

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

2. ROLL CALL

Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Rennert, Mr. Percal, Mr. Lankry (ZB)

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. **SP 1999** (No Variance Requested)
Applicant: Moshe Lankry
Location: Fourth Street
Block 118 Lot 21
Site Plan for proposed addition to existing restaurant

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

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Rennert, Mr. Percal
Abstained: Mr. Banas, Mr. Rennert

2. **SP 2001** (Variance Requested)
Applicant: Manley Performance Products Inc
Location: Swarthmore Avenue
Block 1606 Lot 13
Site Plan for proposed building addition

Mr. Jackson said there was an issue with drainage but he had confirmed with the applicant's professional that the plan will be submitted as directed by the board engineer.

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

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Rennert, Mr. Percal
Abstained: Mr. Banas, Mr. Rennert

3. **SD 1885** (Variance Requested)
Applicant: Nathan & Miriam Zelikovitz
Location: Hope Chapel and Garfield Avenue
Block 7 Lots 1.01, 2, & 3
Minor Subdivision to create two lots

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

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Rennert, Mr. Percal
Abstained: Mr. Banas, Mr. Rennert

5. PUBLIC HEARING

1. **SD 1887** (Variance Requested)
Applicant: Harold Frankel
Location: County Line Road East & Clifton Avenue
Block 106 Lots 4 & 5
Minor Subdivision to create three lots (two duplex units and one synagogue).

Project Description

The applicant seeks minor subdivision approval for the subdivision of two (2) existing residential lots into three (3) residential lots for a zero lot line duplex and an existing single family dwelling to remain. The project involves an existing 23,778.71 square foot (0.54 acre) property comprised of two (2) lots known as Lots 4 and 5 in Block 106. The proposed properties are designated as proposed Lots 5.01 through 5.03 on the subdivision plan. Existing Lot 4 is an irregular corner parcel containing a one-story frame dwelling. This dwelling would remain on proposed Lot 5.03, which is proposed to be smaller than existing Lot 4. Existing Lot 5 is a rectangular tract with frontage on a County Highway, containing a one-story frame dwelling. This existing dwelling would be removed. A duplex is proposed for new Lots 5.01 and 5.02. Area from existing Lot 4 would be added to new Lot 5.02 in order to provide the required square footage for a zero lot line duplex. Public water and sewer is available. Curb exists along the frontage of the entire property. Sidewalk exists along only one (1) frontage of site. However, sidewalk is proposed across the frontage of the tract where it is currently missing. The site is situated in the northern portion of the Township on the southeast corner of Clifton Avenue and County Line Road East. Clifton Avenue is a fully improved Township Road with an eighty foot (80') right-of-way. County Line Road East is an improved County Highway with a varying width right-of-way. Proposed Lots 5.01 and 5.02 would become zero lot line properties for the proposed duplex, with frontage only on County Line Road East. The zero lot line properties would have a combined area of just over twelve thousand square feet (12,000 SF). Proposed Lot 5.03 would become an irregular corner lot for the existing single family dwelling to remain having an area of 11,714.78 square feet. The adjacent lots are residential uses. A cemetery exists on the opposite side of Clifton Avenue and commercial uses exist on the opposite side of County Line Road East. The lots are situated within the R-10 Single Family Residential Zone. Variances are required for the proposed subdivision. We have the following comments and

recommendations per testimony provided at the 5/7/13 Planning Board Plan Review Meeting and comments from our initial review letter dated April 17, 2013: I. Zoning 1. The parcel is located in the R-10 Single-Family Residential Zone District. Single Family Detached Housing having a minimum lot area of ten thousand square feet (10,000 SF) and Zero Lot Line Duplex Housing having a minimum combined lot area of twelve thousand square feet (12,000 SF) are permitted uses in the zone. Statements of fact. 2. Front Yard Setback variances are required for proposed Lot 5.03 to allow the existing dwelling with nonconforming front yard setbacks to remain. The existing dwelling's front yard setback to Clifton Avenue is shown to be 19.8 feet and the front yard setback to County Line Road East is indicated as 24.8 feet. A thirty foot (30') front yard setback is required. The Board shall take action on the required front yard setback variances. 3. Per review of the Architectural Plans and the zone requirements, the Maximum Building Coverage of twenty-five percent (25%) will be exceeded for the combination of proposed Lots 5.01 and 5.02. The proposed building area should either be decreased, or the lot areas increased, unless a variance is requested. As testified to at the Plan Review Meeting, the plans have been revised to slightly increase the proposed lot area of the combination of new Lots 5.01 and 5.02. However, a variance for maximum building coverage would still be necessary should the height of the proposed decks exceed three feet (3'). Testimony on the intent must be provided by the applicant's professionals such that the Board can take action on this matter should a building coverage variance be required. 4. A variance is required for the number of off-street parking spaces for proposed Lot 5.01. Two (2) off-street parking spaces are proposed, whereas four (4) off-street parking spaces are required. The plans have been revised to show four (4) proposed off-street parking spaces. However, some of the proposed spaces are either not accessible or conflict with the circular driveway. Unless the proposed duplex is located further to the rear of the lots, a variance for the number of off-street parking spaces would still be required. Furthermore, the proposed circular driveway configuration is narrow and the access points to County Line Road East will be dictated by Ocean County. Testimony on the intent must be provided by the applicant's professional such that the Board can take action on this matter should a parking variance be required. 5. Unless off-street parking is added to new Lot 5.03, a variance would be required for the number of off-street parking spaces. The existing dwelling to remain on proposed Lot 5.03 is nonconforming with respect to the number of off-street parking spaces since less than three (3) off-street parking spaces are available. It is our understanding that off-street parking will be added to the existing dwelling to remain on proposed Lot 5.03. Therefore, a variance will not be required for the number of off-street parking spaces. Accordingly, the Minor Subdivision plan shall be amended for resolution compliance submission if subdivision approval is granted. 6. The proposed side yard setbacks for new Lots 5.01 and 5.02 shall be provided to the hundredth of a foot. The proposed aggregate of the side yard setbacks for the combination of new Lots 5.01 and 5.02 would be less than twenty-five feet (25') and therefore require a variance. The correct proposed dimensions shall be provided for the Public Hearing such the Board can take action on the required aggregate side yard setback variance for the combination of new Lots 5.01 and 5.02. 7. 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. II. Review Comments 1. We have reviewed the Outbound & Topographic Survey Plan provided and the following revisions are required: a. Provide individual areas for Lots 4 and 5. b. Provide horizontal and vertical datum, including a bench mark. c. Continuation of the fence encroaching into the County Line Road East right-of-way in front of Lot 5. d. Correct the rectangle shown in the County Line Road East

right-of-way to a monitoring well. e. Correct the manhole next to the sidewalk shown at the intersection to an NJDOT junction box. f. Complete existing water and sewer line locations. g. Locate the large trees for future compliance with the Township Tree Ordinance. The required revisions can be provided with resolution compliance submission should approval be granted. 2. The future status of the fence encroaching into the County Line Road East right-of-way must be indicated. The fence must either be relocated or removed. This information can be provided with resolution compliance submission should approval be granted. 3. The site location shall be identified on the Zone Map. The site location has been incorrectly located. The corrected location can be provided with resolution compliance submission should approval be granted. 4. The Zoning Data requires numerous revisions. The applicant's professionals should contact our office to review the table. Our office should be contacted prior to resolution compliance submission should approval be granted. 5. The owners and applicants must be clarified. The General Notes list two (2) owner/applicants. The application lists only one (1) applicant. The Owner's Certification lists a third owner. Testimony should be provided at the Public Hearing on the correct applicant and owners. Plan corrections can be provided with resolution compliance submission should approval be granted. 6. The General Notes reference the survey provided. Horizontal and vertical datum must be provided along with a bench mark. In addition, coordinates must be provided on at least three (3) outbound property corners. This information can be provided with resolution compliance submission should approval be granted. 7. General Note #8 lists the total existing site area as 23,778.71 square feet. This cannot be confirmed since the areas of the two (2) existing lots have not been provided on the survey. The revised survey shall be provided with resolution compliance submission should approval be granted. 8. General Note #9 indicates that solid waste and recycling is to be collected curbside using robo-cans by the Township and the robo-cans stored on the sides of the building. The Improvement Plan and Architectural Plans should be revised accordingly, with screening proposed for the refuse enclosure areas. The locations of the proposed refuse areas have been added. Proposed screening and construction details shall be added to the Improvement Plan for resolution compliance submission if approval is granted. 9. A 30' X 30' Sight Triangle Easement to Lakewood Township is proposed at the intersection of Clifton Avenue and County Line Road East. The proposed Sight Triangle Easement is unnecessary and should be eliminated since the intersection is signalized. The revised plans propose the Sight Triangle Easement being dedicated to the County. Ocean County will dictate the requirements. 10. Access easements will be required for the proposed circular driveway configuration on proposed Lots 5.01 and 5.02. The driveway access points to County Line Road East are narrow. However, the final approval of these driveways will be controlled by Ocean County. Proposed access easements shall be submitted for review by the Planning Board Attorney and Engineer with resolution compliance submission should approval be granted. 11. Since a basement is already proposed for the duplex, seasonal high water table information must be provided. Seasonal high water table information can be provided with plot plan submission should approval be granted. 12. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. Statements of fact. 13. The plans have numerous overwrites and some view port cutoffs which need to be corrected. We recommend the applicant's professionals review the plans with our office prior to resolution compliance submission should approval be granted. 14. Six foot (6') wide shade tree and utility easements dedicated to the Township are proposed along the property frontages of new Lots 5.01 through 5.03. The proposed easement information and areas are shown on an individual lot basis. However, the proposed easement areas require corrections. Minor corrections are still required to the proposed easements which can be provided with resolution

compliance submission should approval be granted. 15. A Tree List proposes ten (10) "October Glory Maple" street trees. The locations of the proposed shade trees are shown on the Improvement Plan. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation indicates there are some large existing trees on-site. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review. Revisions are required to the locations of the proposed shade trees since off-street parking will be added to new Lot 5.03. The Board should provide landscaping recommendations (if any). 16. The applicant proposes to construct new sidewalk on County Line Road East, as well as driveway aprons along the property frontage of new Lots 5.01 and 5.02. The proposed sidewalk location shall be dimensioned from the existing curb. A note shall be added to the plans that any existing sidewalk and curb damaged during construction shall be replaced at the direction of the Township Engineer. Proposed dimensioning can be provided with resolution compliance submission should approval be granted. 17. Testimony is required on the disposition of storm water from the development. The project is too small to qualify as major development. At a minimum, dry wells will be required for storm water management and shall be provided when plot plans are submitted. Testimony shall be provided on storm water management. 18. Testimony should be provided on proposed site grading. No proposed grading is indicated on the Improvement Plan. Proposed grading shall be designed. At a minimum, proposed grading must be included on the plot plan submittals. Testimony shall be provided on site grading. 19. The subdivision map date in the Surveyor's Certification shall be corrected. The certification has not been signed since the monuments are not in place. The corrected date can be provided with resolution compliance submission should approval be granted. 20. The Legend should be revised to "monument to be set". Unless the monuments are set prior to signing the map, the Legend should be revised. A monument shall be added where the northeastern corner of neighboring Lot 3 intersects the project. A monument may be eliminated at the rear property line intersection with the proposed side line of new Lots 5.01 and 5.02. 21. Compliance with the Map Filing Law is required. Statement of fact. 22. Construction details should be revised on the Improvement Plan in accordance with the conditions of any approvals. Statement of fact. 23. Final construction details will be reviewed during compliance should subdivision approval be granted. Statement of fact. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; and d. All other required outside agency approvals.

Mr. Vogt stated that variances are requested for front yard setback. He asked if the applicant will be seeking any other variances.

Mr. Doyle said that there is a variance for side yard setback that he believes are not appropriate. They do meet on each side of the duplex the required side setback. A typical combined side setback requirement hasn't been set for a duplex. The applicant is not seeking any other variances.

Mr. Vogt confirmed that they will meet the two individual 10' side yard setbacks.

Mr. Doyle said yes.

Mr. Glenn, Lines, P.E. was sworn in. He stated they are creating a conforming duplex lot with four parking spaces per unit. One of the spaces is difficult to get into and they will re-work that so it will be possible to have four spaces on that lot. The corner lot 5.03 will contain the existing ranch house. That lot has pre-existing variances for setbacks for both frontages.

Mr. Vogt asked if the only setbacks required are pre-existing.

Mr. Lines said yes.

Mr. Vogt asked that he agrees with plan changes which will eliminate all the other variances.

Mr. Lines said yes. He said the site currently grades toward the road. They intend to maintain the existing drainage patterns so storm water collection wouldn't be required. If during plot plan submission, the Township engineer feels additional recharge the roof is required they would provide that.

Mr. Doyle said they will still need County approval for the sight triangle easement which will be dedicated to the County. Part of the driveway design will be conditioned on approval from the County.

Mr. Doyle asked if the testimony could be combined with application SP 2003.

Mr. Neiman said he has no problem with that.

Mr. Jackson asked if there was anyone from the public who is here for either of these applications. No one came forward.

Mr. Banas said that the key map does not coincide with the plan.

Mr. Lines said he will pay more attention in the future.

Mr. Doyle said they are proposing an addition to the existing structure to allow separate praying by men and women generally between the hours of 4 and 7 am. He stated that there will be between 20-30 congregants anticipated. There will be no other ancillary uses. He said because the new structure is less than 800 sf there are no additional parking requirements. The combination of public and private parking will be more than sufficient. There will be no catering and no future expansion of the basement is proposed.

Mr. Vogt asked if they are going to provide four off-street parking spaces.

Mr. Lines said the four off-street spaces are required for the house. They have two off-street spaces that are in front of the building which also gives access to the handicapped ramp. Two spaces are proposed where zero are required.

Mr. Doyle asked if the handicapped ramp is on the site.

Mr. Lines said yes.

Mr. Doyle said they will meet all the resolution compliance needs in terms of landscaping, lighting and drainage.

Mr. Lines said the existing utilities are adequate.

Mr. Schmuckler asked if this congregation is currently in existence.

Mr. Lines said yes.

Mr. Schmuckler asked how many cars there are in the morning.

Mr. Shlomo Pollak, was sworn in. He is the president of the congregation. He said they have an average of 15-20 cars per day. Some of the congregants live and go to school locally so they walk. There is also a car pool everyday as well.

Mr. Schmuckler asked where he plans on parking 15 cars.

Mr. Pollak said there is available parking across the street near the cemetery.

Mr. Schmuckler asked if they are doing afternoon prayers.

Mr. Pollak said they are not planning to.

Mr. Schmuckler expressed that the parking across the street is usually not available in the afternoon hours because there is a wedding hall nearby which uses that parking. He wants to make sure the parking is adequate.

Mr. Doyle said the purpose of the synagogue is basically for sunrise prayer.

Mr. Jackson said it will be very difficult to enforce once they are approved as a certain use. You can put limitations on what hours of operation are based on what the testimony is. It could be in the resolution and then it would be up to code enforcement to enforce.

Mr. Banas is concerned about the parking at the cemetery.

Mr. Doyle said the prayers will be only be in the sunrise and parking will be available at the cemetery at that time.

Mr. Banas said a lot of the parking spaces are taken by a school nearby.

Mr. Doyle asked what time he was at the cemetery.

Mr. Banas said around 10:30 am.

Mr. Doyle asked about the parking needs at 10 in the morning.

Mr. Pollak explained the meaning behind the name of the synagogue. He said it translates into the post midnight and pre dawn study and prayer. That is what they represent. He said by 8 in

the morning there are maybe one or two cars left. Between the post midnight hours, there is never a car on Clifton Avenue.

Mr. Neiman wanted to make it clear that under normal circumstances, the Board expects sufficient parking. If the Board chooses to approve this application, it is because of the hours of operation and the additional parking across the street.

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

A motion was made by Mr. Schmuckler, seconded by Mr. Rennert to approve.
Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Rennert

Mr. Neiman asked that Mr. Pollak speak to some of the neighbors as they were concerned that the congregants would park in front of their homes and wake them up.

2. **SP 2003** (No Variance Requested)
Applicant: Harold Frankel
Location: County Line Road East & Clifton Avenue
Block 106 Lot 5 (proposed Lot 5.03)
Site Plan to convert existing single-family residence to a synagogue with a building addition

Project Description

The applicant is seeking Site Plan Exemption/Change of Use approval for conversion of an existing one-story single-family residential dwelling into a synagogue, via a 1,280 square foot building addition to the rear. The property, proposed Lot 5.03 as depicted is proposed via a minor subdivision application (SD1887) to be considered by the Board, concurrent with this application. This new lot will be created by the subdivision of existing Lots 4 and 5, where a small portion of Lot 4 will be conveyed to create a duplex property immediately east of this property. According to the Zoning Data on the change of use site plans, the existing driveway off of Clifton Avenue will be removed and replaced with a new paved driveway sized to provide four (4) off-street parking spaces. Both the change of use site plan and the accompanying minor subdivision plan submission (SD1887) depict existing curbing along both frontages, and sidewalk along the Clifton Avenue frontage. New sidewalk is proposed along the County Line Road East frontage. Street trees are also proposed along both property frontages. As indicated on the latest architectural plans, the proposed synagogue will contain a new great room, an adjoining new library, an enlarged living/dining room, and an existing kitchen. An altered master bedroom is also proposed. The architectural plans depict a basement, with a future recreation room, new hobby room, utility room, and storage area. The site is situated in the northern portion of the Township on the southeast corner of Clifton Avenue and County Line Road East. Clifton Avenue is a fully improved Township Road with an eighty foot (80') right-of-way. County Line Road East is an improved County Highway with a varying width right-of-way. The adjacent lots are residential uses. A cemetery exists on the opposite side of Clifton Avenue and commercial uses exist on the opposite side of County Line Road East. The lots are situated within the R-10 Single Family Residential Zone. We have the following comments and recommendations per testimony provided at the 5/7/13 Planning Board Plan Review Meeting, and comments from our initial review letter dated April 25, 2013: I. Zoning 1. The property is located in the R-10 (Single Family Residential) Zone. Places of worship are a permitted use in

the zone, subject to the requirements of Section 18-905 of the UDO. Statements of fact. 2. Per review of the Change of Use Site Plan, no new bulk variances appear necessary for the change of use request. Pre-existing variances for front yard setback (both frontages) exist but will not be exacerbated with the proposed building addition. Statement of fact. 3. Per review of the Change of Use Site Plan, the following design waivers are required for proposed project: • Providing site lighting. • Providing landscaping • Providing a 20 foot landscape perimeter buffer per Section 18-905B-1 of the UDO. The Board shall take action on the required design waivers. 4. Additionally, submission waivers are requested for proposed grading, final design of access sidewalks and interior sidewalks. Said information will be provided in a future plot plan submission to the Engineering Department, if when Change of Use approval is granted. We support this waiver as requested. However, the applicant's professionals must supply information relative to proposed interior pedestrian access and handicap ramp location(s), in plan view, prior to or at the forthcoming public hearing to demonstrate pedestrian ingress and egress to the synagogue for the Board's consideration. II. Review Comments 1. Testimony should be provided by the applicant for the Board to support the proposed change in use, including but not limited to the following issues: a. How many congregants (maximum) are anticipated for the sanctuary use? b. Are any other ancillary uses (i.e., school, other) proposed with this change of use? c. What is the anticipated parking demand for the sanctuary use? d. Is catering proposed at this facility? e. Is future expansion of the basement area anticipated? Testimony shall be provided on site operations. 2. Per Section 18-905A of the UDO, off-street parking for places of worship is not required where main sanctuaries are less than 800 square feet, exclusive of secondary sanctuary space, kitchen, support rooms, and other facilities. Parking will be provided to the satisfaction of the Board. It should be noted that a new driveway off of Clifton Avenue is proposed, capable of providing two (2) 'head in' parking spaces. Per review of the Change of Use plan, there appears to be space to provide a turnaround on the north side of the driveway (if desired by the Board). The Zoning Data proposes four (4) off-street parking spaces. Accordingly, the Site Plan shall be revised for resolution compliance submission should approval be granted. 3. Per Note #9 on the Change of Use site plan, trash and recyclables will be stored in Robo-cans on the side of the dwelling, and put curbside for Township pickup. Proposed refuse enclosures shall be added to the Site Plan and Architectural Plans with resolution compliance submission if approval is granted. 4. No new landscaping (other than street trees) is proposed. As indicated above, a waiver of the perimeter buffer requirement is necessary. At a minimum, screening along the property line near the existing dwelling on adjacent Lot 3 (i.e., solid fence and/or evergreen buffer) may be warranted. The Board should provide landscaping recommendations (if any). 5. Testimony should be provided regarding proposed lighting (building-mounted security lighting is proposed per note #15). Lighting shall be provided to the satisfaction of the Board. The revised plans eliminated the General Note on lighting. The latest architectural plans only propose lighting at the building access points. The Board should provide lighting recommendations (if any). 6. Construction details should be provided for any proposed new site improvements deemed necessary (if any), in accordance with Township standards. This information can be provided during plot plan (if/when approval is granted). Statements of fact. 7. At the discretion of the Engineering Department, on-site storm water retention measures (i.e., drywells, other) may be required if local drainage problems are known to exist. General Note #10 on storm water management shall be eliminated. Storm water management shall be addressed during plot plan submittal should approval be granted. 8. Information and/or testimony should be provided that existing utilities serving the building are adequate for the proposed synagogue use. Testimony should be provided on utilities. 9. Any additional information necessary to document compliance with

Section 18-905, "Places of Worship and Religious Facilities" of the UDO should be provided. Statement of fact. 10. The site plan waiver (if approved) does not relieve the applicant's obligation to obtain necessary building permits and construction code reviews. Statement of fact. 11. The plans must be revised to coordinate with the minor subdivision which creates Lot 5.03 and the architectural plans. The applicant's engineer should contact our office to review the design prior to finalizing the plans for resolution compliance submission should approval be granted.

Please refer to SD 1887 for testimony.

A motion was made by Mr. Rennert, seconded by Mr. Schmuckler to approve with the condition that the hours of operation will be from 2 am to 8 am.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Rennert

3. **SD 1888** (Variance Requested)
Applicant: Cushman Holdings II, LLC
Location: Warren Avenue & West Street
Block 768 Lot 59
Major Subdivision to create 6 lots
This project will not be heard and will be carried to the July 9th meeting.

This project will not be heard and will be carried to the July 9th meeting.

Mrs. Morris explained that we did not receive revised plans in time for this meeting.

No further notice required.

4. **SD 1890** (Variance Requested)
Applicant: Spruce Investment LLC
Location: East Spruce Street
Block 855.02 Lot 28
Minor Subdivision to create 2 lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 150' X 300' rectangular property totaling forty-five thousand square feet (45,000 SF) or 1.03 acres in area known as Lot 28 in Block 855.02 into two (2) single family residential lots. The two (2) proposed rectangular lots would be 75' X 300' twenty-two thousand five hundred square foot (22,500 SF) properties designated as new Lots 28.01 and 28.02 on the subdivision plan. The proposed lots would each have seventy-five feet (75') of frontage on East Spruce Street. The site contains an existing one-story dwelling and two (2) sheds. The existing one-story dwelling and a shed would remain on proposed Lot 28.02. The other existing shed would be removed and a two-story dwelling is proposed for new Lot 28.01. Public water has recently been constructed on the north side of East Spruce Street and is available. Public sewer is not available. The site is situated in the central portion of the Township on the southwest side of East Spruce Street, northwest of its intersection with New Hampshire Avenue. East Spruce Street is a paved municipal road in good condition without existing curb and sidewalk in front of the site. The existing right-of-way width is fifty feet (50') with a pavement width of approximately twenty-eight

feet (28'). Construction of sidewalk is proposed with this application, but curb is not. Existing utility poles with overhead electric are located on the north side of East Spruce Street. An existing water main constructed from New Hampshire Avenue runs past the site in the north side of the pavement. Gas is also available to the site. The Improvement Plan shows the location of individual trees on the site. The topography indicates the property to be sloping northwards. In addition to the dwelling, sheds, fences, and driveways have been located. However, no existing septic system is shown. The proposed lots are situated within the R-20 Single Family Residential Zone. The surrounding uses are entirely residential. Waivers and variances are being requested for proposed Lots 28.01 and 28.02. We have the following comments and recommendations per testimony provided at the 5/7/13 Planning Board Plan Review Meeting and comments from our initial review letter dated April 29, 2013: I. Zoning 1. The parcel is located in the R-20 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. Statements of fact. 2. Per review of the Minor Subdivision Map, the application, and the zone requirements, the following variances are required: • Minimum Lot Width (proposed Lots 28.01 and 28.02, 75 feet; 100 feet required) – proposed condition. The Board shall take action on the required lot width variances. 3. Per review of the Minor Subdivision Map, the following waiver is required: • Construction of curb along the project frontage. In testimony at the May 7, 2013 Plan Review Meeting, the applicant's attorney correctly noted that there are not curbs in the area. However, the Board has been approving other subdivisions in the neighborhood with construction of both curb and sidewalk. The Board shall take action on the requested waiver. 4. The General Notes indicate that four (4) off-street parking spaces will be required for each lot and that four (4) off-street parking spaces will be provided for each lot. The Improvement Plan shows that the parking configuration will provide at least four (4) off-street parking spaces per lot. Off-street parking shall be in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided. However, a stone driveway is proposed for new Lot 28.01 and an existing stone driveway is slated to remain on new Lot 28.02. The stone driveways will be difficult to maintain in good condition. We recommend the Board require durable surface driveways. The Board would have to grant a waiver to permit stone driveways. The Board shall take action on the waiver. 5. 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. II. Review Comments 1. NJDEP I-Map indicates freshwater wetlands on the rear of the property. The applicant's professionals should address this matter. At the Plan Review Meeting the applicant's attorney indicated that all review comments would be addressed at the Public Hearing. 2. The existing septic system serving the dwelling to remain on proposed Lot 28.02 shall be added to the base map. The applicant's professionals indicate they have not been able to field locate the existing septic system. Furthermore, they found no records at the County Health Department. They indicate that this will be investigated prior to any construction activity. We find this is satisfactory. 3. Lakewood Township Municipal Utilities Authority and Ocean County Board of Health shall be added to the list of outside agency approvals. Ocean County Board of Health approval for the subdivision must be obtained prior to filing of the map, should approval be granted. LTMUA approval of the proposed water service connections and Ocean County Board of Health approval of the septic system on proposed Lot 28.01 must be obtained prior to any future construction activity. 4. The future status of the existing improvements should be clarified. Should the existing refuse enclosure remain on proposed Lot 28.02, an accessory structure side yard setback variance would be required. The

plans have been revised to show the existing refuse enclosure being removed. The future status of other existing improvements such as fences, driveways, asphalt, block curb, etc., must be addressed. 5. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. Statements of fact. 6. Unless waived by the Board, street trees should be added to the Improvement Plan within the shade tree and utility easement. The types of proposed street trees should be identified. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation notes the larger existing trees on-site have been located on the Improvement Plan. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review. Two (2) Green Vase Zelkova shade trees have been proposed. 7. The General Notes indicate that soil borings shall be performed prior to plot plan submission to determine the seasonal high water table information. The seasonal high water table information can be provided with plot plan submittal should approval be granted. 8. The proposed dwelling on new Lot 28.01 would be substantially setback from East Spruce Street to allow a septic system to be constructed in the front yard. The existing septic system must be shown on proposed Lot 28.02. Approvals will be required from the Ocean County Board of Health. The location of the existing septic system could impact design on proposed Lot 28.01, or possibly require an alteration or new septic system for proposed Lot 28.02. 9. Testimony is required on the disposition of storm water from the development. We note that the fronts of the properties are very flat. At the Plan Review Meeting the applicant's attorney indicated that all review comments would be addressed at the Public Hearing. We note proposed dry wells are being considered for new Lot 28.01. 10. Testimony should be provided on proposed site grading. Proposed grading is indicated on the Improvement Plan and could be improved. As noted previously, the front of the site is very flat. At the Plan Review Meeting the applicant's attorney indicated that all review comments would be addressed at the Public Hearing. We recommend revisions to the proposed grading be designed on the Improvement Plan and provided with resolution compliance submission should approval be granted. 11. Proposed five foot (5') wide concrete sidewalk will be provided along East Spruce Street according to the Improvement Plan. The proposed sidewalk location shall be dimensioned within the right-of-way. The proposed two foot (2') dimension from the right-of-way shown on the construction detail shall be added to the plan view on the Improvement Plan. The dimension can be provided with resolution compliance submission should approval be granted. 12. A proposed gutter reconstruction design is required along East Spruce Street to provide adequate slope for drainage. The proposed design shall stretch across the entire frontage of the project to improve the slope and crown of the road, both of which are inadequate. Pavement reconstruction and/or repair shall be squared off. The revisions can be provided with resolution compliance submission should approval be granted. 13. Compliance with the Map Filing Law is required. Statement of fact. 14. Construction details should be revised on the Improvement Plan in accordance with the any conditions of approval required by the Board. Conditions imposed by any approvals will impact the Improvement Plan and construction details. Therefore, a revised Improvement Plan with layout, grading, construction details, and possibly drainage, may be provided with resolution compliance submission should approval be granted.

III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health (septic systems); e. Lakewood Township Municipal Utilities Authority (water connections); and f. All other required outside agency approvals.

Mr. Vogt stated that a variance is being requested for minimum lot width. A waiver is being sought for construction of curb along the project frontage. The applicant is also requesting stone driveways as apposed to paving.

Mr. Doyle said only the existing driveway is stone. The new driveways will be paved. This application is very similar to a few others that were approved in the past. This application is for a two lot subdivision. One of the lots has a house which will remain.

Mr. Brian Flannery, P.E., P.P. was sworn in. He had a map showing similar applications in the surrounding area.

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

A motion was made by Mr. Banas, seconded by Mr. Franklin to approve the application. Affirmative: Mr. Franklin, Mr. Banas, Mayor Ackerman, Mr. Neiman, Mr. Schmuckler, Mr. Rennert

5. **SP 2006** (Variance Requested)
Applicant: Congregation Bais Elimelech
Location: East Harvard Street
Block 226 Lots 16 & 17
Site Plan for addition to existing synagogue

Project Description

The applicant is seeking Preliminary and Final Site Plan approval to consolidate the subject properties and construct a 1,164 square foot addition to an existing one-story synagogue, which includes a finished basement. The applicant also proposes to construct a parking lot for the synagogue. The two (2) existing lots would be consolidated into a single tract for the proposed site. The architectural plans indicate the proposed addition to the east side of the existing synagogue on Lot 16 would increase the main sanctuary area to 1,889 square feet. An interior parking area is proposed mostly on Lot 17 to the west, consisting of fifteen (15) off-street parking spaces, one (1) being van accessible handicapped. Another proposed off-street parking space is proposed by an existing driveway in front of the synagogue addition. Minimum parking space size would be 9' X 18', except for the three (3) proposed parallel spaces. The proposed parallel parking spaces on the opposite side of the access aisle for the parking lot would be 8' X 22'. Other site improvements are also proposed for the project. The site is located in the north central portion of the Township on the north side of East Harvard Street east of Railroad Street. The site encompasses Lots 16 and 17 in Block 226. The total area of the site is 14,501 square feet, which is 0.33 acres. The existing synagogue, along with a shed to remain to the rear, is located on Lot 16. An existing one-story dwelling, along with a detached garage to the rear, is located on Lot 17. All existing improvements on Lot 17 would be removed. Lot 16 has existing concrete curb and sidewalk along the site frontage in good condition. Lot 17 has existing curb, but no sidewalk along the frontage. East Harvard Street is an improved municipal road with a forty foot (40') right-of-way. The site is in a developed section of the Township with the surrounding properties having mixed uses. The property is located in the R-10 Zone District. Places of worship are a permitted use. We have the following comments and recommendations per testimony provided at the 5/7/13 Planning Board Plan Review Meeting,

and comments from our initial review letter dated May 1, 2013: I. Zoning 1. The parcel is located in the R-10 Single-Family Residential District. Places of worship are a permitted use in the zone, subject to the provisions of Section 18-905. Statements of fact. 2. The existing right-of-way width for the entire length of East Harvard Street is forty feet (40'). The Board must decide whether to require any right-of-way dedications or road widening easements. Bulk variances and/or site design would be impacted in either case. The correct width for any dedication or easement required would be five feet (5'). The Board shall take action on whether to grant a waiver from the applicant providing a five foot (5') right-of-way dedication. If the waiver is granted, then a five foot (5') wide road widening easement should be provided. 3. The existing synagogue has a nonconforming front yard setback of 17.1 feet. Therefore, to permit the proposed building addition, a front yard setback variance would be required. A minimum front yard setback of thirty feet (30') is required. The Board shall take action on the required front yard setback variance. 4. A variance is being requested for minimum side yard setback. A minimum side yard setback of 3.7 feet is being requested for the addition, where a ten foot (10') side yard setback is required. However, based on the existing building offset provided on the survey, we calculate that the proposed side yard setback for the addition would be 3.4 feet. The applicant's professionals shall confirm the magnitude of the minimum side yard setback variance being requested. Based on a twelve foot (12') wide building addition to be constructed, and the existing building offset of 15.4 feet shown, we calculate the proposed side yard setback would be 3.4 feet. Therefore, we recommend the Board take action on the required side yard setback variance based on a minimum setback of 3.4 feet. 5. A variance is being requested from maximum building coverage. A building coverage of 27.1% is being requested, where a twenty-five percent (25%) building coverage is permitted. The maximum building coverage might be met with the removal of the existing shed. The Board shall take action on the requested maximum building coverage variance. 6. The existing shed, which is an accessory structure, has a nonconforming rear yard setback of 1.9 feet. Unless the shed is removed or relocated, a variance would be required for minimum rear yard setback of an accessory structure. A minimum rear yard setback of ten feet (10') is required for an accessory structure. The Board shall take action on the required variance for minimum rear yard setback of an accessory structure. 7. According to Section 18-905A.2., no parking area shall be located closer than five feet (5') to any side or rear property line that are adjacent to residential zoned properties. Much of the proposed parking area is two feet (2') from the side property line which permits the construction of a six foot (6') vinyl fence, but does not leave room for additional landscape screening. Therefore, a buffer waiver is required for the location and screening of the parking area. The Board shall take action on the required buffer waiver. 8. According to Section 18-905B.1., Perimeter Buffer: For properties adjacent to residential properties, if the site leaves a twenty foot (20') undisturbed area then there is no requirements for buffering. If the twenty foot (20') buffer is invaded or disturbed than requirements indicated in 18-905B.3., shall be put in place along the invaded area. A waiver is necessary from the twenty foot (20') buffer requirement to neighboring Lot 15. The Board shall take action on the required buffer waiver. 9. 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. II. Review Comments A. Site Plan/Circulation/Parking 1. An Outbound and Topographic Survey has been submitted for Lots 16 and 17. The following must be addressed: A revised survey without a revision date has been submitted. The following must still be addressed and can be provided with resolution compliance submission should approval be granted: a. Fencing and concrete from adjoining Lot

19 encroach onto the site. These existing improvements will conflict with the proposed site design. The revised site plans indicate the encroaching fence to be relocated and the encroaching concrete to be removed. b. Horizontal and vertical datum, as well as a bench mark should be added. The bench mark shall be labeled. c. The length of the easterly property line of Lot 16 should be corrected to one hundred fifty feet (150'). Because of the jog in the rear lot lines, the overall eighty-four foot (84') dimension shall be erased. d. Existing bituminous areas east of the synagogue must be shown. These areas impact impervious surface and drainage calculations. The strip of land between the existing building and concrete sidewalk is also bituminous. 2. A General Note shall be added regarding horizontal and vertical datum, as well as a bench mark. The bench mark shall be labeled on the Site Plan. The information can be provided with resolution compliance submission should approval be granted. 3. The existing and provided side yard setbacks should be checked and corrected. A dimension shall be added from the northwest corner of the synagogue to the property line of adjoining Lot 19. This distance is necessary to calculate the provided aggregate side yard setback. The provided side yard setback dimensions in the Zone Requirements Table shall be 3.4 feet and 50.7 feet, based on the proposed side yard setback being 3.4 feet instead of 3.7 feet. Corrected information can be provided with resolution compliance submission should approval be granted. 4. The existing and proposed building dimensions and areas must be coordinated between the site plans and architectural plans. This information is important since it impacts the magnitude of bulk variances. We recommend the applicant's professionals submit this information prior to the Public Hearing such that the correct variances are acted upon. Revised architectural drawings should be provided. 5. Some editing is required to the General Notes. Corrections can be provided with resolution compliance submission should approval be granted. 6. As indicated previously, sixteen (16) off-street parking spaces with one (1) handicapped space is being provided for the synagogue with proposed addition. Based on the expansion of the main sanctuary area to just under nineteen hundred square feet (1,900 SF), eleven (11) off-street parking spaces are required. Testimony should be provided that no catering is proposed and the number of off-street parking spaces is compliant. Testimony on catering and off-street parking shall be provided. 7. Per our 4/24/13 site inspection, we note that concrete curbing exists along the East Harvard Street frontage of the site. Sidewalk only exists across the frontage of Lot 16. Sidewalk is being proposed across most of the Lot 17 frontage. The proposed sidewalk should be extended to the west property line extension on East Harvard Street. Curb ramps should be provided on both sides where the sidewalk crosses the proposed access driveway. The limits of reconstructing existing sidewalk must be clarified. This information can be provided with resolution compliance submission should approval be granted. 8. The existing concrete curb in front of Lot 17 will almost entirely be replaced with depressed concrete curb for the proposed driveway. The proposed limit of curb replacement in front of Lot 17 should extend to meet the existing full face curb to the east of the proposed driveway. A proposed two foot (2') gutter reconstruction should be shown with the curb replacement. The plans have been revised. A meet existing curb note must still be added. The correction can be provided with resolution compliance submission should approval be granted. 9. The status of the existing air conditioning units which will conflict with the proposed parking area must be addressed. Three (3) existing air conditioning units will conflict with proposed curb and parking. Relocation can be provided with resolution compliance submission should approval be granted. 10. A deed of consolidation and description shall be provided for review by the Planning Board Attorney and Engineer prior to filing with the Ocean County Clerk, should site plan approval be granted. The applicant's engineer indicates the deed of consolidation and description shall be provided with resolution compliance submission should approval be granted. 11. The applicant's

professionals should provide testimony as to whether the congregation proposes to use curbside pickup by the Township. If so, a proposed storage area should be depicted on the plans. A 6' X 6' storage area for trash bins and recyclables has been added such that curbside pickup by the Township can be provided. The area should be enclosed, screened, and connected to sidewalk. These revisions can be provided with resolution compliance submission should approval be granted. 12. Testimony should be provided on lines of sight and whether sight triangle easements are necessary for the proposed access driveway. A sight triangle easement has been provided. Testimony should be provided on the basis for the sight triangle easement dimensions. A deed of easement and description shall be provided for review by the Planning Board Attorney and Engineer prior to filing with the Ocean County Clerk, should site plan approval be granted. 13. Unless waived by the Board, a shade tree and utility easement shall be provided. In addition, a deed of easement and description shall be provided for review by the Planning Board Attorney and Engineer prior to filing with the Ocean County Clerk, should site plan approval be granted. A six foot (6') wide shade tree and utility easement has been proposed. The shade tree and utility easement should be located behind any proposed dedication or road widening easement. A proposed easement area of six hundred square feet (600 SF) should be indicated. These corrections can be provided with resolution compliance submission should approval be granted. 14. A six foot (6') high solid white vinyl fence is being proposed along the westerly side property line and across the rear property line. The height of the proposed fence along the westerly property line is decreased to four feet (4') within the front yard setback as required by ordinance. An existing four foot (4') high chain link fence in poor condition on the easterly property line is being left in place. We recommend this fence be replaced with a six foot (6') high solid white vinyl fence, the same as the other property lines. Existing asphalt is proposed to be removed next to the chain link fence. This effectively eliminates a pathway to the rear building access. Furthermore, the existing chain link fence is not being replaced as previously recommended. Testimony should be provided. A buffer waiver would be required for the current design. B. Architectural 1. The building square footage should be checked and coordinated with the site plans. Revised architectural drawings shall be provided with resolution compliance submission should approval be granted. 2. Testimony is required on ADA accessibility. It appears only the first floor is accessible. Testimony on ADA accessibility should be provided. 3. Testimony should be provided as to whether the synagogue has a sprinkler system. The proposed addition will not require any new sanitary sewer or potable water services. Testimony should be provided on fire protection. 4. The relocation of existing air conditioning equipment should be shown. Said equipment should be adequately screened. The relocation and screening of air conditioning equipment can be provided with resolution compliance submission should approval be granted. 5. The proposed roof drainage of the building must be coordinated with the site plans. The proposed roof drainage coordination can be provided with resolution compliance submission should approval be granted. C. Grading 1. Grading information is provided on Sheet 2 of the Site Plans. The following additional information should be provided: a. More proposed curb grades. b. Proposed contour lines. c. Proposed high points. Some revisions have been provided, additional information is required. We recommend the applicant's engineer review the proposed grading with our office prior to resolution compliance submission should approval be granted. 2. Final grading can be addressed during compliance review should approval be granted. Statement of fact. D. Storm Water Management 1. The Drainage Report should discuss soil replacement beneath the proposed recharge system. The Drainage Report shall be revised to account for soil replacement beneath the proposed recharge system as shown on the construction details. A revised Report can be provided with resolution compliance submission should approval be

granted. 2. The width of the stone bed for the recharge system should be increased to reduce the discharge from the one-hundred year storm. A revised Drainage Report may indicate the width of the stone bed to be adequate. A revised Report can be provided with resolution compliance submission should approval be granted. 3. The proposed pipe inverts for the recharge system shall be corrected to 95.50. The proposed sump elevations should also be corrected. According to our review, the proposed pipe inverts should be elevation 95.50 and the sump inverts 94.00. Corrections can be provided with resolution compliance submission should approval be granted. 4. The proposed elevation for the top of stone on the Recharge System Detail shall be 97.50. The proposed elevation has been corrected. The proposed elevation for the soil replacement shall be 93.0. Corrections can be provided with resolution compliance submission should approval be granted. 5. The design needs to be completed for the proposed underground roof drainage system. The completed design can be provided with resolution compliance submission should approval be granted. 6. Storm water management will be reviewed in detail with a revised submission. Storm water management will be reviewed in detail with resolution compliance submission should approval be granted. E. Landscaping and Lighting 1. A proposed planting buffer has not been provided for the rear of the project. Testimony should be provided on the lack of a planting buffer for the rear of the project. A buffer waiver would be required. 2. A shade tree and utility easement should be shown across the frontage of the property. Proposed shade trees shall not conflict with any sight triangle easements. The Shade Tree Commission has recommended a substitution for the Pear Trees. The location of one (1) of the proposed shade trees shall be adjusted outside of the sight triangle easement. Revisions can be provided with resolution compliance submission should approval be granted. 3. Landscaping should be provided to the satisfaction of the Board. The Board should provide landscaping recommendations (if any). 4. Landscaping shall be reviewed in detail during compliance should site plan approval be granted. Statement of fact. 5. Lighting should be provided to the satisfaction of the Board. The Board should provide lighting recommendations (if any). 6. Lighting will be reviewed in detail during compliance should site plan approval be granted. Statement of fact. F. Utilities 1. The site is served by public water and sewer from New Jersey American Water since the project is within their franchise area. The existing service lines should be adequate since the proposed addition does not require expansion of the plumbing system for the synagogue. Statements of fact. G. Signage 1. No site identification or building signage information is provided. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. No proposed site identification or building signage has been provided. H. Environmental 1. The existing property has a few large trees. A Tree Protection Management Plan must be provided as a condition of approval to comply with the Township's Tree Ordinance. A Tree Protection Management Plan can be provided with resolution compliance submission should approval be granted. I. Construction Details 1. Construction details are provided with the current design submission. We will review the construction details during compliance should site plan approval be granted. Final construction details will be reviewed after resolution compliance submission should approval be granted. III. 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 (as applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; and e. All other required outside agency approvals.

Mr. Vogt asked about the right-of-way dedication.

Mr. Moishe Klein, Esq. stated that they will be requesting a waiver to have it as an easement rather than a dedication. He confirmed that they are seeking a front yard setback and side yard setback variance.

Mr. Vogt asked if the shed will remain on the site.

Mr. Klein said yes, they would like the shed to remain so they require a variance for maximum building coverage. A minimum rear yard setback is required for the accessory structure. Some relief is also requested for landscape screening and perimeter buffer.

Mr. Klein stated that this is an existing synagogue on one of the lots. The lot next to it was purchased in order to expand this synagogue and to provide additional off-street parking.

Mr. Brian Flannery, P.E., P.P., was sworn in. This site plan is for an addition of 1,164 sf. Several waivers and variances are needed per the engineer's report. A road widening easement is being requested rather than a right-of-way dedication. The entire right-of-way along that street is fully developed and is 40 ft. A 5 ft easement will be provided on our side in case the Township needs to do something there in the future. The front yard set back variance of 17.1 ft is existing and it is for the covered porch. The actually building itself is 24 ft back which is consistent with the rest of the neighborhood. Variances are being requested for minimum side yard setback and maximum building coverage. This is in an area that the Master Plan said should be in the R-7.5 zone which would allow 30% coverage. They are actually reducing the building coverage because there is a house and a garage that is being knocked down. The shed is in the rear of the property and it is consistent with the neighbors where they have their sheds. It is a benefit to the shul and they are requesting that variance as well. Variances are also being requested with respect to the buffer. The ordinance says it should be 20 ft or provide a fence and buffering. He feels the existing chain link fence complies with the intent of the ordinance. The shul has spoken with the neighbors and they are okay with the application. He further explained how the benefits of this application outweigh the detriments.

Mr. Vogt stated that the Shade Tree Commission had a comment about the pear trees.

Mr. Flannery said they will make a substitution. There will be no catering on site. A waiver is being requested for a new fence on the easterly side of the property. The rest of the comments can be satisfied during resolution compliance.

Mr. Neiman opened to the public.

Mr. Yehuda Pollak, 107 East Harvard Street, was sworn in. He is a neighbor and he supports this application.

Mr. Neiman closed to the public.

A motion was made by Mr. Rennert, seconded by Mayor Ackerman to approve the application. Affirmative: Mr. Franklin, Mr. Banas, Mayor Ackerman, Mr. Neiman, Mr. Schmuckler, Mr. Rennert

6. **SP 2007** (Variance Requested)
Applicant: 40 Airport Acquisition LLC
Location: Airport Road
Block 1160.12 Lot 263
Site Plan for a second office building on the site

Project Description

The applicant is seeking Amended Preliminary and Final Major Site Plan approval to add a second 14,933 square foot one-story office building to the site. There is a 5,968 square foot one-story office building currently on the property. This approval would amend a previous preliminary and final major site plan approval for four (4) building additions to the existing office building, in two (2) phases, approved under Resolution SP# 1799, memorialized February 15, 2005. The existing facility is located on Airport Road within the Lakewood Industrial Park. Proposed parking lot striping has been added to the revised site plan, fifty-three (53) off-street parking spaces are proposed in an existing paved parking lot. Three (3) of the proposed parking spaces will be handicapped, two (2) of which being van accessible. The site plan also indicates that fifty-three (53) off-street parking spaces are required. The parking requirements are based on one (1) space per every four hundred square feet (400 SF) of professional office space. Proposed parking spaces will be a minimum of 9' X 18'. The existing parking lot also contains an existing gravel area for overflow parking. Access to the site will be provided by an existing driveway from Airport Road. The tract consists of an almost rectangular 326.87' X 387.77' lot, which is 2.91 acres in area. The site is developed with a one-story office building. There is wooded area on the undeveloped portions of the property. The property generally slopes downwards from the existing building to the southeast. Freshwater wetlands exist in the southern corner of the tract. The site fronts the southeast side of Airport Road, between the Parkway exit road from Interchange 89 and the intersection of Cedar Bridge Avenue. Access to the site is from Airport Road which is an improved County Road having a 72.23' wide right-of-way. The east side of Airport Road was widened to provide an extra lane of traffic from the Parkway Interchange 89 exit. Municipally supplied water and sewer services are already serving the site. The existing land around the site is wooded, while lands across the street are improved with other professional office uses. The site is located in the PS Industrial Park Professional Service Zone. Professional offices are a permitted use in the zone. We have the following comments and recommendations per testimony provided at the 5/7/13 Planning Board Plan Review Meeting, and comments from our initial review letter dated April 23, 2013: 1. Zoning 1. The site is situated within the PS, Industrial Park Professional Service Zone. Per Section 18-903O of the UDO, professional offices is an allowed permitted use. Statements of Fact. 2. Per review of the site plans and application, the existing site is nonconforming with respect to minimum lot area. The nonconforming lot area is 2.91 acres, whereas the required minimum lot area is three (3) acres. The survey and site plan indicate a previous right-of-way taking of 12.23 feet along Airport Road, which thereby decreased the area of a previously conforming lot to a nonconforming lot. Accordingly, the Board should grant a variance for this nonconforming lot area. It should be noted this same variance was granted with Resolution SP# 1799. The Board should grant this variance for nonconforming lot area with any site plan approval. 3. Per review of the site plans and application, the following design waivers are required: • Providing sidewalk along the project frontage. It should be noted that there is no existing sidewalk along Airport Road in the vicinity of this project which is in the Industrial Park. • Providing a shade tree and utility easement along the Airport Road project frontage. There are

existing shade trees across the southern half of the project frontage and shade trees are proposed across the northern half of the project frontage. It should be noted this same waiver was granted with Resolution SP# 1799. The Board shall take action on the required design waivers. II. Review Comments Per review of the current design plans, we offer the following comments and recommendations: A. Site Plan/Circulation/Parking 1. A Boundary and Topographic Survey has been submitted. A vertical datum based on NAVD 1988 relative to an NGS monument has been provided. A horizontal datum and a vertical bench mark shall be provided on the plan. This information can be provided with resolution compliance submission should approval be granted. 2. Existing curb and pavement grades for the parking lot need to be added to the survey to determine whether the area properly drains to the overflow gravel parking. Some additional existing spot elevations have been added to the base map, but not enough to confirm proper grading. A corrected survey and base map can be provided with resolution compliance submission should approval be granted. Parking lot resurfacing was agreed to in the previous approval and should be a condition of this approval. Additional corrective work may also be required depending on the existing grades. 3. General Note #11 on the Cover Sheet indicates that trash and recyclable collection is to be provided by the Township of Lakewood. This would require approval from the Department of Public Works. Two (2) dumpsters on a concrete pad which is not enclosed or screened, is proposed at the end of the gravel overflow parking area. The note has been changed and a private hauler is now proposed for trash and recyclable collection. However, an enclosure and screening is required and can be provided with resolution compliance submission should approval be granted. 4. The Site Plan assumes a fifty foot (50') transition area will be approved with the delineated freshwater wetlands line submitted to the NJDEP. A Letter of Interpretation has been issued by the NJDEP with a fifty foot (50') transition area. The location of WL-4 and adjoining lines, as well as the bearings and distances, must be corrected on the Site Plan. Survey data shall be added for the fifty foot (50') transition area limit. These corrections can be provided with resolution compliance submission should approval be granted. 5. Existing curb and sidewalk on the site is in need of repairs. The applicant's engineer indicates that inspection of existing curb and sidewalk for repairs will be undertaken. This matter can be resolved during resolution compliance should approval be granted. 6. The asphalt area of the existing parking lot is in fair to poor condition. An overlay with sections of reconstruction should be considered. This parking lot resurfacing was agreed to in the previous approval. The applicant's engineer indicates that paving or resurfacing is not proposed. At a minimum, we recommend parking lot resurfacing be a condition of approval as was previously agreed to. Otherwise, a design waiver is necessary. 7. Proposed curb ramps with detectable warning surface shall be properly designed. The applicant's engineer indicates that curb ramps will comply with ADA and NJDOT criteria. This matter will be reviewed during resolution compliance should approval be granted. 8. The proposed off-street parking has been designed with all perpendicular spaces. Proposed striping must be added for the paved portions. Minimum space size shall be 9' X 18' with a minimum aisle width of twenty-four feet (24'). Proposed striping has been added to the plans. Accordingly, the provided number of spaces shall be corrected to fifty-three (53). A minimum width dimension of nine feet (9') shall be shown for the standard parking spaces. Proposed width dimensions shall also be added for handicap spaces and aisles. This information can be provided with resolution compliance submission should approval be granted. 9. Testimony should be provided on loading and deliveries for the site. The applicant's engineer indicates that testimony on loading and deliveries will be provided at the Public Hearing. 10. An existing wood shed is shown on the property. The existing location easily meets the accessory side and rear yard setbacks. Testimony should be provided on the use of the shed. The applicant's engineer

indicates the shed is an accessory structure on site in accordance with ordinance provisions. Provided dimensions shall be added to the Zone Requirements. In general, the provided Zone Requirements shall be updated for resolution compliance submission should approval be granted. 11. All proposed building access points should be coordinated between the architectural plans and site plans since they impact the design. Since the architectural plans are preliminary, coordination can take place with resolution compliance submission if approval is granted. 12. No sight triangles associated with the site access have been indicated and should be added. A sight triangle has been added at the driveway intersection with Airport Road in accordance with Ocean County requirements. The plans shall be revised to indicate existing vegetation to be removed from within the proposed sight triangle. This matter can be addressed with resolution compliance submission should approval be granted. B. Architectural 1. Preliminary architectural elevations and a floor plan were submitted for review. Per review of the submitted plans, the average building height will be about sixteen feet, four inches (16'-4") high, far less than the sixty-five foot (65') allowable height. Statements of fact. 2. The title of the plans should be revised to show the correct block and lot numbers. Corrections can be provided with resolution compliance submission should approval be granted. 3. The preliminary architectural plans should be revised to show the proposed building square footage to be 14,933 square feet. Revisions can be provided with resolution compliance submission should approval be granted. 4. The plans show three (3) large proposed rooms running through the center of the building length. Mostly individual offices are proposed for the remainder of the building. Testimony should be provided on the proposed floor area usage. Testimony on proposed floor usage should be provided at the Public Hearing. 5. The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. Statements of fact. 6. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. Testimony on HVAC equipment should be provided at the Public Hearing. C. Grading 1. According to our review of the architectural plans, the proposed building exposure should vary between elevations 31.0 and 32.2. Therefore, the proposed grading needs to be coordinated with the architectural plans. Since the architectural plans are preliminary, proposed grading coordination can be provided with resolution compliance submission should approval be granted. 2. The proposed floor of the storm water management basin needs to be raised to elevation 26.5 to insure a two foot (2') separation from the bottom of the sand layer to seasonal high water table. The bottom of the basin was raised to 26.30 based on the seasonal high water table elevation encountered in the test pit. 3. A review of final grading revisions will be performed during compliance if/when approval is granted. Final grading can be addressed during compliance review should approval be granted. D. Storm Water Management 1. Our review of the Drainage Area Maps indicates there are proposed improvements outside of the existing drainage area shown; therefore the existing drainage area should be revised. A proposed drainage area tributary to the basin should be delineated, with the remaining area consistent to the existing drainage area shown as a bypass area. The Storm Water Management Report shall be revised in accordance with the drainage area corrections. We recommend the applicant's engineer meet with our office to review the storm water management design prior to preparing revisions for resolution compliance submission should approval be granted. 2. Proposed roof downspouts are shown with an underground roof leader drainage system designed for the building. The design should be finalized with consideration given to other grading and storm water management comments. The roof leader system is designed to collect all roof runoff and discharge it to the basin. Final design will be reviewed

with resolution compliance submission should approval be granted. 3. A storm water management maintenance manual shall be provided in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. The manual may be limited to only the new storm water management proposed for the site. The applicant's engineer indicates that a Storm Water Maintenance Manual will be provided as a part of resolution compliance should approval be granted. E. Landscaping 1. The overall landscape design is subject to review and approval by the Board. Statement of fact. 2. Three (3) Pin Oaks in front of the new building is all that is proposed for landscaping. Additional landscaping should be proposed. The Shade Tree Commission recommends substituting Willow Oaks for Pin Oaks which have a two inch (2") to two and a half inch (2-1/2") caliper. The site already contains landscaping, but additional landscaping should be considered for the new building area. Landscaping shall be to the satisfaction of the Board. 3. Utilities and easements should be shown on the Landscape Plan to avoid planting conflicts. The applicant's engineer indicates that utilities and easements will be depicted. This information can be provided with resolution compliance submission should approval be granted. 4. The Notes indicate an irrigation system will be installed. Confirming testimony should be provided. The applicant's engineer indicates that testimony will be provided on whether an irrigation system will be provided. 5. Landscaping will be reviewed in detail after plan revisions are submitted. Final review of landscaping will take place after resolution compliance submission should approval be granted. F. Lighting 1. In accordance with our site investigation, the existing site has two (2) pole mounted Town and Country lights, double flood lights mounted on a telephone pole, and a building mounted light on the rear of the existing building. Per review of the Lighting Plan, three (3) one hundred fifty watt (150W) building mounted lights are proposed for the new building and three (3) one hundred fifty watt (150W) pole mounted Town and Country lights are proposed for the overflow parking area. The plans have been revised to provide four (4) pole mounted Town and Country lights for the overflow parking area. 2. The existing pole mounted light further to the southeast is in poor condition and requires replacement. The pole mounted lights for the Town and Country lights are twelve feet (12') high. The double flood lights on the telephone pole are thirty feet (30') high. The applicant's engineer indicates the condition of the existing pole mounted light will be evaluated. This lighting matter can be addressed with resolution compliance submission should approval be granted. 3. A point to point diagram has been provided to determine the adequacy of the lighting and compliance with the ordinance. Additional lighting shall be provided to increase the minimum intensity in the paved portion of the parking lot to 0.5 foot-candles. The increased intensity should improve the uniformity ratio to be less than the 15:1 permitted. It is our opinion that the overflow parking area should not have to meet the ordinance standards. At a minimum, an addition light is required near the site access. Final lighting design can be provided with resolution compliance submission should approval be granted. 4. Details must be provided for the proposed light poles. Details for poles and foundations have been added. The proposed mounting height shall be corrected to twelve feet (12'), the concrete base shall be Class B, and the eighteen inch (18") base dimension should be a diameter. Corrections can be provided with resolution compliance submission should approval be granted. 5. Lighting revisions can be addressed during compliance review if/when approval is granted. Final review of lighting will take place after resolution compliance submission should approval be granted. G. Utilities 1. Proposed water and sewer connections are shown for the new building. A six inch (6") sewer lateral is proposed. Proposed water service consists of a two inch (2") domestic line and a four inch (4") fire service. Statements of Fact. H. Signage 1. An existing sign with a blank face is shown in front of the existing building. The future status of the sign has not been indicated. The applicant's engineer indicates that any proposed signage will satisfy UDO

requirements. I. Environmental 1. Site Summary Per review of the site plans, aerial photography, and a site inspection of the property, the tract is currently improved with an existing office building, parking, and other site amenities. Wooded area has been left on the undeveloped portions of the property. The property generally slopes downwards from the building to the southeast. Freshwater wetlands exist within the southern corner of the tract. To assess the site for environmental concerns, a natural resources search of the property and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The project assumes a fifty foot (50') transition area will be assigned to the wetlands line submitted to the NJDEP for a Letter of Interpretation. NJDEP has approved the fifty foot (50') transition area. 2. Environmental Impact Statement An Environmental Impact Statement has been submitted. The report requires some general revisions for coordination with the site plan. A revised report can be provided as a condition of approval. 3. Tree Management Plan The project must comply with the new Township Ordinance Chapter XIX, Protection of Trees. We recommend the applicant's engineer contact our office to review discrepancies in the Tree Save Plan provided. The Tree Management Plan has been updated to provide information in accordance with Chapter XIX. The applicant's engineer should contact our office to review minor corrections. J. Construction Details 1. Construction details will be reviewed after revisions are submitted for the project. Final construction details will be reviewed after resolution compliance submission should approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Developers Agreement; b. Township Tree Ordinance (as applicable); c. Lakewood Industrial Commission; d. Lakewood Fire Commissioners; e. Lakewood Township Municipal Utilities Authority (water and sewer); f. Ocean County Planning Board; g. Ocean County Soil Conservation District; h. New Jersey Department of Environmental Protection; and i. All other required outside agency approvals.

Mr. Vogt stated there is an existing lot area variance which he believes was granted with the prior approval. The Board needs to reaffirm that. Design waivers are requested for sidewalk along the project frontage and shade and utility easement along Airport Road.

Mrs. Miriam Weinstein, Esq. on behalf of the applicant stated that they are here for an amended site plan approval for construction of a second office building within the industrial park.

Mr. Graham MacFarlane, P.E., was sworn in. He is requesting a waiver for providing screening along the trash dumpster. The dumpsters are locating in the back of the site and will not be visible to the general public.

Mr. Franklin believes there should be an enclosure around the dumpster in case the trash blows around and ends up in the woods.

Mr. Neiman agreed that there should be an enclosure.

Mr. Vogt said the applicant can do a trash enclosure with no additional landscaping.

Mrs. Weinstein and Mr. MacFarlane agreed to that.

Mr. MacFarlane said all the other comments can be addressed at the time of resolution compliance.

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

A motion was made by Mr. Banas, seconded by Mayor Ackerman to approve the application with the condition that the dumpster will be enclosed.

Affirmative: Mr. Franklin, Mr. Banas, Mayor Ackerman, Mr. Neiman, Mr. Rennert

7. SP 2018AA (Variance Requested)

Applicant: Bnos Bracha Inc

Location: Paco Way and Corporate Road
Block 1160.05 Lot 49

Change of Use/Site Plan Exemption to convert existing warehouse into a school

Project Description

The applicant is seeking Site Plan exemption/Change of Use approval for conversion of a portion of an building and property into a Girls Grammer School, to be developed in two (2) phases, and amenities per Section 18-906.B of the UDO. The existing building is depicted as 50,592 sf in area. In addition to the existing building, the existing parking lots, access drives and amenities will be utilized. Finally, two (2) proposed play areas are depicted on the plans. A "School Bus Parking Stall" area for up to (12) buses is depicted. Per the applicant's professionals, existing infrastructure on-site, including existing storm water management facilities are adequate to support the request Change in Use. The site is located in the Industrial Park, on the northwest corner of Corporate Road and Paco Way. The tract is rectangular in shape, and is 3.52 acres in area. Commercial and light industrial sites surround the property. I. Zoning 1. The property is located in the M-1 (Industrial) Zone. Schools are a permitted use in the zone, subject to the requirements of Section 18-906 of the UDO. 2. Per review of the Site Plan and the zone requirements, the existing and proposed layout complies with the Bulk requirements of the M-1 zone, except for Front Yard setback (49.7 feet existing, 50 feet required) and Building Coverage (33.0% existing, 25% required). As noted, these are pre-existing conditions. 3. No new bulk variances appear necessary for the change of use request. II. Review Comments 1. Testimony should be provided by the applicant for the Board summarizing the proposed use of the school, including but not limited to the following: a. A summary of the proposed fit-out phasing plan. b. How many students are proposed at the school. c. How many employees are proposed at the school at any one time. d. How many buses are proposed (daily). e. Will any students will be dropped off and picked up (by car). We note that per information provided on the Change of Use Plan and architectural plan, existing parking designated for this use will exceed UDO requirements as outlined in Section 18-906. 2. We recommend that the local Fire Code official review the proposed school fit-out and change in use to confirm that it is accessible for fire-fighting purposes, or whether additional amendments (e.g., fire lanes, other) are necessary. 3. As depicted on the Change of Use site plans, one-way vehicular access is proposed from the existing Corporate Road entrance, in via the existing 18-foot wide (one-way) drive, around the building, and exiting through the existing access drive leading onto Paco Way. One-way and "Do Not Enter" signage and pavement markings are proposed. We note that this access drive will also provide access to existing off-street parking for the school. We recommend that the "Do Not Enter" pavement marking near

the southwest building corner be shifted at least ten (10 feet) towards Corporate Road, and that a striped pedestrian crossing provided. 4. There is an existing private drive that runs from the northwest corner of this property and behind several other industrial properties north of the site. We recommend that this access be restricted to/from the proposed school site, with the exception of emergency vehicular access (if needed). 5. As depicted on the Change of Use plans and application documents, a total of (35) proposed classrooms, ten (10) tutor rooms and two (2) offices are proposed for the full fit-out. Forty-seven (47) off-street parking spaces are required per Section 18-906 of the UDO). Fifty-two (52) off-street spaces will be provided. 6. No dedicated bus drop-off area is depicted on the plans. However, based on the proposed entrance facing Corporate Road, and proposed sidewalk extending from the construction entrance to existing sidewalk near the Corporate Road entrance, we assume the proposed drop-off area would be near the southwest corner of the building. To avoid stacking problems in this area, we recommend that the bus drop-off area be located near the northwest corner of the building, and that sidewalk be extended along the west face of the building. At least one handicap ramp is necessary to serve the three (3) proposed handicap spaces. 7. As depicted on the Change of Use site plans, two (2) proposed play areas are depicted – a 30'x100' (fenced) lawn play area, and a 50'x80' (fenced) asphalt play area adjacent to the rear of the building. We recommend that the existing landing in the proposed asphalt play area be removed as part of the conversion. Additionally, some sort of edge treatment (curb, other) is recommended where paving will be removed to create the 30'x100' play area. 8. As noted on the Change of Use application, virtually all site improvements necessary to support the change in use are pre-existing, and within the industrial park. The Board should determine if additional buffer landscaping (per UDO Section 18-906) is warranted. Landscaping (if any) shall be provided to the satisfaction of the Board. 9. As depicted on the Change of Use Site Plans, a 12'x22' trash enclosure area, with 6' high board on board fencing around three sides is proposed. Fencing along the front of the enclosure, include e self-closing gates appears to be 6' high chain link fencing. Testimony should be provided as to whether DPW of private pickup is proposed. If DPW pickup is proposed, DPW review of the enclosure should be a condition of Board approval, if granted. 10. Testimony should be provided regarding existing (or proposed) lighting. Other than twelve (12) existing wall-mounted lights around the building perimeter, no lighting exists nor is proposed. Lighting shall be provided to the satisfaction of the Board. 11. Construction details for all proposed site improvements are provided on Sheet 3 of the Change of Use site plans, and are generally acceptable. 12. Information and/or testimony should be provided, confirming that existing utilities serving the building are adequate for the proposed school use. 13. Any additional information necessary to document compliance with Section 18-906, "Public and Private Schools" of the UDO should be provided at time of the public hearing. 14. If Board approval is granted, the applicant is still required to obtain all additional local or outside agency approvals necessary to support the change of use.

Mr. Rennert and Mayor Ackerman stepped down.

Mr. Vogt said there are no new variances. With the existing building the front yard setback is slightly less than the M-1 zone standard and building coverage exceeds the standard but those are existing.

Mr. Jackson said Mr. Lankry, who is a member of the Board of Adjustment, will hear this application as several members had to step down due to a conflict.

Mrs. Miriam Weinstein, Esq. said this is a change of use from a warehouse to a school. She said this school started with just one classroom and 16 students. The school will now open in late August with 530 girls in 22 classes. She explained that the school has outgrown its current quarters and now is seeking to move into this warehouse.

Mr. Charles Surmonte, P.E., was sworn in. He said all the buses will enter the site on the western driveway and drop the students off at the northwest corner of the building where the main entrance will be. The buses will then park in the rear parking lot for the day. The buses will exit onto Paco Way.

Mr. Vogt confirmed that the bus drop off will be at the northwest corner.

Mr. Surmonte said yes because that is where the main entrance is. There is room for single stacking of at least four buses where the drop off point will be.

Mr. Vogt is concerned about buses coming in on Corporate Road.

Mrs. Weinstein said the buses will not be stacked on Corporate Road but the main entrance is on that Road so there may be an occasional pick up or drop off by parents if the student misses the bus and it will not interfere with the busing.

Mr. Vogt asked if there is pedestrian access where the kids are being dropped off.

Mr. Surmonte said it is all pavement. They are not constructing a sidewalk. They could construct a cross etched area to be designated as a walkway.

Mr. Banas believes striping is not enough here as these are young children. He would like to see some sort of barrier or fence.

Mr. Franklin said there is enough room to put a fence up. This way they wouldn't be walking into traffic. The fence or bollards could be 3 or 4 ft.

Mrs. Weinstein said the applicant is amendable to that.

Mr. Banas asked how many buses are going to be stacked at the rear of the building.

Mrs. Weinstein said a maximum of 12. She stated that there will be a maximum of 40 employees at any given time, at maximum build out, not more than 50. There is an existing access easement that actually benefits the other properties in the area so they can't restrict access on it.

Mr. Vogt said you are showing a one way drive. What happens when people come into your property. They are going the wrong way.

Mr. Surmonte said there will be some pavement markings and they can put a left turn only sign.

Mr. Vogt asked if there is anything prohibiting the northerly tenants from using that access drive.

Mrs. Weinstein said it is an easement that is benefiting a co-generation plant.

Mr. Vogt said if the Board approves this application, it must be addressed during compliance.

Mr. Banas asked how long the buses will be at the site.

Mrs. Weinstein said the buses are only there when the students are dropped off and picked up. The buses belong to the Board of Ed.

Mr. Banas is concerned about the safety of the students when they are being picked up. There is no fence in the back.

Mr. Franklin said it is dangerous to be loading buses as other buses are trying to pull away. All buses should be loaded at one time.

Mrs. Weinstein said the afternoon buses are staggered as students get out at different times. Mr. Franklin asked why they can't pick them up and drop them off at the same location.

Mrs. Weinstein said they can now that they have that fence there.

Mr. Banas said they can save some spaces for a little playground area.

Mrs. Weinstein confirmed that they will have pick up and drop off at the same location and they will put up a fence for safety.

Mr. Lankry said it looks like the main entrance will be the least used entrance.

Mrs. Weinstein agreed. The teachers will also be parking on the side so they won't be using that front door either. The door will probably be used by the parents.

Mr. Surmonte said that is an ADA accessible entrance as well.

Mrs. Weinstein said they will defer to whatever the Boards wants concerning landscaping. There is currently a nice lawn and some trees.

Mr. Vogt asked about the lighting in case there are functions at night.

Mrs. Weinstein said it will be addressed during compliance. She also said the trash pick up is DPW. The existing utilities should be sufficient.

Mr. Lankry was concerned about the safety of the children in the rear of the building. He would like to see bollards or a fence there as they will be doing on the side of the building.

Mr. Neiman asked if there are any playground areas.

Mrs. Weinstein said there are two areas.

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

A motion was made by Mr. Schmuckler, seconded by Mr. Banas to approve the application with the condition that bollards will be added to the plan in the rear and side of the building.

Affirmative: Mr. Lankry, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler

- 8. SP 2020** (Variance Requested)
Applicant: Miriam Rose
Location: East Eighth Street
Block 230 Lot 11
Minor Site Plan for residence on undersized lot

Project Description

The applicant is seeking Minor Site Plan approval and bulk variance relief to construct a new single-family dwelling (with a basement) at the above-referenced property. The pre-existing dwelling on the site was removed, and other amenities (garage, septic, etc) associated with the pre-existing home were also removed. The plans depict four (4) off-street parking spaces proposed with the residence. The site is located on the south side of Fifth Street, approximately 200 feet east of Route 9. Per the survey plan, curb and sidewalk exists along the property frontage. The property is rectangular in shape, and is approximately 7,500 sf in area. The site is currently surrounded existing (varied) development. I. Waivers A. The following submission waivers appear necessary: 1. C10 - Shade Trees (none provided). We support the above-referenced submission waivers (minimal room exists along frontage for Shade Trees due to location of proposed off-street parking). II. Zoning 1. The property is located in the R-10 (Single-Family Residential) Zone. Single-family residences are permitted. 2. As noted on the site plan, the existing lot is non-conforming with respect to Lot Area and Lot Width, consistent with surrounding properties. 3. The pre-existing non-conforming Front Yard setback was eliminated with the removal of the existing dwelling (18 feet existing, 30 feet required). 4. Per review of the Site Plan, the following new bulk variances have been requested for the project: • Impervious coverage – 33.59% proposed (with deck), 25% allowed. • Side yard setback – 7 and 9 feet proposed, 10 feet required. • Aggregate side yard setback – 25 feet proposed, 16 feet required. We note that even though the proposed easterly side yard setback of 9 feet is not conforming, a lesser side yard setback associated with the existing dwelling was eliminated. Testimony justifying the necessary bulk variance relief must be provided at the public hearing. 5. Per review of the Site Plan, the following design waiver(s) is required for proposed project: • Providing shade trees across the site frontage. As stated previously, there is minimal room for shade trees based on the location of proposed off-street parking. Therefore, we support this waiver. III. Review Comments 1. Per communications with the applicant's professionals, summary testimony will be provided regarding the proposed dwelling and site improvements. 2. Per review of the architectural drawings, the proposed dwelling will include a basement (with Mikvah pool), two (2) finished floors with three (3) bedrooms, and a partially finished attic with two (2) additional bedrooms. Per communications with the applicant's professionals, the applicant may consider future use of the basement as an apartment (as allowed by Township regulations) at a future date. As noted on the site plan, four (4) off-street parking spaces are proposed per UDO requirements 3. Per review of the site plan, the proposed grading design is feasible. Final grading (including proposed grades for proposed off-street parking) will be provided during compliance; if/when approval is granted. 4. No new landscaping or screening is depicted on the plan. As indicated previously, the site was previously developed and occupied

as a single family dwelling. 5. New water and sewer services are proposed to serve the new dwelling, as depicted on the site plan. The "existing septic" depicted on the plan must be abandoned or removed in accordance with applicable County health requirements. 6. Per note #8 on the site plan, DPW curbside pickup of trash and recyclables is proposed. Location of on-site containers storage (and screening, if applicable) should be provided. 7. Per communications with the applicant's professionals, HVAC units will be located to the rear of the proposed dwelling. Buffer will be provided. 8. Construction details (paving, restoration details) should be added to the plan as a condition of Board approval, if/when forthcoming. 9. A note should be added to the plans, indicating that paving and concrete (sidewalk, curbing) restoration as necessary for the proposed drive apron will be provided. 10. We recommend consideration of dry wells for stormwater management purposes as a condition of Board approval, if/when forthcoming. Per communications with the applicant's professionals, the applicant agrees with this condition. IV. Outside Agency Approvals The applicant is responsible for obtaining all outside agency approvals necessary to construct the addition, including the following: 1. Lakewood Township. 2. New Jersey American Water Company (sewer service). 3. Ocean County Health (septic system removal/abandonment, unless completed previously). 4. Any others that may be necessary.

Mr. Rennert stepped down.

Mr. Vogt stated that variances are being requested for impervious coverage, side yard setback and aggregate side yard set back. A waiver is requested for shade trees along the site frontage.

Mr. Abraham Penzer, Esq. said this property was approved as an R-7.5 zone in error. Once they broke ground, they realized that the property is not as big as it was supposed to be. He explained that many lots in the area were approved by this Board for similar variances.

Mr. Glenn Lines, P.E., was sworn in. He said that 90% of the lots in the area are 7,500 sf or less.

Mr. Vogt stated that the variances requested are largely due to the fact that this is in an R-10 zone even though the lots are really R-7.5.

Mr. Penzer said there was a front yard setback which they removed by knocking down the existing building. The basement will be used as a mikvah.

Mr. Neiman asked if the neighbors were noticed.

Mr. Penzer said yes.

Mr. Neiman opened to the public.

Ms. Noreen Gill, 192 Coventry Drive, was sworn in. She asked if this is a residence or a mikvah.

Mr. Penzer said this is a residence with a mikvah in the basement.

Mr. Neiman closed to the public.

A motion was made by Mayor Ackerman, seconded by Mr. Schmuckler to approve the application.

Affirmative: Mr. Franklin, Mr. Banas, Mayor Ackerman, Mr. Neiman, Mr. Schmuckler

- 9. SP 1954A** (No Variance Requested)
Applicant: Harley Davidson of Ocean County
Location: Route 70
Block 1086 Lot 16
Amended Preliminary & Final Site Plan for proposed addition to existing motorcycle dealership building with associated site improvements.

Applicant has requested to carry to July 9th. This project will not be heard.

Mr. Jackson announced that there will be no further notices.

Mr. Neiman stated that he had the opportunity to visit the Harley Davidson. He said it is different when you go down and actually see it. It will actually help the noise in the area. They will be bringing the motorcycles inside. He said it is definitely worth going there.

6. CORRESPONDENCE

- **SD 1522** Uman Holdings, LLC
Request to modify approved building elevations/exterior finish

Mrs. Weinstein, Esq. stated that this is the Charming Way project. The developer had financial difficulties, went out of business and construction was halted. Six houses were completed and sold. The homeowners are in the audience tonight. In the initial approval, there was nothing in the resolution or minutes that required the front facades to be stone. However, the plans show a stone facade and that's what the builder has done. The stone that the builder used appears to be some sort of inferior stone and there is water seeping in between the stone and mold is growing as well. The lender in possession would like to complete the project and would like to be permitted to replace the stone facades with siding. The builder has agreed to replace the stone on the existing six houses as well.

Mr. Neiman opened to the public.

Mr. Tzbi Aryeh Jacobovitch, 14 Charming Way, was sworn in. He bought a house in this development about 2 ½ years ago. The builder has graciously agreed to replace the stone with siding. The downside is he does not know what the house is going to look like. He did confirm that there are leaks because of the stone.

The Board discussed whether there should be a motion on this request as it has not been done in the past.

Mr. Jackson explained that the builder wants a confirmation that he can put the siding on the houses and it won't violate any conditions.

Mr. Schmuckler made a motion that the Board does not see any issue or is it necessary for the Board to get involved. It wouldn't be against the original approval for developer to do whatever he wants to do if it meets the local building ordinances, seconded by Mayor Ackerman.
Affirmative: Mr. Franklin, Mr. Banas, Mayor Ackerman, Mr. Neiman, Mr. Schmuckler, Mr. Rennert

7. PUBLIC PORTION
8. APPROVAL OF MINUTES
9. APPROVAL OF BILLS
10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary