

1. CERTIFICATION OF COMPLIANCE

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

“The time, date and location of this meeting was published in the *Asbury Park Press* and posted on the bulletin board in the office of the Township of Lakewood at least 48 hours in advance. The public has the right to attend this meeting, and reasonable comprehensive minutes of this meeting will be available for public inspection. This meeting meets the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

- SD 1964** (Variance Requested)
Applicant: Arlington Heights, LLC
Location: John Street & Lincoln Street
Block 769 Lots 18, 19, 19.01, 19.02, 19.06, & 19.07
Minor Subdivision to create 9 lots

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Herzl, Mr. Sussman, Mr. Neiman, Mr. Follman
Abstain: Mr. Franklin, Mr. Schmuckler, Mr. Rennert

- SD 1965** (Variance Requested)
Applicant: Arlington Heights, LLC
Location: Arlington Avenue
Block 769 Lots 16.03, 18.01, & 19.03
Minor Subdivision to realign lot lines

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Herzl, Mr. Sussman, Mr. Neiman, Mr. Follman
Abstain: Mr. Franklin, Mr. Schmuckler, Mr. Rennert

- SD 1970** (Variance Requested)
Applicant: Yisroel Oelbaum
Location: Linden & Bergen Avenues
Block 189.02 Lot 155

Minor Subdivision to create 2 lots

A motion was made and seconded to approve the resolution.

Affirmative: Mr. Herzl, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Abstain: Mr. Franklin, Mr. Schmuckler

- 4. SD 1971** (Variance Requested)
Applicant: Naftoli Eisen
Location: Ashley Avenue
Block 774.04 Lot 14.04

Minor Subdivision to create 2 lots

A motion was made and seconded to approve the resolution.

Affirmative: Mr. Herzl, Mr. Neiman, Mr. Follman, Mr. Rennert

Abstain: Mr. Franklin, Mr. Schmuckler, Mr. Sussman

- 5. SP 2085** (Variance Requested)
Applicant: 236 4 Street Limited Liability
Location: Fourth Street
Block 119 Lot 12.01

Preliminary & Final Major Site Plan to construct a 3 story mixed-use building (retail and offices)

A motion was made and seconded to approve the resolution.

Affirmative: Mr. Herzl, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Abstain: Mr. Franklin, Mr. Schmuckler

- 6. SP 2073** (Variance Requested)
Applicant: Mordechai Fligman
Location: Lanes Mill Road
Block 189.15 Lot 47

Preliminary and Final Major Site Plan for an office building

A motion was made and seconded to approve the resolution.

Affirmative: Mr. Herzl, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Abstain: Mr. Franklin, Mr. Schmuckler

- 7. SD 1988** (No Variance Requested)
Applicant: White Street Developers, LLC
Location: White Street & Olive Court
Block 251 Lots 1.22 & 1.23

Minor Subdivision to create three lots

Mrs. Morris stated there were concerns about the widening of White Street. At the previous meeting, they had reviewed the transportation improvement district ordinance which has since been passed. As such, the Board concluded that a CO would not be issued on the two lots that front White Street until that street is widened. The attorney is requested that they add "or the applicant complies with Chapter 18, Section 505 Transportation Improvement District and pay impact fees for their pro rata share."

Mrs. Morris stated after speaking with the committee and township attorney, her understanding is that the ordinance laid the frame work for the committee to pass the fee schedule. The fee schedule has not been set yet. They have simply passed the framework to pass it and establish those two transportation improvement districts. This applicant said they would comply with whatever that fee schedule is.

Mr. Neiman is okay with that.

Mr. Rennert asked how they would know for sure if White Street is getting widened.

Mr. Schmuckler said you don't. Technically the Smart Growth plan calls for it to widened and the Township Planner should have made his calculations based on widened various streets per the Board's recommendations.

Mrs. Morris said there is a full report from T&M that details how they reached the fees. She believes before the fee schedule is adopted, they would be sending it to this Board for recommendation.

Mr. Rennert said his concern is that everybody is going to pay their fees, it is all going to go into one account. There are going to be a lot of challenges before White Road and Drake Road get widened. Aside from the money, there are going to be other challenges. They are going to have very narrow roads with duplexes.

Mr. Rennert stated when they were ready to turn it down, the Board imposed that they are only going to recommend if they do widen Drake/White Roads.

Mr. Follman stated that the Board said from the start it would be a problem if there is no infrastructure to handle all this new development, which is starting.

Mr. Schmuckler would like to wait and see if the plan actually calls for Drake Road to be widened.

Mr. Rennert said you could wait but it could also just go through litigation while the money is just sitting in an account. It would just hurt the developer.

Mr. Schmuckler would like to reach out to the Township Committee and ask for some kind of direction to go about things in the mean time.

A motion was made and seconded to approve the resolution.

Affirmative: Mr. Herzl, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Abstain: Mr. Franklin, Mr. Schmuckler

- 8. SD 1967** (No Variance Requested)
Applicant: Accurate Builders
Location: Amsterdam Ave, Blanche Street, and Nussbaum Ave
Block 445 Lot 13
Preliminary and Final Major Subdivision to create 8 lots (4 duplex buildings)

Mr. Rennert asked if they should wait to vote on the next three resolutions until they know the whole picture. There should be 5% of open space dedicated for recreation if there are more than 25 units. It is three separate applications but all one developer.

Mr. Flannery stated they are conforming applications. These applications were approved and they do not have the 5% requirement. The properties are not connected, they are different owners and different applicants.

Mr. Jackson said usually an overseeing governmental entity will look at the big picture. Whether the Board wants to do that or not, that is up to them.

Mr. Flannery said this issue was already discussed at length at the meeting and subsequently the applications were approved. Now they are memorializing what was approved.

Mr. Schmuckler said he has heard the applicant is planning on building a community building.

Mr. Flannery said yes.

Mr. Schmuckler asked if the applicant would be amendable to adding a condition in the resolution stating "the applicant will be subject to, before any CO's are issued, that there will be common area, building etc that would equal the 5% required." The applicant does not want to build something that is not going to work for the community.

Mr. Flannery said the applicant is making sure of it. He reiterated that these are conforming applications. There is no requirement for it. The applicant on his own is doing it because it is the right thing to do. He feels it would be inappropriate to put it in the resolution.

Mr. Jackson said one of the concerns is that this could open the flood gates. That there are other people who would try to do something similar to this.

Mr. Schmuckler said if the applicant is willing to do it then let's cover our bases and add it in the resolution.

Mr. Jackson said this could be a legislative issue. Perhaps the governing body needs to change the ordinance to say they can look at related applications and an overall plan for nearby parcels.

Mr. Neiman said they do not want to hold up this applicant.

Mr. Moishe Klein, Esq., on behalf of the applicant, stated that at the public hearing they discussed this. These are all conforming lots and the applicant is not required to do this. The applicant, on his own, has taken initiative to address the issue.

Mr. Schmuckler asked what is going to stop developers from doing this in the future. He said either they can add that statement into the resolution or they can hold off two weeks and see what the Township Committee has to say about this.

Mr. Flannery said Mr. Schmuckler was not at the public hearing and they have already discussed this.

Mr. Jackson said only members who voted yes on the approval can vote on the resolution.

Mr. Schmuckler understands that. He is only commenting.

Mr. Jackson believes the Board should, in the future, very carefully review and application that is 20 units or more and it looks like it could be a creeping major subdivision and the Board is going to impose the condition of a clubhouse, open space, etc. The Board has already approved this application. He is not comfortable stopping it at this point where the resolution has already been prepared.

A motion was made and seconded to approve the resolution.

Affirmative: Mr. Herzl, Mr. Follman

Abstain: Mr. Franklin, Mr. Schmuckler, Mr. Neiman, Mr. Rennert

No: Mr. Sussman

- 9. SD 1978** (No Variance Requested)
Applicant: Accurate Builders
Location: Prospect Street
Block 473 Lots 2, 3, 8, & 10
Preliminary and Final Major Subdivision to create 20 lots

Mr. Rennert asked if they should wait to vote on the next three resolutions until they know the whole picture. There should be 5% of open space dedicated for recreation if there are more than 25 units. It is three separate applications but all one developer.

Mr. Flannery stated they are conforming applications. These applications were approved and they do not have the 5% requirement. The properties are not connected, they are different owners and different applicants.

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A motion was made and seconded to approve the resolution.

Affirmative: Mr. Herzl, Mr. Follman

Abstain: Mr. Franklin, Mr. Schmuckler, Mr. Neiman, Mr. Rennert

No: Mr. Sussman

- 10. SD 1979** (No Variance Requested)
Applicant: 126 Forest Developers LLC
Location: Prospect Street
Block 462 Lots 1, 4, 5, & 6
Preliminary and Final Major Subdivision to create 22 lots

Mr. Rennert asked if they should wait to vote on the next three resolutions until they know the whole picture. There should be 5% of open space dedicated for recreation if there are more than 25 units. It is three separate applications but all one developer.

Mr. Flannery stated they are conforming applications. These applications were approved and they do not have the 5% requirement. The properties are not connected, they are different owners and different applicants.

Mr. Jackson said usually an overseeing governmental entity will look at the big picture. Whether the Board wants to do that or not, that is up to them.

Mr. Flannery said this issue was already discussed at length at the meeting and subsequently the applications were approved. Now they are memorializing what was approved.

Mr. Schmuckler said he has heard the applicant is planning on building a community building.

Mr. Flannery said yes.

Mr. Schmuckler asked if the applicant would be amendable to adding a condition in the resolution stating "the applicant will be subject to, before any CO's are issued, that there will be common area, building etc that would equal the 5% required." The applicant does not want to build something that is not going to work for the community.

Mr. Flannery said the applicant is making sure of it. He reiterated that these are conforming applications. There is no requirement for it. The applicant on his own is doing it because it is the right thing to do. He feels it would be inappropriate to put it in the resolution.

Mr. Jackson said one of the concerns is that this could open the flood gates. That there are other people who would try to do something similar to this.

Mr. Schmuckler said if the applicant is willing to do it then let's cover our bases and add it in the resolution.

Mr. Jackson said this could be a legislative issue. Perhaps the governing body needs to change the ordinance to say they can look at related applications and an overall plan for nearby parcels.

Mr. Neiman said they do not want to hold up this applicant.

Mr. Moishe Klein, Esq., on behalf of the applicant, stated that at the public hearing they discussed this. These are all conforming lots and the applicant is not required to do this. The applicant, on his own, has taken initiative to address the issue.

Mr. Schmuckler asked what is going to stop developers from doing this in the future. He said either they can add that statement into the resolution or they can hold off two weeks and see what the Township Committee has to say about this.

Mr. Flannery said Mr. Schmuckler was not at the public hearing and they have already discussed this.

Mr. Jackson said only members who voted yes on the approval can vote on the resolution.

Mr. Schmuckler understands that. He is only commenting.

Mr. Jackson believes the Board should, in the future, very carefully review and application that is 20 units or more and it looks like it could be a creeping major subdivision and the Board is going to impose the condition of a clubhouse, open space, etc. The Board has already approved this application. He is not comfortable stopping it at this point where the resolution has already been prepared.

A motion was made and seconded to approve the resolution.

Affirmative: Mr. Herzl, Mr. Follman

Abstain: Mr. Franklin, Mr. Schmuckler, Mr. Neiman, Mr. Rennert

No: Mr. Sussman

11. SP 2094AA (No Variance Requested)

Applicant: Sammy A. Hutman

Location: East County Line Road

Block 142 Lot 5

Change of Use/Site Plan Exemption to convert an existing residence into an office

A motion was made and seconded to approve the resolution.

Affirmative: Mr. Herzl, Mr. Sussman, Mr. Neiman, Mr. Follman

Abstain: Mr. Franklin, Mr. Schmuckler, Mr. Rennert

- 12. SD 1926** (No Variance Requested)
Applicant: S&M Investors, LLC
Location: New Hampshire Ave & Cedarbridge Ave
Block 1603 Lot 1.04
Amended Resolution for Preliminary and Final Major Subdivision

Mrs. Morris stated that this is an amended resolution. There were some issues that were a little unclear regarding the ownership of the open space lots and roads that the township attorney wanted clarified so that he could prepare an accurate developer's agreement.

A motion was made and seconded to approve the resolution.

Affirmative: Mr. Herzl, Mr. Sussman, Mr. Neiman, Mr. Follman, Mr. Rennert

Abstain: Mr. Franklin, Mr. Schmuckler

5. PLAN REVIEW ITEMS

- 1. SD 1997** (Variance Requested)
Applicant: MNYK Developers at Prospect, LLC
Location: Lewin & Rachel Avenues
Block 472 Lots 1, 4, & 7
Preliminary and Final Major Subdivision to create 20 fee simple duplex units

Project Description

The applicant is seeking a Preliminary and Final Major Subdivision approval. The applicant proposes the subdivision of three (3) existing lots to create twenty (20) proposed lots. The twenty (20) proposed lots would be developed as zero lot line properties with ten (10) duplex structures. The existing lots are known as Lots 1, 4, and 7 in Block 472, and are proposed to be subdivided into proposed Lots 1.01 – 1.20 on the Major Subdivision Plan. The proposed subdivision for the project would include all of Block 472. Block 472 is an existing 200' X 500', one hundred thousand square foot (100,000 SF) rectangular tract of land surrounded by the unimproved fifty foot (50') right-of-ways of Lewin Avenue, Frances Street, Rachel Avenue, and Blanche Street. Existing Lot 4 is a 120' X 100', twelve thousand square foot (12,000 SF) rectangular parcel located on the eastern part of Block 472, approximately in the middle of the Block. Existing Lot 7 is a 120' X 100', twelve thousand square foot (12,000 SF) rectangular parcel located on the southwestern corner of Block 472. Existing Lot 1 accounts for the remainder of the Block and is a seventy-six thousand square foot (76,000 SF) property. The site is vacant, completely wooded, and surrounded by woods. The subject property surrounded by four (4) paper streets is located south of Prospect Street, an improved County Road with a sixty-six foot (66') wide right-of-way, in the southwest portion of the Township, west from its intersection with Massachusetts Avenue. Site access would be afforded by the improvement of surrounding streets, provided a street from an adjoining approved subdivision between Prospect Street and the site is also constructed. The proposed project would have

five hundred feet (500') of frontage on Lewin Avenue, this is to the west; two hundred feet (200') of frontage on Frances Street, this is to the south; five hundred feet (500') of frontage on Rachel Avenue, this is to the east. Finally, the site would have two hundred feet (200') of frontage on Blanche Street, this is to the north. All surrounding streets are unimproved municipal roads with fifty foot (50') wide right-of-ways. The proposed development will improve all surrounding streets. Curb and sidewalk is proposed along the entire frontage of Block 472. Radial dedications are proposed at all the corners of the Block to permit the construction of sidewalk to be within the public right-of-way. Proposed storm water management facilities and utilities are associated with this project. The proposed drainage system consists of a conventional storm sewer collection system that collects and directs runoff to underground recharge systems. Proposed sanitary sewer for the project will connect to a system proposed by others. Proposed potable water for the subdivision will be extended from water mains proposed by others. A minimum of four (4) off-street parking spaces are proposed for each unit. The subject site is located within the R-M, Multi-Family Residential Zone District. Therefore, zero lot line duplex housing is a permitted use in the zone district. The surrounding lands are currently vacant. The closest development is a multi-family project along Prospect Street to the northeast of the project. We have the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours of the area within 200 feet of the site boundaries. 3. B10 - Man-made features within 200 feet thereof. 4. C13 - Environmental Impact Statement. We support the granting of the Site Features waivers as there is enough topographic information provided to complete the design. The neighboring subdivision projects were granted waivers from providing an Environmental Impact Statement. II. Zoning 1. The site is situated within the R-M, Multi-Family Zone District. Duplex Housing is a permitted use. Zero lot line subdivisions for duplexes are permitted in the Zone. 2. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are requested for the subdivision approval: • Minimum Lot Area – The combination of proposed Lots 1.01/1.02, 1.09/1.10, 1.11/1.12, and 1.19/1.20 are 9,952 square feet; where ten thousand square feet (10,000 SF) is required. It should be noted that the lot area deficits are being created by the radial right-of-way dedications at the Block corners. Otherwise, these lots would conform to the minimum lot area requirement. 3. 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. III. Review Comments A. General 1. Off-street parking: According to the plans provided, the applicant is proposing a minimum of four (4) off-street parking spaces per unit which is enough to be in compliance with the RSIS and Township standards of four (4) off-street parking spaces required. Testimony shall be provided on the proposed number of bedrooms per unit and whether the basements will be unfinished. This proposed project should be in compliance with Parking Ordinance 2010-62. 2. The applicant shall confirm that trash and recyclable collection is to be provided by the Township of Lakewood. 3. Existing paper streets will be improved for the proposed project. 4. The proposed lot numbers shall be approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. 5. In accordance with the requirements in 18-815, a one-time storm water management maintenance fee shall be provided. The fee shall be ten thousand dollars (\$10,000.00), based on twenty (20) single-family attached dwellings at five hundred dollars (\$500.00) per dwelling. 6. The requirements in 18-821 (Building Uniformity in Residential Developments) shall be addressed. A

minimum of four (4) basic house designs shall be provided for this development consisting of between seven (7) and fifteen (15) homes. 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, including provisions to address items associated with the use, maintenance, and repair of common areas and facilities associated with the overall property. Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township.

B. Plan Review

1. An unsigned Boundary and Topographic Survey has been provided. The horizontal datum for the survey is based on NAD 1983. The vertical datum for the survey is based on NAVD 1988. A revised signed and sealed survey shall be submitted which includes the following:
 - a. A description of the benchmark. A location and elevation has been provided.
 - b. The limits and areas of the three (3) individual lots.
2. The General Information and Final Plat reference a survey which has not been submitted.
3. The applicant's address shown on the Plans differs from the address provided on the Application.
4. Note #5 in the General Information requires clarification.
5. The Board is advised that Note #18 in the General Information summarizes the situation of the various projects in the area. This project is adjacent to similar proposed projects. The drawings refer to improvements for those projects as proposed by others. Drawings from the various projects must be coordinated.
6. The proposed streets surrounding the Subdivision Block have been designed to a minimum pavement width of thirty feet (30'). The proposed pavement half width along the Frances Street and Lewin Avenue site frontages will be sixteen feet (16'), with a fourteen foot (14') width on the opposite side of the centerline. The proposed pavement width along Blanche Street and Rachel Avenue will be thirty-two feet (32'), with the assumption that only two feet (2') of pavement would be added to the thirty foot (30') pavement width constructed by others. Curb and sidewalk are proposed along the site frontages, but not on the opposite sides of the street, which is acceptable.
7. Proposed Sight Triangle Easements dedicated to the Township have been provided at the street intersections of the subdivision.
8. Drainage is proposed for the project. The proposed inlets on Lewin Avenue shall be constructed at the future curb line. All proposed drainage has been designed within the right-of-way for public storm water management ownership.
9. The Site Development Plan should have road centerlines and stationing added.
10. Four foot (4') wide sidewalk is proposed throughout the development. Unless the proposed sidewalk will be increased to a width of five feet (5'), pedestrian bypass areas shall be designed.
11. Proposed curb ramps shall be added to the Site Development Plan at the street intersections.
12. An unlabeled six foot (6') wide shade tree and utility easement has been provided for the entire Block.
13. Zones and Zone Boundary Lines shall be added.
14. The areas for proposed Lots 1.10 and 1.11 shall be corrected to 5,852 square feet.

C. Grading

1. Grading is provided on a Grading & Drainage Plan which is Sheet 5 of 15. A storm sewer collection system is proposed to collect runoff and recharge it under the streets.
2. Road profiles shall be designed for Rachel Avenue and Blanche Street. Sheet 10 shows the road profile for Amsterdam Avenue, but this street is not relevant to this project.
3. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved.

D. Storm Water Management

1. A proposed storm sewer collection system has been designed to convey storm water runoff into recharge systems. Proposed recharge systems have been designed, located under the improved right-of-ways of Frances Street, Rachel Avenue, and Lewin Avenue. An overflow headwall from the proposed recharge systems would be located near the intersection of Lewin Avenue and Frances Street, southwest of the site.
2. Our review of the project indicates it will be classified as Major Development since more than a quarter acre of impervious surface will be added and over an acre of disturbance will take place with development of

the surrounding roads. As a result, the project design for the surrounding roads must meet water quality and water quantity reduction rate requirements. The Storm Water Management Design for the roads must use the TR-55 Method since the proposed system will be owned and maintained by the Township. Storm Water Management Design for the individual lots can be addressed at time of Plot Plan Design, should approval be granted. 3. Soils information will need to be provided within the proposed project to confirm the seasonal high water table depth. Permeability testing will need to be done, and an infiltration rate shall be provided. 4. The Storm Water Management Report and Design will be reviewed in detail during compliance, if/when approved. E. Landscaping 1. Landscaping has been proposed for the project on Sheet 7 of 15. Street trees are proposed along the site frontages, ornamental trees are proposed throughout the rear yards, and foundation plantings will be provided for the units. 2. The Landscape Plan shall be completed. All proposed easements and utilities have been shown. Planting conflicts should be avoided. 3. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. The entire site will be cleared for the construction of the project. Compensatory plantings will be addressed with the Tree Protection Management Plan. 4. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted. F. Lighting 1. Street lighting has been provided for the proposed roads on Sheet 7 of 15. 2. Details shall be provided on type, quantity, and power of proposed lights. 3. A point to point diagram has been provided to verify the adequacy of the proposed lighting. However, the Lighting Plan has not been completed. Therefore, we cannot provide an evaluation. 4. It is anticipated that all lighting will be owned and maintained by the Township after installation since all fixtures will be within public right-of-ways. Confirming testimony should be provided regarding street lighting ownership. 5. Lighting shall be reviewed in detail after compliance submission should subdivision approval be granted. G. Utilities 1. Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company. 2. The proposed sanitary sewer will connect to a system being constructed by others. 3. Potable water is proposed to be extended from mains being constructed by others. 4. The plans state that all proposed utilities are to be provided underground. H. Signage 1. Proposed regulatory signage has not been shown on the plans and should be added. Regulatory sign details have been provided. 2. No project identification signs are proposed. 3. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. I. Environmental 1. Site Description Per review of the site plans, aerial photography, and a site inspection of the property, the site is wooded and vacant. The existing on-site topography slopes to the southwest. 2. Environmental Impact Statement A waiver was requested from providing an Environmental Impact Statement. 3. Tree Management A Tree Protection Management Plan in accordance with the current ordinance has been submitted. The plan will be reviewed after compliance submission, should subdivision approval be granted. J. Construction Details 1. Construction details are provided on Sheets 13 and 14 of 15. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. 3. Final review of construction details will take place after compliance submission, if/when this project is approved by the Board. K. Final Plat (Major Subdivision) 1. The Final Plat shall be revised in accordance with the construction plans. 2. The Schedule of Zoning District Requirements should be corrected to indicate that the R-M Zone is Multi-Family Residential. 3. The Schedule of Zoning District Requirements

needs many corrections, such as lot width, setbacks, and coverage. 4. The proposed Shade Tree and Utility Easement is missing from the Plat. 5. Proposed Sight Triangle Easements are provided on the corners of intersecting streets. 6. The Plat contains numerous overwrites and stray text. 7. Coordinates shall be in State Plane in accordance with the Survey. The coordinates shall be shown to two (2) significant figures. 8. Vertical datum shall be NAVD 1988 in accordance with the Survey. The bench mark on the Survey shall be referenced. 9. Compliance with the Map Filing Law is required. 10. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance; c. Ocean County Planning Board; d. Ocean County Soil Conservation District; and e. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Vogt stated that submission waivers are requested for topography, contours, man-made features within 200 ft and EIS. The waivers are supported with the understanding, that if approval is granted, the application will have to comply with the tree protection ordinance. A variance is also requested for minimum lot area.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the waivers.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Sussman, Mr. Schmuckler, Mr. Follman, Mr. Rennert
Abstain: Mr. Neiman

Mr. Brian Flannery, P.E., P.P. Stated the variances requested are de minimis. Testimony will be provided at the public hearing.

A motion was made by Mr. Schmuckler, seconded by Mr. Rennert to advance the application to the December 16, 2014 meeting.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Sussman, Mr. Schmuckler, Mr. Rennert
Abstain: Mr. Neiman, Mr. Follman

- 2. SD 1998** (Variance Requested)
Applicant: MNYK Developers at Prospect, LLC
Location: Nussbaum & Amsterdam Avenues
Block 461 Lots 1, 4, & 5
Preliminary and Final Major Subdivision to create 20 fee simple duplex units

The applicant's attorney requested that this application be carried to the January 6, 2014 meeting.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to carry the application to the January 6, 2015 meeting.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Sussman, Mr. Schmuckler, Mr. Follman, Mr. Rennert

- 3. SD 2001** (Variance Requested)
Applicant: Joseph & Renee Klein
Location: East Eighth Street
Block 166 Lot 2.44

Minor Subdivision to create two fee-simple duplex lots. Applicant is requesting plan review and public hearing in one meeting.

Project Description

The applicant seeks a Zero Lot Line subdivision approval in accordance with Section 18-911 of the UDO to subdivide an existing rectangular 13,186 sf irregularly-shaped property known as Lot 2.44 in Block 166 into two (2) new residential lots, designated proposed Lots 2.63 and 2.64 on the subdivision plan. Lot width variance relief is necessary for both proposed lots. The site is situated within a predominantly residential area, at the terminus of East Eighth Street, immediately adjacent to the easement for the Central Railroad of New Jersey. Although submitted survey information does not define the limits of the road terminus, paving, curbing and sidewalk appear to extend to existing Lot 2.44, and would be extended to provide access to the duplex lots. We have the following comments and recommendations per our review of the application in accordance with the UDO, and Township’s Zero Lot Line Residential Development Ordinance (Section 18-911):I. Zoning/Applicability 1. The property is predominantly located in the R-M Multi-Family Residential Zone District. Duplexes are a permitted use in this zone. 2.Variance relief is required for both lots as summarized in the table below. Minimum Lot width is 30 feet per the UDO, and measured at the building setback line (i.e., 25 feet from the ROW). Professional planning testimony must be provided to justify the variance relief to the satisfaction of the Board. 3. In accordance with Section 18-911 of the Ordinance, newly constructed or proposed duplexes (or conversion of an existing dwelling to a zero lot line dwelling) are allowed activities, provided that the duplex is constructed to applicable Township standards, and the duplex is divided into two (2) separately owned structures and lots. 4. Design waiver relief is necessary from providing shade tree and utility easements, and shade trees. We support the waivers required for shade tree easement (and shade trees), but recommend that a utility easement be provided along the frontage. II. Property Development Standards (Section 18-911(H)) Per review of the application and the Property Development Standards set forth within the Zero Lot Line Ordinance as they apply to R-M zoned parcels, and the UDO, the proposed subdivision complies with the ordinance requirements as summarized below:

	Zoning	Proposed	Propose	Requirement	Standard (limit)	(Lot 2.63)	(Lot 2.64)	Lot Area
SF (min)	4,879	SF (*)	8.307	SF (*)	Lot Width	30 feet (minimum)	16.21 feet (**)	17.3 feet (**)
Front Yard	25 feet (minimum)	>25 feet	>25 feet	Setback	Side Yard	7 feet (minimum)	8.2 feet/NA	.7 feet/NA
Rear Yard	15 feet (minimum)	>15 feet	>15 feet	Setback	Zoning	Proposed	Propose	Requirement
Standard (limit)	(Lot 2.63)	(Lot 2.64)	Height	35 feet (maximum)	<35 feet	<35 feet	Building	35% (maximum)
	<35%	<35%	Coverage	Parking	Four (4) Spaces	per 4 spaces	4 spaces	Dwelling Unit (minimum) (*)

– Cumulative area of irregular duplex lots exceeds 10,000 sf aggregate duplex lot area required in R-M Zone, and is therefore compliant with UDO requirements. (**) – Variance required. III. Review Comments 1. Testimony should be provided by the applicant’s professionals regarding the proposed architectural design of the units, including number of bedrooms, façade treatments, and whether basements and/or attics are proposed. 2. 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. 3. As indicated previously, additional survey information is required for the terminus of East Eighth Street, and may be provided during compliance review (if approval is granted. 4. There is insufficient turnaround access for Township and emergency vehicles that will be required to serve the proposed lots. Since East 8th Street has a 29.5 foot width and 60 foot ROW, there appears to be room to install a turnaround as permitted

per RSIS standards. If/when Board approval is granted, we recommend that the applicant design and install this turnaround prior to CO applications for these units. Approval of the turnaround and site access will also be subject to Township and DPW approval (as a condition of Board approval, if/when granted). 5. The applicant should confirm that public water and sewer service are available. 6. Compliance with the Map Filing Law, as applicable. 7. Plot plan application must be submitted to the Township Engineering Department for approval for both lots prior to construction. At the discretion of the Township Engineer, roof leaders piped to dry wells or similar storm water management measures may be necessary. 8. Outstanding outside agency and/or local approvals must be obtained, including but not limited to Lakewood Township (Engineering Department and DPW), Ocean County Planning Board, Ocean County Soil Conservation District, and NJAW (water and sewer).

Mr. Vogt stated that variances are requested for lot width. Lot width is measured at the building setback line and if you look at the lot configurations they are very narrow at the front.

Mr. Neiman asked if there is a variance for lot area as well.

Mr. Vogt stated with respect to lot area for fee simple lots, if the cumulative property meets the zone standard, one property that is being subdivided can have greater area than the other as long as the aggregate meets the zone minimum which is the case here. Ordinarily, this would not be in front of the Board with the exception of the lot width variance.

Mr. Neiman asked if this was noticed for both tech and public.

Mr. Stephen Pfeffer, Esq. stated that is correct.

Mr. Neiman was told there are many objectors for this application. He stated that they cannot hear this in full tonight if that is the case.

Mr. Schmuckler said the notice stated the application would be heard as both tech and public at this meeting. This could be confusing to the neighbors.

Mrs. Morris stated that they make sure there is a comment on the agenda stating the applicant requested to be heard as both tech and public. That ensures that the neighbors should at least come to the tech meeting.

Mr. Schmuckler said then they should hear it tonight. A bunch of neighbors came out tonight thinking this is a tech and public.

Mrs. Morris stated the applicant could build a duplex right now without the zero lot line without having to get approval from this Board.

Mr. Pfeffer stated that they did request both a tech and public meeting. They withdraw that request and would only like to proceed with the tech review only so they have a chance to speak to some of the neighbors.

Mr. Neiman said that is fine.

Mr. Pfeffer stated they are seeking a zero lot line minor subdivision with a lot width variance. Duplexes are permitted in the R-M zone. They could go to the building department and build a duplex and it would be permitted.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to advance the application to the December 16, 2014 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert

6. PUBLIC HEARING

1. **SD 1956** (Variance Requested)
Applicant: Benjamin Loeb
Location: Ridge Avenue
Block 223 Lots 89 & 90
Preliminary & Final Major Subdivision to create 7 lots

Project Description

The applicant is seeking a Preliminary and Final Major Subdivision approval. The applicant proposes the subdivision of three (3) existing lots to create twenty (20) proposed lots. The twenty (20) proposed lots would be developed as zero lot line properties with ten (10) duplex structures. The existing lots are known as Lots 1, 4, and 7 in Block 472, and are proposed to be subdivided into proposed Lots 1.01 – 1.20 on the Major Subdivision Plan. The proposed subdivision for the project would include all of Block 472. Block 472 is an existing 200' X 500', one hundred thousand square foot (100,000 SF) rectangular tract of land surrounded by the unimproved fifty foot (50') right-of-ways of Lewin Avenue, Frances Street, Rachel Avenue, and Blanche Street. Existing Lot 4 is a 120' X 100', twelve thousand square foot (12,000 SF) rectangular parcel located on the eastern part of Block 472, approximately in the middle of the Block. Existing Lot 7 is a 120' X 100', twelve thousand square foot (12,000 SF) rectangular parcel located on the southwestern corner of Block 472. Existing Lot 1 accounts for the remainder of the Block and is a seventy-six thousand square foot (76,000 SF) property. The site is vacant, completely wooded, and surrounded by woods. The subject property surrounded by four (4) paper streets is located south of Prospect Street, an improved County Road with a sixty-six foot (66') wide right-of-way, in the southwest portion of the Township, west from its intersection with Massachusetts Avenue. Site access would be afforded by the improvement of surrounding streets, provided a street from an adjoining approved subdivision between Prospect Street and the site is also constructed. The proposed project would have five hundred feet (500') of frontage on Lewin Avenue, this is to the west; two hundred feet (200') of frontage on Frances Street, this is to the south; five hundred feet (500') of frontage on Rachel Avenue, this is to the east. Finally, the site would have two hundred feet (200') of frontage on Blanche Street, this is to the north. All surrounding streets are unimproved municipal roads with fifty foot (50') wide right-of-ways. The proposed development will improve all surrounding streets. Curb and sidewalk is proposed along the entire frontage of Block 472. Radial dedications are proposed at all the corners of the Block to permit the construction of sidewalk to be within the public right-of-way. Proposed storm water management facilities and utilities are associated with this project. The proposed drainage system consists of a conventional storm sewer collection system that collects and directs runoff to underground

recharge systems. Proposed sanitary sewer for the project will connect to a system proposed by others. Proposed potable water for the subdivision will be extended from water mains proposed by others. A minimum of four (4) off-street parking spaces are proposed for each unit. The subject site is located within the R-M, Multi-Family Residential Zone District. Therefore, zero lot line duplex housing is a permitted use in the zone district. The surrounding lands are currently vacant. The closest development is a multi-family project along Prospect Street to the northeast of the project. We have the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours of the area within 200 feet of the site boundaries. 3. B10 - Man-made features within 200 feet thereof. 4. C13 - Environmental Impact Statement. We support the granting of the Site Features waivers as there is enough topographic information provided to complete the design. The neighboring subdivision projects were granted waivers from providing an Environmental Impact Statement. II. Zoning 1. The site is situated within the R-M, Multi-Family Zone District. Duplex Housing is a permitted use. Zero lot line subdivisions for duplexes are permitted in the Zone. 2. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are requested for the subdivision approval: • Minimum Lot Area – The combination of proposed Lots 1.01/1.02, 1.09/1.10, 1.11/1.12, and 1.19/1.20 are 9,952 square feet; where ten thousand square feet (10,000 SF) is required. It should be noted that the lot area deficits are being created by the radial right-of-way dedications at the Block corners. Otherwise, these lots would conform to the minimum lot area requirement. 3. 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. III. Review Comments A. General 1. Off-street parking: According to the plans provided, the applicant is proposing a minimum of four (4) off-street parking spaces per unit which is enough to be in compliance with the RSIS and Township standards of four (4) off-street parking spaces required. Testimony shall be provided on the proposed number of bedrooms per unit and whether the basements will be unfinished. This proposed project should be in compliance with Parking Ordinance 2010-62. 2. The applicant shall confirm that trash and recyclable collection is to be provided by the Township of Lakewood. 3. Existing paper streets will be improved for the proposed project. 4. The proposed lot numbers shall be approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. 5. In accordance with the requirements in 18-815, a one-time storm water management maintenance fee shall be provided. The fee shall be ten thousand dollars (\$10,000.00), based on twenty (20) single-family attached dwellings at five hundred dollars (\$500.00) per dwelling. 6. The requirements in 18-821 (Building Uniformity in Residential Developments) shall be addressed. A minimum of four (4) basic house designs shall be provided for this development consisting of between seven (7) and fifteen (15) homes. 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, including provisions to address items associated with the use, maintenance, and repair of common areas and facilities associated with the overall property. Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township. B. Plan Review 1. An unsigned Boundary and Topographic Survey has been provided. The horizontal datum for the survey is based on NAD 1983. The vertical datum for the survey is based on NAVD 1988. A revised signed and sealed survey shall be submitted which includes the following: a. A description of the benchmark. A location and elevation has been provided. b. The limits

and areas of the three (3) individual lots. 2. The General Information and Final Plat reference a survey which has not been submitted. 3. The applicant's address shown on the Plans differs from the address provided on the Application. 4. Note #5 in the General Information requires clarification. 5. The Board is advised that Note #18 in the General Information summarizes the situation of the various projects in the area. This project is adjacent to similar proposed projects. The drawings refer to improvements for those projects as proposed by others. Drawings from the various projects must be coordinated. 6. The proposed streets surrounding the Subdivision Block have been designed to a minimum pavement width of thirty feet (30'). The proposed pavement half width along the Frances Street and Lewin Avenue site frontages will be sixteen feet (16'), with a fourteen foot (14') width on the opposite side of the centerline. The proposed pavement width along Blanche Street and Rachel Avenue will be thirty-two feet (32'), with the assumption that only two feet (2') of pavement would be added to the thirty foot (30') pavement width constructed by others. Curb and sidewalk are proposed along the site frontages, but not on the opposite sides of the street, which is acceptable. 7. Proposed Sight Triangle Easements dedicated to the Township have been provided at the street intersections of the subdivision. 8. Drainage is proposed for the project. The proposed inlets on Lewin Avenue shall be constructed at the future curb line. All proposed drainage has been designed within the right-of-way for public storm water management ownership. 9. The Site Development Plan should have road centerlines and stationing added. 10. Four foot (4') wide sidewalk is proposed throughout the development. Unless the proposed sidewalk will be increased to a width of five feet (5'), pedestrian bypass areas shall be designed. 11. Proposed curb ramps shall be added to the Site Development Plan at the street intersections. 12. An unlabeled six foot (6') wide shade tree and utility easement has been provided for the entire Block. 13. Zones and Zone Boundary Lines shall be added. 14. The areas for proposed Lots 1.10 and 1.11 shall be corrected to 5,852 square feet. C. Grading 1. Grading is provided on a Grading & Drainage Plan which is Sheet 5 of 15. A storm sewer collection system is proposed to collect runoff and recharge it under the streets. 2. Road profiles shall be designed for Rachel Avenue and Blanche Street. Sheet 10 shows the road profile for Amsterdam Avenue, but this street is not relevant to this project. 3. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved. D. Storm Water Management 1. A proposed storm sewer collection system has been designed to convey storm water runoff into recharge systems. Proposed recharge systems have been designed, located under the improved right-of-ways of Frances Street, Rachel Avenue, and Lewin Avenue. An overflow headwall from the proposed recharge systems would be located near the intersection of Lewin Avenue and Frances Street, southwest of the site. 2. Our review of the project indicates it will be classified as Major Development since more than a quarter acre of impervious surface will be added and over an acre of disturbance will take place with development of the surrounding roads. As a result, the project design for the surrounding roads must meet water quality and water quantity reduction rate requirements. The Storm Water Management Design for the roads must use the TR-55 Method since the proposed system will be owned and maintained by the Township. Storm Water Management Design for the individual lots can be addressed at time of Plot Plan Design, should approval be granted. 3. Soils information will need to be provided within the proposed project to confirm the seasonal high water table depth. Permeability testing will need to be done, and an infiltration rate shall be provided. 4. The Storm Water Management Report and Design will be reviewed in detail during compliance, if/when approved. E. Landscaping 1. Landscaping has been proposed for the project on Sheet 7 of 15. Street trees are proposed along the site frontages, ornamental trees are

proposed throughout the rear yards, and foundation plantings will be provided for the units. 2. The Landscape Plan shall be completed. All proposed easements and utilities have been shown. Planting conflicts should be avoided. 3. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. The entire site will be cleared for the construction of the project. Compensatory plantings will be addressed with the Tree Protection Management Plan. 4. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted. F. Lighting 1. Street lighting has been provided for the proposed roads on Sheet 7 of 15. 2. Details shall be provided on type, quantity, and power of proposed lights. 3. A point to point diagram has been provided to verify the adequacy of the proposed lighting. However, the Lighting Plan has not been completed. Therefore, we cannot provide an evaluation. 4. It is anticipated that all lighting will be owned and maintained by the Township after installation since all fixtures will be within public right-of-ways. Confirming testimony should be provided regarding street lighting ownership. 5. Lighting shall be reviewed in detail after compliance submission should subdivision approval be granted. G. Utilities 1. Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company. 2. The proposed sanitary sewer will connect to a system being constructed by others. 3. Potable water is proposed to be extended from mains being constructed by others. 4. The plans state that all proposed utilities are to be provided underground. H. Signage 1. Proposed regulatory signage has not been shown on the plans and should be added. Regulatory sign details have been provided. 2. No project identification signs are proposed. 3. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. I. Environmental 1. Site Description Per review of the site plans, aerial photography, and a site inspection of the property, the site is wooded and vacant. The existing on-site topography slopes to the southwest. 2. Environmental Impact Statement A waiver was requested from providing an Environmental Impact Statement. 3. Tree Management A Tree Protection Management Plan in accordance with the current ordinance has been submitted. The plan will be reviewed after compliance submission, should subdivision approval be granted. J. Construction Details 1. Construction details are provided on Sheets 13 and 14 of 15. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. 3. Final review of construction details will take place after compliance submission, if/when this project is approved by the Board. K. Final Plat (Major Subdivision) 1. The Final Plat shall be revised in accordance with the construction plans. 2. The Schedule of Zoning District Requirements should be corrected to indicate that the R-M Zone is Multi-Family Residential. 3. The Schedule of Zoning District Requirements needs many corrections, such as lot width, setbacks, and coverage. 4. The proposed Shade Tree and Utility Easement is missing from the Plat. 5. Proposed Sight Triangle Easements are provided on the corners of intersecting streets. 6. The Plat contains numerous overwrites and stray text. 7. Coordinates shall be in State Plane in accordance with the Survey. The coordinates shall be shown to two (2) significant figures. 8. Vertical datum shall be NAVD 1988 in accordance with the Survey. The bench mark on the Survey shall be referenced. 9. Compliance with the Map Filing Law is required. 10. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance; c. Ocean County

Planning Board; d. Ocean County Soil Conservation District; and e. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Vogt stated that variances include lot frontage and aggregate side yard setback. There is an issue regarding front yard setbacks. A waiver is requested from right-of-way dedication.

Mr. Brian Flannery, P.E., P.P. was sworn in.

Mrs. Miriam Weinstein, Esq., on behalf of the applicant, stated this is a continuation from the previous public hearing. A few of the board members were not present. She asked if they listened to the recording.

Mr. Schmuckler stepped down.

Mr. Neiman asked what changes have been meeting since the last meeting. The Board had issues with variances and the number of units.

Mrs. Weinstein stated the neighbors seem to be upset of what they feel is the over-development of the Ridge Avenue neighborhood. This is not an area of exclusive single family homes but was an area that was in dire need of re-development just a few years back and the lots for this application are still in need of re-development. Duplexes and dense housing already comprise this area and this application would be in keeping with the character of the neighborhood. The applicant heeded the advice of this Board and met with the department of Public Works to make sure that they were comfortable with the private access road. As a result of that meeting, several changes have been made to the plans. The driveway to the single family residence located on Ridge Avenue has been eliminated and has instead been relocated off of the private access road. An area has been designated for curbside garbage pickup along Ridge Avenue between the westerly side of the private access drive and the westerly tract boundary line. The homeowner's will have to roll their garbage cans down to Ridge Avenue for pickup. Public Works would only be responsible for roadway and drainage maintenance within the Township right-of-way, not along the private access road. There would be a homeowner's association formed to maintain the private access road.

Mr. Flannery said he met with the head of Public Works last week and his indication was that the originally proposed dumpsters on the private access road would be a problem for pick up. He prefers the curbside pickup along the front. They have designated an area along the front where they would pick up. There was a driveway shown on the plans that were resubmitted for this application. That driveway will be relocated to add two additional spaces in the rear of that unit so there will be no driveway coming out onto Ridge Avenue which was also one of the comments that the Board Engineer had indicated in his review. Additionally, they have made the duplex behind the single family smaller so they could provide a larger hammerhead turnaround in the back. They comply with the density. At the last meeting, he said that the Master Plan indicates that this should be zoned as R-7.5. If that was the case, these lots would be virtually conforming. One of the Board Engineer's comments is they have to put the

turning movements on the plan to make sure it works. If the Board acts favorable they would provide that as a condition of approval. It is his testimony that it works as it is.

Mr. Ron Gasiorowski, Esq., on behalf of the applicant, asked where the garbage pickup is proposed to be.

Mr. Flannery said it would be along Ridge Avenue between the private access drive and the westerly property line.

Mr. Gasiorowski said at the last meeting it was agreed upon that the applicant would go back to the drawing board and eliminate one of the units in question so they can facilitate a better turning facility.

Mr. Flannery said they offered that as a solution. After looking at it closer, they saw they could accomplish that by making the units smaller.

Mr. Neiman said they have about 60 ft of sidewalk where they plan on putting about 25 garbage cans.

Mr. Flannery said it was 24 cans and it would fit.

Mr. Neiman does not see how they are fitting that many garbage cans there.

Mr. Gasiorowski asked if parking is allowed on the street where the garbage cans will be placed.

Mr. Flannery said if parking is a problem, the Township Committee could always prohibit parking. There should be parking prohibited on a lot of plans on that street. They provided four spaces per unit so that there is no reason for them to have street parking.

Mr. Franklin does not believe they can fit 24 garbage cans.

Mr. Gasiorowski said contrary to what the suggested solution was at the last hearing, they have elected to not remove one of the units.

Mr. Flannery said no, they did not eliminate a unit.

Mr. Gasiorowski asked as a result of the units being made smaller, will there be any less cars coming onto the utilization of this private driveway

Mr. Flannery said no.

Mr. Gasiorowski asked as a result of the reduction and size of the units will there be less bedrooms.

Mr. Flannery said possibly yes.

Mr. Gasiorowski asked if there will be less people utilizing that entire site as a result of making the units smaller.

Mr. Flannery said no.

Mr. Gasiorowski they have come seeking the maximum utilization of this property rather than seeking the accommodation to establish a better plan.

Mr. Flannery said they were seeking maximum utilization they could add a lot more units. It may not get approved. He is presenting a plan that complies with the proofs that they need by the MLUL for the variances that are requested.

Mr. Gasiorowski said with regard to those units on the lots that are being created, in establishing the square footage for the size of the lots, he is utilizing the easement.

Mr. Flannery said that is correct.

Mr. Gasiorowski said in seeking to establish frontages with regard to front yard setback, they are not taking the measurement from the edge of the right-of-way but rather they are taking it to the lot line.

Mr. Flannery said the setback shown is to Ridge Avenue. When they are on the private drive, it is an area that is not as clear to where it should be in accordance with the Board's engineer's interpretation. A variance is requested from the setback to the private road based on if that was a right-of-way line.

Mr. Andrew Thomas, P.P., was sworn in. He stated he has reviewed the site plan, zoning ordinances, review letters and also attended the previous hearings. He also visited the site three times.

Mr. Gasiorowski said the notice is slightly deficient with regard to them not seeking a variance on one of the lots.

Mr. Thomas said that is correct. When the applicant came back and revised the plans, a new variance was created for lots 89.06 and 89.07 where 12,000 sf is required and 11,950 sf is provided. That was not shown on the notice. An exhibit was entered as O-1 that shows the proposed layout of the plan.

Mr. Neiman asked if they should continue if the notice was not sufficient.

Mr. Jackson would like to see what the applicant says about the notice. The problem is, they have already had a lot of testimony on this application.

Mrs. Weinstein believes the catch all phrase would cover it as it is a de minimis variance.

Mr. Jackson said it is up to the applicant to continue with the application. As a general rule, the notice has to identify the property and the nature of the application.

Mrs. Weinstein said the engineer can adjust the lot lines and they can eliminate that variance.

Mr. Gasiorowski asked Mr. Thomas to speak about zero lot lines in a residential development under the zoning ordinances.

Mr. Thomas said one of the provisions is that each duplex unit will have access to a public street. He read section 18-911 D-6 onto record. He also read the definition of public street.

Mr. Gasiorowski asked if this is a former or proposed Township right-of-way and that it is not a fully improved street.

Mr. Thomas said no, it is not.

Mr. Gasiorowski said the access way is part of the proposed residential lots. In computing the square footage of the lots to satisfy minimum square footage, they utilize that area of the right-of-way.

Mr. Thomas that is correct.

Mr. Gasiorowski said in reality these lots are much smaller than the applicant represents them to be.

Mr. Thomas said that is correct. He said the lots would be a 1,000 sf smaller if you eliminated the private street.

Mr. Gasiorowski asked what he believes are the reasons for the development ordinance requiring that it be placed upon a public street.

Mr. Thomas said the planning reasons for access to a public street is to maintain proper access, provide access to the properties including emergency access, snow plowing, larger trucks and in a situation where there is a dead end street there would typically be a proper cul-de-sac turnaround.

Mr. Gasiorowski asked what was provided for a turnaround.

Mr. Thomas said the applicant provided a K-turn at the end which measures 18 ft by 18 ft.

Mr. Gasiorowski asked if it would be fair to say if you would have to go all the way to the end of the road to turnaround.

Mr. Thomas said that is correct, unless someone utilized an empty driveway. The snow would most likely go at the end of the K Turn which would make it harder for people to turnaround.

Mr. Neiman said this is the fourth application that has come before this Board where a private road is questioned and each time they heard that the ordinance is vague. He asked if there is any way to clarify

this ordinance. Either applicants can count the private access way as part of the square footage or they can't include it.

Mr. Vogt recommends an amendment to the UDO definition in order to deal with future applications.

Mr. Jackson said there is also the ability for the Board to interpret it a certain way and look at these applications overall and say they do not believe there is adequate space because the road is eating up a lot of the square footage. This does require a variance for the lots not being on a public road.

Mrs. Morris believes that is the easiest variance to stick with in a situation like this. She thinks it would be difficult to nail down exactly what's driveway, share driveway, private access lane, etc.

Mr. Neiman does not feel there is enough square footage on each lot and to count the roadway as part of the square footage for a project this size, he does not feel comfortable with it.

Mr. Herzl believes it is overdeveloped.

Mr. Sussman believes it is an issue. You can see that it looks smaller than it is supposed to be.

Mr. Follman agrees.

Mr. Rennert agrees.

Mr. Neiman would rather get the UDO clarified, but until they get that clarification then the Board needs to look at the project on a case by case basis.

Mrs. Weinstein has heard the Board and they will be going back to the drawing board. She asked if there are instances where the Board would permit this kind of plan.

Mr. Neiman said they have done that in the past. In one instance, an applicant came in with four duplexes. The Board asked them to eliminate one of them and they approved it.

Mrs. Weinstein asked if the issue is the number of units fronting on the private access road or the density.

Mr. Neiman said the density and the whole look of the application.

Mr. Gasiorowski said these are basically flag lots and are not permitted.

Mr. Neiman said this does look like a flag lot.

Mrs. Weinstein said they will be withdrawing the application without prejudice.

Mrs. Morris believes when the applicant does come back that it should be an amended application.

Mr. Neiman is fine with that.

2. SP 2092AA (No Variance Requested)

Applicant: Beth Medrash Govoha

Location: 7th Street & 8th Street

Block 46

Lots 5, 23, & 24

Change of Use/Site Plan Exemption to convert 3 homes into dormitories and add a parking lot

Project Description

The applicant is seeking Site Plan Exemption/Change of Use approval for construction of an on-site, 56 space parking lot within the rear yards of three (3) abutting properties (Lots 5, 23 & 24) located between Eighth Street and Seventh Street. As depicted on the Change of Use Plans, each lot contains an existing 1-story brick dormitory building, all of which will remain (with the exception of small portions of two (2) buildings being removed as depicted). No new building improvements are proposed as part of this change of use application. As depicted on the site plans, a two-way, 24-foot wide access drive is proposed to serve eight (8) head-in spaces proposed near the existing dorm building on Lot 23, a 35-space parking area proposed in the rear of Lots 23 and 24, and a 13-space parking area proposed to the rear of the existing dorm building within Lot 5. Additionally, a 11-foot wide existing driveway along the west side of the Lot 5 dorm building will provide for one-way egress onto Seventh Street. The property is located between Eighth and Seventh Streets, several hundred feet west of Private Way. Both streets have 60-foot wide right of ways, paved cartways, curb and sidewalk along the property frontage. Per review of aerial mapping, the site is within a predominantly developed area, including single-family development and school uses. I. Zoning 1. The property is located in the R-12 (Single Family Residential) Zone. Private Schools are a permitted use in the zone, subject to the requirements of Section 18-906 of the UDO. 2. Since no new buildings are proposed as part of this application, the application qualifies to be considered by the Board under 'site plan exemption'. However, a fully-designed site plan submission was made to ensure that the proposed improvements are adequate. Per review of the design submission, it is generally well-prepared. 3. Similarly, since no new buildings are proposed as part of this application, no new bulk variances are required for this application. There are several existing bulk variances associated with Lot 5 and the existing on-site dorm building, as depicted on Sheet 3 of the Site Plans, including Lot Area, Lot Width, and Side Yard and Aggregate Side Yard setbacks for the existing dorm building. 4. Per review of the Change of Use Site Plan, no design waivers appear necessary for the proposed project: 5. In accordance with Section 18-906A.3., of the UDO, landscaping shall be provided for the required buffer. Perimeter landscaping is proposed within portions of the twenty foot (20') wide buffer area (only); therefore partial buffer relief (only) is necessary. A landscaping plan has been provided as part of the design. Perimeter buffer relief is necessary. Per communications with the applicant's professionals, the applicant agrees to provide perimeter screening to the Board's satisfaction, if/when Board approval is granted. II. Review Comments 1. Testimony will be provided by the applicant's professionals summarizing the intent of the project and future users of the parking area. Since no increase in housing facilities is proposed, it is our understanding that the parking areas will serve existing students and/or faculty, and is therefore beneficial in nature since the parking areas will

lessen the local on-street parking demand. 2. Per review of the circulation design, it is generally well-prepared. As noted, fire lanes are depicted for the main two-way access off of Eighth Street. We recommend review of the circulation by the Fire Official as a condition of Board approval, if forthcoming. Per communications with the applicant's professionals, the applicant agrees to this condition. 3. We recommend that sight triangles be provided at the 8th Street and 7th Street accesses as a condition of Board approval, if forthcoming. Per communications with the applicant's professionals, the applicant agrees to this condition. 4. Proposed grading and drainage designs are illustrated on site plan Sheet 4, and are well-prepared. Per review of the storm water design report, the proposed retention system (with emergency overflow "bubbler" discharge at Eighth Street has been designed per the NJ Storm water Rule (NJAC 7:8), and all runoff will be retained and recharged except for the worst-case (100 year storm) design event. Final review of both grading and drainage designs will occur during compliance review, as a condition of Board approval, if forthcoming. Per communications with the applicant's professionals, the applicant agrees to these conditions. 5. Similarly, a storm water maintenance report, prepared per NJAC 7:8-5 must be provided, identifying the applicant as Responsible Party for storm water system maintenance. Said report may be provided as a condition of Board approval, if forthcoming. Per communications with the applicant's professionals, the applicant agrees to this condition. 6. A detailed landscaping design is provided on Site Plan Sheet 5. As indicated shrubbery are proposed along the perimeter of the proposed parking spaces which will aid in minimizing headlight glare from head-in parking. Shrubbery is also proposed along portions of property perimeters not conflicting with the existing driveway (lot 5) or edges of proposed parking area. Landscaping shall be provided to the satisfaction of the Board. 7. Similarly, the lighting design is also provided on Site Plan Sheet 5. As depicted, five (5) pole mounted and one (1) wall mounted fixture, all 14' high, are proposed for illumination purposes. The lighting design is feasible and well-prepared. We recommend cutoff shields to minimize glare. We also recommend that non-security lighting, if any be placed on timers. A final review of the lighting design will be performed as a condition of Board approval, if forthcoming. Per communications with the applicant's professionals, the applicant agrees to these conditions. 8. Construction details are provided on Site Plan Sheet 10, and are adequate as presented. A final review of these details will be provided as a condition of Board approval, if forthcoming. Per communications with the applicant's professionals, the applicant agrees to this condition. 9. The site plan waiver (if approved) does not relieve the applicant's obligation to obtain necessary outside agency approvals.

Mr. Rennert stepped down.

Mr. Vogt stated there are no variances. The applicant does require relief with respect to perimeter buffer. He does not believe there are any other variances or waivers necessary.

Mr. Abraham Penzer, Esq. on behalf of the applicant.

Mr. Jackson stated that an objector contacted him and would like to address a matter before testimony begins.

Mr. Peter Flum was sworn in. He stated that he sent a notice on November 3rd to the Planning Board secretary and attorney asking to reschedule. They were already before this Board to testify on October

21st but the applicant decided to adjourn the hearing. He had a Planner ready to testify and when he was asked if November 18th was okay with him, his Planner had already left. His planner is not available tonight as he is attending the League of Municipalities. That is why he is requesting to carry this application to a future date.

Mr. Jackson asked who is planner is.

Mr. Flum said it is David Carlback.

Mr. Neiman asked why this application was postponed.

Mrs. Morris stated that on October 21st, the applicant decided to adjourn so they could meet with the neighbors. They wanted to carry to October 28th but Mr. Flum indicated that his professionals weren't available for that meeting so the Board carried to this date.

Mr. Flum would like all the members of the Board, with the exception of Mr. Franklin, recused from hearing this application due to the following reasons: having attended BMG, currently attending BMG, having children that will attend BMG, pressure by the orthodox community.

Mr. Jackson said there is abundant case law dealing with recusals. The governing principal is whether there is an actual conflict which is you have a direct, familiar interest.

Mr. Penzer said this was already broached by another attorney and a judge has rules that this argument is spurious.

Mr. Jackson said if you have a direct pecuniary interest, familiar interest or if you have something that would cloud your judgment in some way. Mr. Jackson said there is a case called Landau v. Township of Teaneck, which held that a councilman who is an Orthodox Jew was not disqualified from voting on a sale of a municipal property to an organization intending to build an orthodox synagogue when he was not a member of the organization, was not going to be a congregant in the new synagogue. Likewise, a board members recent affiliate membership in a congregation and occasional continued attendance at services suggested a possible appearance of impropriety. Actual pecuniary or personal interest, improper motive or actual bias, those circumstances constitute too remote in interest of disqualification. There is a case, Hughes v. Monmouth University where the court found that board members whom are an alumni of the university need not be disqualified with their association or the association with the university was remote. The court noted that the Board members had received their degrees years before, are not active alumni members and did not make substantial contributions to the school. This issue has come up in the past with BMG which had to do with general contributions that were made at a street fair by a member. That case was specifically before Judge Grasso recently. The Judge wrote an opinion saying that the circumstances were remote and did not result in disqualification.

Mr. Neiman said he hopes as Board members that they look at each project objectively, even if it is BMG. You have to look at the variances, the area and vote with your conscious.

Mr. Jackson asked if there is any Board member who feels that they could not be fair and objective in their determination.

No members responded.

Mr. Jackson asked if there are any Board members who is a current, active member of BMG.

Mr. Flum stated he is contesting the reasons why the application will fail.

Mr. Jackson said Mr. Flum told him his argument at the beginning of the meeting. One of the claims is that when the dormitories are separated from the campus, they longer become an accessory use and they are a principal use. Dormitories are not permitted as a principal use and therefore this would need to be heard at the Zoning Board.

Mr. Flum believes that this application should be carried to a future date.

Mr. Jackson said he received his letter and he responding stating that that is a type of objection that would have to be made to the Board and the Board would make its ruling at the hearing.

Mr. Neiman asked if it would be okay with the applicant if they carried this to the December 2nd meeting.

Mr. Penzer said this is very time sensitive. They have already carried this application.

Mr. Flum said it is not fair that they were ready at the October 21st meeting and had to carry.

Mr. Neiman said it is not fair to all of the objectors who are here tonight

Mr. Flum asked if any of the members will be recusing themselves.

Mr. Neiman said they already spoke about that and the Board does not feel there is any conflict of interest.

Mr. Brian Flannery, P.E., P.P. was sworn in. He stated that this is a site plan exemption to create a parking lot on the BMG campus. The parking is a beneficial use in this area which is indicated in the engineer' review letter. There was a comment that this is not part of the campus by the objector. There was an ordinance passed 2009-53 on September 24, 2009. That ordinance established the campus zone. He read the definition of campus ordinance.

Exhibit A-1 is the site plan. Exhibit A-2 is an aerial that shows the location of the subject property. The applicant has met with the objectors to try to come to a plan that could provide the parking without having an adverse impact. That plan was marked as Exhibit A-3. On exhibit A-1, there was a one way

drive on 7th Street and in/out on 8th Street. Some of the residents felt that the 7th Street would accommodate the two way traffic. The applicant has indicated that part of the building on 7th Street would be removed to accommodate a two way entrance at that point and there would only be an entrance on 8th Street. If this parking lot is not approved, the same number of cars are going to be there. The cars are going to park all along the streets in the neighborhood. The initial plan was for 56 additional parking spaces. The proposed plan reduces it order to funnel the traffic better which has a total of 51 spaces. This is not a traffic generator. It is a place to put the traffic that's already coming. It is a project that will relieve the parking demand in the area. The comments in the engineer's review letter are minor in nature and can be addressed.

Mr. Penzer said there are no variances.

Mr. Flum, 639 8th Street, went into all the various areas where there is a lot of parking on various lots, including ball fields. He said cars still park on the street and all of these lots don't even make a dent. He stated that there were thousands of students who attend the yeshiva that all drive. He does not remember BMG ever taking an initiative and work out the parking problem. He is not against the Yeshiva but the quality of life is diminishing.

Mr. Neiman asked if it would help to eliminate parking on one side of 8th Street.

Mr. Flum said it would be impossible as there are too many houses. The street parking is needed as families now have 4-5 cars.

Mr. Schmuckler suggested parking by permit.

Mr. Flum said there are municipalities that do that and it could be something to look into. He said 56 spots is not going to do anything. He explained that the Yeshiva could fit 20 more spots at the new building on Private/7th but they did not. The neighbors are concerned about the parking, noise, traffic, safety. He reiterated that he does not believe the proposed parking lot will lessen the parking problems.

Mr. Flum proceeded to read a letter dated November 3, 2014 sent to the Board onto record.

Mr. Jackson said he believes there is a provision in the ordinance that allows university to cross streets and be contiguous.

Mr. Vogt stated that is part of the campus itself. With regard to the intensity of the use, it is his understanding that no change to the use of the dorms or school facilities is part of this application. This is for a parking lot. BMG is going to continue to operate with or without the parking. He respectfully disagrees with the assertion relative to the intensity of the use.

Mr. Jackson asked if this lot is contiguous with the university.

Mr. Flannery said if you are within 500 ft of the educational facility. On exhibit A-2, it is clear the major educational facility that has been there since 1950 is across 7th Street which is way less than 500 ft. Part of the campus on the corner of 7th and Private Way is less than 500 ft away.

Mr. Jackson asked how big of an area does the campus encompass.

Mr. Flannery said he would have to do a study as there are several components but it is many acres.

Mr. Jackson said it is a downtown university that is intermingled throughout the neighborhood.

Mr. Flannery said that is correct.

Mr. Jackson said the way the zoning ordinance is adopted in Lakewood, counts for that setup because this is one of the biggest institutions in Lakewood in terms of size, scope and it's impact.

Mr. Flannery said it was specifically addressed when the campus ordinance was adopted by the Township Committee. That established the parameters and they fit squarely within them.

Mr. Jackson asked if this would be an expansion of a non-conforming use or does it create a non-conforming use.

Mr. Flannery said it is not a non-conforming use. A campus is a conforming use which this is.

Mr. Jackson asked that Mr. Flannery address some of Mr. Flum's concerns.

Mr. Flannery understands that he has a problem with the traffic in the area. He is familiar with the town and has been in Lakewood since 1979. He complained about the traffic, safety, pollution and the quality of life. This is not going to detract from any of them. This provides additional parking spaces. It may be a drop in the bucket but sometimes you fill a bucket up sometimes is drop by drop. By spilling that drop on the ground and not using it, it would not help anything. This is not a building that is going to attract more users to the site. These users are coming to the site and instead of circling around and parking ten blocks away or illegally, this provides 51 opportunities for people not to do that.

Mr. Jackson asked if these parking spaces are for the university in general and to the extent that 51 spaces would alleviate parking in the area.

Mr. Flannery said that is correct. It is not going to solve the traffic problems by any means but it will help.

Mr. Sussman asked if Mr. Flum's complaint is that the plan does not address the traffic issue enough.

Mr. Flum said the parking lot will be right in someone's back yard.

Mr. Schmuckler asked what the downside is.

Mr. Flum said the 56 spots mean nothing when there are thousands of cars. He believes Mr. Penzer and BMG should go back to the drawing board and try to look at the school wide issue that is a major problem in Lakewood. Not just on 8th Street, but all over. He suggested a shuttle service.

Mr. Schmuckler agrees but in the meantime they are coming in with this specific application. He asked what the downside is of starting here. Perhaps they have a plan in phases and this would be phase one. He asked how this would hurt the current situation which he knows is bad or does this make it worse. Perhaps this makes it 1% better.

Mr. Flum said there is no rational why this is being done in the first place. He reiterated that issues with traffic, pollution, noise and the overall quality of life.

Mr. Schmuckler stated that according to him the traffic is bad and is not going to get any better. That is his testimony. As for the pollution, having a parking lot in someone's back yard, he would like the application to put up a fence and landscaping along the sides.

Mr. Flannery said the plan does propose landscaping.

Mr. Vogt said that is one of their comments.

Mr. Flum said the Yeshiva has never tried to get a parking engineer to try and get more spots from an existing area.

Mr. Neiman opened to the public.

Ms. Rivka Levovitz, 661 8th Street, was sworn in. She is a retired Lakewood school teacher and has a strong allegiance to BMG. Her father in law was one of the first students of BMG. She has been living on 8th Street for 43 years. Her house is for sale and nobody is interested in looking at it because of the congestion on the block. She believes this parking lot is going to affect them even worse.

Mr. Neiman said it is only going in on 8th and coming out on 7th. He is trying to figure out why an addition of a parking lot is going to create more traffic.

Mr. Levovitz said it is more 50 more cars coming down the block. She said it's impossible to get in and out of her driveway.

Ms. Rivka Goldberg, 7th Street, was sworn in. She complained about the parking and traffic.

Ms. Beth Levinson, 646 8th Street, was sworn in. She does not believe this will alleviate any traffic on the block. She believes this will attract more traffic to the area. She does not believe people will obey the 8th

Street in and 7th Street out. She complained about the conditions on her street when it is snowing. She asked that the Board not approve this.

Mr. Schmuckler asked if it would be helpful to make it a one way street.

Ms. Levinson does not see how that would be helpful. In one regard yes, but not in regard to the parking.

Mr. Schmuckler said they have this application in front of them and they always try to make things work for both sides. He asked if there was something they could broach from either side.

Ms. Levinson wants it denied.

Mr. Jackson said this is a fully conforming application. The Planning Board cannot make decisions in an arbitrary and capricious manner. They must have a sound basis for denial. The Board has the responsibility to act within the law.

Mr. Neiman said it seems that most of the testimony so far is about rules not being followed.

Ms. Levinson said that is correct and it makes her irate when people don't follow the law.

Mr. Neiman understands that. They live on a street that is home to one of the biggest Jewish universities in the world. They understand there is going to be a downside but does that mean the downside should be arrogance, not following the law.

Ms. Gitel Kaluszyner, 666 8th Street, was sworn in. She asked about the campus ordinance.

Mr. Jackson said that was an ordinance which allow campuses to encompass neighborhoods.

Ms. Kaluszyner asked if the public was made aware of this. She said BMG was buying single lots and all of a sudden they own a whole block. She doesn't understand how all of a sudden these lots became part of the campus. She said the parking is going to be for the women working on the third floor of the new building. This will not help to alleviate traffic and parking problems in the area.

Mr. Schmuckler wants to talk about the pros and cons of this actual application. They are not the governing body. They do not make the laws. They are required to follow them. An application is before them for a parking lot and they should discuss the pros and cons of that lot. The same amount of students/cars are going to be in that area. This is going to add 50 or so parking spaces to the block. He asked how that makes it worse.

Mr. Flum said the application should be denied because BMG did not look at the area overall so they can utilize the maximum potential of parking. He wants BMG to hire a planner/engineer.

Mr. Neiman said you cannot deny this application because of that.

Mr. Schmuckler would like to discuss the actual site and go through to make sure it looks and fits in a residential block. He asked how they are going to insure that 8th Street is going to remain a one way in only.

Mr. Flannery said the applicant can put up an automatic gate that would open as the vehicle approached.

Mr. Schmuckler said that is not going to work.

Mr. Follman suggested putting spikes down.

Mr. Flannery agrees with that.

Mr. Schmuckler said the way out on 7th Street is nice because it is very narrow and sort of forces cars to only go out there. He suggested putting concrete bollards along the grass areas to make sure people do not park there.

Mr. Flannery said instead of bollards, they would like to do lollipops. They will have a white vinyl fence with landscaping.

Ms. Levinson said the neighbors are still against this.

Mr. Schmuckler asked if there is any way to keep the cars a certain distance from the neighbor's driveway.

Mr. Flannery said the only way to do that would be to remove the center island. He does not think that is a good idea. The applicant could certainly meet with the neighbor and try to work with her.

Mr. Schmuckler said maybe to put a shade tree there.

Mr. Flannery said they could put in an 8 or 10 inch curb. Having a tree that close to the pavement could be a problem when it grows bigger and the roots extend and may uproot the pavement. Shade trees are usually set back 5 or 6 ft from the pavement. He believes a high curb, fence and some shrubs would help. They would do the most they could from the input from the neighbor and board engineer.

Mr. Larry Zwickel, 646 8th Street, was sworn in. He asked if there are people allocated to these spots. He asked where the snow is going to go when they plow. He is concerned about the safety and proximity to the welfare to the people on the street.

Mr. Flum expressed his discontent with the Board.

Mr. Flannery said the parking spaces are not allocated.

Mr. Schmuckler said the parking lot would be open to anyone attending, working, visiting the Yeshiva.

Mr. Flannery said there will be some reserved for senior faculty and the remainder will be open spaces for anybody in the university.

Mr. Schmuckler asked if this is for people currently using the sites.

Mr. Flannery said that is correct. BMG has a private company that does snow removal. The snow will not be pushed off-site.

Mr. Neiman closed to the public.

Mr. Flum said the Board is discussing how the space should look in their community. He said the landscaping is not enough. He will still see the cars. He asked if the Board made any site visits.

Mr. Jackson marked Mr. Flum's photographs, 11 pages, as exhibits.

Mr. Flum said the pictures were taken within the last two weeks.

Mr. Sussman said they hear the objectors and know there are issues. He asked that they attend the Township Committee meetings and let their voice be heard there. They can make the changes.

Mr. Penzer asked that instead of using the term bollard, it would be any device that would satisfy the Board so no car can park there.

A motion was made by Mr. Sussman, seconded by Mr. Schmuckler to approve the application with the following conditions: Entering from 8th Street will be one way in with spikes enforcing such. The grass areas will have some sort of device in which to block people from parking on the grass areas.

Affirmative: Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Schmuckler, Mr. Follman

- 3. SP 2080** (No Variance Requested)
Applicant: Erez Holdings, LLC
Location: Boulevard of Americas & New Hampshire Avenue
Block 961.01 Lots 2.03 & 2.06
Preliminary and Final Major Site Plan for a two story office building

This application is being carried to the December 2, 2014 meeting. Notice will be provided.

- 4. SD 1977** (Variance Requested)
Applicant: Shimshon Bandman
Location: Linden Avenue

Block 189.01 Lot 53
Minor Subdivision to create 3 lots

A motion was made and seconded to carry this application to the December 2, 2014 meeting. No further notices.

- 5. SD 1980** (Variance Requested)
Applicant: Apple 25, LLC
Location: Hope Chapel Road & Hope Hill Lane
Block 11 Lot 4
Minor Subdivision to create 2 lots

A motion was made and seconded to carry this application to the December 2, 2014 meeting. No further notices.

- 6. SD 1981** (Variance Requested)
Applicant: Times Square Homes, LLC
Location: 1957 & 1963 Central Avenue
Block 11 Lots 116.01 & 118.01
Preliminary & Final Major Subdivision to create 4 lots

A motion was made and seconded to carry this application to the December 2, 2014 meeting. No further notices.

- 7. SP 2088** (No Variance Requested)
Applicant: Yeshiva Mayan Hatorah
Location: Milton Avenue
Block 104 Lots 23.01, 24, & 34
Preliminary & Final Major Site Plan for a new school building with dormitory rooms

A motion was made and seconded to carry this application to the December 2, 2014 meeting. No further notices.

- 8. SD 1982** (Variance Requested)
Applicant: 1260 ECL, LLC
Location: County Line Road
Block 187 Lot 100
Preliminary & Final Major Subdivision to create 4 lots and a cul-de-sac

A motion was made and seconded to carry this application to the December 2, 2014 meeting. No further notices.

- 9. SD 1983** (Variance Requested)

Applicant: Hendi Friedman
Location: Towers Street
Block 855.03 Lot 25
Minor Subdivision to create 2 lots

A motion was made and seconded to carry this application to the December 2, 2014 meeting. No further notices.

- 10. SD 1984** (Variance Requested)
Applicant: Hendi Friedman
Location: East Spruce Street
Block 855.02 Lot 30
Minor Subdivision to create 2 lots

A motion was made and seconded to carry this application to the December 2, 2014 meeting. No further notices.

- 11. SD 1987** (No Variance Requested)
Applicant: Fourth Street Properties, LLC
Location: Cross Street
Block 434 Lots 1 & 2
Preliminary and Final Major Subdivision to create 7 lots

Project Description

The applicant is seeking a Preliminary and Final Major Subdivision approval. The applicant proposes the subdivision of two (2) existing lots to create seven (7) proposed lots. The seven (7) proposed lots would keep an existing dwelling on a new lot and create six (6) new lots for future single family houses. The existing lots are known as Lots 1 and 2 in Block 434, and are proposed to be subdivided into proposed Lots 1.01 through 1.07 on the Major Subdivision Plan. The proposed subdivision for the project would include all of Block 434. Block 434 is an existing 86,296 square foot, irregular shaped, tract of land surrounded by the unimproved fifty foot (50') right-of-ways of Princewood Avenue, Elmhurst Boulevard, and Netherwood Avenue. It is also bordered by the improved sixty-six foot (66') right-of-way of Cross Street. The site contains an existing two-story dwelling, an in ground pool, and a shed. However, the tract is mostly wooded, and surrounded by woods. The subject property in the southwest portion of the Township surrounded by three (3) paper streets is located on the northeast side of Cross Street southeast from its intersection with Massachusetts Avenue and northwest of Route 9. Cross Street is an improved County Road with a sixty-six foot (66') wide right-of-way. Site access would be afforded by the improvement all three (3) paper streets. The property has approximately three hundred sixty feet (360') of frontage on Princewood Avenue which is to the west. Two hundred feet (200') of frontage on Elmhurst Boulevard, this is to the north. About five hundred feet (500') of frontage on Netherwood Avenue, this is to the east. Finally, there is almost two hundred forty-five feet (245') of frontage on Cross Street, this is to the southwest. All surrounding unimproved streets are municipal roads with fifty foot (50') wide right-of-ways, which will be improved. It appears the project is not proposing curb and sidewalk along the entire frontage of Block 434. Proposed storm water management facilities and utilities are associated with this project. The proposed drainage system consists of a conventional storm sewer collection system that collects and directs runoff to underground recharge systems. Proposed

sanitary sewer is shown connecting to an existing system in the centerline of Cross Street. Proposed potable water for the subdivision will be extended from an existing main on the south side of Cross Street. A gas main exists under the northeast side of Cross Street. Overhead electric exists on the southwest side of Cross Street. The subject site is located within the R-12 Residential Zone District. Therefore, single family housing is a permitted use in the zone district. The surrounding land on the northeast side of Cross Street is currently vacant. The closest major development is on the opposite side of Cross Street. We have the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours of the area within 200 feet of the site boundaries. 3. B10 - Man-made features within 200 feet thereof. 4. C6 - Profiles of proposed utility layouts. 5. C13 – Environmental Impact Statement. 6. C14 – Tree Protection Management Plan. We support the granting of the requested site features waivers, since there is enough topography provided for design. The applicant's engineer is requesting utility profiles be waived until resolution compliance submission. Justification testimony shall be provided by the applicant's engineer. A waiver has been requested from submitting an Environmental Impact Statement. Since no environmental constraints are depicted per NJDEP GIS data, we can support the waiver request. A waiver from a Tree Protection Management Plan may be granted for completeness purposes provided the Plan is required as a condition of any approvals. II. Zoning 1. The site is situated within the R-12, Residential Zone District. Single-Family Housing is a permitted use. 2. No variances are being requested for the subdivision approval. The Existing Conditions Plan shows an enclosed deck on the existing dwelling to remain on proposed Lot 1.01. Testimony shall be provided as to whether a rear yard setback variance will be required. 3. A design waiver is required for the proposed lot line between new Lots 1.01 and 1.07 not being perpendicular to the road. 4. It appears design waivers are being requested from the construction of curb and sidewalk along the project frontages. 5. The applicant must address the positive and negative criteria in support of any 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. III. Review Comments A. General 1. Off-street parking needs to be addressed. The proposed dwellings appear to be configured to provide two-car garages with two-car driveways. The circular driveway for the existing dwelling to remain must be altered since it will be encroaching onto an adjoining new lot. The applicant should propose a minimum of four (4) off-street parking spaces per unit which is enough to be in compliance with the RSIS and Township standards of four (4) off-street parking spaces required. Testimony shall be provided on the proposed number of bedrooms per unit and whether there will be basements. This proposed project should be in compliance with Parking Ordinance 2010-62. 2. The applicant shall confirm that trash and recyclable collection is to be provided by the Township of Lakewood. 3. Existing paper streets will be improved for the proposed project. 4. The proposed lot numbers shall be approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. 5. In accordance with the requirements in 18-815, a one-time storm water management maintenance fee shall be provided. The fee shall be four thousand five hundred dollars (\$4,500.00), based on six (6) new single-family detached dwellings at seven hundred fifty dollars (\$750.00) per dwelling. 6. The requirements in 18-821 (Building Uniformity in Residential Developments) will be addressed. The plans propose two (2) different unit configurations. A minimum of two (2) basic house designs shall be provided for a development consisting of between four (4) and six (6) new homes. B. Plan Review 1. A Topographic Survey Plan with outbound information has been provided. The following revisions are required: a. The plan shall be revised to be an Outbound and Topographic Survey Plan. b. Bearings, distances, and areas shall be provided for Lots 1 and 2 in Block 434. c. The Notes indicate that horizontal datum is based on NAD83. However, the Notes provide conflicting information on vertical datum. d. A vertical benchmark shall be provided. 2. The Topographic Survey provided contains enough topography for the road design for all surrounding streets. 3. The General Information requires minor editing. Horizontal and vertical datum shall be addressed and a

vertical benchmark provided. 4. The Zoning Data on the Final Plat must correspond to the Zoning Data on the Preliminary Subdivision Plan. The Schedule of Zoning District Requirements requires revisions. The proposed and required off-street parking should also be added. 5. The Existing Conditions Plan shall have the proposed easement layers turned off. 6. The Existing Conditions Plan indicates that the walks and driveway associated with the existing dwelling to remain on proposed Lot 1.01 will also remain. However, part of the walkway and driveway, as well as a utility pole, would encroach onto proposed Lot 1.07. These matters must be addressed. 7. Zones and Zone Boundary Lines shall be added to the plans. 8. The proposed streets surrounding the Subdivision Block appear to have been designed to a pavement width of thirty-two feet (32'). Proposed dimensioning concerning the road design shall be completed. 9. The proposed edge of pavement at the Elmhurst Boulevard intersections opposite the subdivision shall be squared off to allow for future road extensions. 10. The Site Development Plan has road centerlines and stationing provided. Proposed centerline intersection stationing shall be added. 11. Two (2) basic dwelling designs have been provided. The proposed square footage of the dwelling with the smaller area should be revised to 2,155 square feet. 12. Proposed offsets shall be provided for all new subdivision lots to confirm setback conformance. 13. On proposed corner lots, the side yard setbacks only need to be ten feet (10'). 14. Based on the proposed driveway location for new Lot 1.04, the side and rear yard setback lines should be switched. 15. Proposed six foot (6') wide Shade Tree and Utility Easements dedicated to the Township of Lakewood have been provided for the entire Block. Many corrections are required to the proposed easement distances and individual lot areas. 16. The proposed Easements shown at the Elmhurst Boulevard intersections shall be corrected to "Sight" Triangle Easements. 17. Proposed Sight Triangle Easements are shown to be dedicated to the County at the road intersections with Cross Street. C. Grading 1. Grading is provided on a Grading and Utility Plan which is Sheet 4 of 10, but is incomplete. A storm sewer collection system is proposed to collect runoff and recharge it within two (2) recharge systems located within the roadways. 2. The Grading Notes require editing. 3. Road profiles which are incomplete have been designed for all proposed paper streets to be improved. An existing road profile for Cross Street must be added such that the proposed designs can be properly completed. 4. Soils information would be required to review whether any proposed basements would be at least two feet (2') above seasonal high water table. 5. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved. D. Storm Water Management 1. The proposed project will be classified as major development since more than a quarter acre of additional impervious surface would be created and over an acre of disturbance would take place. Therefore, the water quality and quantity requirements must be met. 2. A proposed storm sewer collection system has been designed to convey storm water runoff into recharge systems. Two (2) proposed recharge systems have been designed. They will be located under the proposed improved Netherwood Avenue and Princewood Avenue rights-of-way. 3. Soils information will need to be provided within the proposed project to confirm the seasonal high water table depth. Permeability testing will need to be done to justify the infiltration rates used in recharge calculations. 4. A cursory review of the drainage areas indicate they should be extended to at least the opposite sides of the paper street rights-of-way. 5. Storm sewer profiles have not been provided and are required. 6. The Storm Water Management Report and Design will be reviewed in detail during compliance, if/when approved. E. Landscaping 1. Landscaping has been proposed for the project and is shown on Sheet 5 of 10. Street trees are proposed along the site frontages. 2. All proposed easements and utilities have been added to the Landscape Plan to avoid planting conflicts. 3. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. The entire site will be cleared for the construction of the project. Compensatory plantings shall be addressed with a Tree Protection Management Plan. 4. The Planting Schedule should be revised to show fourteen (14) Willow Oak. 5. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted. F. Lighting 1. The plans indicate that a Lighting Plan which is not yet completed will be included with the Landscape Plan on Sheet 5 of 10. G. Utilities 1.

Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company. 2. The plans indicate proposed sanitary sewer would connect to an existing system in the centerline of Cross Street. The design is incomplete and only schematically shown. 3. Potable water is proposed to be extended from an existing main on the south side of Cross Street. Once again, this design is incomplete and only schematically shown. 4. The plans state that all other proposed utilities are to be provided underground. H. Signage 1. Proposed regulatory and street signage has not been shown on the plans and should be added. Regulatory sign details have been provided. A street sign detail shall be added. 2. No project identification signs are proposed. 3. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. I. Environmental 1. Site Description Per review of the plans, aerial photography, and a site inspection of the property, the site is mostly wooded. There is an existing two-story dwelling with a circular driveway fronting Cross Street. An existing in ground pool, shed, and well are all situated to the rear of the dwelling. The existing on-site topography slopes slightly to the southeast. 2. Environmental Impact Statement A waiver was requested from submitting an Environmental Impact Statement (EIS) for the project. 3. Tree Management Prior to construction, a Tree Protection Management Plan in accordance with the current ordinance shall be submitted. J. Construction Details 1. Construction details are provided on Sheet 10 of 10. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. 3. Final review of construction details will take place after compliance submission, if/when this project is approved by the Board. K. Final Plat (Major Subdivision) 1. The required preliminary plan corrections shall also be reflected on the Final Plat. 2. The General Information shall list that the property is located in the R-12 Zone. 3. Many corrections should be made to the Schedule of Zoning District Requirements. 4. The graphic scale shall be corrected to one inch equals thirty feet (1"=30'). 5. The Surveyor's Certification has not been signed since the monuments have not been set. 6. Compliance with the Map Filing Law is required. 7. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance; c. Ocean County Planning Board; d. Ocean County Soil Conservation District; and e. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Stephen Pfeffer, Esq. represented the applicant. No variances are requested.

Mr. Glenn Lines, P.E., P.P. was sworn in. They can agree to all of the comments in the letter. This is a fully conforming application.

Mr. Schmuckler asked if there will be sidewalks.

Mr. Lines said there will be sidewalks on their side of the new streets.

Mr. Schmuckler asked if there will be curb on the opposite side.

Mr. Lines said that is correct and curbs and sidewalks will be provided on Cross Street.

Mr. Schmuckler asked if this application is subject to the new impact fee ordinance.

Mr. Lines said no.

Mr. Vogt asked if it is his testimony that they are providing curb and sidewalk along their property frontages.

Mr. Lines said that is correct.

Mr. Neiman opened to the public.

Mr. Yosef Lewin, 1078 Times Square Boulevard, was sworn in. He has no objections to this application but he has major water issues on his property. This is being built behind his property. He wants to make sure he doesn't get adversely affected by this project.

Mr. Vogt stated the individual lots are going to have on-site retention. The applicant's engineer should talk about any increases from any new road paving.

Mr. Lines stated they will provide recharge to take care of any increase in stormwater runoff based on the paved areas of the street. They will be providing curb along Mr. Lewin's property so any runoff in the street will stay in the street.

Mr. Franklin asked how wide the road is.

Mr. Lines said he believes it is 28 ft.

Mr. Franklin said that is not wide enough. The road should be 32 ft.

Mr. Lines agreed.

Seeing no one further, Mr. Lines closed to the public.

A motion was made by Mr. Follman, seconded by Mr. Rennert to approve.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert

7. CORRESPONDENCE

- **SD 1962 – Hudson Street:** Clarification on the requested and approved lot coverage percentage

Mrs. Morris stated there was a miscalculation in the building coverage that was shown on the plans, however, the footprint that was shown is not changing. The applicant would like to clarify the resolution to state that it was a miscalculation and indicate what the actual percentage coverage that they were requesting is.

Mr. Schmuckler asked what the difference is.

Mrs. Weinstein said they are asking for 38% where 34% was originally requested.

Mrs. Morris said the percentage difference is because they need to accommodate a handicapped bathroom on the first floor.

Mr. Schmuckler asked if there were any objectors.

Mrs. Weinstein said no.

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

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Schmuckler, Mr. Follman

- **SP 2025AA – Neiman Road:** Request to post bond instead of install curb and sidewalk, as a full site plan application is forthcoming

Mrs. Morris stated that this was approved for a change of use site plan exemption. She is anticipating the applicant coming back for a full site plan. At this time, they do not want to install the curb and sidewalk because when the applicant comes back for a full plan the design is going to change and they would just have to rip it out. The Township traditionally doesn't issue a CO for improvements like that until they are installed. They are looking for approval to bond the curb/sidewalk and get their CO.

Mrs. Weinstein said the applicant does intend to come back before the Board for a full site plan before the next school year. In the interim, the elementary school is operating out of this property and they do not have a CO because they have not put in the curb and sidewalk. It would be pointless to install it now only to tear it out as soon as the high school comes in.

Mr. Neiman asked what the time limit should be.

Mrs. Weinstein said there is a three year time limit in the resolution.

Mr. Neiman said to stick with that time limit.

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

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Sussman, Mr. Neiman, Mr. Schmuckler, Mr. Follman

- **SP 1839 – 401 Madison LLC:** Request to allow multiple tenants

Mr. Penzer said this was originally approved for one tenant. The building now has numerous tenants. They have recently settled with an objector to provide additional parking. He sent the Board a letter from Mr. Bursztyn that will allocate 20 parking spaces on 5th Street and Madison Avenue.

Mr. Schmuckler believes when the approval was first sought, the applicant was conditioned upon utilizing parking across the street.

Mr. Penzer said they had already come back before the Board and that condition was released. They did not realize that when the Board released that requirement, the number of tenants was not addressed. They would like the parking to be limited to two hours.

Mr. Schmuckler would like to see the parking lot paved.

Mr. Penzer said it is not their property.

Mr. Schmuckler asked who clears the snow.

Mr. Penzer said the owner does.

Mr. Follman asked what happens when the property is sold.

Mr. Franklin said the parking lot should be paved.

No motion was made.

8. PUBLIC PORTION

9. APPROVAL OF BILLS

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary