thirty-six thousand square feet (36,000 SF). The three (3) proposed residential lots are designated as proposed Lots 79.01, 80.01, and 80.02 on the subdivision plan. All proposed lots are designed with an undersized width. The area of proposed Lot 79.01 will be nineteen thousand square feet (19,000 SF) and proposed Lot 80.01 will be 19,901 square feet, both undersized. Only proposed Lot 80.02 will be conforming in area at twenty thousand square feet (20,000 SF).

We have the following comments and recommendations per testimony provided at the 11/09/10 Planning Board Public Hearing Meeting and comments from our initial review letter dated October 25, 2010: (I) Zoning (1)

The parcels are located in the R-20 Single Family Residential Zone. Single family detached housing is a permitted use in the zone. **Statements of fact. (2)** Per review of the Subdivision Map and the zone requirements, the following variances are requested: **(a)** Minimum Lot Area (proposed Lots 79.01 & 80.01, 19,000 SF and 19,901 SF respectively; 20,000 SF required) – proposed condition. **(b)** Minimum Lot Width (proposed Lots 79.01, 80.01, & 80.02, 97.87 feet, 96.22 feet, and 95.84 feet respectively; 100 feet required) – proposed condition. It should be noted the mean lot widths are less than the proposed lot widths at the front building line since all proposed lots narrow towards the rear. **The Board shall take action on the requested variances. (3)** 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 existing property slopes southward, away from Oak Street. Since no units are depicted at this time, testimony is required to address proposed grading and drainage. **The applicant's engineer requests the final building layouts, grading, and drainage be provided upon plot plan submission. We support this request. (2)** No construction or dwelling units are proposed at this time. Parking has not been addressed in the General Notes or Schedule of Bulk Requirements. The NJ R.S.I.S. requires 2.5 off-street parking spaces for an unknown number of bedrooms for single-family dwellings. The application indicates that four (4) off-street parking spaces will be provided for each lot. Testimony should be provided on off-street parking. **The applicant's professionals indicate that testimony shall be provided to address parking. (3)** Testimony should be provided as to whether basements are proposed for the future dwellings on proposed Lots 79.01, 80.01, and 80.02. Should basements be proposed, information on seasonal high water table will be required. Also, parking shall be provided to the satisfaction of the Board. **The applicant's professionals indicate that testimony will be provided to address basement use. (4)** Testimony should be provided on storm water management and the disposition of storm water from roof leaders. **The applicant's engineer indicates that dry wells shall be provided on the submission of plot plans. (5)** No shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. **Testimony should be provided as to whether shade trees will be proposed. (6)** The Plan does not indicate any existing trees on the site. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans submitted for Township review should include tree protection measures to save mature vegetation where practicable. **The applicant's professionals indicate testimony shall be provided regarding specimen trees onsite. Compensatory plantings shall be provided upon submission of plot plans. (7)** Due to no construction of new dwellings at this time, the Board may wish to require the cost of any improvements to be bonded or placed in escrow to avoid replacing them in the future. **The applicant's professionals indicate they will**

provide testimony on this matter. (7) Construction details will be necessary for curb and pavement replacement which may be needed when the driveways are installed. A distance of 4.6 feet from the back of sidewalk to the right-of-way shall be used on the cross section views of the various details. **A concrete curb detail is still required. Since the proposed sidewalk will now be set 4.6 feet from the face of curb, a distance of four feet (4') from the back of sidewalk to the right-of-way shall be used on the various construction detail views. (8)** The plan is silent on whether public sewer and water will be provided by New Jersey American Water Company. Testimony should be provided on existing utilities. Should individual septic systems and/or potable wells be required, approval from the Ocean County Board of Health will be necessary. **General Note #9 has been added indicating that the new lots are to be serviced by individual septic systems and individual private wells. Therefore, approval will be required from the Ocean County Board of Health. (9)** The Surveyor's certification on the Minor Subdivision Plan should be revised since the survey indicates a corner marker waiver was given. Also, the signature shall be removed since the monuments shown as "set" are not in place. **The Minor Subdivision Plan shows corner markers "found" or "set". A Monument Certification is required. (10)** 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)** Ocean County Soil Conservation District; **(c)** Ocean County Board of Health (well & septic); and **(d)** All other required outside agency approvals.

Mr. Glenn Lines PE was sworn in stating we are proposing to construct a duplex on an existing 21,450 sq foot lot and we are requesting some side setback variances and lot width variances because it is an existing undersize lot. We moved the building a little further back the face of the building is now 64 feet from the right of way line to accommodate 4 parking spots, two deep and two wide and they are connected by a u-shaped driveway because of Spruce Street we didn't want people backing out so we provided a circular driveway between the two duplex lots. All the other comments will be met in the engineer's letter. We will be replacing sidewalk and curb and there is sewer and water already there.

Mr. Abe Penzer stated that this is an R10 zone which permits duplexes on 12,000 sq foot lots. The neighbors that are here are concerned because there are no other duplexes in the area. We have met with them and tried to explain that an R10 zone does permit duplexes.

Mr. Glenn Lines stated that there are already plans for two duplexes on lots 55 and 56, which is three lots down from our lot, so there are other duplexes in the area and they meet all the rules with out variances.

Mr. Neiman stated that a duplex is a permitted use but it should be a last resort, you are coming with side yard setbacks and lot widths, when you speak to

clients in the future you should talk about what is best, I don't think the Board wants to grant variances when it comes to duplexes. We have no choice it is the ordinance a duplex is permitted in an R10 zone but we really don't want to see any other variances, as it is the homes are so close together.

Mr Penzer stated that he was at a meeting recently and he feels the Township is trying to go with duplexes instead of the barracks look of townhouses.

Mr. Neiman stated that he understands they are a permitted use but in the future the Board may take a different opinion on the granting of variances.

Mr. Banas asked without the subdivision does this application meet all the requirements in the zone? Consider the building does it meet all the constraints as a stand alone without the subdivision.

Mr. Flannery Lines stated that they still need the side yard setback.

Mr. Banas stated that he did not wish to vote to grant a side yard setback if they could decrease the building to fit in the space with no variances and he would vote for it.

Mr. Neiman asked if anyone from the public wished to be heard on the application.

Mr. Neill Price Spruce Street stated in no particular order, the desire of the Township to go with duplexes is a generality as you can see these lots are 65 feet wide and 330 feet deep it is only three yards down from my house and the lot is identical to mine. You are talking about dividing this in half which needs a variance; you are talking about 7.5 foot where 10 foot is required on the side, another variance. These have all been single homes they were built in the 1950's the largest home on that street is a cape the artist rendering shows three stories on an elevated first floor, this would be a monstrosity on this street. Single family homes is ideal, this is a neighborhood we want families in there but in the past we have gone against businesses trying to come in , doctors trying to come in. I grew up on that street and I raised my family on that street, families are great, but you are asking to sub-divide, you are talking about cutting a hot dog bun in half and trying to put a hamburger on it. It does not fit. We have got traffic issues on Spruce Street that are horrendous there are two public schools that have access to this street we have Bais Kaila by Washington Street. I would say from 8:30 till 9:30 each morning we have Busses and cars all over, the same in the afternoon, the traffic is backed up from Route 9 all the way to my house. We are talking about four more families in two duplexes, I am asking that this application not be approved.

Closed to the public at this time.

Mr. Penzer stated that two lots down there is a back to back duplexes being built we are not the first one there. I have other applications coming in and now that you are talking about variances we will look a little more closely about it because the Boards policy has not been that way, that area is growing rapidly and there will be other duplexes in the area. In addition it is not true that by dividing this house that we need a variance, we don't need a variance to divide the house, the house is a duplex and therefore it is permitted to say, the issue is the two feet, I think Mr. Banas was candid and he hit the nail on the head. It is difficult for me as a lawyer, who does a lot of zoning, when I am asked what is the Planning Board said in the future, now I know what to do in the future but I advised my client to go forward based on what the Board has done in the past, I apologize for that but should he be punished for that, especially in light of the fact that there will be other duplexes in the area. So, to say that this is the only duplex there, and I understand what Mr. Franklin is saying that people do not want it to change but to be honest it is going to change there are a number of Synagogues in the area you just approved not far from there New Jersey Commons which we are going through our next phase there are going to be 400 units down the road there so I dare say that one duplex is not going to effect the amount of traffic. You can now go thru Albert Ave as a bypass instead of Route 9 it is now fully operational and that is being used.

Mr. Neiman opened the application to the public again.

Mr. Price stated that we are not talking about three feet we are talking about 10 feet for the lot size and additional 5 feet. So we are talking about 15 in total, they are asking for a variance as an exception to the lot size from 75 to 65 plus it cut back an additional 2.5 feet on each size.

Mr. Banas stated, not to belabor the subject but I understand the ordinance as you have presented Mr. Penzer and we are not going to stop the development of duplexes in the community, we can't that is the law and we live by the law, however as far as I am concerned before that structure can be built it needs to pass the requirements of accepting or issuing a variance and that is to maintain a ten feet from the line to the building on either side.

There were no other comments by the Board or the public

A motion to deny the application for all the reasons that we brought up about the variances was made by Mr. Franklin and seconded by Mr. Banas

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

Mr. Jackson stated that in order for the application to be approved a separate motion to approve the application has to be made and carried by a yes vote.

Mr. Schmuckler asked the applicant if they would be willing to reduce the side setbacks by half instead of 2.5 feet on each side to 1.25 feet on each side, so you are reducing your building size by 2.5 feet.

Mr. Penzer stated that yes they would reduce the size.

Mr. Schmuckler made a motion to approve the application granting relief of 1.75 feet on each side so instead of the side setbacks being 7.5 feet on each side of the building it will be 8.75 feet on each side of the building. Seconded by Mr. Herzel

Roll Call Mr. Herzel, yes, Mr. Franklin, no, Mrs. Koutsouris, no, Mr. Neinman, abstaining, Mr. Banas, no, Mr. Follman, no, Mr. Percal, no, Mr. Schmuckler, yes.

Mr. Percal asked through the chair now that this motion has been voted on for this Board members education what would happen, could this project be swung in a fully conforming way without granting any variances, what would be the big deal about making the actual construction

Mr. Neiman stated that due to the width of the lot they would not fit a duplex, they could build a single family home.

Mr. Kielt clarified that this application has been denied.

Mr. Penzer stated that his client would be willing to build a home with 22 feet. Asking for a lot width variance but not asking for any side yard setbacks variance.

Mr. Follman made a motion to approve the application with the lot width variance remains but no side yard setback variance. Mr. Banas seconded the motion.

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

14. SD# 1769

Applicant: Canterbury Investments LLC
Location: Kennedy Blvd. East, east of Somerset
Block 174.04 Lot 30
Minor Subdivision to create 2 lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing lot totaling 1.0914 acres in area known as Lot 30 in Block 174.04 into two (2) new residential lots consisting of single-family uses. The proposed properties are designated as proposed Lots 30.01 and 30.02 on the subdivision plan. The site is vacant and overgrown. Proposed Lots 30.01 and 30.02 will become two (2) new single-family residential lots. Public water and sewer is available. Curb exists across the frontage of most of the tract. Sidewalk does not exist across the frontage of the property, terminating just west of the site. **We have the following comments and recommendations per testimony provided at the 11/09/10 Planning Board Public Hearing Meeting and comments from our initial review letter dated October 26, 2010:** (I) **Zoning** (1) The parcels are located in the R-15 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. No variances have been requested. **Statements of fact.** (2) Testimony is required as to whether a waiver is being requested from providing sidewalk across the frontage of the property. No proposed sidewalk is indicated, but there is a construction detail for concrete sidewalk on the plan. **Concrete sidewalk has been proposed across the frontage of the property. Therefore, no waiver is required.** (II) **Review Comments** (1) The General Notes reference a Survey by Gerald J. Scarlato, P.L.S. #35873 dated 8/20/10. The Minor Subdivision shows an apparent gore adjoining the property to the east and an apparent overlap adjoining the site to the west. A signed and sealed copy of the survey must be submitted. **Because of the gore and overlap, the survey is required for review of the Minor Subdivision Plan.** (2) The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that three (3) off-street parking spaces will be required for four (4) bedroom units. The proposed number of off-street spaces for proposed Lots 30.01 and 30.02 are listed as four (4) off-street spaces per dwelling unit in the Schedule of Bulk Requirements. **Testimony should be provided justifying the proposed number of off-street parking spaces.** (3) Testimony should be provided as to whether basements are proposed for the future dwellings on new Lots 30.01 and 30.02. If so, seasonal high groundwater table information should be provided. Parking shall be provided to the satisfaction of the Board. **Seasonal high groundwater table information has been provided indicating a depth of just over ten feet (10'). Therefore, basements are feasible.** (4) No proposed building boxes are shown on the Plan. The Schedule of Bulk Requirements indicates the proposed lots intend to comply with the allowable coverage of twenty-five percent (25%). **Statements of fact.** (5) A Legend must be provided on the Plan. **The added Legend must also include survey symbols.** (6) Proposed lot and block numbers must be approved by the tax assessor's office. **The Map shall be signed by the tax assessor's office.** (7) The Secretary's Certification on the Minor Subdivision Plan shall be corrected to state "Planning Board" instead of "Zoning Board". **The text must be corrected.** (8) The Surveyor's Certification has not been signed since the monuments have not been set as shown on the Minor Subdivision Plan. **The Surveyor's Certification cannot be signed until the monuments have been set.** (9) Potable water is readily available in front of the site and connections from New

Jersey American Water will be needed for proposed Lots 30.01 and 30.02. The existing sanitary sewer manhole just west of the site appears to be a terminal manhole and new sanitary sewer will have to be extended across the front of the site by New Jersey American Water. **Existing and proposed utilities should be added to the plan.** (10) A proposed six foot (6') wide shade tree easement is provided for the project. The easement shall be revised to a proposed six foot (6') wide shade tree and utility easement. Proposed easement dimensions and areas must be provided for the individual lots. **The proposed easements shall be "shade tree and utility". The proposed easement dimension along the front property line of New Lot 30.01 does not match the front property line distance.** (11) The General Notes indicate shade trees will be planted as per Lakewood Township Ordinance. Landscaping should be provided to the satisfaction of the Board. **Testimony should be provided on proposed landscaping.** (12) Testimony should be provided as to whether any specimen trees exist on the site. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. The final plot plans for proposed Lots 30.01 and 30.02 submitted for Township review should include tree protective measures to save mature vegetation where practicable. **Testimony should be provided on protecting existing trees.** (13) Colonial type street lights which are not shown on the plan exist in front of the site. **An existing street light has been identified, the other lights should be added.** (14) Testimony should be provided on storm water management and the disposition of storm water from roof leaders. **Testimony shall be provided on storm water management.** (15) Compliance with the Map Filing Law is required. **Statement of fact.** (16) Construction details will be reviewed in the future after the Board determines the extent of improvements that are required for the project. **Construction details will be reviewed during Resolution Compliance should approval be granted.** (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) Ocean County Soil Conservation District; (c) New Jersey American Water (water & sewer); and (d) All other required outside agency approvals.

Mr. Penzer stated that he read the comments and can comply with all.
Basements are proposed with four parking lots

Mr. Neiman opened the application to the public, seeing no one closed to the public

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

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

15. SP# 1871A

Applicant: Fourth Street Properties

Location: Northeast corner of Monmouth Ave. & Fourth Street
Block 128 Lots 7 & 8.07

Amend Site Plan to add lot 8.07

Project Description

The applicant is seeking Amended Preliminary and Final Major Site Plan approval. This amended site plan is for adding Lot 8.07 to the project which proposes fifty-eight (58) off-street parking spaces to be utilized by the tenants and costumers of the building being constructed on Lot 7. The prior application granted the applicant approval to construct a sixty-five foot (65') high, five-story office/retail building. Retail stores were approved for the first floor and office space approved for floors two (2) through five (5). The approved square footage for the building was thirty thousand one hundred square feet (30,100 SF) within a six thousand twenty square foot (6,020 SF) footprint. No off-street parking spaces were required since non-residential uses within the zone are exempt from parking requirements. The subject 50' X 150' property was located at the northwest corner of Fourth Street and Monmouth Avenue and contained seven thousand five hundred square feet (7,500 SF). Lot 8.07 adds a 120' X 150' rectangular lot to the west of the site consisting of 0.41 acres in area. The land is currently being used as a staging area for the construction of the building on Lot 7. This amended site plan proposes a parking lot accessible from Fourth Street for Lot 8.07. An infiltration recharge system has been proposed beneath the parking lot. **We have the following comments and recommendations per testimony provided at the 11/30/10 Planning Board Plan Review & Public Agenda Meeting, and comments from our initial review letter dated November 18, 2010:** (I) **Zoning** (1) The site is situated within the B-2, Central Business Zone. Per the initial approval, retail trade and offices are permitted uses within the zoning district. **Statements of fact.** (2) No variances are being sought in connection with this amended application and none appear required. **Statement of fact.** (II) **Review Comments** (A) **Site Plan/Circulation/Parking** (1) Corrections are required to the General Notes to reflect the proposed amended site plan conditions. Neither the Existing Conditions Plan nor the survey referenced in the General Notes provides any information on Lot 8.07 which must have been created by a recent subdivision. No information is shown for the new project which borders the site to the north and will impact the grading of the proposed parking lot. The existing building on the site immediately to the west is also not shown and could impact the grading of the proposed parking lot as well. **The applicant's engineer indicates they agree to comply with revisions requested. This issue can be satisfied during compliance review.** (2) The Schedule of Bulk Requirements needs numerous corrections to reflect the proposed amended site plan conditions. However, it appears no variances will be required. **The applicant's engineer indicates they will provide corrections to the Schedule of Bulk Requirements. The lots should be consolidated since the intent of the proposed parking lot is to serve the building under construction. In addition, the proposed parking lot**

will encroach onto Lot 7 to function. This issue can be satisfied during compliance. (3) The amended site plan states that a waiver was granted for screening and/or buffering to shield adjacent properties. The initial resolution stated that the applicant shall work with the board's professional planning consultant to determine appropriate and acceptable landscaping and buffering. Testimony should be provided on proposed landscaping and buffering for this amended site plan application. **The applicant's engineer indicates that testimony will be provided on landscaping and buffering.** (4) The proposed back of curb for the parking lot is only a half foot from the adjoining property lines. This does not leave enough room for grading or the fence construction without easements from adjoining property owners. The proposed parking lot may be shifted closer to the building under construction and away from adjoining properties with minimal loss of spaces. **The proposed curb has been adjusted to provide one foot (1') from the back of curb to the adjoining property lines. However, the existing conditions plan and topography is not current making it impossible to determine if the proposed grading can be accomplished without easements from adjacent property owners. This issue can be satisfied during compliance.** (5) As indicated in the amended site plans, access to the proposed parking lot is provided via a looped access drive from Fourth Street. A total of fifty-nine (59) off-street parking spaces are proposed for the site, none of which are handicapped. Provisions for handicapped parking must be addressed. **The revised plans propose four (4) handicap parking stalls. The proposed spaces should be moved to the southeast corner of the proposed parking lot since no sidewalk is proposed between the parking lot and the building. The number of proposed handicap stalls may be reduced to three (3). The total number of spaces has been reduced to fifty-eight (58). This issue can be satisfied during compliance.** (6) The proposed setback lines should be added to the plans. The ten foot (10') rear yard setback line should be shown perpendicular to Fourth Street. The seven foot (7') side yard setback line should be shown perpendicular to Monmouth Avenue. **The proposed setback lines added to the plans are incorrect. The proposed setback lines shall be based on the entire site. This issue can be satisfied during compliance.** (7) The proposed parking lot does not designate a delivery zone. Testimony is required on deliveries to the site for proposed facility operations. **The applicant's engineer indicates that testimony will be provided on deliveries.** (8) Proposed pedestrian access points to the proposed building must be added on the amended site plan. No sidewalk is proposed to connect with the building access points on the rear of the building. Based on our 11/12/10 site investigation, the locations of the rear access doors require revision. **The locations of the rear access doors have been revised. Sidewalk connecting the proposed parking lot to the rear building access points should be considered. This issue can be satisfied during compliance.** (9) Proposed handicapped ramp locations should be shown on the amended site plan. **Proposed handicapped ramp locations should be added along Fourth Street. This issue can be satisfied during compliance.** (10) The proposed dimensioning of the parking lot should be completed on the amended site plan. **Additional dimensions should be added to insure the parking space rows are constructed in the proper locations. This issue can be satisfied during compliance.** (11) The Board should

determine whether to require a shade tree and utility easement along the Fourth Street frontage of the project. An easement may not be considered along the Monmouth Avenue frontage since the building under construction is located on the front property line which is allowed in the B-2 Zone. **The Board shall take action on whether to waive requiring a shade tree and utility easement along Fourth Street.** (12) Sight triangles have not been provided for the access drives and may not be required since Fourth Street has an approximately thirty foot (30') pavement width within a sixty foot (60') right-of-way. Confirming testimony should be provided. **The applicant's engineer indicates that testimony will be provided addressing whether sight triangles are warranted.** (13) New sidewalk is required along the Fourth Street frontage. Virtually the entire existing sidewalk has been broken due to construction activities. The existing curb and existing roadway along the Fourth Street frontage is in decent condition. **The applicant's engineer requests that sidewalk and curb be replaced as directed by the Township Engineer.** (A) **Grading** (1) The neighboring new project to the north and the existing building to the west need to be shown in order to evaluate the grading. As noted previously, the proposed parking lot is too close to adjoining properties to permit proposed grading without construction easements. Review of the current grading scheme indicates proposed elevations cannot be attained without off-site disturbance. **The Existing Conditions Map and existing topography need to be updated in order to determine if the proposed grading between the parking lot and adjacent properties can be accomplished. This issue can be satisfied during compliance.** (2) The proposed grading will be reviewed in detail after plan revisions are submitted. **The updating of existing grade elevations at the adjoining property lines is required for our review. This issue can be satisfied during compliance.** (B) **Storm Water Management** (1) Permeability testing is required to justify the infiltration rates proposed by the design. **The applicant's engineer indicates permeability testing will be undertaken. This issue can be satisfied during compliance.** (2) The volume of the recharge system is being exceeded for the 100 Year Storm. An increase to the system's size is required. **The applicant's engineer has agreed to increase the system's size. This issue can be satisfied during compliance.** (3) The submission of a Storm Water Management Operation & Maintenance Manual has been included. Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. The Manual will be reviewed in detail after project revisions are submitted. **The applicant's engineer indicates that testimony will be provided on the ownership and maintenance of the system.** (C) **Landscaping** (1) The only proposed landscaping consists of shade trees being provided in front of the building under construction. Three (3) Red Sunset Maples are proposed along Monmouth Avenue. One (1) Patmore Green Ash is proposed along Fourth Street. No landscaping on Lot 8.07 is proposed. **Statements of fact.** (2) The overall landscape design is subject to review and approval by the Board. **The Board shall determine whether any additional landscaping should be proposed.** (D) **Lighting** (1) The only proposed lighting consists of six (6) wall mounted lights shown on the building under construction. This lighting will not be adequate for the proposed parking lot on Lot 8.07. We recommend pole mounted lighting be designed for the additional lot added to the

amended site plan. ***The applicant's engineer indicates that additional site lighting will be added. This issue can be satisfied during compliance.*** (2) The overall lighting design is subject to review and approval by the Board. ***The Board should provide the applicant with lighting recommendations, if any.*** (F) **Construction Details** (1) 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. Construction details will be reviewed after plan revisions are submitted. ***The applicant's engineer indicates all proposed construction details intend to comply with applicable Township and NJDOT standards. This issue can be satisfied during compliance.*** (III) **Regulatory Agency Approvals** Amended outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; and (c) All other required outside agency approvals. ***Ocean County Planning Board granted final approval on November 17, 2010. The applicant's engineer indicates that Ocean County Soil Conservation District Certification is pending. Since the comments in this letter are virtually all technical in nature, the Board may grant site plan approval. It is the applicant's intent to maximize the number of proposed parking spaces for the building under construction given the constraints of the property.***

Mr. Moshe Klein for the applicant the building id being built and the lot we are adding is for parking, there are no variances.

Mr. Neiman opened the application to the public seeing no one closed to the public.

A motion to approve this application was made by Mr. Herzel and seconded by Mr. Follman.

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

5. OLD BUSINESS

1. SD # 1628 (Variance Requested)

Applicant: Congregation Chasidei Skulen DeLakewood

Location: Northeast corner of County Line Road East & Princeton Ave.
Block 142 Lots 1 & 4

Preliminary and Final Site Plan for proposed synagogue & associated site

Mr. Adam Pfeffer Esq. there are four comments to the conditions of the approval, these were originally two family approvals and we have turned them into one family homes with basements so we are eliminating the one drainage system for the whole complex and we are making them individual drainage basements which will be maintained by the individual home owners by doing that we no longer have a need for the HOA. The next issue had to do with the buffer in the back, there was a requirement for some trees, there was a letter sent by the prospective home buyers stating that the trees were large and therefore took up play space, they asked to have a chain link fence in the rear of the property instead of the trees. The rear of the property is the railroad tracks, a fence would be safer. The final issue that originally since these were six family units with six parking spaces required we are now asking for four parking spots per unit.

Mr. Banas asked if these homes are all connected how can you make them fee simple homes.

Mr. Abadi stated that they were all fee simple to begin with the only thing we are doing is putting individual drainage systems for each rather than a community drainage system. These are individual lots.

Mr. Vogt stated that at the last meeting it was discussed that if the Board approve the individual drainage systems that there be some kind of a maintenance plan be developed stating what each homeowner is responsible to do.

Mr. Neiman asked if anyone from the public wanted to make a comment seeing no one closed to the public.

Mr. Schmuckler made a motion to approve the four changes with the stipulation that it be put into the deed that each homeowner be given a maintenance manual for their own recharge system. Seconded by Mr. Herzel.

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

6. CORRESPONDENCE

There is a letter from Mr. Brown, he thinks that it was not entirely clear that the Board was voting on the merits of the application as opposed to saying that you have to notice and he also has a condition that if the Board did not have jurisdiction because it wasn't noticed than he should be able to notice and come back when the Board does have jurisdiction and have the matter

considered. I understand the philosophical thing that if the Board stated that you have to notice or we don't have jurisdiction than there was no decision.

Mr. Banas stated that the Board had taken issue with that particularly on the sidewalk.

Mr. Kielt stated that his recollection was that it wasn't such an issue with this application that it was a substantial change, what the Board wanted to look at was the sidewalk and they wanted the sidewalk.

Mr. Banas stated that the engineer indicated that the lot that was vacant could be developed and built and based on that, that was what the Board voted on.

Mr. Jackson stated that what Mr. Brown wrote in his letter was that at the meeting there was considerable confusion as to weather or not the Board felt that this was a material change which would necessitate public notice and a proper hearing.

Mrs. Koutsouris stated that she agrees with Mr. Banas, she thinks the confusion was with that other application that had the four conditions and at that point we understood what our role was and when we got to Mr. Browns application it was clear that we voted no on the sidewalk issue.

Mr. Kielt stated the answer is they deliberated over the request there was no question about weather it is a substantial change, and they went ahead and took the role call and they do not want to grant that.

7. PUBLIC PORTION

8. APPROVAL OF THE MINUTES

Minutes from the November 23, 2010 Planning Board Meeting.

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

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

9. APPROVAL OF BILLS

Bills moved by Mr. Schmuckler and seconded by Mrs. Koutsouris.

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

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

PLANNING BOARD MEETING
DECEMBER 14, 2010

TOWNSHIP OF LAKEWOOD
PUBLIC HEARING MEETING

Respectfully submitted
Margaret Stazko
Secretary