

1. CERTIFICATION OF COMPLIANCE

Chairman Michael 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. Banas, Mr. Sussman, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

3. SWEARING IN OF PROFESSIONALS

Mr. Terry Vogt was sworn in.

4. PUBLIC HEARING ITEMS

- Franklin Street Study Area - Preliminary Investigation

Mrs. Morris stated that this matter will be carried to the August 18, 2015 meeting. New notices will be sent.

5. PLAN REVIEW ITEMS

- 1. SD 2063 Eli Schwab**
Joe Parker Road Block 189.16, Lot 157
Minor Subdivision to create three lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 21, 2015 was entered as an exhibit.

Mr. Vogt stated variances are requested for minimum lot area and lot width. A design waiver is required for non-radial lot lines.

Mr. Brian Flannery, P.E., P.P. stated he will bring a Percal map to the public hearing showing other properties in the area with similar variances.

Mr. Rennert does not believe this should be at this Board.

Mr. Flannery said the application meets the requirements to come before the Planning Board as a minor subdivision. Compelling testimony shall be provided at the public hearing.

A motion was made by Mr. Franklin, seconded by Mr. Flancbaum to advance this application to the September 8, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 2. SD 2066 Yehoshua Frankel**
Albert Avenue Block 827, Lots 1 & 3.02
Minor Subdivision to create five lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 27, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum lot area, width, side yard and aggregate side yard setback.

Mrs. Miriam Weinstein, Esq. stated that this application is very similar to a subdivision they did on East Spruce Street. This was created by the vacation of Charity Tull.

Mr. Neiman said this is less than the Board normally grants so testimony shall be provided at the public hearing.

A motion was made by Mr. Herzl, seconded by Mr. _____ to advance this application to the September 8, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

- 3. SP 2134 3G Corporation**
East County Line Road Block 172.01, Lot 1
Preliminary and Final Major Site Plan for a building addition

A review letter prepared by Remington, Vernick & Vena Engineers dated July 27, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are requested for topography within 200 ft, contours within 200 ft, environmental impact statement and tree protection management plan. The waivers are supported with the understanding that if approval is granted, the applicant will comply with the tree protection ordinance during resolution compliance.

Submission waivers were approved as supported by the Board Engineer and Planner.
All were in favor.

Mr. John Doyle, Esq. stated that East Kennedy Boulevard was vacated by the Township and County and because of that it gives them the opportunity to add an addition.

Mr. Neiman said he is disappointment by that vacation. He did say the drainage in the area has been much better since the initial approval.

Mr. Sussman asked if the entrance off of East Kennedy Boulevard will be removed.

Mr. Doyle said the two access points will remain the same.

Mr. Banas asked if there is sufficient parking.

Mr. Doyle said they are not seeking any parking variances.

A motion was made by Mr. Herzl, seconded by Mr. Follman to advance this application to the September 8, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

4. SP 2135 Somerset Development

East County Line Road Block 174.11, Lots 41.01, 42, & 43.07
Preliminary and Final Major Site Plan for a retail and grocery store

A review letter prepared by Remington, Vernick & Vena Engineers dated July 29, 2015 was entered as an exhibit.

Mr. Herzl stepped down.

Mr. Vogt stated that variances are requested for minimum rear yard setback and maximum building coverage. A parking variance is also sought.

Mr. Steve Gohan, Esq. stated this is a major site plan for a proposed retail building that has an existing office building on it. Testimony will be provided at the public hearing to justify the parking variance. Essentially, they are leaving the same number of spaces for the existing office building and are adding 49 spaces for the proposed retail building. The parking variance comes in because the basement floor of the proposed retail building is going to be higher than 7 ft which is to allow storage for the operator. The items in the engineer's report can be met and revised plans will be submitted for the public hearing.

Mr. Mike Dipple, P.E., P.P. said the applicant has acquired the two properties adjacent to the existing Somerset Square shopping center. The initial intent was to create that as a standalone project but they thought it would make more sense planning wise to utilize the existing opening into the shopping center.

Mr. Neiman asked why they are adding an additional grocery store.

Mr. Dipple said it is the same operator but they are moving stores.

Mr. Neiman asked if the existing grocery store would remain.

Mr. Dipple said yes but it would be different retail users. The parking supply does meet what is required for the addition of the retail space but in order to operate a forklift in the basement, the ceiling height had to be higher.

Mr. Neiman asked about the loading area, circulation.

Mr. Dipple said it was noted in the review letter that there is no loading area. The applicant has provided this large loop around the building which is solely for loading/unloading the vehicles. The parking lot circulates itself without the addition of this loop.

Mr. Neiman said testimony will be required concerning the parking variance. He said that parking lot is always full and by adding a new building and only additionally 49 spaces, they would have to justify that.

Mr. Dipple said the applicant is aware of the parking issues. It is more of an enforcement issue as people leave their cars overnight in the lot.

Mr. Rennert asked when this shopping center was originally approved.

Mr. Dipple believes in 2001 by the Zoning Board. This is now a permitted use in this zone. The applicant does meet the conditional use standards. The subject is within 1,000 ft of Somerset Avenue, an excess of 50% frontage within that 1,000 ft, excess of 100 ft of frontage and is east of Route 9 on County Line Road.

Mr. Neiman asked what is directly behind this property.

Mr. Dipple said it is residential.

Mr. Neiman said to make sure to look at the 30 ft setback.

Mr. Dipple said the applicant has retained existing trees on the site to provide buffering to the neighboring uses between the existing shopping center and the lot that is cleared.

A motion was made by Mr. Follman, seconded by Mr. _____ to advance this application to the September 8, 2015 meeting.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

5. SD 2068 Lakewood Investments, LLC

Williams Street Block 411, Lots 18, 20, 22-24, 73, & 81

Preliminary and Final Major Subdivision to create seventeen lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 27, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are being requested for environmental impact statement and tree protection management plan. The waivers are supported with the understanding that if approval is granted, the applicant will comply with the tree protection ordinance during resolution compliance.

Submission waivers were approved as supported by the Board Engineer and Planner.

All were in favor.

Mr. Vogt stated that variances are requested for minimum lot width, side yard setback, aggregate and front yard setbacks.

Mr. Adam Pfeffer, Esq. stated they have reviewed the engineer's review letter and have no objections.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance this application to the September 8, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

6. SD 2069 Sam Rabinowitz

Locust Street Block 1081, Lot 4

Preliminary and Final Major Subdivision to create fifty-seven lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 30, 2015 was entered as an exhibit.

Mr. Rennert stepped down.

Mr. Vogt stated that a submission waiver is being requested for tree protection management plan. The waiver is supported with the understanding that if approval is granted, the applicant will comply with the tree protection ordinance during resolution compliance.

Submission waivers were approved as supported by the Board Engineer and Planner.
All were in favor.

Mr. Vogt stated a minimum front yard setback variance is required for proposed lot 10.

Mr. Abraham Penzer, Esq. stated they agree to all of the items in the engineer's review letter.

Mr. Neiman asked if there is a community center proposed as part of this application.

Mr. Flannery said they had come in with a concept plan proposing two cul-de-sacs with no variances and the Board had given them direction to come up with a better plan that may require some minor bulk variances.

Mr. Sussman asked if there are any parks in the area.

Mr. Flannery said the Township of Toms River bought an 8 acre area behind this that they are leaving as open space.

Mr. Neiman would like to see a plan which shows that open space area.

Mr. Flancbaum said there is a park at the corner of Locust Street and New Hampshire Avenue.

Mr. Flannery said it is two blocks away but they are long blocks. He will have an exhibit that shows the park at the public hearing.

Mr. Penzer asked that this be heard at the October 13, 2015 meeting.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance this application to the October 13, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Neiman, Mr. Flancbaum, Mr. Follman

7. SD 2070 Adil Homes LLC

East County Line Road Block 190, Lots 72, 73, & 81
Preliminary and Final Major Subdivision to create thirty-eight lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 29, 2015 was entered as an exhibit.

Mrs. Morris stated the applicant is requesting combined plan review and public hearing at this meeting.

Mr. Vogt stated that variances are requested for minimum lot area, width, front, rear and side yard setbacks.

Mr. Adam Pfeffer, Esq. stated this is an amended approval. His client had started selling off the properties and subsequently was able to obtain adjacent property. He would like to amend the original application.

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

Mr. Pfeffer said yes.

Mr. Franklin said the Board always tries to get 32 ft wide streets and this is an application where you really need them.

Mr. Pfeffer said the streets are not changing, it is part of the previous approval.

Mr. Franklin said that may be but this is a new approval. The Board is looking for 32 ft wide streets so buses and cars can pass each other.

Mr. Brian Flannery, P.E., P.P. was sworn in. The application is for an amendment to incorporate a lot to the east of the property. Exhibit A-1 is a rendering of the site. The approved project is already under construction. Now that the applicant has acquired the extra land, he would like to separate the lots, extend the roadway in and provide a cul-de-sac to develop that property. The entire new roadway would be 32 ft all the way in.

Mr. Follman asked how many additional homes are being added.

Mr. Pfeffer said he believes it is eight.

Mr. Rennert asked if the roads are already constructed.

Mr. Pfeffer said the land is already cleared and some of the roads are already in.

Mr. Flannery said this is a project that has a large passive recreation area in the rear of the project. Some of the foundations and utilities are already in. Rather than have an inconsistent use in between, the applicant was able to obtain this property and include it in development currently under construction. The density permitted under the R-15 zone is 2.9 dwelling units per acre, they are asking for 2.2 dwelling units per acre so they are substantially under the permitted density. In order to make the layout work, they are asking for some bulk variances including minimum lot area. The smallest lot size they are asking for is 12,000 sf where 15,000 sf is required. A lot width variance is required for five of the lots. The minimum size is 55.6 ft where 100 ft is required due to the unusual geometry. Minimum front yard setback variance is required for two of the corner lots where 29.65 ft and 24.05 ft is proposed and 30 ft is required so that the frontage of the street complies with the ordinance. A rear yard setback variance is required on lot 2 in block 190.07 where 10.22 ft is proposed and 20 ft

is required. A combined side yard setback variance is requested for four of the lots where 20 ft is proposed and 25 ft is required. These variances are due to the unusual geometry, in order to provide the housing opportunities and the areas indicated, relief is requested. A waiver is requested for radial lot lines which is typical when you have roads that change in direction. It is his opinion that the Board can grant these variances without any detriment to the zone plan and zoning ordinance and the benefits outweigh and detriments. They do agree to the technical comments in the review letter. They will meet with DPW with respect to the drainage and trash.

Mr. Rennert asked if a two family dwelling is a duplex.

Mr. Flannery said that is language that was used in the review letter that is incorrect and will be changed. It was intended to mean a single family house with a basement apartment.

Mr. Rennert asked how many basement apartments.

Mr. Flannery said they are only asking for what the ordinance allows which is one.

Mr. Neiman asked about sidewalks.

Mr. Flannery said sidewalks are proposed along all of the streets.

Mr. Banas believes there is a safety problem as the streets are too narrow.

Mr. Neiman asked if the roads are in yet.

Mr. Rennert asked if they can restrict on-street parking.

Mr. Flannery said some of the infrastructure is in for the roads. So if the sewer and water is in the ground, it is set up for the 28 ft wide road that would be a problem when you widen the roads. They can certainly meet with the board engineer and anywhere they can they would widen the road. All of the units have parking for four cars. If they put up no parking signs and there's a problem, the Township police can ticket them. He would guess they could widen about half the roads to 30 ft based on what is already in the ground but they would have to look at it further.

Mr. Vogt said what he is saying is correct. If you already have catch basins and pipes installed, they are set on the 28 ft width. They can certainly look at it but what they have currently meets or exceeds RSIS. The 32 ft is good but that is in excess of the standards.

Mr. Neiman asked that he meet with the applicant's professionals to see if any areas can be widened without conflicting with the current infrastructure.

Mr. Franklin said you wouldn't mess up the drainage if you put a flat plate inlet in. You don't need a curb inlet.

Mr. Vogt said you could put another inlet on the side of the inlet that is installed perhaps.

Mr. Franklin said it can be done.

Mr. Vogt said if this is approved, the drainage will be Township maintained so the applicant would have to meet with Public Works for their approval.

Mr. Neiman wants them to work together.

Mr. Vogt said the applicant will make a good faith effort to expand all existing roadways from 28 ft to 30 ft as practical.

Mr. Flannery agreed. The new roadway would be a 32 ft cartway. The pavement may have to be offset in order to accommodate unless they eliminate sidewalks on the side where there is no housing.

Mr. Neiman would like to leave that up to the board engineer's discretion.

Mr. Vogt said he thinks sidewalk along one side, although it is not encouraged here, is RSIS compliant.

Mr. Rennert asked about recreation/community building.

Mr. Flannery said there is ample recreation. A community building is not required by ordinance.

Mr. Neiman opened to the public.

Mr. Hershey Vasch was sworn. He believes a community center is required per ordinance. He would like the developer to install a traffic light on East County Line Road.

Mr. Neiman said that is a County road and the County would look at this application and decide if a traffic light is needed.

Mr. Flannery said the normal procedure is the applicant has to get County Planning Board approval. The developer is required for his fair share of any impacts. If the County decides a traffic light should be installed, the applicant would not pay for everything, just his fair share. Every other application that has gone on before or after on County Line Road also pays their fair share so it doesn't come out of the County's budget.

Mr. Vasch asked if there will be sidewalks along County Line Road.

Mr. Flannery said yes.

Mr. Neiman closed to the public.

Mr. Rennert asked if the applicant would enforce no on-street parking.

Mr. Flannery said they would submit a letter to the Township Committee requesting the no parking signs.

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

8. SD 2027A ARM Land Group LLC

Bergen Avenue Block 246, Lots 25 – 28, 36, 37, 64

Amended Preliminary & Final Major Subdivision to create ten fee-simple duplex lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 30, 2015 was entered as an exhibit.

Mr. Vogt stated that submission waivers are requested for topography within 200 ft, contours within 200 ft, man-made features within 200 ft, plans, profiles of proposed utility layouts, environmental impact statement and calculations in accordance with drainage runoff requirements. The type waivers are supported as indicated. Temporary relief can be granted with regard to profiles as it can be delayed until resolution compliance. There is documentation of local wetlands and buffers which must be provided. The calculations for the proposed drainage facilities can be provided during resolution compliance.

Submission waivers were approved as supported by the Board Engineer and Planner.
All were in favor.

Mr. Vogt stated no variances are requested, however, design waivers are requested for non-radial lot lines around the proposed cul-de-sac, providing sidewalk along the cul-de-sac and from providing street trees as well as shade tree and utility easement along Route 88.

Mr. Neiman asked why a waiver is being requested from providing sidewalks.

Mrs. Miriam Weinstein, Esq. stated that is a mistake. They do not intend to ask for a waiver. She said this was a project that was initially approved by this Board a few months ago fronting on Route 88. At the previous meeting, a gentleman brought up a drainage concern in the area that Mr. Franklin was very familiar with where a previous developer filled in a pipe. Arm Developers, who is the builder for this project, took it upon himself to rectify the problem but since the approval, they have acquired more land and redesigned the application with a roadway going through which would make the drainage better. The project will now be opened up from Bergen rather than Route 88.

Mr. Glenn Lines, P.E., P.P. said he can meet all the comments in the engineer's review letter. He said they will propose a pipe along the westerly property line to tie into the existing line that cuts through the next lot. They are still one lot away from where the problem is. They will oversize the recharge on the property to help get rid of some of the standing water.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to advance this application to the September 8, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

9. SD 2073AA ARM Realty and Construction

East Fifth Street Block 189.01, Lot 178

Concept Plan for Minor Subdivision to create two lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 29, 2015 was entered as an exhibit.

Mrs. Miriam Weinstein, Esq. asked if it is possible to go straight to a public hearing if the Board finds this plan acceptable.

Mr. Glenn Lines, P.E., P.P. said this is a 11,054 sf lot which backs up to the school on Manetta Avenue. The development pattern on this street is there are 50 ft and 33 ft wide lots all with single family houses. This is a 100 ft wide lot and they would like to divide it down the middle which would continue the trend on this street.

Mr. Neiman asked that he provide a tax map showing the other lots in the area.

Mr. Lines said the other choice would be to build a duplex which would be stuck in the middle of other single family homes. They are trying to keep with the character of the neighborhood.

Mr. Neiman said he would entertain hearing this at one meeting.

Mr. Lines said he would provide a tax map showing the other lots and the approximate sizes of the houses. will be heard at the August 18, 2015 meeting. The applicant did not notice in the paper.

6. PUBLIC HEARING

- 1. SD 2053 Ahuva Eisen**
New Central Avenue Block 11.10, Lot 75
Preliminary & Final Major Subdivision to create 3 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 29, 2015 was entered as an exhibit.

Mr. Rennert stepped down.

Mr. Vogt stated there is a concern with the current cul-de-sac design and are recommending redesign to a minimum of a 40 ft turning radius. It could be done by reconfiguring the lots slightly. There may be a possible reduction in the building footprint but it could be done. Variances requested include minimum lot width, front yard and rear yard setback. A partial design waiver is requested from providing sidewalk along the entire cul-de-sac and New Central frontage as well as a partial design waiver from providing curbing along the New Central frontage.

Mr. Brian Flannery, P.E., P.P. was sworn in. He stated the applicant had met with the neighbors and thought everything was settled but there is another property owner that has a concern. He asked if it would be possible to let another application go before this so they could try and work it out.

Mr. Flannery stated the application is for the subdivision of one lot into three lots. The application that was submitted provided a short cul-de-sac with a bulb that is slightly smaller than RSIS. All three of the lots conform with the R-12 as far as area. Variances for lot width of 68 ft and 75 ft where 90 ft is required. A minimum front yard setback for lots 75.01 and 75.02 of 25 ft where 30 ft is required. A minimum rear yard setback of 10 ft for the corner of one of the buildings where 20 ft is required. An alternative would be a hammerhead type of configuration which two of the owners would prefer.

Mr. Neiman asked if this will be a private road.

Mr. Flannery said the applicant was hoping it would not be.

Mr. Neiman said the Township would not want to take ownership of the road if it is not RSIS compliant.

Mr. Flannery said they would meet with DPW on the hammerhead and there was an agreement that the garbage would be brought out to New Central Avenue. The owners are here and they would testify that this configuration works better for them.

Mr. Neiman said it doesn't really matter if it is a bulb or a hammerhead if it is a private road.

Mr. Vogt said as long as it is understood that it is a private road.

Mr. Flannery hopes the decision would be up to Public Works.

Mr. Neiman would not approve something that is not RSIS compliant and expect it to be a public road.

Mr. Flannery said Public Works can come up with an agreement as far as the maintenance of this with the homeowners.

Mr. Vogt is not sure if Public Works can make that call.

Mr. Neiman asked if the Township would accept a road that is not RSIS compliant.

Mr. Vogt said in his experience he has not seen a public cul-de-sac or road like this. Unless there is some reason not to require RSIS, the 40 ft radius is required.

Mr. Flannery said there was an approval in the Adams Street area. It was due to wetlands being in the area and it was only one house. Others would be on a temporary basis and there normally are a lot of houses. In this case, there are not a lot of houses. The hammerhead is RSIS compliant but it is the Board's decision. He would like to leave it up to DPW or enter into a developer's agreement with the Township.

Mr. Vogt said if the Board acts favorably on the hammerhead design, he would do it as a private road with the understanding that the applicant can certainly petition the Township at a later date. He is not comfortable leaving Public Works with that jurisdictional decision.

Mr. Neiman opened to the public.

Mr. Joseph Berger, 125 Van Buren Avenue, was sworn in. He said there is significant neighborhood opposition to this proposal particularly because the cul-de-sac is far too narrow. He is concerned about emergency vehicles getting in if there is a fire.

Mr. Klein, Esq. on behalf of his clients stated that they are not here to object but have met with the applicant and certain items were discussed and agreed upon. He is here to make sure these items are incorporated into the resolution including no trees/vegetation within 40 ft of lot 6 shall be removed, no trees/vegetation within 2 ft of lots 4 and 5 shall be removed.

Mr. Flannery said the applicant has agreed but to clarify, the language would be 'no trees would be removed'.

Mr. Klein said that is correct and it would be 40 ft of trees both depth and width.

Mr. Flannery said a note would be added to the final plat indicating no tree removal.

Mr. Neiman closed to the public.

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

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Neiman, Mr. Flancbaum, Mr. Follman

2. SD 2049 Paramount Developers

Ridge Avenue Block 223, Lots 89 & 90

Preliminary & Final Major Subdivision to create 6 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 30, 2015 was entered as an exhibit.

Mr. Vogt stated the proposed cul-de-sac has been revised which would reduce the area on lot 89.01. Variances include minimum lot frontage, area, width, rear yard, side yard and aggregate side yard setbacks.

Mr. Adam Pfeffer, Esq. represented the applicant.

Mr. Brian Flannery, P.E., P.P. was sworn in. The applicant originally came before this Board with 8 duplex units. They are now before the Board with 5 single family lots as there were neighbors that felt the previous application was too dense. The cul-de-sac shown on the plans is a few feet larger than RSIS. If the Board feels it would make more sense to make that cul-de-sac exactly the RSIS size, they would do that but they felt the additional width of the cul-de-sac kind of justified not having sidewalk which would only be in the rear yard of that unit.

Mr. Neiman thinks it is important to half sidewalks along the whole cul-de-sac.

Mr. Vogt said the cul-de-sac is 42 ft now, if you reduce it to RSIS, you would gain another 4 feet and you could bring sidewalk all the way around.

Mr. Flannery said the applicant has no objection to that. This will be a private street, with the exception of proposed lot 89.01, the remaining four lots do not have frontage on a public street so technically they need that variance. A variance is requested for lot area of 7,500 sf is provided where 10,000 sf is required. The Master Plan of March 2007 does call for this area to be rezoned to R-7.5 to provide additional housing opportunities compatible with the development of that area. That has never been implemented by the Township Committee but the development in this area is consistent with the R-7.5. They are asking for this variance without exceeding the density. The original proposal including the roadway in the lot areas. This plan does not do that, the roadway is its own separate lot and each of the proposed lots has an excess of 7,500 sf. The setbacks are also compatible with the R-7.5. It is his testimony that the Board can grant these variances without any detriment to the zone plan and zoning ordinance as the benefits outweigh the detriments. The applicant has agreed to amend the application to make the cul-de-sac RSIS compliant which would add 4 ft. Sidewalk will be provided along the entire length of the cul-de-sac.

Mr. Sussman said that Ridge Avenue is a terrible area. He does not understand why the Board would grant any variances.

Mr. Flannery said this Board did recommend this area be rezoned to R-7.5 back in 2007. It is a difficult area because it is a neighborhood where people want to move and where housing opportunities are needed. With respect to the traffic, the Township did restrict parking on one side. It would probably make more sense to

restrict no parking on both sides along Ridge Avenue. It is his testimony that this would be an improvement to the situation. The driveways will be going out to the private road as opposed to backing out onto Ridge Avenue.

Mr. Sussman asked if the one house will have a driveway on Ridge Avenue.

Mr. Flannery met with Public Works and they did ask that they eliminate the driveway on Ridge Avenue so all units will be coming out onto the private drive.

Mr. Vogt said they will work it out during resolution compliance.

Mr. Rennet asked about garbage pickup.

Mr. Flannery said they have met with Public Works and they suggested to bring all garbage cans to Ridge Avenue so the truck does not have to go on the site.

Mr. Rennert said whomever buys lot 89.01 will have over 15 garbage cans along their frontage.

Mr. Flannery said yes, once a week.

Mr. Follman said it would be more than 15 cans.

Mr. Rennert asked if they could provide a dumpster.

Mr. Flannery said they could meet with Public Works again or perhaps have private pick up.

Mr. Neiman asked why the DPW truck can't go down the cul-de-sac as it is RSIS compliant.

Mr. Flannery said the street is privately owned but he would meet with DPW again.

Mr. Franklin said the issue would be if people are parking along the cul-de-sac, there wouldn't be enough room for the truck to turn.

Mr. Flannery said it will be a private road with an HOA but they could certainly put in the documents no parking along the cul-de-sac. It would come down to an enforcement issue.

Mr. Neiman said having the garbage cans lined up in the front is ridiculous especially if the road is wide enough for the truck to turn.

Mr. Neiman opened to the public, seeing no one come forward, he closed to the public.

A motion was made by Mr. Herzl, seconded by Mr. Flancbaum to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

No: Mr. Sussman

3. SD 2064 Moshe Lankry
Lake Drive Terrace Block 16, Lots 77.02 & 8
Minor Subdivision to create 3 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 8, 2015 was entered as an exhibit.

Mr. Vogt stated that variances are requested for minimum lot area, width, front, side, and aggregate side yard setback.

Mr. Brian Flannery, P.E., P.P. was sworn in. He stated this is a 50,684 sf lot in the R-12 zone so density wise they would be allowed to do 4.22 units. This is an application that is well under the density. An improvement plan is requested and will be provided during resolution compliance.

Mr. Neiman asked if there are sidewalks.

Mr. Flannery said sidewalks would be provided at time of construction.

Mr. Neiman opened to the public, seeing no one come forward, he closed to the public.

A motion was made by Mr. Follman, seconded by Mr. Flancbaum to approve the application.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

A motion was made by Mr. Flancbaum, seconded by Mr. Herzl to adopt the resolution.
Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Neiman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

4. SD 2055 32 Cross, LLC
Cross Street Block 533, Lot 11
Preliminary & Final Major Subdivision to create 27 lots

A review letter prepared by Remington, Vernick & Vena Engineers dated July 16, 2015 was entered as an exhibit.

Mr. Neiman stepped down. Mr. Banas will chair this application.

Mr. Abraham Penzer, Esq. said his position that this clearly a permitted use. There are no variances that are necessary. If they would go for townhouses instead, they would probably exceed the amount of units they are asking for tonight.

Ms. Elizabeth Dolan, P.E. specializing in traffic engineering was sworn in.

Mr. Penzer asked that she summarize the traffic report submitted to the Board Engineer for review.

Ms. Dolan said the report includes a review of the existing roadways system approximate to the site as introduced t the last meeting. A new access will be on Cross Street just to the west of the signalized intersection at Route 9 as well as on Walnut Avenue to the south. They have performed traffic counts at the Walnut Avenue intersection with Route 9 and also obtained some traffic counts from NJDOT for the signalized intersection and used those as the basis for the report in analyzing the peak morning and evening peak hours associated with this

new development. Using the data published by the institute of transportation engineers, they have estimated a total of 70 driveway movements during the morning peak hour for all components of the site and 149 movements into and out of the site during the evening peak hour. That site traffic was distributed to an adjacent roadway system. The existing volumes were increased by NJDOT 's growth of 1% per year over a two year period. The movements into and out of the new site access points were analyzed and found to operate at acceptable levels of service. She notes that their team has consulted with Ocean County regarding some proposed improvements to the signalized intersection. Those improvements have not been included in this analysis. The levels of service would be improved even further if they were included. The movements in and out of the site driveways are projected to operate at levels of service A and B and that is at the top of the level of service scale. The traffic impact assessment is dated May 27, 2015.

Mr. Ron Gasiorowski, Esq. entered exhibit O-1 onto record of an aerial photograph of the subject site.

Mr. Penzer objected to the exhibit.

Mr. Gasiorowski questioned Ms. Dolan concerning exhibits A-1 and A-2. He stated he represents the individuals who live in the development located directly to the south of the subject property and abuts onto Chestnut Street. He asked, when creating this report, if she took into consideration any projects that were recently approved by the Township of Lakewood that could impact this subject development.

Ms. Dolan said there were no other specific developments in the area included in the May 2015 analysis.

Mr. Gasiorowski asked if she made any attempt to determine whether or not there are any proposed developments which have been approved on Route 9 as well as on Cross Street.

Ms. Dolan said she had a conversation with a County representative and tried to obtain that information. She did not obtain it prior to her filing deadline.

Mr. Gasiorowski asked if she obtained any further information since the deadline.

Ms. Dolan said she did not because they are in dialogue with the County and she knows she will be revising her report for them.

Mr. Gasiorowski said there is in fact a 48 unit duplex development located and aligned with Walnut Avenue.

Ms. Dolan does not know specifically.

Mr. Gasiorowski said there is also a 72 unit development located just west of the subject property on Cross Street.

Ms. Dolan said she did hear mention of a development there.

Mr. Gasiorowski said these developments would have an impact on the traffic analysis.

Ms. Dolan said they would because there would be additional traffic across the frontage on Cross Street and most likely at the intersection.

Mr. Gasiorowski said her traffic report is incomplete because it does not include these proposed developments.

Ms. Dolan said that is correct because they would be adding traffic from those other developments.

Mr. Gasiorowski said that a person traveling on Route 9 would not be able to make a left hand turn onto Chestnut Street as left turns are not permitted at that intersection.

Mr. Dolan said that is something they have been researching because the sign that would prohibit that movement is missing or has not been placed at that location. She has also reviewed the plans that were approved by the NJDOT that show a channelizing island at the location. Under existing conditions, when they performed their counts, they counted lefts being made and in their assignment of future traffic, they assigned lefts at that location under the assumption that that was a permitted movement.

Mr. Gasiorowski asked how someone would enter the southerly area of the subject site if you are proceeding north on Route 9 if left hand turns are not permitted.

Ms. Dolan said there would be two options, either by coming up Route 9, Walnut Avenue, Kathleen Drive onto Chestnut or proceed up Route 9, turn left and enter the proposed driveway off of Cross Street.

Mr. Gasiorowski argued that the streets in the development to the south are not top paved and have not been accepted by the Township, therefore they are currently considered private streets. He asked that the plan itself may be subject to some redesign.

Ms. Dolan said the location at the intersection of Cross Street is subject to County review and approval. She believes there was some testimony at the last meeting, in response to the board engineer's comments, about that particular area. She believes there may be a redesign of the curve and the onsite intersection but that would be a question for the engineer.

Mr. Gasiorowski asked if she did any on the ground traffic counts at the site itself.

Ms. Dolan said no. Their counts were limited to the Chestnut Street and Route 9 corridors.

Mr. Gasiorowski asked if they were on the ground counts.

Ms. Dolan said they were manual counts. They had staff at the site counting the movements.

Mr. Gasiorowski asked if there were any observations with regard to the east bound traffic on Cross Street at the intersection whether or not there was queuing.

Ms. Dolan said there is queuing but they did not make a specific study of it because the County has told them they are going to improve that east bound approach to provide three lanes. There is an improvement project that needs to be coordinated with this access location and that was part of the testimony from the last meeting with regard to why that Cross Street driveway may be in play.

Mr. Gasiorowski said if in fact that improvement did not take place, then anyone who is traveling west on Cross Street and wished to make a left hand turn into the subject property may be impacted by the queuing taking place past that driveway.

Ms. Dolan said particularly during peak hours, it does happen at most busy intersections. They may have to rely on a courtesy gap or once the queue clears.

Mr. Gasiorowski asked if the studies show what impact the proximity of the ingress and egress off the northerly parking lot would have on traffic coming off of Cross as well as traffic coming on to Cross Street.

Mr. Dolan said it is self evident as the plan is currently presented. There is only room for one car to queue in advance of that first on site intersection but there is a relief valve where there is a second access point into the commercial portion.

Mr. Gasiorowski asked if Mr. Flannery would identify this property as a mixed use development.

Mr. Flannery said it would depend on the definition. It is a site that has residential, commercial and office which are different uses. Some people would refer to that as a mixed use.

Mr. Gasiorowski asked if he would refer to it as a mixed use.

Mr. Flannery said he does not think it is incorrect to say that.

Mr. Gasiorowski read a portion of a letter prepared by Remington, Vernick and Vena engineers where the board engineer calls this project a mixed use development under section 10-1018. He said under the section, a mixed use development must have a minimum tract size of 15 contiguous acres. He asked how many acres are in this site.

Mr. Flannery said he did not call this a mixed use development but it would not be wrong to call it such. That particular section of the ordinance has no bearing, during his direct testimony he did not say this application is here under that section. The direct testimony indicated from section 18-903h, the residential portion is here under two conditional uses. Two family dwellings as defined in 18-1010A3, the commercial retail is on a separate lot which is a permitted use so that also has nothing to do with section 1018.

Mr. Gasiorowski said he does not see a lot line dividing the residential from commercial.

Mr. Flannery showed the separate lots as displayed on the exhibit.

Mr. Gasiorowski asked if they are using the egress/ingress of the residential site to get into the commercial site.

Mr. Flannery said they are subdividing the lot into a right-of-way, residential lots and a commercial lot which is something that is in total conformance with the UDO.

Mr. Gasiorowski asked again if he believes this is a mixed used development.

Mr. Flannery said it is not a mixed use development as defined in the ordinance in section 10-1018.

Mr. Vogt said the purpose of the comment made in the review letter as mixed use was their observation that there are duplexes and retail. It was not meant to serve as a linkage to section 10-1018.

Mr. Jackson asked if that section is applicable tonight.

Mr. Vogt said they are not asking to be heard under that section, so no.

Mr. Gasiorowski asked if he is familiar with the definition of a duplex. The duplex must be a single building with side by side units and it must be situated upon a single lot. In this case, the applicant is seeking to situate the side by side units of a building on two separate lots which creates a zero lot line building. He then read the definition of a zero lot line and which zones it is permitted. He argued that zero lot lines are not permitted in this zone.

Mr. Flannery said he referenced section 18-903H. The HD-7 zone permits two family dwellings as defined in 18-1010.A.3 which is the conditional use requirements. The important part says notwithstanding the definition of a townhouse in this chapter. From a planning perspective, that means don't rely on that definition, rely here. It goes on to say that a townhouse may consist of a two family building structure. In B-1 of the ordinance, it says the overall townhouse tract may be subdivided to provide fee-simple ownership for the individual townhouse units.

Mr. Gasiorowski read the definition of a two-family dwelling.

Mr. Flannery argued that that is in the definition section and he is referring to the zoning section and it specifically says notwithstanding the definition of a townhouse. It have been done in Lakewood since the ordinance has been in effect. Duplexes on zero lot lines have been approved by the Board.

Mr. Gasiorowski asked if it says anywhere in the application or notice to the public that they are seeking approval for townhouses.

Mr. Flannery said the application and notice is intended to give the public an idea of what is being built. If the Lakewood ordinance had said two or more units connected then it would have been very clear it was townhouses. Section 18-1010 goes to the extent of notwithstanding that definition. To make it clear that in the HD-7 zone, two unit townhouses are permitted.

Mr. Gasiorowski asked since they did not notice it in the notice, the public is supposed to gleam this through some miracle.

Mr. Jackson said that is an improper question.

Mr. Alexander Litwornia P.E. traffic consultant was sworn in. He stated he drove around the site, read the traffic report and reviewed the ordinances.

Mr. Gasiorowski asked what steps he took to determine whether or not someone would be able to make a left hand turn onto Chestnut Street if you are proceeding northerly on Route 9.

Mr. Litwornia said it would be a difficult turn because of the heavy traffic on Route 9. Most people would not make the turn there but would proceed to the intersection of Chestnut and Route 9.

Mr. Gasiorowski asked if he reviewed Ms. Dolan's report as it applies to the ingress/egress on Cross Street.

Mr. Litwornia said there is drive to a commercial facility to the north on Cross Street. The traffic often backs up all the way to that facility so it would be difficult making a left turn in/out into the site.

Mr. Gasiorowski said the ingress/egress off of Cross Street would be the subject matter of some revisions by the County and developer. Therefore, the plan before them is not complete.

Mr. Litwornia said it would have to be conditioned upon County approval.

Mr. Gasiorowski asked about the ingress/egress out of the site as it relates to the initial northerly driveway.

Mr. Litwornia said his opinion, there would be one or two cars backed up before you block that driveway. If someone is trying to make a left in, they are going to block the entrance for anybody else coming in behind them. Because this is a mixed use development you are going to have both commercial and residential traffic backed up.

Mr. Gasiorowski asked what additional impact this site would have to the development where his clients reside.

Mr. Litwornia said that development is on the other side of Walnut Avenue. The traffic at that intersection is going to have more trouble getting out in the future because of the residential development lining up with Walnut Avenue. He said during peak hours, the left hand turns are at a level D. The traffic report shows the left hand turns coming out of Walnut Avenue, after all improvements are put in, would be a level C which he does not agree with.

Mr. Gasiorowski asked what kind of impact this will have once the other developments are built on Cross Street and on Route 9 which a total of approximately 110 units.

Mr. Litwornia said the level of service will only worsen. Walnut Avenue is congested now because there is no left turn on Chestnut Street.

Mr. Andrew Thomas, P.P. was sworn in.

Mr. Gasiorowski asked how he prepared exhibit O-1.

Mr. Thomas said it is a 2012 aerial photo which he downloaded from the NJDEP site.

Mr. Gasiorowski asked if he has altered the photograph in any way.

Mr. Thomas said no. He just added layers to the photograph itself. He explained the photograph in detail as well as surrounding proposed developments in the area.

Mr. Gasiorowski asked what steps he took to prepare for the testimony this evening.

Mr. Thomas reviewed the application and review letters.

Mr. Gasiorowski asked him about duplexes and zero lot line.

Mr. Thomas said there appears to be a conflict in the ordinance. What is proposed is a zero lot line development including the 24 duplex units. He read section 18-911.C.1, Section 18-1014 permits duplexes in the HD-7 zone but if you look at the definition of duplex it is defined as a building on a single lot containing two side by side only dwellings.

Mr. Gasiorowski asked what zones are zero lot line developments permitted.

Mr. Thomas said they are not permitted in the HD-7 zone.

Mr. Gasiorowski said the ordinances of Lakewood Township specifically say that zero lot line development is not permitted in the HD-7 zone.

Mr. Thomas said that is correct.

Mr. Gasiorowski said this applicant is asking for zero lot approval and has not asked for a use variance.

Mr. Thomas said that is correct.

Mr. Gasiorowski asked him about the mixed use development.

Mr. Thomas said the application was characterized as a mixed use development. The review letter, plans and traffic study all refer to this application as mixed use. It is really an application that contains zero lot line residential units in combination with an office and retail building that share the same common roadway off of Cross Street. The retail office building is integrated into the overall development as is not a standalone site so in order to access the retail office building you would have to use a residential access road.

Mr. Gasiorowski asked if there is any access to Cross Street from what is deemed to be the subdivided commercial lot.

Mr. Thomas said there is a little bit of frontage on Cross Street but there is no direct access.

Mr. Gasiorowski asked in order for this commercial lot to exist, it must use the driveways and aisles of the residential development.

Mr. Thomas said that is correct. Mixed use developments have their own set of zoning standards and are listed as conditionally permitted uses in certain zones. One of the key provisions is that it requires at least 15-20 acres of property which this project does not have. It also has to have 400 ft of frontage on a state highway.

Mr. Vogt said this application has been referred as a mixed use development by several people, including himself. What is germane in his opinion, they are trying to link this to the mixed use standards that are in the UDO. The issue is if you look in section 18-200 of the definitions there is a specific mixed use definition. If you tie that to section 18-1018, that is what it is referring to. It is mixed use development but not this design, a single site where everything is together. This is not a single site.

Mr. Thomas went on to read the remaining portion of mixed use development. It contains solely a retail and office building and buildings that are solely residential uses.

Mrs. Morris said so solely a site plan where a commercial building would be considered a mixed use by his interpretation.

Mr. Thomas said they are using the entire site.

Mr. Vogt said not for retail/commercial.

Mr. Gasiorowski asked what the length of the frontage is on Cross Street for the proposed new lot.

Mr. Thomas says the plan indicates it is 61.01 ft.

Mr. Gasiorowski said the required frontage is 150 ft.

Mr. Thomas said that is correct.

Mr. Gasiorowski asked if this was indicated in the notice that was sent out.

Mr. Flannery said he believes Mr. Gasiorowski is confused and believes this is a private street. It is a public right-of-way that is being dedicated. The definition of lot frontage goes at the setback line from property to property line which is well over 150 ft. If it were a private road, Mr. Gasiorowski would be correct but it is not a private road.

Mr. Penzer reiterated that this is a compliant application.

A motion was made by Mr. Herzl and seconded by Mr. Franklin to continue this application to the August 18, 2015 meeting.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Sussman, Mr. Flancbaum, Mr. Follman, Mr. Rennert

7. CORRESPONDENCE

- SP 1922 – Block 430, Lot 9.01, River Ave – expansion of gravel parking area

Mr. Adam Pfeffer, Esq. asked if this could be carried as they are currently working with the neighbors.

A motion was made and seconded to carry this item to the August 18, 2015 meeting.

8. PUBLIC PORTION

9. APPROVAL OF MINUTES

10. APPROVAL OF BILLS

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth, Planning Board Recording Secretary