

## 1. CERTIFICATION OF COMPLIANCE

Acting Chairman Joshua Schmuckler 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. Herzl, Mr. Franklin, Committeeman Miller, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

1. **SD 1550a** Seymour Investments / Cross Trade LLC  
Denial of request to remove a condition of approval

A motion was made by Mr. Follman, seconded by Mr Rennert to approve the resolution.  
Affirmative: Mr. Schmuckler, Mr. Follman, Mr. Rennert  
Abstained: Mr. Herzl, Mr. Franklin, Committeeman Miller

2. **SD 1897** (Variance Requested)  
Applicant: David Rothenberg and Associates Inc  
Location: Third Street  
Block 70 Lot 2  
Minor Subdivision to create four fee-simple duplex units

A motion was made by Mr. Follman, seconded by Mr Rennert to approve the resolution.  
Affirmative: Mr. Herzl, Mr. Schmuckler, Mr. Follman, Mr. Rennert  
Abstained: Mr. Franklin, Committeeman Miller

3. **SD 1895** (Variance Requested)  
Applicant: Ocean Ave Property Holdings, LLC  
Location: Ocean Avenue  
Block 536 Lots 1, 2, & 4  
Major Subdivision for 19 lots (9 duplex units, 1 existing dwelling to remain)

A motion was made by Mr. Follman, seconded by Mr Rennert to approve the resolution.  
Affirmative: Mr. Schmuckler, Mr. Follman, Mr. Rennert  
Abstained: Mr. Herzl, Mr. Franklin, Committeeman Miller

4. **SP 2029** (Variance Requested)  
Applicant: Congregation Knesses Bais Levi, Inc  
Location: Coral Avenue  
Block 1159.03 Lot 5  
Site Plan for 5,475 sf school building

A motion was made by Mr. Follman and seconded to approve the resolution.  
Affirmative: Mr. Herzl, Mr. Schmuckler, Mr. Follman  
Abstained: Mr. Franklin, Committeeman Miller, Mr. Rennert

5. **SP 2036AA** (No Variance Requested)  
Applicant: Bais Reuven Kamenetz  
Location: Oberlin Avenue South  
Block 1600 Lot 4  
Change of Use/Site Plan Exemption to convert existing warehouse into a school

A motion was made by Mr. Follman and seconded to approve the resolution.  
Affirmative: Mr. Herzl, Mr. Schmuckler, Mr. Follman  
Abstained: Mr. Franklin, Committeeman Miller, Mr. Rennert

6. **SP 2035** (No Variance Requested)  
Applicant: Bnos Rivka  
Location: West Cross Street  
Block 251.01 Lot 16  
Site Plan for 33,528 sf two-story school building

A motion was made by Mr. Rennert, seconded by Mr. Follman to approve the resolution.  
Affirmative: Mr. Schmuckler, Mr. Follman, Mr. Rennert  
Abstained: Mr. Herzl, Mr. Franklin, Committeeman Miller

## 5. PLAN REVIEW ITEMS

1. **SD 1908** (No Variance Requested)  
Applicant: Reuven Kanarek & Stephan Fischer  
Location: Bruce Street  
Block 249 Lot 2 & 3  
Minor Subdivision to create four fee-simple duplex units

### **Project Description**

The applicant seeks approval to subdivide two (2) existing lots into four (4) proposed lots containing two (2) duplexes. Existing Lots 2 and 3 in Block 249 would be subdivided into proposed Lots 2.01, 2.02, 3.01, and 3.02 as designated on the subdivision plan. Existing irregular Lots 2 and 3, combine to make up a 141.15' X 150' rectangular, 21,172.5 square foot

property. Two (2) zero lot line duplex buildings would be proposed on the combination of new Lots 2.01/2.02 and 3.01/3.02. All proposed tracts would be 35.29' X 150' rectangular lots containing 5,293.12 square feet. All existing improvements would be removed from existing Lots 2 and 3 with the creation of the proposed subdivision. The site is situated in the northern portion of the Township on the south side of Bruce Street, one hundred fifty feet (150') east of its intersection with Congress Street. Bruce Street is an improved municipal road with new pavement in excellent condition in front of the site. The Township road has a fifty foot (50') right-of-way and about a thirty foot (30') pavement width. Curb in fair condition and sidewalk in poor condition exists along the frontage. Existing Lot 2 contains a garage and a paved driveway. Existing Lot 3 contains a one-story dwelling with a basement. All existing improvements would be removed. Some large trees are present throughout the site. The property slopes generally downward to the southwest, towards the rear. The Improvement Plan indicates the existing sanitary sewer in the center of the street is available to the future units. Potable water is available on the south side of the road. There is overhead electric on the north side of Bruce Street. The proposed lots are situated within the R-7.5 Single-Family Residential Zone. The surrounding land uses are primarily residential. We have the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B1 - Topography of the site. 2. B3 - Contours on the site to determine the natural drainage of the land. 3. B9 - Man-made features on-site. We have reviewed the requested waivers from the Land Development Checklist and can support the granting of the requested B-Site Features waivers from a completeness standpoint, provided topography is submitted prior to scheduling the public hearing. II. Zoning 1. The parcels are located in the R-7.5 Single-Family Residential Zone District. Two-Family Housing and Duplexes are permitted uses, provided newly created lots have a minimum lot size of ten thousand square feet (10,000 SF) and have a minimum lot width of sixty feet (60'). Zero lot line development is allowed in the zone. 2. No variances or design waivers have been requested for the project. 3. The applicant must address the positive and negative criteria in support of any variances that may be required. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. III. Review Comments 1. A Survey for the property has been provided. The following revisions are required: a. Adding topography with contours. b. A graphic scale shall be added. c. Existing bearings shall be provided for the property line between Lots 2 and 3. d. Existing lot areas shall be shown. e. Horizontal and vertical datum, as well as a vertical bench mark shall be added. f. The cross section shots for Bruce Street must be to the hundredth of a foot for design purposes. 2. The stockade fence shown on the Survey as encroaching onto adjoining Lot 12 must be removed as a condition of any approvals. 3. The Surveyor's Certification has not been signed since the monuments have not been set. 4. Proposed offsets shall be to the hundredth of a foot. Accordingly, corrections are required to the proposed yards in the Zoning Data. 5. Architectural plans are required to confirm the maximum building coverage is not being exceeded. 6. Proposed monuments shall be added to the rear outbound corners of the property. 7. Coordinates must be provided on three (3) outbound corners. Horizontal datum has been assumed. 8. A vertical datum and bench mark must be provided. 9. The site must be located on the Zone Map. 10. The General Notes require revisions. The existing use is a single family dwelling and a garage. 11. The person listed in the Notary Public Certifications is not the Owner of any of the properties in question. 12. The Zoning Data indicates that four (4) off-street parking spaces are required and being provided. The proposed driveways shown on the Improvement Plan are large enough to accommodate four (4) vehicles. Testimony should be provided on the

number of bedrooms. The Improvement Plan suggests basements are anticipated for the proposed duplexes. Testimony on off-street parking shall be provided. 13. Curb and sidewalk exist along the Bruce Street frontage of the project. The sidewalk is in poor condition and should be replaced in its entirety. Provided that grade changes are not required along the gutter, the existing curb should be saved where possible to limit disturbance of the new pavement. 14. A proposed six foot (6') wide shade tree and utility easement is shown along the property frontage. The proposed areas on the individual lots should be revised to 211.72 square feet rather than rounded upwards. 15. The plan indicates that new lot numbers have been assigned by the Tax Assessor. The map shall be signed by the Tax Assessor should approval be granted. 16. The Notes on the Improvement Plan indicate that seasonal high water table will be provided at time of plot plan submittal. Soil boring locations and logs must be provided at that time. A minimum two foot (2') separation must be provided from seasonal high water table should basements be proposed for the new dwellings. Testimony should be provided on whether any basement proposed will be unfinished. 17. The Improvement Plan notes storm water management shall be provided when plot plans are submitted as directed by the Township Engineer. 18. The proposed grading for any curb replacement along Bruce Street must be designed to provide a positive slope to the east. Accordingly, the Typical Pavement Widening Section will require revision and should be titled Typical Gutter Reconstruction Section. 19. The Improvement Plan should be revised to show proposed site grading. The proposed lot grading should maximize the direction of runoff to Bruce Street and minimize runoff directed towards adjoining properties. Existing contour lines shown on Bruce Street should be corrected. 20. The project is located within the New Jersey American Water Company franchise area. A Note on the Improvement Plan states that the new lots to be serviced by individual well and septic and approved by the Ocean County Health Department. This note is incorrect. 21. Five (5) October Glory Maple shade trees are shown within the proposed six foot (6') wide shade tree and utility easement on the Bruce Street frontage. Shade trees should be provided to the satisfaction of the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. 22. Our site investigation indicates there are many some large trees on the property. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for the proposed duplexes on the combination of Lots 2.01/2.02 and 3.01/3.02. 23. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 24. Compliance with the Map Filing Law is required. 25. Construction details included on the Improvement Plan will require revisions. IV. 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 there are no variances, however, submission waivers have been requested including topography, contours and man-made features. The waivers are conditionally supported.

Mr. Pfeffer, Esq. On behalf of the applicant stated that they have reviewed the engineer's report and agree to everything with regard to the waivers. Topography will be provided prior to the public hearing.

A motion was made by Mr. Rennert, seconded by Mr. Follman to advance the application to the November 26, 2013 meeting. No further notice.

Affirmative: Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Schmuckler, Mr. Follman, Mr. Rennert

2. **SD 1909** (No Variance Requested)  
Applicant: Bais Rivka Rochel  
Location: High Street and River Avenue  
Block 782 Lot 7 & 24  
Minor Subdivision to create four fee-simple duplex units and one lot for the existing school

### **Project Description**

The applicant seeks approval to subdivide two (2) existing lots into five (5) proposed lots containing an existing school and two (2) new duplexes on four (4) zero lot line properties. The existing property consists of Lots 7 and 24 in Block 782. This existing irregular property has road frontage on Route 9 (River Avenue) and High Street. These lands would be subdivided into four (4) proposed lots fronting High Street and a remaining lot containing the existing school, as designated on the subdivision plan. Two (2) duplex buildings would be proposed on the four (4) new zero lot line properties fronting High Street. Public water and sewer is available for these future duplex buildings. The site is situated in the southern central portion of the Township on the northeast side of the intersection of Route 9 and High Street. Route 9 is a State Highway with a sixty-six foot (66') right-of-way in front of the site. High Street is an improved municipal road in good condition with a fifty foot (50') right-of-way. Curb in fair condition exists along High Street. Sidewalk in fair condition exists along portions of High Street. Curb and sidewalk will be constructed across the frontage of the proposed duplex lots. Curb and sidewalk does not exist along the Route 9 frontage. The existing lots contain a school and a dwelling. This existing dwelling on Lot 24 would be removed. An existing one-way bus driveway will be relocated and the terminus of High Street will be extended to permit the construction of the duplex buildings. Trees are present throughout much of the area where these site improvements would take place. The property slopes generally downward to the north. The Improvement Plan indicates proposed sanitary sewer to be extended on High Street to service the future units. Potable water exists under the south side of High Street and also may have to be extended. There is overhead electric on the south side of High Street. The proposed lots are situated within two (2) zones, the HD-7 Highway Development Zone, and the R-10 Single-Family Residential Zone. The surrounding land uses are mixed. We have the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B1 - Topography of the site. 2. B3 - Contours on the site to determine the natural drainage of the land. We have reviewed the requested waivers from the Land Development Checklist and can support the granting of the requested B-Site Features waivers from a completeness standpoint, provided topography is submitted prior to scheduling the public hearing. It should be noted that only a partial topography of the school site will be necessary. The partial topography should include the site frontages and any areas of onsite improvements. II. Zoning 1. The parcels are located in the HD-7 Highway Development Zone and R-10 Single-Family Residential Zone Districts. In accordance with UDO Section 18-902F Two-Family and Duplexes are permitted uses under R-10 Zoning requirements provided newly created lots have a minimum area of twelve thousand square feet (12,000 SF) and a minimum lot width of seventy-five feet (75'). Zero lot line development is permitted in the zone. Public and private schools are permitted uses in both the R-10 and HD-7 Zones in accordance with Section 18-906. Two-

family dwellings are a Conditional Use in the HD-7 Zone. Section 18-1014 of the UDO specifies the requirements in those zone districts in which duplexes are a permitted conditional use, including the HD-7 Zone. Zero lot line development is permitted in the zone. 2. A variance has been requested for Minimum Lot Width on the proposed duplex buildings. A lot width of seventy feet (70') is proposed for each combination of zero lot line duplex properties. A Minimum Lot Width of seventy-five feet (75') is required. 3. An Outbound Survey and Zoning Data has not been provided, and is required to evaluate the zoning compliance of the existing school. 4. At a minimum, the following design waivers will be required: a. Construction of curb along Route 9. b. Construction of sidewalk along the frontages of the remaining school lot. c. Providing a shade tree and utility easement along the frontages of the remaining school lot. d. Proposing shade trees along the frontages of the remaining school lot. e. Providing sight triangle easements. 5. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. III. Review Comments 1. The Surveyor's Certification references a Survey dated 10-23-2011. A signed and sealed copy of this Survey is required. 2. The Surveyor's Certification has not been signed since the monuments have not been set. Proposed monuments must be added at all outbound corners and at the new subdivision lines intersecting High Street. 3. The Survey to be provided and the base map for the Subdivision and Improvement Plan must show enough existing information in order to design an extension of High Street. 4. Existing lot lines to be removed shall be indicated. 5. The Minor Subdivision Plan is not drawn to the one inch equals forty foot (1"=40') scale shown. 6. Lot 24 must be included for the project area shown on the Tax Map 7. The site must be shown on the Zone Map. 8. Coordinates must be provided on three (3) outbound corners. Horizontal datum has been assumed. 9. A vertical datum and bench mark must be provided. 10. Zone Boundary Lines are shown on the Minor Subdivision Plan, but the actual Zones need to be added. 11. There is a discrepancy between the proposed lot widths and the proposed building widths/side yard offsets for the future duplex lots. The proposed lot widths are thirty-five feet (35'). The proposed unit widths are twenty-five feet (25') with twelve and a half foot (12.5') side yards, which total thirty-seven and a half feet (37.5'). 12. The General Notes require revisions. 13. The Zoning Data Table requires revisions. 14. Zoning Data Tables must be added for the existing school. 15. The Zoning Data for the proposed duplexes indicates that four (4) off-street parking spaces are required and being provided. The proposed driveways shown on the Improvement Plan are large enough to accommodate four (4) vehicles. Testimony should be provided on the number of bedrooms and whether basements are anticipated for the proposed duplexes. Testimony on off-street parking shall be provided. 16. Off-street parking must be addressed for the existing school site. The existing parking space row where the proposed bus driveway will intersect must be properly striped to provide spaces which are at least nine feet (9') wide. 17. The proposed bus driveway shall be shown to be one-way. A circulation plan with all radii completed must be provided. 18. Proposed dimensions must be provided to the hundredth of a foot. Additional variances may be required. 19. Curb exists along High Street. Sidewalk exists along portions of High Street. Curb and sidewalk is being proposed in front of the future duplex lots. Sidewalk does not exist in front of the school property on High Street. Both curb and sidewalk do not exist in front of the school property on Route 9. Proposed curb and sidewalk will be required unless waivers are granted by the Board. 20. No sight triangle easement has been proposed at the intersection of High Street and Route 9. Unless a waiver is granted by the Board, an easement should be proposed. 21. A proposed six foot (6') wide shade tree and utility easement is shown along the property frontage of the

future duplex lots. Areas have been provided for the proposed easement on an individual lot basis. Unless a waiver is granted by the Board, shade tree and utility easements should be provided across the frontages of the school property. 22. The individual in the Notary Public Certification of the Owners Certification shall be corrected. 23. New lot numbers should be assigned by the Tax Assessor. Proposed lot numbers do not appear on the map. The map shall be signed by the Tax Assessor should approval be granted. 24. The Notes on the Improvement Plan indicate that seasonal high water table will be provided at time of plot plan submittal. Soil boring locations and logs must be provided at that time. A minimum two foot (2') separation must be provided from seasonal high water table should basements be proposed for the new dwellings. Testimony should be provided on whether any basement proposed will be unfinished. 25. The Improvement Plan notes storm water management shall be provided when plot plans are submitted as directed by the Township Engineer. 26. A proposed road extension design with profile is required for High Street. A complete design is also required for the proposed bus driveway. 27. The Improvement Plan notes grading plans shall be submitted to the Township Engineer for the proposed lots. 28. The project is located within the New Jersey American Water Company franchise area. The Notes on the Improvement Plan state that the new lots to be serviced by individual well and septic and approved by the Ocean County Health Department. However, the existing sanitary sewer and potable water in High Street will be extended for the future dwellings. 29. Four (4) October Glory Maple shade trees are shown within the proposed six foot (6') wide shade tree and utility easement in front of the future duplex lots. Unless a waiver is granted by the Board, proposed shade trees shall be added along the school property frontage. Shade trees should be provided to the satisfaction of the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. 30. Our site investigation indicates there are many trees on the portion of the property to be developed with duplex units and the proposed bus driveway. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for the proposed duplexes and the proposed bus driveway. 31. General Note #13 on the Improvement Plan shall be erased since no existing curb and sidewalk is being replaced. 32. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 33. Compliance with the Map Filing Law is required. 34. Construction details included on the Improvement Plan will require revisions. IV. 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. New Jersey Department of Transportation (if required); and e. All other required outside agency approvals.

Mr. Vogt stated there are variances requested for minimum lot width. Submission waivers are requested for topography and contours which are conditionally supported.

Mr. Stephen Pfeffer, Esq. on behalf of the applicant stated the school owned separate lots along High Street and they were subsequently consolidated including the Route 9 school. Nothing is proposed along the Route 9 frontage and paragraph 19 of the review letter is requesting curbs and sidewalks along Route 9. They agree to do the improvements along High Street but at the public hearing they will be providing testimony as to why they would ask for curbs and sidewalks to be waived along Route 9.

Mr. Flannery said he would provide testimony on that as well as the variances.

Mr. Schmuckler requested a Percal map be provided at the public hearing.

A motion was made by Mr. Follman, seconded by Mr. Rennert to advance the application to the November 26, 2013 meeting. No further notice.

Affirmative: Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Schmuckler, Mr. Follman, Mr. Rennert

- 3. SD 1913** (No Variance Requested)  
Applicant: S&M Investors LLC  
Location: Cedar Bridge Avenue  
Block 1603 Lot 1.02  
Minor Subdivision to create two lots

### **Project Description**

The applicant seeks minor subdivision approval to subdivide one (1) vacant lot into two (2) vacant conforming lots. The existing irregular property totaling 805,126 square feet, or 18.483 acres in area is known as existing Lot 1.02 in Block 1603. The large vacant wooded tract is located on the northeast corner of intersecting County Highways Cedar Bridge Avenue and New Hampshire Avenue. The proposed lots would be new Lots 1.03 and 1.04 as shown on the subdivision plan. Proposed Lot 1.03 would become an irregular corner property containing 135,943 square feet, or 3.121 acres. Proposed Lot 1.04 would become an irregular tract surrounding new Lot 1.03, containing 669,183 square feet, or 15.362 acres, still with frontages on both highways. Existing Lot 1.02 has more than eight hundred feet (800') of frontage on New Hampshire Avenue and over a thousand feet (1,000') of frontage on Cedar Bridge Avenue. Both County Highways are improved four (4) lane roads with one hundred foot (100') right-of-ways. This major intersection of these highways is signalized. The proposed subdivision of the existing property lines would create two (2) vacant conforming properties. Proposed Lot 1.03 would become a new corner lot and have over three hundred feet (300') of frontage on New Hampshire Avenue and in excess of four hundred feet (400') of frontage on Cedar Bridge Avenue. Proposed Lot 1.04 would be an irregular lot surrounding new Lot 1.03 with more than five hundred feet (500') of frontage on New Hampshire Avenue and over six hundred feet (600') of frontage on Cedar Bridge Avenue. All utilities should be available to these sites. The existing site is situated in the eastern portion of the Township, diagonally across from the Blue Claws Stadium. The property is completely wooded. A little bit of curb exists at the intersection and at an inlet on Cedar Bridge Avenue. No sidewalk exists across the site frontages. The Survey uses two foot (2') contours for the topography and indicates the property has substantial relief. The proposed lots are situated within the B-6 Corporate Campus/Stadium Support Zone. Except for the north side of the existing site, the surrounding area is mostly developed. We have the following comments and recommendations: I. Zoning 1. The parcels are located in the B-6 Corporate Campus/Stadium Support Zone District. The Minor Subdivision proposes to create two (2) vacant conforming lots. 2. Per review of the application, no variances are being requested. 3. Per review of the Minor Subdivision Map, it appears waivers are required for the construction of curb and sidewalk along the project frontages. 4. The applicant must address the positive and negative criteria in support of any variances and/or waivers required. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aeriels and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. The General



Notes require some minor editing. 2. The vertical datum and benchmark shown on the Survey must be provided on the Minor Subdivision Plan. 3. The date of the Survey shall be added in the Surveyor's Certification. 4. The proposed frontage of new Lot 1.04 along Cedar Bridge Avenue shall be added to the plan. 5. The proposed setback lines of new Lot 1.04 which are parallel to the existing side lines intersecting New Hampshire Avenue and Cedar Bridge Avenue should only be labeled as side setback lines. 6. The Vegetative Buffer Easement shown on the Survey must be added to the Minor Subdivision. 7. The Survey shows the Vegetative Buffer Easement was vacated in two (2) locations, one (1) along New Hampshire Avenue and one (1) along Cedar Bridge Avenue. The proposed Ingress and Egress Easements to new Lot 1.03 will conflict with the Vegetative Buffer and do not correspond with the vacated portions of the easements. 8. A symbol for monument to be set shall be added to the northeast corner of proposed Lot 1.03. 9. The Ocean County Sight Triangle Easement should be labeled as existing since it is indicated on the Survey. 10. Zones and Zone Boundary Lines shall be added. 11. 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. 12. A space shall be left between "public" and "personally" in the Notary Public Certification to list whoever signs as record holder. 13. The Secretary's Certification requires editing. 14. General Note #6 states that there is no construction planned with this application. 15. Compliance with the Map Filing Law is required. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Ocean County Planning Board; and b. All other required outside agency approvals.

Mr. Sam Brown, Esq. on behalf of the applicant. No variances are requested.

Mr. Flannery, P.E. said this site is for a future site plan application for a Quik Check which will be submitted soon. The only comment concerns the buffer easement referenced in the engineer's report. That easement was vacated so that easement is no longer there.

A motion was made by Mr. Follman, seconded by Mr. Herzl to advance the application to the November 26, 2013 meeting. No further notice.

Affirmative: Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Schmuckler, Mr. Follman, Mr. Rennert

- 4. SD 1915** (No Variance Requested)  
Applicant: 400 Warren LLC  
Location: Warren Avenue  
Block 768 Lot 41 & 78  
Minor Subdivision to create four fee-simple duplex units

### **Project Description**

The applicant seeks a Zero Lot Line subdivision approval in accordance with Section 18-911 of the UDO to subdivide an existing square twenty-two thousand five hundred square foot (22,500 SF) property known as Lots 41 & 78 in Block 768 into four (4) new residential lots, designated proposed Lots 78.01 through 78.04 on the subdivision plan. The site will be developed with two (2) duplex buildings. An existing single-family dwelling and appurtenances will be removed as depicted on Sheet 2. Public water and sewer is available. The site is situated within a predominantly single-family and multi-family residential area, on the southwest corner of the intersection of Warren Avenue and Jay Street. Warren Avenue is an improved municipal road

in good condition with a sixty foot (60') right-of-way. Jay Street is a dead end improved municipal road in fair condition with a fifty foot (50') right-of-way. Both property street frontages have no sidewalk and curbing. New sidewalk and curbing are proposed along both frontages as indicated on the Improvements Plan (Sheet 2 of 2). Off-street parking is proposed along Warren Avenue. The property contains an existing dwelling on Lot 41, which is to be removed. Lot 78 is vacant and wooded. Utility poles with overhead electric exist along both street frontages. The proposed units can connect to public water on the west side of Warren Avenue. Sanitary sewer can be connected to in the center of Warren Avenue, and gas exists on the east side of the street. The existing property falls within the R-7.5 Single Family Residential Zone and would be subdivided into the combination of proposed Lots 78.01/78.02 consisting of ten thousand fifty square feet (10,050 SF) and Lots 78.03/78.04 containing twelve thousand four hundred fifty square feet (12,450 SF). We have the following comments and recommendations per our review of the application in accordance with Section 18-902G of the UDO, and the Township's Zero Lot Line Residential Development Ordinance (UDO Section 18-911):

I. Zoning/Applicability 1. The property is located in the R-7.5 Single Family Residential Zone District. Duplexes are a permitted use in this zone provided the newly created lots have a minimum lot size of ten thousand square feet (10,000 SF) and a minimum lot width of sixty feet (60'). Zero lot line residential development is permitted in the zone. 2. In accordance with Section 18-911 of the Ordinance, newly constructed or proposed duplexes (or conversion of an existing dwelling to a zero lot line dwelling) are allowed activities, provided that the duplex is constructed to applicable Township standards, and the duplex is intended to be divided into two (2) separately owned structures and lots. 3. While proposed Lot 78.03 is less than five thousand square feet (5,000 SF), the aggregate area of combination of proposed Lots 78.03 and 78.04 exceeds the ten thousand square foot (10,000 SF) minimum lot area requirement for duplexes in the R-7.5 Zone. 4. An aggregate side yard setback variance is required for the combination of proposed Lots 78.01/78.02. The proposed aggregate side yard setback is fourteen feet (14'), while the allowable aggregate side yard setback is fifteen feet (15'). The Zoning Data shall be corrected accordingly. 5. Based on the architectural plans submitted, a variance will be required for maximum building coverage on the combination of proposed Lots 78.01/78.02. A thirty percent (30%) coverage is allowed and the inclusion of decks will exceed this percentage. 6. 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. A Survey map has not been submitted, or referenced on the Minor Subdivision Plan. The information which has been used for the base map of the Minor Subdivision and Improvement Plans is incomplete. 2. Horizontal datum has been assumed on the Minor Subdivision Plan. 3. The vertical datum has been assumed. A bench mark must be provided. 4. General Note #9 states the proposed dwellings shall be served by public water and sewer. 5. The Surveyor's Certification has not been signed since the monuments have not been set. 6. Spaces must be left in the Notary Public's Certifications to fill in the names of the owners signing the map. 7. The Secretary's Certification is for a Major Subdivision, not a Minor Subdivision. 8. Based on the architectural plan provided, the proposed building footprints, as well as the front and rear offsets are incorrect. Accordingly, revisions will be required to the Zoning Data. 9. A proposed six foot (6') wide Shade Tree and Utility Easement to Lakewood Township is shown along both road frontages, as well as a Sight Triangle Easement at the intersection of Warren Avenue and Jay Street. Proposed easement areas have been properly listed for the individual lots. 10. 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 proposed driveways on the Improvement Plan must be dimensioned to show 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. Said parking will be reviewed at time of plot plan submission. 11. 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. 12. Four (4) proposed October Glory Maples and four (4) Willow Oak street trees are shown on the Improvement Plan (Sheet 2) within the shade tree and utility easements. 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. Existing Lot 78 is wooded. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review. 13. Per General Note #11 on the Minor Subdivision Plan (Sheet #1) soil borings shall be performed prior to plot plan submission to determine the seasonal high water table information. 14. Sheet 2 of 2 should be labeled Improvement Plan for Minor Subdivision. 15. Testimony should be provided as to whether drywells will be proposed to address storm water management from the development. Drywells shall be sized at the time of plot plan submission. 16. Proposed four foot (4') wide concrete sidewalk, and concrete curb to be set fifteen feet (15') from the centerlines, will be provided along Jay Street and Warren Avenue according to the Improvement Plan. Existing curb and sidewalk which is not shown on the Improvement Plan borders the project to the west on Jay Street. Therefore, the proposed design of the curb and sidewalk across the frontage of the site must meet these existing improvements. Furthermore, a pedestrian bypass must be designed along the Jay Street frontage of the site since the proposed sidewalk will increase the continuous length to over two hundred feet (200'). Existing utility poles could also impact the proposed design. 17. The Improvement Plan shows proposed lot grading. Overland slope may need to be increased. The Improvement Plan shall be revised to provide proposed elevations at new lot corners. The proposed curb design should provide for elevations at no more than fifty foot (50') intervals. 18. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 19. Compliance with the Map Filing Law is required. 20. Construction details should be revised on the Improvement Plan in accordance with the any conditions of approval required by the Board. 21. Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required. 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.

Mrs. Miriam Weinstein, Esq. on behalf of the applicant stated that they had listed the application as fully conforming but the engineer had pointed out a couple of variances including aggregate side yard setback. Decks are not currently proposed but if they did construct decks, a coverage variance would be needed. All comments in the engineer's review letter can be met.

A motion was made by Mr. Herzl, seconded by Mr. Follman to advance the application to the October 29, 2013 meeting. No further notice.

Affirmative: Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Schmuckler, Mr. Follman, Mr. Rennert

5. **SP 2038** (No Variance Requested)  
Applicant: Yeshiva Tifereth Torah  
Location: Vine Street  
Block 1147; 1156 Lot 1; 1  
Site Plan for proposed school building

Ally Morris announced that this application will be carried to the October 29, 2013 meeting as the application was not deemed complete.

The Board was in favor to carry the application to the October 29, 2013 meeting. No further notice.

## 6. PUBLIC HEARING ITEMS

1. **SP 2033** (Variance Requested)  
Applicant: Zev & Chaya Hess  
Location: Rosebank Street  
Block 228 Lot 17.04  
Site Plan for proposed residence with school office and apartment in the basement

### Project Description

The applicant is seeking Preliminary and Final Site Plan approval to demolish the existing dwelling on-site and construct a new dwelling on an undersized lot, with an office for a school and apartment in the basement, along with site improvements, on the subject premises. The project site is Lot 17.04 in Block 228, situated in the R-10 Zone. The site is in the northern portion of the Township, on the north side of Rosebank Street, east of Park Avenue. Rosebank Street is an improved municipal roadway in fair condition with a fifty foot (50') right-of-way. Curb and sidewalk in good condition exist, but will be replaced as virtually the entire frontage will be disturbed. Sanitary sewer is available in the centerline of the street. Potable water exists on the south side of the road. Overhead electric runs within the south side of the right-of-way. According to the site plan and our investigation, the property is surrounded by residential property on all sides. The title survey submitted indicates the property is an undersized 55' X 150' rectangular lot, containing eight thousand two hundred fifty square feet (8,250 SF) or 0.19 acres. The site is currently residential seeking approval to be transformed into a new single-family residence with a basement apartment and an office for a school. Per our site investigation, the land appears relatively flat and gently slopes generally downward from north to south. Five (5) off-street parking spaces are being proposed via concrete aprons and depressed curb which stretches across almost all of the lot. The onsite driveways for off-street parking have been shown. Proposed storm water management facilities have also been included on the Grading and Detail Plan. The General Notes indicate that existing utilities are to be reused. We have the following comments and recommendations per testimony provided at the 9/10/13 Planning Board Plan Review Meeting, and comments from our initial review letter dated September 4, 2013: 1. Waivers A. The following submission waivers have been requested: 1. B1 - Topography of the site. 2. B2 - Topography within 200 feet thereof. 3. B3 - Contours on the site to determine natural drainage of the land. 4. B4 - Contours within 200 feet of the site boundaries. 5. B10 - Man-made features within 200 feet of the site. 6. C13 - Environmental Impact Statement. 7. C14 - Tree Protection Management Plan. 8. C15 - Landscaping Plan. 9. C16 - Soil Erosion and Sediment Control Plan. 10. C17 - Design

calculations for drainage facilities. We can support the B-Site Features waivers only for completion purposes. Topography of the site with contours must be submitted prior to the public hearing as there is not enough information provided for design. Topography with contours has been provided for the base map. A Topographic Survey is required for resolution compliance submission should approval be granted. We support the waiving of an Environmental Impact Statement due to the developed nature of the site. The Board waived the submission of an Environmental Impact Statement. The applicant will be required to comply with the Township Tree Protection Ordinance as a condition of Board approval (if/when granted). A Tree Protection Management Plan can be provided with resolution compliance submission should approval be granted. The submission waiver for landscaping should only be from a completeness standpoint and should be required prior to the public hearing. Landscaping has been proposed with the revised submission. The submission waiver for a Soil Erosion and Sediment Control Plan may only be from a completeness standpoint. A Soil Erosion and Sediment Control Plan will be required should disturbance exceed five thousand square feet (5,000 SF). A Soil Erosion and Sediment Control Plan has been provided with the revised submission. The submission waiver from design calculations for drainage facilities should only be from a completeness standpoint. Drainage facilities should be proposed to eliminate the increase in runoff by the development from impacting adjoining properties. Identify proposed drainage prior to the public hearing. Storm water management has been proposed with the revised submission. II. Zoning 1. The parcel is located in the R-10 Zone. Single Family Detached Housing with a basement apartment would be permitted in the zone. Schools (basement classroom) are a permitted use in this zone, subject to the provisions of Section 18-906 of the UDO. Testimony was given at the Plan Review Meeting that an office for a school would be provided in the basement. The proposed use shall be corrected in the General Notes. 2. The site has an existing nonconformance with respect to lot area. The lot area is eight thousand two hundred fifty square feet (8,250 SF), whereas ten thousand square feet (10,000 SF) is required. Fact. 3. The property has an existing nonconformance with respect to lot width. The lot width is fifty-five feet (55'), whereas seventy-five feet (75') is required. Fact. 4. A new variance is requested for Side Yard Setback. Based on the preliminary architectural plans, we calculate the proposed side yard setback to be 7.58 feet, whereas ten feet (10') is required. The Board shall take action on the required side yard setback variance. 5. A new variance is requested for Aggregate Side Yard Setback. Based on the preliminary architectural plans, we calculate the proposed aggregate side yard setback to be 15.17 feet, whereas twenty-five feet (25') is required. The Board shall take action on the required aggregate side yard setback variance. 6. A new variance is required for Maximum Building Coverage. Based on the preliminary architectural plans, we calculate the proposed building coverage exceeds thirty-three percent (33%) and the maximum allowable coverage is twenty-five percent (25%). The proposed rear deck/screened porch and the covered front access are not included in the provided building coverage (which would increase the stated impervious coverage). The correct proposed building coverage shall be provided such that the Board can take action on the maximum building coverage variance. 7. A waiver is required from Section 18-906A.2., of the UDO, which requires a twenty foot (20') buffer from a residential use or district. The Board shall take action on the required buffer waiver. 8. A waiver is also required from Section 18-906A.3., of the UDO, since no landscaping or fencing is proposed. Per communications with the applicant's professionals, the applicant is willing to provide landscaping and/or fencing to the Board's satisfaction. 9. A waiver is required from Section 18-906B of the UDO, since parking will undoubtedly be proposed within the required buffer. The revised plans propose off-street parking approximately a foot from the neighboring properties. A waiver is necessary. III.

Review Comments A. Site Plan/Circulation/Parking 1. A topographic survey is necessary for design purposes. General Note #2 implies a topographic survey is being prepared. The survey can be provided with resolution compliance submission if/when approval is granted. Topography has been provided on the base map. A Topographic Survey must be provided with resolution compliance submission should approval be granted. 2. The base map not only needs to be revised to add topography, but the following items shown on the title survey must be added: a. The existing tree in the right-of-way where the sidewalk has been constructed around. b. Utility poles, boxes, meters, valves, and cleanouts. This information can be provided with resolution compliance submission if/when approval is granted. Fact. 3. The site plan does not address off-street parking. A proposed concrete apron and depressed curb is shown on the east side of the lot. However, no onsite driveway is associated with the proposed curb cut. Testimony should be provided on off-street parking. The revised submission proposes five (5) off-street parking spaces. Based on our review of the new preliminary architectural plan, at least nine (9) bedrooms are proposed which would require five (5) off-street parking spaces. 4. The provided data should be revised under the "Schedule of Bulk Requirements for R-10 Zone". The following corrections are required: a. The provided front setback shall be measured to the proposed covered front building access. b. The provided rear setback shall be corrected to 32.67 feet since it is measured to the proposed rear deck/screened porch which will be more than three feet (3') above ground level. The corrections can be provided with resolution compliance submission should approval be granted. 5. Horizontal and vertical datum shall be addressed. A bench mark shall be provided. This information can be provided with resolution compliance submission if/when approval is granted. Statements of fact. 6. The plan must be revised clarifying existing improvements to remain and to be removed. This information can be provided with resolution compliance submission if/when approval is granted. Statements of fact. 7. As depicted on the site plan, sidewalk exists along the property frontage. The sidewalk has been constructed around an existing tree within the right-of-way. A sidewalk easement should be proposed where the sidewalk encroaches onto the property. A proposed deed of easement and description should be provided such that the Board Attorney and engineer may review and approve prior to filing with the Ocean County Clerk. This information can be provided with resolution compliance submission if/when approval is granted. The revised plans are replacing the existing sidewalk in front of the site and proposing all new sidewalks within the right-of-way. A sidewalk easement is no longer required. Therefore, the existing tree in the right-of-way should be slated for removal with resolution compliance submission should approval be granted. 8. No notes are included on the site plans regarding the pick up of trash and recyclables. It is anticipated that the DPW will be responsible for this matter. A note has been added that solid waste and recycling is to be collected by the Township. An enclosed storage area shall be provided with resolution compliance submission should approval be granted. 9. A proposed Shade Tree and Utility Easement has been shown. A proposed deed of easement and description shall be provided such that the Board Attorney and Engineer may review and approve prior to filing with the Ocean County Clerk. This information can be provided with resolution compliance submission if/when approval is granted. Statements of fact. 10. Proposed dimensions shall be provided with the completion of the design. This information can be provided with resolution compliance submission if/when approval is granted. Statements of fact. 11. The proposed site is incorrectly located on the Zone Map. The correction can be provided with resolution compliance submission should approval be granted. B. Architectural 1. A preliminary architectural plan has been provided. The drawing includes floor plans and a front elevation. The proposed building includes an unfinished basement for a future apartment and classroom, a first floor plan, a second floor plan, and an attic floor plan. The proposed first floor

elevation is four foot eight inches (4'-8") above grade. The proposed building height will be less than the allowable building height of thirty-five feet (35'). A new preliminary architectural plan has been provided which includes an updated basement plan. The architect has indicated that the proposed building will be elevated to provide two feet (2') of clearance from the estimated seasonal high water table. Confirmation should be provided that the elevated proposed structure will not exceed thirty-five feet (35') in height. Final architectural drawings will be required with resolution compliance submission should approval be granted. 2. Testimony should be provided as to where HVAC equipment is proposed for the building and how the equipment will be adequately screened. HVAC equipment location and screening shall be provided with resolution compliance submission should approval be granted. C. Grading 1. A dedicated grading plan has not been provided. A review of the final grading plan will be performed during compliance, if/when Board approval is granted. A dedicated grading plan has been provided. Revisions are required for coordination with final architectural drawings. Furthermore, runoff directed to adjoining properties shall be minimized. A final review will be conducted after resolution compliance submission should approval be granted. 2. The General Notes indicate that seasonal high water table at 2.8 feet was determined by Lines Engineering. Therefore, construction of the proposed basement floor over five feet (5') below grade as shown on the architectural plans would not be feasible. The proposed basement floor on the Grading Plan appears to have been set two feet (2') above the seasonal high water table listed in the General Notes. Confirmation of the seasonal high water table and coordination with the final architectural drawings shall be provided with resolution compliance submission should approval be granted. D. Storm Water Management 1. As indicated previously, no proposed storm water management facilities have been provided. Storm water management can be provided as a condition of Board approval, if/when granted. The revised plans propose underground recharge for storm water management. Review of the proposed design will be conducted after resolution compliance submission should approval be granted. 2. We recommend the installation of storm water management facilities such that the increase in runoff from the site will not adversely impact adjoining properties. As mentioned previously, final review of the proposed design will be conducted after plans for resolution compliance are submitted should approval be granted. E. Landscaping 1. No landscaping has been provided with the submission. Landscaping shall be reviewed in detail during compliance should site plan approval be granted. The revised plans propose foundation plantings for landscaping. Four (4) Japanese Hollies and six (6) Anthony Waterer Spireas have been proposed. No shade trees have been proposed within the shade tree and utility easement because the off-street parking spaces use virtually the entire lot frontage. Final landscaping will be reviewed in detail after resolution compliance submission should approval be granted. 2. The final landscape design is subject to review and approval by the Board and should conform to recommendations (if any) from the Shade Tree Commission as practicable. The Board should provide landscaping recommendations (if any). F. Lighting 1. No site lighting information has been provided with the submission. The final lighting design shall be reviewed during compliance review, if/when Board approval is granted. The revised plans propose a one hundred fifty watt (150W) "Wal-Pak" unit on the front of the building. Final lighting design will be reviewed in detail with resolution compliance submission should approval be granted. 2. Lighting should be provided to the satisfaction of the Board. The Board should provide lighting recommendations (if any). G. Utilities 1. As indicated previously, water and sewer service is available. The General Notes indicate that it is intended for existing utilities to be reused. Approval will be required from New Jersey American Water Company since the project is in their franchise area. Statements of fact. H. Signage 1. No signage has been proposed. We recommend that final signage and markings be provided as a

condition of Board approval, if/when forthcoming. The applicant's professionals shall confirm that no signage has been proposed. I. Environmental 1. Tree Management Plan Although there are few existing trees onsite, a Tree Management Plan must be provided. The applicant must comply with the plan, and the Tree Protection ordinance requirements as a condition of Board approval (if/when granted). A Tree Management Plan shall be provided as a condition of approval. J. Construction Details 1. No construction details are provided. Final review of construction details will take place during compliance (if/when approval is granted). Construction details have been provided with the revised submission. Final review will be conducted after resolution compliance submission should approval be granted. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. Statements of fact. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement (if required, at the discretion of the Township); b. Township Tree Ordinance; c. Ocean County Planning Board; d. Ocean County Soil Conservation District; and e. All other required outside agency approvals.

Mr. Vogt stated variances are requested for side yard setback, aggregate side yard setback, maximum building coverage as well as some design waivers.

Mr. Abraham Penzer, Esq. on behalf of the applicant. Rabbi Hess has twelve children and that's why he needs this size house. He is very dedicated to his children and would like to meet with them in the office. It is for his own personal use and it is not a classroom.

Mr. Brian Flannery, P.E., P.P. was sworn in. This application is for a residence with an office/class in the basement. The lot conforms with most of the neighborhood. He provided a Percal map for the Board. Most of the map showed blue areas which indicate nonconforming lots. The Percal map was marked as exhibit A-1. Mr. Flannery went though the different existing and new variances requested. He explained that this area is going to be re-zoned for R-7.5 and this application would meet those requirements. He said five parking spaces are provided but they would like to lessen that to four parking spaces. Mr. Flannery believes that would be sufficient for this use. All other comments can be met.

Mr. Schmuckler asked how many properties in the area have side yard setback variances.

Mr. Flannery said it is consistent with the neighborhood.

Mr. Schmuckler asked if they can get the lot coverage to 30%.

Mr. Flannery said they can reduce the coverage for the deck by dropping the deck down to only 3 ft above grade but that would add steps which would be an inconvenience.

Mr. Schmuckler reiterated that the coverage is even going past the R-7.5 zone requirements.

Mr. Penzer said this fits in the area. Cutting down the coverage would be hurting the applicant.

Committeeman Miller stated that they wouldn't be cutting down the house, they would just have to drop the deck.



Mr. Flannery said they would lower the deck to remove that coverage variance.

Mr. Schmuckler questioned why this application is at the Planning Board and not the Zoning Board.

Mr. Jackson questioned the same thing. Planning Board has jurisdiction over site plans but a site plan is usually much more elaborate.

Mr. Schmuckler is not so much questioning this particular application but where the line is drawn.

Mr. Flannery stated the ordinance exempts from a site plan, single family homes and duplexes. Anything other than those two items must come for a site plan. Once it comes as a site plan, the Planning Board has jurisdiction for the bulk variances.

Mr. Jackson said not on a house.

Mr. Flannery said a house would not come to the Planning Board for a site plan. The logic behind this is that if there is a school involved then the Planning Board is the board that has the expertise and should be looking at this. An office in a house is a permitted use. It does not need a site plan. The fact that this is for a school is what brings them to this board.

Committeeman Miller praised Rabbi Hess and his school. He does not see anyone from the audience in opposition to this application.

Mr. Franklin would like to keep the five parking spaces.

Mr. Schmuckler said the five parking spaces legitimizes the fact that there is a second use.

Mr. Flannery would like to leave one spot as gravel.

Mr. Franklin said no, they should pave it.

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

A motion was made by Mr. Herzl, seconded by Mr. Follman to approve the application including but not limited to the following conditions:

Five paved parking spaces will be provided,

The maximum building coverage variance was approved at 33% as there are townhouses in the vicinity.

Affirmative: Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Schmuckler, Mr. Follman

- 2. SP 2034AA** (Variance Requested)  
Applicant: Me'Ohr Hatalmud, Inc  
Location: Chestnut St & Caldwell Avenue  
Block 1097 Lot 2

Change of Use/Site Plan Exemption from single-family residence to boys' high school

**Project Description**

The applicant is seeking Site Plan Exemption/Change of Use approval for conversion of an existing 1.5-story single-family residential dwelling located on Caldwell Avenue, approximately 125 feet north of its intersection with Chestnut Street into a Boys' high school. The property is located on the east side of Caldwell Avenue. As depicted, Caldwell Avenue in its current condition is "semi-improved" along the property frontage, and at varying cartway widths within the 50-foot wide ROW. Vehicular access and off-street parking appear to be proposed from Caldwell Street as depicted on the plans. Per review of the architectural plan, the proposed first floor of the school will include a classroom, a 729 sf Bais Medrash area, an office, and coffee room and lunch room areas. two (2) offices. The second floor will contain two (2) offices and a "Rec Room". The existing basement is depicted as "to be unoccupied". Besides the proposed (gravel) off-street parking, the only proposed site or building alteration appears to removal of a portion of an existing wooden walk where the parking is proposed. Per review of aerial mapping, the site is within a predominantly undeveloped area, with limited single-family residential development surrounding the site. Per review of the revised plan and as specified in the 9/19/13 cover letter, the following revisions were made in response to Board input at the 9/19/13 hearing: • One (1) paved handicap accessible parking space and 4 foot wide accessible walkway are proposed, leading from the proposed parking area to the converted school building. • A 24-foot wide, one-way, paved drive for "student drop-off", extending from the existing Chestnut Street cartway, located near the southeast corner of the property. The following comments are from our initial (August 14, 2013) review of the application, amended per the above-referenced design revisions: I. Zoning 1. The property is located in the R-20 (Single Family Residential) Zone. Private Schools are a permitted use in the zone, subject to the requirements of Section 18-906 of the UDO. Fact. 2. Per review of the Change of Use Site Plan, no bulk variances exist nor are any proposed for the proposed change of use. Fact. 3. Per review of the Change of Use Site Plan, the following design waivers are required for proposed project: • In accordance with Section 18-906A.3., of the UDO, landscaping shall be provided for the required buffer. No new landscaping is proposed for the twenty foot (20') wide buffer area. • Providing landscaping. • Providing paved /off-street parking. • Providing curbing. • Providing sidewalk. • Providing shade trees and utility easements. 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. How many students (and teachers) are proposed at the school. b. Will any students (or parents) drive and park at the school. c. How many buses (if any) are proposed. d. Will any students will be dropped off and picked up (by car). Testimony was provided at the 9/10/13 hearing, and should be reiterated (if necessary) at the forthcoming public hearing. 2. As depicted on the plans, access to the converted dwelling, for purposes of the proposed school converted use, will continue to be from the existing "semi-improved" Caldwell Street cartway. Unless improvements to the cartway are proposed, the applicant will have to demonstrate to the Board's satisfaction that use of the Caldwell Street cartway without improvements will be acceptable. Fact. As noted previously, a 24-foot wide, one-way paved "student drop-off area has been added to the site design. The applicant's professionals will provide testimony as to how the revised design is intended to function for the proposed change of use. 3. If the revised design is approved, we recommend that one-way signage be provided at the entrance and exits. 4. Township Engineering Department approval will be necessary for the proposed access to and from the Chestnut Street cartway. At the discretion of the Township, driveway aprons or similar measures may be necessary. 5. If

change of use approval is granted, without Caldwell Street cartway improvements, we recommend that the Township review the proposed roadway, as a condition of approval, to ensure that safe access to the proposed school can be accommodated using for Township vehicles as needed (e.g., for DPW, emergency services, etc.). Fact. 6. Depending how students, parents and/or teachers will arrive to and from the school (i.e., cars, buses, or both), the applicant should testify regarding pedestrian access between the school and parking/drop-off areas (if proposed). Fact. Confirming testimony should be provided as to the intended use of the proposed parking near the proposed school building. As indicated above, a pedestrian accessway from the parking area to the building is now proposed. 7. As indicated previously, the proposed stone parking area on the property will provide the equivalent of seven (7) gravel off-street parking spaces. Per Section 18-906C of the UDO, seven (7) off-street spaces are required (assuming potential use of the 'Rec Room'). Parking should be provided to the satisfaction of the Board. Fact. 8. Per Note 16 on the Change of Use plan, continued pickup of trash and recyclables (by the DPW) is proposed. Fact. 9. Testimony should be provided regarding proposed lighting (if any). Lighting shall be provided to the satisfaction of the Board. Fact. 10. Information and/or testimony should be provided that existing utilities serving the building are adequate for the proposed school use. Fact. 11. Construction details will be required for proposed site improvements (if any) as approved by the Board. Per communications with the applicant's professionals, this information will be provided during compliance, if/when Board approval is granted. Fact. 12. The site plan waiver (if approved) does not relieve the applicant's obligation to obtain necessary outside agency approvals, building permits and construction code reviews (and Township review of proposed use of Caldwell Street). Fact.

Mrs. Miriam Weinstein, Esq. on behalf of the applicant. This was heard at a previous meeting and was carried as there were many concerns from the Board. Many substantial revisions have been made. A paved area has been provided for buses to enter and exist along Chestnut Street. The applicant would request not to improve Caldwell Street as it would be cost prohibitive for this institution. Also added was a paved handicapped space in addition to the other parking spaces as well as a 4 ft wide walkway leading from the parking area to the school building. No variances are being requested. The school will have a total 2 classes for next school years with 23 boys. There are 15 in this year's 9<sup>th</sup> grade class and there are 8 students in the 10<sup>th</sup> grade class. This school is expected to grow to 4 classes with the next 2 years to accommodate a full high school of 9<sup>th</sup> through 12<sup>th</sup> grades.

Mr. Graham MacFarlane, P.E., P.P. was sworn in. He stated the application is for the conversion of an existing single family house to a school in accordance with ordinance requirements. It is a fully conforming application with no relief sought. The subject property is located along Chestnut Street. It is also bounded by three unimproved streets, Rockaway Avenue, Carlton Avenue and Caldwell Avenue. The site is currently accessed through Caldwell Avenue and also via a driveway that enters the site near Rockaway Avenue. The plan to convert the school is to provide two classrooms and a basement. A total of 6 parking spaces are required by ordinance, 7 are proposed. Based upon input from the Board, they have added a drop off area for buses. Two van sized buses will be coming every day which would pull up into the drop off area. The students would then walk from the drop off through the existing driveway over towards the school. The staff would enter the site through Caldwell Avenue and park in the spaces in the front of the school and exist in the same direction. The property is constrained by open water and freshwater wetlands so it would be difficult or limited as to future expansion.

There is some available room for expansion but not much. The plan does not propose any disturbance to the wetlands nor the wetlands buffer. The comments in the engineer's review letter can be met.

Mr. Schmuckler asked if any construction is proposed on the building itself.

Mr. MacFarlane said no alteration or expansion of the current footprint is proposed. There will be interior renovations.

Mr. Franklin asked how they could change the existing house into a school as it extends into the buffer. He also asked how they would keep the children out of the buffer area.

Mr. MacFarlane said that this building already encroaches within the wetlands buffer which does not require a permit from the DEP or any other regulatory agency.

Mr. Vogt said as long as you're not altering the building footprint or doing any changes to grading, it is not a wetlands issue from a regulatory standpoint. The other issue would be the children playing in the wetlands area and perhaps fencing that off as a security measure.

Mr. MacFarlane stated that there is currently a lot of natural vegetation in that area. These are young children so he does not feel there is a concern about that.

Mr. Franklin disagrees. The wetlands should be blocked off.

Mr. Schmuckler agrees with Mr. Franklin. He also said the dirt driveway is leading directly across the wetlands.

Mrs. Weinstein said there is an existing bridge.

Mr. MacFarlane said there is an existing gravel driveway that goes from the edge of the property up to the existing house. There is a culvert with a crossing of the wetland area.

Mr. Schmuckler is concerned about the children's safety at night as there is not sufficient lighting.

Mrs. Weinstein stated that the water level is very low and right now there is no water at all. It is not a huge deep body of water. During the spring time the water level will be higher but it is not substantial.

Mr. Schmuckler asked about the levels of the water.

Mr. MacFarlane said it is a very small body of water. It is a seasonal pond and the water depth fluctuates based upon rainfall. They have not taken soundings in the pond itself but he is sure it is not more than a couple feet deep.

Mr. Schmuckler would like to hear testimony from the applicant concerning this.

Rabbi Chaim Steier was sworn in. He stated that for the past five weeks it has been dry. During the winter there was water there. It was not larger than 1 ½ to 2 ft deep. He does not believe it will be dangerous to the students.

Mr. Schmuckler asked if there have been any water problems in the house because of this pond.

Mr. MacFarlane said the house is about 8 or 9 ft above water level. The property is not located within any map flood plan.

Mr. Schmuckler asked if he is comfortable with the students getting out at 9 or 10pm.

Mr. Steier stated that the school actually ends around 8:30pm but they will be putting in more lighting. A lighting walkway will be provided from the drop off area to the school.

Mr. Schmuckler asked if there is any area where they should be more concerned as it could be icy, snowy, etc and this is a dirt roadway.

Mr. Steier said not in his opinion. The driveway is quite level but they do not use it because the bridge would have to be upgraded to accommodate the vehicles. The dirt road will be salted and sanded for the safety of the children. There is no dormitory.

Mr. Schmuckler opened to the public, seeing none he closed to the public.

A motion was made by Mr. Herzl, seconded by Mr. Follman to approve the application. Lighting will be provided along the walkway.

Affirmative: Mr. Herzl, Committeeman Miller, Mr. Schmuckler, Mr. Follman

No: Mr. Franklin

Committeeman Miller left the meeting.

- 3. 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.

### **Project Description**

The applicant is seeking Amended Site Plan approval for the construction of the following: • A thirteen thousand four hundred fifty square foot (13,450 SF) building addition. • Two (2) additions totaling one thousand three hundred two square feet (1,302 SF), squaring off the front of the building for sales support area. • An additional sixty-four (64) stall paved parking area to the rear of the existing facility. • Striping to provide an additional handicap accessible parking space within the existing parking area. • Approval of an outdoor seasonal tent. The site is in the southern portion of the Township and fronts on Route 70 and Locust Street, east of Vermont Avenue. Access to the site is afforded from the Route 70 frontage, Route 70 is a State Highway. No access is provided along the Locust Street side of the site, Locust Street is a

County Road. The property contains 4.701 acres. A one-story building exists on-site with associated parking and site improvements. Some of the wooded area existing on the site will be removed for the proposed building addition and parking lot. The property gently slopes from west to east. Additional storm water management facilities have been designed to incorporate the increase in impervious area proposed for the site. Except for the adjacent site to the west, the surrounding lands and roadways are all improved. Sidewalk does not exist along the frontages because of the nature of the use which does not lend to pedestrian traffic. I. Zoning 1. Per review of the site plans and application, the following design waivers are required: • No curb and sidewalk has been proposed along any of the site frontages. • No shade tree and utility easements have been provided along any of the site frontages. • No shade trees have been provided along any of the site frontages. These same design waivers were granted for the last site plan approval under Resolution SP# 1954. It should be noted the County granted approval to this project with no improvements along Locust Street provided that a note be added to the plan indicating access to Locust Street is strictly prohibited. A note has been added indicating that no site access shall be provided connecting to or fronting upon Locust Street. The Board shall take action on the required design waivers. 2. The revised plans propose a new variance for Side Yard Setback. The proposed side yard setback for the addition matches the existing side yard setback for the building addition approved by Resolution SP #1954. The proposed side yard setback for the new building addition will be 31.2 feet, whereas fifty feet (50') is required. 3. The revised plans propose a new variance for Aggregate Side Yard Setback. As mentioned previously, the proposed building addition matches the existing side yard setback for the building addition approved by Resolution SP #1954. Therefore, the proposed aggregate side yard setback for the new building addition will be 82.2 feet, whereas one hundred feet (100') is required. 4. The revised plans request approval of an outdoor seasonal tent. Based on the UDO definitions, the seasonal tent would be a Temporary Accessory Structure. The tent shown on the plans has a side yard setback of 25.2 feet, whereas thirty feet (30') is required. Therefore, a variance would be required. II. Review Comments A. Site Plan/Circulation/Parking 1. General Note #13 lists a Parking Tabulation based on ordinance requirements. The number of off-street parking spaces is being increased by sixty-three (63) from eighty-three (83) to one hundred forty-six (146). Testimony must be provided as to how the parking complies with the UDO. The Off-Street Parking Calculations indicate that one hundred thirty eight (138) spaces are required. Testimony should be provided on the parking tabulation. 2. Testimony must be provided on additional anticipated site traffic from the increase in the number of parking spaces. A summary traffic report may be necessary. Testimony should be provided on additional site traffic from the increase in the number of parking spaces. 3. Testimony should be provided by the applicant's professionals as to existing and proposed site operations. General Note #14 lists the existing dealership's hours of operation. Testimony should be provided as to the proposed site operations. 4. The Zoning Requirements list a building height of thirty-five feet (35'). The architectural plans submitted show a building height of just over thirty-five feet (35'). The Zoning Requirements Table should show a building height of thirty-five feet, three and a half inches (35'-3.5"). In any event, the actual height is substantially less than the fifty feet (50') permitted. 5. Complete existing and proposed building dimensions shall be added to the site plan. The dimensions shall be completed and match on both the site plans and architectural plans. 6. The site plan shows existing dumpsters to be relocated. The dumpsters will be enclosed by a six foot (6') masonry block wall to match the building and a self closing chain link gate. Unless waived by the Board, all relocated dumpsters shall be landscaped screened and designed in accordance with Section 18-809.E., of the UDO. Construction details have been provided. The dumpster enclosure has been revised to have self closing steel panel gates

instead of the previously specified chain link. Landscape screening has been added. Corrections are required to the construction detail. A detail note indicates a shop drawing will be provided. 7. The site plan shows three (3) existing equipment containers to remain and one (1) relocated equipment container. The plans indicate the equipment containers are utilized by the owner for storage purposes including snow clearing equipment and special events equipment. The General Notes state that the containers shall be screened at the direction of the review engineer and planning board. Screening should be proposed. 8. The future status of the existing metal canopy on the front of the building should be addressed. The canopy is not shown on the architectural drawings. The canopy shall be added to the architectural elevations. Dimensions shall be provided on the site plans and the front yard setback dimension corrected if necessary. 9. All building access points must be shown on the site plan. Coordination is required between the site plans and architectural plans. Final coordination between the site plans and architectural plans is required. The Left Elevation on the architectural plans is not accurate. B. Architectural 1. The plans need to better delineate between what exists and is proposed. All dimensioning should be completed. Testimony should be provided on the proposed floor area usage. Final architectural plans will be required for resolution compliance submission, should site plan approval be granted. 2. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. Air handler equipment at ground level is shown on the site plans and architectural plans. Vegetative screening should be provided. The revised architectural plans indicate that roof-mounted HVAC equipment shall be screened. Since the air handler equipment is located entirely within an existing paved area, no vegetative screening is proposed. The building effectively screens the air handler from the adjacent residential property. 3. Proposed utilities must be addressed. Our site investigation notes existing utilities in different locations than indicated on the Survey. Proposed utility connections shall be coordinated and submitted to the Lakewood Township Municipal Utilities Authority for approval. C. Grading 1. Per review of the proposed grading plan, the design concept is feasible. Final grading can be addressed during compliance review if/when approval is granted. Final grading will be reviewed in detail after resolution compliance submission should approval be granted. D. Storm Water Management 1. The low values for the runoff coefficients of the pervious areas must be justified in the calculations. Additional storage for the recharge system may be required. Higher runoff coefficients should be used as a factor of safety for the proposed storage volume of the recharge system. A runoff coefficient of 0.30 is recommended for pervious area. A revised Storm Water Management Report can be provided with resolution compliance submission should approval be granted. 2. A new Ocean County Soil Conservation District Soil Erosion and Sediment Control Certification will be required. The certification provided in the Storm Water Management Report is from the previous site plan approved under Resolution SP# 1954. Statements of fact. 3. A Storm Water Management Facilities Maintenance Plan has been provided as an appendix in the submitted Storm Water Management Report. The Plan confirms operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. The Maintenance Plan will be reviewed in detail during compliance submission should approval be granted. The Storm Water Management Facilities Maintenance Plan will be reviewed in detail with resolution compliance submission should approval be granted. E. Landscaping 1. A Landscaping Plan has not been provided and is required unless a waiver is granted by the Board. At a minimum, we recommend a partial Landscaping Plan be provided for the various improvements that should be screened. Proposed landscaping should be provided on a plan sheet which shows other construction improvements to insure planting installation in the correct locations and to

prevent conflicts. 2. Landscape screening shall be designed around the air handler, proposed dumpster enclosure, and around the equipment containers as indicated in the General Notes. Landscape screening has been provided around the proposed dumpster enclosure. We concur that landscape screening will not be practical around the air handler since it is surrounded by either pavement or building. We still recommend landscape screening around the equipment containers to aesthetically screen the containers from the proposed rear parking lot. Visibility from the rear of the building to the rear parking area is limited. Therefore, eliminating the screening for security purposes is unnecessary. F. Lighting 1. A supplemental lighting plan has been provided. Two (2) proposed twenty-five foot (25') high lighting fixtures are shown within the paved parking area. The previous approval indicated that the only lighting proposed for the rear parking area is security lighting. When the dealership is not operating, the lights will be turned off. Therefore, the point to point diagram indicates the proposed site lighting will be deficient with respect to the ordinance requirements. Construction details for proposed lighting will be reviewed in during compliance submission should site plan approval be granted. The applicant's attorney testified at the Plan Review Meeting that they will request lower levels on the lighting than the ordinance requires for respect of the neighboring properties. The Board will need to take action on any design waivers requested. 2. The overall lighting design is subject to review and approval by the Board. Final review of the lighting design will be undertaken after resolution compliance submission should approval be granted. G. Utilities 1. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. The site plan does not correctly show the existing public water and sewer services which must have been altered when the addition which received the Site Plan Exemption was constructed. The proposed building addition will require an alteration to the water service at a minimum. LTMUA approval is required. LTMUA approval shall be sought as required. H. Signage 1. No proposed signage information is provided. However, the site previously received a setback variance for the existing free standing sign. A full signage package for any new 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 new freestanding or building signage is proposed on the drawings. Testimony regarding signage shall be provided. I. Environmental 1. A Tree Protection Management Plan has been provided. Revisions to the plan are necessary which we can review with the applicant's engineer. Since the project is commercial, it is our interpretation based on the current plan that the applicant shall either pay a fee of \$1,572.00 based on 0.786 acres of clearing, or plant four (4) replacement trees of two inch (2") diameter or greater based on four (4) trees per acre. Revisions to the Tree Protection Management Plan are required can be provided with resolution compliance submission, should approval be granted. J. Construction Details 1. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is approved. Final review of construction details will take place 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; e. Lakewood Township Municipal Utilities Authority; and f. All other required outside agency approvals.



Mr. Ed Liston, Esq. On behalf of the applicant stated that though they have noticed the requested variance, the agenda states that no variance is being requested. Also, he was advised that Mr. Gasiorowski's professional is not available tonight.

A motion was made by Mr. Herzl, seconded by Mr. Follman to carry the application to the October 29, 2013 meeting. No further notice.

Affirmative: Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Schmuckler, Mr. Follman, Mr. Rennert

- 4. SD 1892** (No Variance Requested)  
Applicant: Yeshiva Yesodei Hatorah  
Location: Bellinger St, South Bell Ave, South Lafayette Ave, Read Pl  
Block 804 Lots 1 & 2  
Block 823 Lot 1  
Block 830 Lots 40 & 41

Site Plan for 41 rental townhouses and associated site improvements

### **Project Description**

The applicant has modified the originally-submitted Site Plan and Major Subdivision project based on input received at the September 10, 2013 Public Hearing, and is now seeking Preliminary and Final Major Site Plan approval (only). As with the previous submission, it is proposed to construct forty-one (41) new townhouses along with the required right-of-way improvements in the R-40/20 Cluster Zone. The revised plans indicate the townhouse units are proposed in accordance with the standards of the Planned Educational Campus Ordinance as part of the Yeshiva Yesodei Hatorah Campus. The proposed project design improves existing right-of-ways and creates access drives to provide adequate circulation for the townhouse units. The proposed access drives would have paved widths of twenty-four feet (24') and the improved right-of-ways would have pavement widths of thirty feet (30'). Curbing is proposed throughout the development. Sidewalk is proposed in front of the units and in some other locations.

The Overall Development Plan indicates one hundred sixty-four (164) parking spaces will be required for residential parking. This is based on four (4) parking spaces required for each dwelling unit. The Overall Development Plan indicates proposed driveway parking on the townhouse lots would be ninety-six (96) spaces, while other parking stalls for the project will consist of seventy (70) spaces. Therefore, the total proposed parking provided for the project is one hundred sixty-six (166) spaces, eight (8) of which are van-accessible handicapped. Buildings # 1, 2, 5, 6, and 7 of the project proposes six (6) unit townhouse structures. Building # 3 is proposed to have four (4) townhouse units. Lastly, Building # 4 is proposed to have seven (7) townhouse units. Two (2) tot lots are being proposed on the project for recreational purposes. In the southeast corner of the site at the intersection of South Bell Avenue and Bellinger Street in Block 804, a large storm water management basin is being proposed. The subject property consists of multiple Blocks and Lots. The revised plans indicate the total area of the tracts of land is 8.5 acres. The roads that border the properties, South Pershing Avenue, Bellinger Street, South Bell Avenue, Towers Street, Read Place, and South Lafayette Avenue, are all unimproved and municipally owned. Portions of some of the roadways, South Pershing Avenue, Read Place, and Towers Street, will require vacation from the Township Committee for development of the project. The project is located in the southern central portion of the Township. Wooded, vacant land borders the site to the east. A girl's high school is currently under construction to the south of the property. To the west of the tract is the approved NJ

Hand Affordable Housing Project. The Evergreen Cemetery is located to the north. The site is in the R-40/20 Cluster Zone District. The application has been revised to eliminate the Major Subdivision portion of the application, resulting in the elimination of originally-proposed fee simple lots associated with the Townhomes. In addition to the elimination of the subdivision portion of the previous application, the following revisions are proposed: • The applicant proposes to construct the project in two (2) phases. Phase 1 will include the construction of 12 residential units to be accessed through the extension of Yesodei Court and construction of a portion of South Bell Avenue with a temporary cul-de-sac. Phase 2 will consist of the construction of the remaining 29 units and fronting streets, as well as the construction of South Bell Avenue to Bellinger Street. • Instead of extending Bellinger Street north as per the original submission, Bellinger Street will be extended (south) only, from the terminus of South Bell Avenue and connecting to Albert Avenue. As noted on the site plans, this extension will occur in Phase 2 of the project. The portion of the Bellinger Avenue ROW between Yesodei Court and South Bell would remain unpaved. Per communications with the applicant's professionals, all final technical design revisions associated with the revised plans (and proposed phasing), as well as the future Bellinger Avenue design (prior to construction of Phase 2) as deemed necessary will be performed during compliance review, if/when Board approval is granted. We have the following comments and recommendations per testimony provided at the July 23, 2013 and September 10, 2013 Planning Board Plan Meetings and remaining comments from our technical review letter dated July 23, 2013: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours within 200 thereof. 3. B10 - Man-made features within 200 feet thereof. 4. C14 - Tree Protection Management Plan. Provided the topography is revised to include the Bellinger Street right-of-way between South Bell Avenue and Yesodei Court, as well as the as built conditions of the Bellinger Street/Yesodei Court intersection, there is more than enough information provided to prepare the design. Therefore, we support the "B-Site Features" requested waivers. The Board approved the Site Features submission waiver subject to providing the additional topography. A waiver has been requested from the submission of a Tree Protection Management Plan. The existing property is wooded and dominated with pitch pine. We can support the granting of the requested waiver from C14 for completeness only, provided there is an agreement to comply with the Township's Tree Ordinance as a condition of approval. The Board approved the submission waiver of a Tree Protection Management Plan for completeness purposes. II. Zoning 1. The parcels are located in the R-40/20 Cluster Zone District. In accordance with the initial approval of the existing school, dormitories, and townhouses, the Townhouse Requirements in Section 18-1010 of the UDO were used for the townhouse portion of the development. The revised plans propose townhouses in accordance with the Planned Educational Campus Requirements. Per Section 18-902H.6.a.(1), townhouses are a permitted dwelling unit type as long as occupied solely by students, faculty or staff of the educational institution, by persons directly associated with the educational institution, and or by their immediate families. Per communications with the applicant's professionals, the applicant agrees to this condition. 2. As with the previously approved Townhomes on this property, separate entrances are proposed to provide for potential basement apartments. As long as future apartment tenants comply with the requirements of (1), above, this is satisfactory. Per communications with the applicant's professionals, the applicant agrees to this condition. 3. A partial waiver is required for the construction of sidewalk. At a minimum, we recommend that all proposed units and parking areas be connected by sidewalk. The revised plans connect all proposed units and parking areas with sidewalk. The Board shall take action on the partial waiver required for the construction of sidewalk along the remaining road frontages. 4. A partial

waiver should be considered for shade trees. Shade tree and utility easements are proposed throughout the project. However, there will be undeveloped frontage of the project where it would be unnecessary to clear existing trees just to plant shade trees. The Board shall take action on the partial waiver for planting of shade trees. III. Review Comments A. General/Layout/Parking 1. Any approval of the current configuration of the project shall be conditioned upon the Lakewood Township Committee vacating the necessary portions of South Pershing Avenue, Read Place, and Towers Street. The street vacations can be performed during compliance, if/when approval is granted. Fact. 2. Proposed improvements and grading cross the future street vacation limits. Therefore, easements will be required from the future property owners. Part of a Private Access Drive is proposed on land reverting to Lot 1 in Block 821. Proposed grading encroaches onto lands reverting to Lots 42 and 43 in Block 830, and Lot 1 in Block 805. An updated Property Owners list, which must be added to the plans, indicates that all of these properties are owned by the Township. The revised plans eliminate the proposed grading that would encroach onto lands reverting to Lots 42 and 43 in Block 830. Per communications with the applicant's professionals, the remaining matters will be addressed with resolution compliance submission should approval be granted. 3. A Boundary & Topographic Survey has been submitted. The following revisions are required: a. Topography must be added for the Bellinger Street right-of-way between South Bell Avenue and Yesodei Court, including the as built conditions of the Bellinger Street/Yesodei Court intersection. b. The horizontal datum should be noted as assumed based on the Final Plat submitted. c. A vertical bench mark shall be added. d. An apparent overlap with the Evergreen Cemetery should be corrected to a gore. e. The initial date of the survey shall be corrected. Per communications with the applicant's professionals, revised Survey will be provided with resolution compliance submission should approval be granted. 4. Revisions are required to the General Notes and Index of Drawings. Per communications with the applicant's professionals, final corrections will be provided with resolution compliance submission should approval be granted. 5. Additional proposed design comments are required on the Overall Development Plan, particularly connecting the new improvements on the plans to the existing. Additional information can be provided with resolution compliance submission should approval be granted. 6. Proposed unit sizes are listed as either 26' X 50' or 27' X 50'. No other information has been provided for the floor plans of the townhouse buildings. Preliminary architectural drawings have been provided. This is satisfactory. 7. Off-street parking for townhouse residents requires that four (4) spaces shall be provided for each dwelling unit. In order to meet these requirements a total of fifty-two (52) perpendicular on-street parking spaces are being proposed within public roads. Testimony shall be provided on off-street parking. Fact. 8. Eight (8) handicap parking spaces, all being van accessible, are proposed for the project. This is sufficient for the total of one hundred sixty-six (166) spaces proposed. Proposed curb ramps with detectable warning surface should be provided on the project. Proposed curb ramps with detectable warning surface can be provided with resolution compliance submission should approval be granted. 9. It appears all proposed road widths and driveway access aisle widths are sufficient for the two-way circulation patterns shown. A Circulation Plan should be provided for confirmation. Per communications with the applicant's professionals a Circulation Plan will be provided as a condition of approval (if forthcoming). 10. The plans should be revised to indicate that collection of trash and recyclable material will be by the Township, as is proposed for the initial school, dormitory, and townhouse project. Accordingly, a General Note has been added to the plans. The preliminary architectural plans propose individual enclosures in front of the units. This is satisfactory. 11. Curb is proposed throughout the project and along all the road frontages of the property. We recommend proposed sidewalk be provided as connections between buildings, parking, and tot

lots. Per communications with the applicant's professionals, connections to tot lots will be provided with resolution compliance submission should approval be granted. 12. Proposed sight triangle easements should be addressed throughout the proposed project. Per communications with the applicant's professionals, final design revisions will be provided during compliance, if approval is granted. 13. Sidewalk easements should be considered where proposed perpendicular on street parking encroaches onto individual lots. Per communications with the applicant's professionals the proposed easements will be added with resolution compliance submission should approval be granted. 14. The revised plans indicate that the proposed lot for the storm water management basin will be owned by the applicant. A General Note has been added to the plans indicating the following: a. All storm sewers located within the public right-of-way to be owned and maintained by the Township of Lakewood. All storm sewers located outside of the public right-of-way shall be owned and maintained by the school. 15. Two (2) tot lot locations are indicated, but no designs are being presented. Per communications with the applicant's professionals, the proposed tot lot designs will be provided with resolution compliance submission should approval be granted. B. Architectural 1. Conceptual elevations have been provided for five (5) unit and six (6) unit townhouse buildings. However, no five (5) unit buildings are proposed on the project. In addition to the six (6) unit buildings, four (4) unit and seven (7) unit buildings are also proposed for the subdivision. Additional architectural drawings are required which should include floor plans for the proposed townhouses. The proposed townhouse conceptual elevations show two (2) floors, with basements. The proposed mean building height is twenty-nine feet, six inches (29'-6"). The allowable building height is thirty-five feet (35'). Preliminary architectural drawings have been submitted for the proposed four (4) unit, six (6) unit, and seven (7) unit buildings. The title for Sheet #A2 shall be corrected to a Seven Unit Building. The proposed mean building height has been revised to thirty-two feet (32'). 2. Per communications with the applicant's professionals, proposed HVAC units will be located on the ground, and will be screened as depicted on future design submissions. The preliminary architectural plans submitted show the proposed HVAC units in the rear of the buildings with screening walls. C. Grading 1. A detailed review of the proposed grading will take place after revised plans are submitted. A detailed grading review will be conducted after compliance submission should approval be granted. D. Storm Water Management 1. In order to mitigate the additional runoff created by the increase in impervious area due to the proposed development, a storm water management system is proposed to manage increased runoff qualitatively and quantitatively. A water quality basin is proposed for pretreatment. A storm water management basin is proposed for volume and rate. Statements of fact. 2. The storm sewer is proposed on a combination of private drives and public right-of-ways. These collection systems will drain to a storm water management basin owned and maintained by the Homeowners Association. Clarification is need on ownership of various components of the proposed storm sewer system. A General Note has been added clarifying ownership. Proposed transition manholes shall be added at the right-of-way lines for resolution compliance submission should approval be granted. Department of Public Works approval will be required. 3. Test pits have been provided for seasonal high water table information. However, no test pits have been taken in the location of the storm water management basin and are required. Permeability testing of the soils at the proposed storm water management basin location is also required. The additional information must be provided with resolution compliance submission should approval be granted. 4. A four foot (4') high post and rail fence is proposed around the basin with a ten foot (10') wide gate for access. The basin design must be revised to permit vehicular access to the bottom elevation. The revised design must be provided with resolution compliance submission should approval be granted. 5. A Storm Water Management Operation

& Maintenance Manual will be required per the NJ Storm Water Rule (NJAC 7:8) and Township Code. The Manual may be provided with resolution compliance submission should approval be granted. E. Landscaping 1. A landscape design has been provided on Sheets 12 through 14. Landscaping notes and details are included. At this time, the landscape design only includes proposed shade trees. The proposed shade trees have been revised in accordance with the Shade Tree Commission recommendations. Completion of the landscape design shall be provided with resolution compliance submission should approval be granted. 2. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Township Shade Tree Commission as practicable. The Shade Tree Commission has made the following recommendation: a. Change Pin Oak to Willow Oak. b. Maintain half of the Sunset Maples and change half to Thornless Honey Locust. c. Add foundation plantings on all units. Five (5) plants per twenty feet (20') of foundation. The Board shall supply the applicant with proposed landscaping recommendations, if any. 3. We recommend that all proposed utilities and easements be added to the plan to prevent any planting conflicts. This information can be finalized with resolution compliance submission should approval be granted. 4. A detailed review of the landscape design will be undertaken when plan revisions are submitted. A detailed landscaping review will be conducted after resolution compliance submission should approval be granted. F. Lighting 1. A lighting design has been provided on Sheets 15 through 17 of 33. At this time, the lighting design is incomplete since all roadways are not included. A point to point diagram will be required for review. The lighting design must be finalized with resolution compliance submission should approval be granted. 2. The overall lighting design is subject to review and approval by the Board. The Board shall supply the applicant with proposed lighting recommendations, if any. 3. According to the details provided, proposed street lighting fixtures will have a mounting height of twenty-five feet (25') and driveway lighting fixtures a mounting height of fifteen feet (15'). The revised plans propose a driveway lighting height of fourteen feet (14') which conflicts with the Luminaire Schedule of fifteen feet (15'). Per communications with the applicant's professionals, corrections for the correct (14' foot) height will be provided during resolution compliance submission should approval be granted. 4. A detailed review of the lighting design will be undertaken during compliance, if approved. Fact. G. Utilities 1. The project is located in the New Jersey American Water franchise area. Public water and sewer service will be constructed by NJAW. Statements of fact. H. Signage 1. Per review of the design documents, new roads are going to be constructed; therefore street signs should be included at all intersections and in the construction details on the Site Plans. Per communications with the applicant's professionals, only street signage is proposed at this time. I. Traffic 1. As indicated in our August 14, 2013 review memo, Overall Development Plan #1 proposes to improve Bellinger Street from South Bell Avenue to Albert Avenue (during Phase 2 of the project as proposed). This will provide two (2) means of access to the proposed project. Bellinger Street will not be improved between South Bell Avenue and Yesodei Court, which would minimize the possibility of Bellinger Street being used as a future "cut through" road. 2. The Traffic Statement submitted estimates traffic to be generated by the forty-one (41) new townhouses with basement apartments. We have reviewed the data in the Statement and find it acceptable. 3. In accordance with the ordinance, one hundred sixty-four (164) parking spaces will be required for residential parking. This is based on four (4) parking spaces required for each dwelling unit. The Overall Development Plan indicates proposed driveway parking on the townhouse lots would be ninety-six (96) spaces, while other parking stalls for the project will consist of seventy (70) spaces. Therefore, the total proposed parking provided for the project is one hundred sixty-six (166) spaces, eight (8) of which are van-accessible handicapped. J. Environmental 1. Environmental Impact

Statement An Environmental Impact Statement (EIS) report was prepared and submitted for the project. The Environmental Impact Statement should be updated to reflect the current design; otherwise it is acceptable. Fact. 2. Tree Protection Management Plan A Tree Protection Management Plan must be completed as a condition of approval and comply with new Tree Ordinance Chapter XIX. This can be addressed during compliance should approval be granted. Statement of fact. K. Construction Details 1. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. Construction details will be reviewed in depth after plan revisions are submitted. Construction details will be reviewed in depth after resolution compliance submission should approval be granted. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Committee (Street Vacations and Easements); b. Developers Agreement at the discretion of the Township; c. Township Tree Ordinance; d. Lakewood Fire Commissioners; e. Ocean County Planning Board; f. Ocean County Soil Conservation District; and g. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing sanitary sewer and potable water.

Mayor Ackerman is sitting on this application.

Mr. Graham MacFarlane, P.E., P.P. was sworn in.

Mr. Abraham Penzer, Esq. on behalf of the applicant. He asked if this school is a certified college.

Mr. MacFarlane said yes.

Mr. Penzer asked if it is one of the few colleges that's accredited by the State of New Jersey.

Mr. MacFarlane said yes.

Mr. Penzer asked if the campus is located near by.

Mr. Macfarlane said that is correct.

Mr. Penzer asked how they meet the requirements.

Mr. MacFarlane said this application is for the expansion of the existing campus. This application satisfies all the criteria of the planned educational campus requirements. Townhouses units are proposed in two phases. The original application as to create individual fee simple lots with individual ownership. However, based on previous discussion, the plans have been changed to eliminate the creation of individual lots and proposes the 41 townhouse units will be for rent. The buildings and property will be owned by the institution. Mr. MacFarlane showed a plan to the Board which outlines the phases of the project. In phase I, the site would be accessed through the extension of the Yosodei Court, construction of the private driveway between buildings 3 and 4 and the construction of a portion of South Bell Avenue including a temporary cul-de-sac that would allow for emergency access. In phase II, the remaining units

would be built as well as the extension of South Bell and Bellinger Avenues. The comments can be addressed as outlined in the engineer's review letter.

Mr. Penzer said they have been working very closely with Rabbi Sanders of Bais Tova who is a neighbor. One phase I, they are not doing anything on Bellinger Avenue. On phase II, they would only improve portions of Bellinger and South Bell to minimize the impact upon him and his school. He has met with other neighbor's as well and has a great deal of time on this.

Mr. Schmuckler believes that the whole length of Bellinger Street should be improved. It would be a great help to the town. He would also like to see this street improved during the first phase. He said it is very tight between the existing houses and additional traffic should not be going through there. He asked about garbage pick up.

Mr. MacFarlane said there are areas for garbage cans in front of each unit.

Mr. Schmuckler asked how it is being collected without all the parking spaces being blocked.

Mr. MacFarlane said the cans will get wheeled out to the curb where there is room available.

Mr. Schmuckler is concerned about the limited space for all of the trash cans.

Mr. Franklin suggested previously that applicants should go to Public Works before the meetings.

Mr. Penzer said they would be subject to approval from Public Works with the board engineer.

Mr. Franklin said you would have to put the garbage cans on the driveway aprons in order to get them collected.

Mr. MacFarlane said there is storage space for the cans in each unit when they are not out.

Mr. Schmuckler asked about the widths of the streets.

Mr. MacFarlane said the public streets will be 30 ft wide and road between building 3 and 4 is 24 ft wide. The streets proposed for vacation have not yet been vacated. That must be approved by the Township. He questioned some of the parking spaces being within the right-of-way.

Mr. Vogt said that bus spots that were within the township right-of-way required township approval. You probably would need township approval for this as well since the improvements are within the cartway.

Mr. Schmuckler asked about sidewalks.

Mr. MacFarlane said sidewalks are proposed throughout the development. Where the units are proposed, they are not proposing to construct sidewalks on the opposite side of the street where no improvements are proposed.

Mr. Schmuckler asked about parking.

Mr. MacFarlane said there are at least two spaces in front of each unit, some have three based upon the dimensions.

Mayor Ackerman stated that he has to leave as he had scheduled a meeting for 7:30.

Mr. Penzer proposed a special meeting date be scheduled.

A motion was made and seconded to carry this application to October 8, 2013.  
All were in favor.

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