

## 1. CERTIFICATION OF COMPLIANCE

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

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

## 2. ROLL CALL

Mr. Franklin, Mayor Ackerman, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Rennert

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

- 1. SP 2004** (Variance Requested)  
Applicant: Bnos Devorah  
Location: Vermont Avenue  
Block 1154, 1155 Lots 1, 1  
Site Plan for proposed girl's school

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

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

- 2. SP 2005AA** (No Variance Requested)  
Applicant: Congregation Bais Medrash Chayim Inc  
Location: James Street & Sunset Road  
Block 284.06 Lot 22  
Change of Use/Site Plan Exemption to change a single-family home into a school and dormitory – no additional testimony proposed.

Mrs. Morris said there are two items in the resolutions that should be removed per Mr. Penzer as they were not part of the testimony.

The Board members reviewed the revised resolution.

Mr. Penzer said that condition 14 states that the supervisor for the students has to be no less than 24 years of age but he said that was never discussed. He also said that they never discussed having a maximum of three teachers during the day.

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

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

- 3. SP 2015** (Variance Requested)  
Applicant: Chambers Crescent, LLC  
Location: Cedar Bridge Avenue  
Block 536 Lot 122  
Preliminary Site Plan for 63 affordable housing multi-family units

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

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

- 4. SP 2010** (Variance Requested)  
Applicant: Congregation Mikvah Taharah  
Location: New Hampshire Avenue  
Block 1160.03 Lot 47.02  
Site Plan for a proposed mikvah/spa

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

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

- 5. SP 2016AA** (No Variance Requested)  
Applicant: Mesivta Ohr Chaim Meir  
Location: West Cross Street  
Block 494 Lot 54  
Change of Use/Site Plan Exemption to convert existing accessory building into a school, existing home to remain as residence

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

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

## **5. PLAN REVIEW ITEMS**

- 1. SD 1886** (No Variance Requested)  
Applicant: Yaakov Klugman  
Location: Marlin Avenue

Block 1159.02      Lot 30  
Minor Subdivision to create 2 lots

**Project Description**

The applicant seeks minor subdivision approval to subdivide an existing 200' X 218' rectangular property totaling forty-three thousand six hundred square feet (43,600 SF) or 1.0 acres in area known as Lot 30 in Block 1159.02 into two (2) single family residential lots. The two (2) rectangular lots would be 100' X 218' twenty-one thousand eight hundred square foot (21,800 SF) properties designated as proposed Lots 30.01 and 30.02 on the subdivision plan. The proposed lots would each have one hundred feet (100') of frontage on Marlin Avenue. The site is vacant and wooded. Public water and sewer is not available. The site is situated in the south central portion of the Township on the east side of Marlin Avenue, four hundred feet (400') north of Salem Street. Marlin Avenue is a paved municipal road with a fifty foot (50') right-of-way in fair to good condition without existing curb and sidewalk in front of the site. Construction of curb and sidewalk is proposed with this application. The existing pavement would be widened to a fifteen foot (15') half width by the construction of curb. The survey indicates the site is vacant and heavily wooded. The topography indicates the property to be at a high point with minimal slope towards the northeast. An existing utility pole within the right-of-way is missing from the survey near the north property line. No individual tree locations have been shown. The proposed lots are situated within the R-20 Single Family Residential Zone. The surrounding uses are entirely residential. No waivers or variances are being requested for proposed Lots 30.01 and 30.02. We have the following comments and recommendations: I. Zoning 1. The parcel is located in the R-20 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. 2. No waivers or variances have been requested for this subdivision. II. Review Comments 1. An Outbound and Topographic Survey has been submitted. 2. The survey should be revised to add an existing utility pole near the north property line. 3. The General Notes should reference the Outbound and Topographic Survey submitted. Horizontal and vertical datum has been assumed. 4. A proposed six foot (6') wide Shade Tree and Utility Easement to Lakewood Township is shown along Marlin Avenue. Proposed easement areas have been shown on an individual lot basis. 5. The General Notes and application list Mark Properties, LLC as the owner and Yaakov Klugman as the applicant. However, the Owner's Certification lists Yaakov Klugman as the owner. 6. Proposed outbound corner monuments should be added to the rear outbound corners of the site. 7. The Legend should be revised to "monument to be set" such that a bond may be posted for the proposed monuments. 8. 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 General Notes indicate that all proposed site improvements to be provided at time of plot plan submittal. Off-street parking shall be in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided. 9. 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. 10. The Improvement Plan proposes five (5) October Glory Maple street trees within the shade tree and utility easement. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation confirms the heavily wooded status of the tract listed on the survey. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 30.01 and 30.02. 11. Should basements be proposed, soil profile locations should be shown on the Improvement Plan. At this time, no soil profile logs

have been provided to justify seasonal high water table information. 12. The General Notes indicate new lots are to be serviced by private individual potable wells and septic systems. Approvals will be required from the Ocean County Board of Health. 13. Testimony is required on the disposition of storm water from the development. We anticipate recharge will be proposed to address the increase in runoff from proposed Lots 30.01 and 30.02. 14. Testimony should be provided on proposed site grading. A high point must be designed for the proposed grading of the new curb indicated on the Improvement Plan to ensure that runoff will not accumulate in front of the property. 15. Proposed four foot (4') wide concrete sidewalk will be provided along Marlin Avenue according to the Improvement Plan. A pedestrian bypass area has been designed. 16. 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. 17. Compliance with the Map Filing Law is required. 18. The proposed concrete curb design along Marlin Avenue will require pavement widening and a Typical Pavement Widening Section has been provided. However, the proposed pavement section must be coordinated with the Pavement Repair Detail. 19. The Concrete Sidewalk Detail should be revised to show the sidewalk set two feet (2') from the face of curb based on the plan design. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health; and e. All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Lines said he can address all the comments in the engineer's review letter.

A motion was made by Mr. Schmuckler, seconded to advance the application to the July 23, 2013 meeting.

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

- 2. SD 1891** (Variance Requested)  
Applicant: 11 Clover LLC  
Location: Clover Street  
Block 539 Lots 1, 2, 17, & 18  
Minor Subdivision to create 7 lots

### **Project Description**

The applicant seeks minor subdivision approval to subdivide four (4) existing lots totaling thirty-seven thousand five hundred square feet (37,500 SF) known as Lots 1, 2, 17, and 18 in Block 539 into seven (7) new residential lots. The subdivision proposes to provide for three (3) duplex buildings on six (6) zero lot line properties, and one (1) single-family dwelling on one (1) lot. The proposed lots are designated as Lots 1.01 through 1.07 on the subdivision plan. Proposed Lot 1.01 will contain the single-family dwelling on a single lot. Proposed Lots 1.02 through 1.07 will contain the three (3) duplex buildings on zero lot line properties. Public water and sewer is available. The site contains an existing two-story dwelling. The plans state that all existing structures are to be removed. The site is situated in the north central portion of the Township on the southeast corner of Ocean Avenue and Clover Street. This intersection is signalized. Ocean Avenue (Route 88) is a State Highway with an existing right-of-way width of fifty feet (50') in

front of the site according to the Tax Maps. Clover Street is a County Highway with an existing right-of-way width of sixty feet (60') across the frontage of the tract according to the Tax Maps. Both roads are paved and have old existing sidewalk and curbing. The existing sidewalk and curbing is proposed to be replaced along the Clover Street frontage because of the proposed driveways associated with the subdivision. The property has previously been disturbed and slopes from northeast to southwest. The highest elevation is approximated forty-seven (47) in the northeast corner of the site and the lowest elevation is about forty-two (42) in the southwest corner of the tract. There are a number of large existing trees onsite which have been located on the survey. Existing utilities are readily available to the site. The surrounding area to the property is predominately residential, comprised of single family homes. Variances will be required to create this subdivision. The lots are situated within the R-7.5 Single Family Residential Zone. We have the following comments and recommendations: I. Zoning 1. The parcels are located in the R-7.5 Single-Family Residential Zone District. Single-family housing with a minimum lot size of seven thousand five hundred square feet (7,500 SF) and duplex housing with a minimum lot size of ten thousand square feet (10,000 SF) are permitted uses in the zone. Zero lot line subdivisions for duplexes are allowed. 2. Based on the proposed irregular configuration of new Lot 1.01 for the single-family dwelling, a variance is required for either Minimum Rear Yard or Side Yard Setback. A 7.27 foot distance is proposed to the skewed lot line which we interpret as a rear lot line, whereas a fifteen foot (15') rear yard setback is required. However, even if the skewed lot line is interpreted as a side lot line, the architectural plan for the single-family dwelling indicates a proposed deck which would violate the required seven foot (7') side yard setback. 3. Per review of the Subdivision Map and the zone requirements, the following variances are required for the proposed duplex units on the zero lot line properties of new Lots 1.02 through 1.07: • Minimum Side Yard Setback – five feet (5') proposed, seven feet (7') required – proposed condition. • Minimum Aggregate Side Yard Setback – ten feet (10') for the proposed combination of Lots 1.02/1.03, 1.04/1.05, and 1.06/1.07, whereas fifteen feet (15') is required – proposed condition. 4. The architectural plans submitted show proposed second floor square footage of one thousand five hundred twenty square feet (1,520 SF) and covered front entrances for the buildings which are not shown on the minor subdivision plan. These proposed entrances count toward building coverage. Therefore, additional variances for Maximum Building Coverage will be required for the duplex units. The proposed building coverage will exceed the thirty percent (30%) permitted. 5. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. A Survey of the property with topography has been provided. The survey is incomplete and should be finalized. Lot areas, correct right-of-ways, notes, etc., should be added. 2. The survey shows a shed encroachment from adjoining Lot 16. An easement should be provided to existing Lot 16 to allow the shed to remain. 3. The General Notes indicate that horizontal datum has been assumed and vertical datum is based on NGVD 1929. The bench mark provided on the Improvement Plan shall be referenced on the Minor Subdivision plan. 4. We noted some large trees located on the site that may interfere with the construction of the proposed buildings. These trees have been indicated on the survey. The Notes on the Improvement Plan indicate that tree removal permits are to be acquired when plot plans are submitted. 5. The plans indicate that a minimum of four (4) off-street parking spaces will be required and provided for each lot. The proposed architectural plans show five (5) bedroom units with unfinished basements. Based on the Township parking ordinance this increases the number of proposed

bedrooms to seven (7) which requires the four (4) off-street parking spaces per unit. Parking should be provided to the satisfaction of the Board and comply with ordinance 2010-62. 6. Basements are proposed for the future dwellings on Lots 1.01 through 1.07, therefore seasonal high water table information will be required. The Notes on the Improvement Plan indicate that seasonal high water table information will be provided at time of plot plan submittals. 7. The existing right-of-way locations should be corrected on the plans. 8. A proposed six foot (6') wide shade tree and utility easement is shown across the road frontages on the subdivision plan. The proposed easement was incorrectly drawn as five feet (5') wide. As a result, some of the proposed easement dimensions on new Lot 1.01 are a foot long and the proposed easement areas for the individual lots are low. 9. A 30' X 30' sight triangle easement dedicated to the Township has been provided at the intersection of Ocean Avenue and Clover Street. The easement is not necessary since the Township does not own the adjoining roads and the intersection has a signal. Any required sight triangle easements would be dictated by the County or State. 10. The survey date in the Surveyor's Certification should be corrected. 11. The plan indicates proposed lot numbers have been approved by the tax assessor's office. 12. The concrete curb and sidewalk along Clover Street is proposed to be replaced. A pedestrian passing lane is proposed which allows for a four foot (4') sidewalk width. Existing curb and sidewalk along Ocean Avenue will remain. 13. Twelve (12) Willow Oak shade trees are proposed within the shade tree and utility easement for the project. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. 14. Proposed grading is indicated on the Improvement Plan. Coordination of proposed grading is necessary because of the numerous lots and limited space between buildings. The proposed grading must be revised based on the architectural plans. A proposed separation of 10.33 feet is required between the basement floor and first floor elevations. A proposed separation of 5.17 feet is required between the first floor and building corner elevations. 15. Storm water management from development of proposed Lots 1.01 through 1.07 must be addressed. The project is major development since over a quarter acre of impervious surface will be added. 16. Water and sewer service is to be provided by New Jersey American Water Company since the project is within their franchise area. 17. The monument certification has not been signed and the monuments have yet to be set. 18. An additional outbound corner monument should be proposed at the southeast corner of the tract. 19. Compliance with the Map Filing Law is required. 20. The Improvement Plan must be revised to include drainage as required. This Improvement Plan may be provided during compliance if approval is given. 21. Construction Details should be revised and will be reviewed during compliance should approval be given. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance; b. Ocean County Planning Board; c. Ocean County Soil Conservation District; and d. All other required outside agency approvals.

Mr. Vogt stated that variances are being requested for minimum aggregate side yard setback and minimum side yard setback.

Mr. Lines said this application is for three duplexes and a single family house.

Mr. Neiman said to make sure testimony is made for these variances.

Mr. Lines will provide testimony and can meet the comments in the review letter.

Mr. Banas asked if there are any drainage problems.

Mr. Lines said no.

Mr. Banas said there are problems in the general vicinity.

Mr. Lines said he will look into that.

Mr. Schmuckler asked that he provide the Percal map.

Mr. Lines agreed.

A motion was made by Mr. Rennert, seconded by Mr. Schmuckler to advance the application to the July 23, 2013 meeting.

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

- 3. 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

Major Subdivision for 41 townhouses and associated site improvements

### **Project Description**

The applicant is seeking Preliminary and Final Major Subdivision approval. 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 townhouse units are proposed accessory units to 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 plans indicate the total area of the tracts of land is 6.7 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.

We offer the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours 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. 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. 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. 2. 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. 3. 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. 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. 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. 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. 4. Revisions are required to the General Notes and Index of Drawings. 5. Additional proposed design comments are required on the Overall Development Plan, particularly connecting the new improvements on the plans to the existing. 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. 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. 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. 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. 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. 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. 12. Proposed sight triangle easements should be addressed throughout the proposed project. 13. Sidewalk easements should be considered where proposed perpendicular on street parking encroaches onto individual lots. 14. The Final Plat indicates the proposed lot for the storm water management basin will be owned by the applicant. 15. Two (2) tot lot locations are indicated, but no designs are being presented. 16. The applicant should provide Homeowners Association documents for the townhouse portion of the development, with necessary revisions, for the Board's Professionals to review.

**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').
2. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum.
3. All proposed buildings will be serviced by public water and sewer.
4. 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.

**C. Grading**

1. Grading plans are provided on Sheets 3 through 5 of 33. The proposed grading is feasible and has been designed to slope towards the proposed storm sewer collection system inlets which collect runoff and direct it to a large storm water management basin.
2. Road Profiles have been included on Sheets 18 through 21 of 33.
3. A detailed review of the proposed grading will take place after revised plans are submitted.

**D. Storm Water Management**

1. Storm Drainage Plans are provided on Sheets 6 through 8 of 33.
2. 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.
3. Proposed storm sewer collection has been designed utilizing high density polyethylene (HDPE) conveyance pipe.
4. 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.
5. 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.
6. 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.
7. A Storm Water Management Operation & Maintenance Manual will be required per the NJ Storm Water Rule (NJAC 7:8) and Township Code.
8. Storm water management will be

reviewed in detail after revised plans are submitted. 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. 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. 3. We recommend that all proposed utilities and easements be added to the plan to prevent any planting conflicts. 4. A detailed review of the landscape design will be undertaken when plan revisions are submitted. 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. 2. The overall lighting design is subject to review and approval by the Board. 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'). 4. Testimony should be provided on the ownership of the proposed lighting. The plans indicate that all lighting within right-of-way will be owned and maintained by Jersey Central Power & Light. 5. A detailed review of the lighting design will be undertaken when plan revisions are submitted. 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. 2. The proposed utilities are shown on the Utility Plans, Sheets 9 through 11 of 33 in the drawing set. 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. 2. Proposed regulatory signage must be added to the plans. 3. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. I. Traffic 1. We recommend that traffic testimony by a qualified professional be provided at the forthcoming public meeting. Funston Avenue has been completed between Oak Street and Bellinger Street as the primary means of ingress and egress proposed for this site. J. Environmental 1. Site Description Per review of the site plans, aerial photography, and a site inspection of the property, the site is currently undeveloped and wooded. The vegetation is dominated by Red Oak, White Oak, Black Oak, American Holly, and Pitch Pine. 2. 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. 3. 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. K. Construction Details 1. Construction details are provided on Sheets 22 through 25 of 33 in the site plans. 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. Construction details will be reviewed in depth after plan revisions are submitted. L. Final Plat 1. An Overall Map must be added with match lines for the individual sheets. 2. Block 822, Lots 1, 2, and 3 must be added to the Owner/Applicant signature box. 3. References to the survey date should be corrected. The General Notes on the survey use a date of April 24, 2013. 4. Sight triangle easements should be added. 5. Sidewalk easements should be added. 6. Proposed block and lot numbers must be assigned by the Tax assessor and the plat signed by the Tax Assessor. 7. Compliance with the Map Filing Law is required. 8. The Final Plat will be reviewed in detail after 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.

Mr. Penzer said he can meet the comments in the engineer's review letter.

Mr. Vogt said there are no variances, however, there are submission waivers.

Mr. Penzer said that this is an approval that predates the campus ordinance which only allows rentals. This was done about a year before and they are for sale which will be restricted to faculty and members of the institution only.

Mr. Schmuckler asked how they can have townhouses in the R-40 zone.

Mr. MacFarlane said the original application that this Board approved included the school, dorm and 14 townhouses. Now the applicant is expanding the facility with additional townhouse units with the same restriction as the original approval to be used for students, faculty or alumni.

Mr. Schmuckler asked if this should be going to the Zoning Board because townhouses are not allowed in this zone.

Mr. Penzer said it is allowed. It is a continuation of the existing educational facilities that were approved by this Board.

Mr. Jackson said it is a continuation but it is an expansion. Many units are being added.

Mr. MacFarlane said in the original approval the townhouses were accepted as accessory uses to the school and were permitted by the Board with the condition that they would be occupied by faculty, staff and alumni.

The Board would like to see the original site plan.

Mr. Vogt also suggested to have a copy of the resolution for the original approval. He also said that if it was deemed to be a non-conforming use it never would have never been heard in the first place.

Mr. Neiman also said that the original approval was for 14 homes with a school and this is just 41 homes.

Mr. Schmuckler said there is no proposed expansion to the school facility and yet they are adding homes.

Mr. Vogt said there will be a review letter and if they feel that this isn't a permitted use then the application would not be heard.

Mr. Penzer explained that this was the first school in this area that needed faculty on site. Later on, it was expanded and they wanted to make a full campus ordinance to incorporate everything there. But this came first. He said they are not planning on building anymore homes after these.

Mr. Jackson asked where in the ordinance or UDO you can allow townhouses in this zone.

Mr. Vogt recommends the waivers be granted as conditioned in their comments.

A motion was made and seconded to approve the waivers.

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

Mr. Schmuckler advised the applicant to be prepared to discuss traffic flow.

A motion was made and seconded to advance to the July 23, 2013 meeting.

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

- 4. SP 2011** (Variance Requested)  
Applicant: Sudler Lakewood Land, LLC  
Location: Route 70, Paco Way  
Block 1160.04 Lot 49  
Site Plan for a proposed warehouse and office space

#### **Project Description**

The applicant is seeking Preliminary and Final Major Site Plan approval with variances. The applicant proposes to construct a new thirty-one thousand two hundred square foot (31,200 SF) warehouse with supporting office space. The eastern section of the proposed building will provide twelve (12) spaces for trailers with ten (10) loading dock doors. The northern and southern portions of the building will be used for office entrances. Parking for employees will be provided on the north and south sides of the property, while parking for trailers will be provided on the east side of the site. A total of twenty-eight (28) off-street parking spaces are proposed. Two (2) rows of thirteen (13), 9' X 18' parking spaces and one (1), 11' X 18' handicap parking space will be dedicated to standard sized vehicles. A parking row will be provided on both the northern and southern sides of the warehouse. Access to the proposed development will be provided by a driveway from the end of the cul-de-sac on Paco Way. The 326.70' X 477.67' rectangular tract consists of approximately 3.58 acres in area, and is primarily heavily wooded, with the exception of the southern region containing a lack of foliage in a small area. The property generally slopes gently downwards from the southeast to northwest. No freshwater wetlands or state open waters exist on-site or within three hundred feet (300') of the tract. The site fronts the northern side of the right-of-way for State Highway Route No. 70 and southern side of the cul-de-sac bulb for Paco Way. Paco Way is an improved municipal roadway within the Lakewood Industrial Park with publicly supplied water and sewer mains available in the roadway. Surrounding lands are all improved with large commercial and industrial land uses. The site is located in the M-1 Industrial Zone. Warehouses and terminal facilities are a permitted use in the zone. I. Zoning 1. The site is situated within the M-1, Industrial Zone. Per

Section 18-903M.1.c., of the UDO, under "permitted uses" in the M-1 zone cites warehouses and terminal facilities. 2. A variance is being requested for the number of off-street parking spaces. Per Section 18-903M.6.b., of the UDO, buildings having between twenty thousand square feet (20,000 SF) and fifty thousand square feet (50,000 SF) of floor area shall provide one (1) parking space for each employee on the maximum work shift, plus ten (10) spaces for executives. The application and plans indicate that fifty (50) spaces are required, which implies a maximum work shift of forty (40) employees. However, only twenty-eight (28) off-street parking spaces are proposed for normal passenger vehicles. Testimony shall be provided regarding this situation. 3. A variance is required for the site identification sign setback. Per Section 18-812A.9.b., of the UDO, a fifteen foot (15') setback from the right-of-way is required and a ten foot (10') setback is being proposed. 4. A variance is required for sign area. Per Section 18-812A.11.a., of the UDO, a maximum sign area of fifteen square feet (15 SF) is allowed and a forty square foot (40 SF) area is being proposed. Our interpretation of the allowable sign area is based on the Paco Way cul-de-sac being a two-lane road with a speed limit of twenty-five miles per hour (25 MPH). 5. Per review of the site plans and application, the following design waivers are required: • Providing sidewalk along the project frontage. It should be noted that there is no existing sidewalk along Paco Way in the vicinity of this project which is in the Industrial Park. • Providing shade trees and a shade tree and utility easement along the project frontages. Shade trees and generous landscaping are proposed throughout the project. It should be noted the Paco Way project frontage is limited since it is the terminus of a cul-de-sac and the Route 70 frontage effectively serves as a rear yard since it borders the DMV inspection station. II. Review Comments A. Site Plan/Circulation/Parking 1. A Boundary and Topographic Survey has been submitted. Vertical datum is based on NAVD 88 and horizontal datum on NAD 83. A vertical bench mark shall be provided on the plan. 2. In accordance with Section 18-903M.4.a., testimony should be provided on the disposal of any liquid wastes. 3. Vehicular Circulation Plans are required to confirm accessibility for the trailers. 4. No refuse and recycling area has been proposed. The plans note that trash and recyclables are to be collected and stored inside. Testimony shall be provided as to why an outdoor waste receptacle area designed in accordance with Section 18-819E., of the UDO, has not been included on the plans. 5. An infiltration basin is proposed on the north side of the site along the Paco Way frontage. The proposed basin will not be fenced and has no vehicular access. 6. No sight triangles associated with the proposed vehicular site access point has been indicated. Confirming testimony should be provided that sight triangles are unnecessary because of the geometric configuration. 7. Curbing is being removed at the driveway access point on Paco Way. No sidewalk exists within the right-of-way and none is proposed. This is consistent with the other site plans in the Industrial Park. 8. Proposed handicapped spaces and aisles should be revised to provide width dimensions of eight feet (8'). Both proposed spaces will be van accessible. 9. Proposed curb ramps shall be added. Proposed concrete handicap ramps with guide rails have been designed to access the building from the parking areas. 10. All proposed building access points should be coordinated between the architectural plans and site plans since they impact the design. 11. The plans call out an edge of pavement on the east side of the proposed heavy duty pavement. Curb is required. The curb may be depressed to allow sheet flow runoff to drain into the proposed swale. 12. A proposed Deed Restricted Tree Preservation Area of 16,618 square feet is shown on the south side of the site. Bearings and distances must be added to the preservation area with a tie distance to a property corner. B. Architectural 1. Preliminary architectural floor plans and elevations were submitted for review. Per review of the submitted plans, the building will be about forty feet (40') high, far less than the sixty-five foot (65') allowable height. The structure will house the warehouse and office space. 2. The applicant's

professionals should provide testimony regarding the proposed building facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum.

**3. Testimony** should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened.

**4. More detailed architectural plans** should be provided, especially in regard to how much of the floor space will be dedicated to the warehouse and the remaining office layout.

**5. The site plans and architectural plans** must be coordinated. The architectural plans show many more building access locations than the site plans.

**C. Grading**

**1. Detailed grading** is provided on Sheet 5 of 14.

**2. An infiltration basin** is proposed on the northern portion of the proposed project site. The basin area will be excavated and have a flat sand bottom. A two foot (2') separation from the bottom of the sand layer to the seasonal high water table is proposed.

**3. The proposed grading** is feasible and maximizes overland flow for storm water runoff.

**4. A review of final grading** will be performed during compliance if/when approval is granted.

**D. Storm Water Management**

**1. A proposed storm sewer collection system** has been designed utilizing reinforced concrete pipe to convey storm water runoff into a proposed infiltration basin. The proposed infiltration basin is located on the northern portion of the site.

**2. A two foot (2') vertical separation** between the proposed bottom of the sand layer in the infiltration basin and the seasonal high water table has been provided.

**3. The proposed grading** has been designed to maximize overland flow of runoff for drainage.

**4. Proposed roof downspouts** are shown out letting into the proposed swale behind the building.

**5. A storm water management maintenance manual** shall be provided in accordance with NJ Storm Water Rule (NJAC 7:8) and Township standards.

**6. It should be noted** that New Jersey Department of Environmental Protection's pending CAFRA review could have an impact on the storm water management design.

**E. Landscaping**

**1. Proposed landscape planting** for the site consists of thirty-nine (39) deciduous trees of four (4) different species, twenty-nine (29) coniferous trees of three (3) different evergreen species, twenty-one (21) ornamental trees of two (2) different species, three hundred sixty-seven shrubs of seven (7) different species, and over dam feather reed grass ground cover. All of the notes and details regarding the foliage can be found on Sheets 7, 13, and 14 of 14 in the Site Plan.

**2. The overall landscape design** is subject to review and approval by the Board.

**3. The Lakewood Township Municipal Utilities Authority** may require relocation of some proposed plantings. Utilities and easements should be shown on the Landscape Plan to avoid planting conflicts.

**4. Landscaping will be reviewed** in detail during resolution compliance review should approval be granted.

**F. Lighting**

**1. A detailed lighting design** is provided on the Lighting Plan, Sheet 6 of 14. The design consists of seven (7) pole mounted fixtures with a height of twenty-four and a half feet (24.5') and five (5) building mounted fixtures with a height of twenty-two feet (22').

**2. The details of the different light fixtures** can be found on Sheet 12 of 14.

**3. Two (2) types of pole mounted lights** are proposed. However, the drawing on Sheet 6 of 14 only depicts one (1) of the types. The wall mounted fixtures on the loading side of the building have a higher proposed intensity.

**4. A point to point diagram** has been provided to determine the adequacy of the lighting and compliance with the ordinance. The minimum intensity of 0.4 foot candles is being met. However, the uniformity ratio of is being exceeded since the maximum proposed intensity is 8.9 foot candles. Revisions should be provided to reduce the uniformity ratio to 12:1, while still meeting the minimum intensity of 0.4 foot candles and average intensity of 0.8 foot candles.

**5. A General Note** regarding street lighting on the Grading & Utility Plan is not applicable and should be eliminated.

**6. Lighting revisions** can be addressed during resolution compliance review if/when approval is granted.

**G. Utilities**

**1. Public water and sewer services** will be provided by the Lakewood Township Municipal Utilities Authority. Plan design can be seen on Sheet 5 of 14, profiles on Sheet 9 of 14, and details on Sheets 10 and 11 of 14.

**2. General Note #17** on the

Grading & Utility Plan shall be revised since combined sewers are not permitted. 3. Proposed fire protection measures include an onsite fire hydrant; however no information has been given regarding sprinkler systems in the warehouse. 4. Electric service is available from Jersey Central Power & Light. Gas service is available from New Jersey Natural Gas Company. H. Signage 1. A proposed free-standing site identification sign has been provided on the site plans requiring relief by the Board for location and area. The Site Plan includes placement of all signs on the property, some of which are state mandated. Details of the signs can be seen on Sheet 12 of 14. 2. Placement of the signs throughout the property can be found on Sheet 4 of 14 in the Site Plans. 3. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. I. Environmental 1. Site Description Per review of the site plans, aerial photography, and a site inspection of the property, the tract is a vacant, wooded property with access from Paco Way. The vegetation on site consists of mixed oak and pitch pine native species throughout the site. Most of the site is forested with the exception of a region that appears to be sand and other sediment mixture. The property slopes gently downwards from southeast to the northwest. No freshwater wetlands or state open waters exist on-site or within three hundred feet (300') of the site. 2. CAFRA Compliance Statement The applicant has submitted a CAFRA Compliance Statement, which complies with Section 18-820 of the UDO. 3. Tree Management Plan A Tree Protection Management Plan must be submitted due to the existence of large amounts of foliage on the plot of land. A tree plot area can be seen on Sheet 2 of 14, the Existing Conditions Plan. A Tree Preservation Area is proposed to comply with CAFRA requirements. A Tree Protection Management Plan is required (or waiver sought). J. Construction Details 1. Construction details are provided on Sheets 10-14 of 14 in the plan set. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. 3. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. 4. Construction details will be reviewed during resolution compliance should approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Developers Agreement; b. Township Tree Ordinance (as applicable); c. Lakewood Township Industrial Commission; d. Lakewood Fire Commissioners; e. Lakewood Township Municipal Utilities Authority (water and sewer); f. Ocean County Planning Board; g. Ocean County Soil Conservation District; h. NJDEP Individual CAFRA Permit; and i. All other required outside agency approvals.

Mr. Vogt said variances are requested for parking for the number of off-street parking spaces and a setback variance for the site identification sign.

Mr. Goldman, Esq. said he can comply with all of the items in the review letter except the lighting comment. The variances will be reduced to only the parking variance. They will comply with the sign ordinance requirements both in location and size.

A motion was made and seconded to advance the application to the July 23, 2013 meeting. Affirmative: Mr. Franklin, Mayor Ackerman, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Rennert

**5. SD 1894 (Variance Requested)**

Applicant: School Gardens Realty, LLC  
Location: School Garden Street  
Block 243 Lots 6-8, 26, 27.01 & 27.02  
Major Subdivision for thirteen lots (6 fee-simple duplexes and one single family)

### **Project Description**

The applicant is seeking a Preliminary and Final Major Subdivision approval. The applicant proposes the subdivision of six (6) existing lots to create thirteen (13) proposed lots. One (1) of the proposed lots would be developed with a single-family dwelling. Twelve (12) of the proposed lots would be developed as zero lot line properties with six (6) duplex structures. The existing six (6) lots known as Lots 6, 7, 8, 26, 27.01 & 27.02 in Block 243.01 are proposed to be subdivided into proposed Lots 6.01 – 6.13 on the Major Subdivision Plan. The subject property is located on the southeasterly side of School Garden Street, in the north central portion of the Township between Clover Street and East Fifth Street. The existing 1.75 acre property has approximately four hundred twenty-five feet (425') of frontage on School Garden Street. School Garden Street is a narrow, improved municipal road with a right-of-way width varying from 28.60 feet to thirty-three feet (33'). Clover Street, an improved municipal street with a sixty foot (60') wide right-of-way borders the tract to the west. Existing Lot 26 has about thirty-nine feet (39') of frontage on Clover Street. East Fifth Street, an improved municipal road with a forty foot (40') wide right-of-way borders the site to the northeast. Existing Lot 6 has one hundred fifty feet (150') of frontage on East Fifth Street. There is existing curb and sidewalk along the minor frontages of the project. A consistent half pavement width of fifteen feet (15') along with curb and sidewalk is proposed across the School Garden Street frontage of the project. The site is currently occupied by existing residential dwellings with accessory structures. All existing improvements would be removed to make way for the proposed residential subdivision. The land is pretty flat, but generally the site slopes to the northeast toward East Fifth Street. Proposed storm water management facilities are associated with this project. The proposed drainage system consists of a storm sewer collection system with underground recharge. An outlet control manhole detains storm water in the recharge system before allowing overflow into the existing drainage system. Proposed sanitary sewer laterals will connect to existing sanitary sewer mains in the center School Garden Street. Proposed potable water services for the subdivision will connect to an existing main on the northwest side of School Garden Street. Four (4) off-street parking spaces are proposed for each unit. However, the preliminary architectural plans show seven (7) bedroom units with basements, which require five (5) off-street parking spaces per unit. The subject site is located within the R-7.5 Single-Family Residential Zone District. Therefore, single-family housing and zero lot line duplex housing are permitted uses in the zone district using seven thousand five hundred square foot (7,500 SF) minimum lot areas for single-family and ten thousand square foot (10,000 SF) minimum lot areas for duplex structures. The lands surrounding the site are predominately residential; except for the park on the northwest side of School Garden Street. We have the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours of the area within 200 feet of the site boundaries. 3. B10 – Man-made features within 200 feet thereof. 4. C13 - Environmental Impact Statement. 5. C14 - Tree Protection Management Plan. Topographic features and contours are shown on the site and all adjoining right-of-ways. We support the granting of the requested B-Site Features waivers. The Environmental Impact Statement waiver is justified since the site has been previously developed. The Tree Protection Management Plan waiver can be granted for completeness



purposes. The survey work is more than adequate for final design. The site contains plenty of large trees. A Tree Protection Management Plan should be required prior to any construction.

II. Zoning 1. The site is situated within the R-7.5, Single-Family Residential Zone District. As stated previously, "Single-Family and Two-Family Housing, with a minimum lot area of seven thousand five hundred square feet (7,500 SF) for single-family and ten thousand square feet (10,000 SF) for two-family structures" are listed as permitted uses. Zero lot line subdivisions for duplexes are permitted in the Zone. 2. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are requested for the subdivision approval:

- Minimum Lot Area – Proposed single-family Lot 6.13, 5,531 square feet; where seven thousand five hundred square feet (7,500 SF) is required.
- Minimum Front Yard Setback to East Fifth Street – Proposed setback from East Fifth Street of corner Lot 6.01 is 16.67 feet, where twenty-five feet (25') is required.
- Minimum Side Yard Setback – The proposed side yard setbacks for Lots 6.02 through 6.12 are five feet (5'), except for Lot 6.02 which is 5.33 feet, where a minimum side yard setback of seven and a half feet (7.5') is required.
- Minimum Combined Side Yard Setback – The combined side yard setbacks for the combination of proposed Lots 6.03/6.04, 6.05/6.06, 6.07/6.08, 6.09/6.10, and 6.11/6.12 are ten feet (10'), where fifteen feet (15') is required.
- Minimum Rear Yard Setback – The proposed rear yard setback for the deck on Lot 6.12 is 14.45 feet, where fifteen feet (15') is required.
- Maximum Building Coverage – The proposed building coverage of the combination of Lots 6.01/6.02, 6.03/6.04, and 6.09/6.10 are 33.9%; where thirty percent (30%) is permitted.

3. Based on the architectural plans provided, a variance would be required for the number of off-street parking spaces proposed on the duplex units. The architectural plans propose seven (7) bedroom units with unfinished basements. Five (5) off-street parking spaces per unit would be required and only four (4) off-street parking spaces per unit have been provided. 4. An eight and a half foot (8.5') right-of-way dedication along School Garden Street is required to provide the proper twenty-five foot (25') half right-of-way width unless a waiver is granted by the Board. Should the Board not require the right-of-way dedication, then an eight and a half foot (8.5') road widening easement shall be proposed. It should be noted that a dedication would impact proposed bulk variances. 5. A five foot (5') right-of-way dedication along East Fifth Street is required to provide the proper twenty-five foot (25') half right-of-way width unless a waiver is granted by the Board. Should the Board not require the right-of-way dedication, then a five foot (5') road widening easement shall be proposed. It should be noted that a dedication would impact proposed bulk variances. 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.

III. Review Comments A. General 1. Off-street parking: According to the plans provided, the applicant is proposing four (4) off-street parking spaces per unit. Up to six (6) bedrooms per unit with an unfinished basement would be permitted for this project to comply with parking ordinance 2010-62. The architectural plans submitted propose seven (7) bedroom duplex units with unfinished basements. 2. The applicant shall confirm that trash and recyclable collection is to be provided by the Township of Lakewood. Each unit shall have an area designated for the storage of trash and recycling containers. 3. The proposed lot numbers shall be approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. 4. The project proposes an underground recharge/detention system to be owned and maintained by the Township. Therefore, a one-time maintenance fee shall be assessed. The fee would be six thousand seven hundred fifty dollars (\$6,750.00) based on one (1) single family detached dwelling at seven hundred fifty dollars per unit (\$750.00/unit) and twelve (12) single family attached dwelling at five hundred dollars per

unit (\$500.00/unit). 5. The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of four (4) basic house designs are required for developments consisting of between seven (7) and fifteen (15) homes. 6. Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required, including provisions to address items associated with the use, maintenance, and repair of common areas and facilities associated with the overall property. Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township. B. Plan Review 1. A Boundary and Topographic Survey was submitted. The survey is over two (2) years old and should be updated. 2. We have reviewed the legal description for the outbound and "Northerly" listed in Course "8", should be "Southerly". 3. All submission documents should be coordinated to list the proper existing Block and Lot numbers. 4. General Note #4 should be revised to list the existing use as residential. 5. Should the Board waive the right-of-way dedications, the General Notes and Plans shall be revised to show road widening easements with shade tree and utility easements directly behind. 6. The General Notes indicate Drainage Easements are to Lakewood Township. This would require approval from the Department of Public Works. It should be noted the proposed Drainage Easements would only be ten feet (10') wide, the proposed distance between the duplex units. We recommend the onsite drainage be owned and maintained by a Homeowners Association with storm manholes proposed at the right-of-way line to differentiate ownership responsibilities. 7. The Schedule of Bulk Requirements should be revised to show a provided side yard setback of 5.33 feet for Lot 6.02. 8. A rear yard variance should be indicated for the proposed deck on Lot 6.12 in the Schedule of Bulk Requirements. 9. Centerlines and stationing for the adjoining roads must be added to the plans. 10. A proposed Sight Triangle Easement to the Township of Lakewood at the intersection of East Fifth Street with School Garden Street should be added. 11. Dimensions should be provided for all the proposed building boxes. The proposed front and rear offsets are not correct based on the architectural plans submitted. 12. The driveway lengths shall be measured from the proposed dedication or road widening easement lines. 13. Limits of proposed curb and sidewalk should be added to the plan. Proposed sidewalk should be increased to a width of five feet (5') unless pedestrian bypass areas are added. C. Grading 1. Grading is provided on a Grading, Drainage and Utility Plan which is Sheet 4 of 13. A storm sewer collection system is proposed to collect runoff and recharge it between buildings and within the right-of-way of School Garden Street. 2. Proposed basement floors have been designed to provide a minimum of two feet (2') of separation from the seasonal high water table. 3. Profiles have been provided for adjoining roads. The following revisions are required: a. The proposed grade line on School Garden Street should be labeled as top of curb. b. The length of the vertical curve on School Garden Street should be increased. c. The curb line profile at the end of School Garden Street requires clarification. d. The existing sanitary sewer main in School Garden Street is shown to be back pitched. Invert elevations should be checked. 4. Off road profiles have been provided for the drainage. The length of the profile between CB7 and CB8 should be corrected. 5. Areas of new pavement construction should be squared off on the Milling and Paving Plan. 6. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved. D. Storm Water Management 1. A proposed storm sewer collection system has been designed to collect storm water runoff and recharge it prior to the overflow from an outlet structure manhole connecting to the existing drainage system beneath East Fifth Street. The proposed collection and recharge system is located on-site between buildings and under the curb of School Garden Street. The plans provided indicate the entire ownership of the storm water management system will be the Township. We recommend private ownership for private lands and public ownership for public

lands, with proposed storm manholes for the ownership transition points. The applicant's engineer should meet with the Department of Public Works to review the project. 2. Our review of the project indicates it will be classified as Major Development since more than a quarter acre of impervious surface will be added and over an acre of disturbance will take place. As a result, the project must meet water quality and water quantity reduction rate requirements. 3. Soils information has been provided within the proposed project to confirm the seasonal high water table is deep enough for the recharge system design. Permeability testing was done for use in the recharge calculations. 4. The Drainage Area Maps must be adjusted to include the area to at least the centerline of School Garden Street, since the pavement will be widened in front of the site. Consequently, the Storm Water Management Report shall be revised. 5. The Storm Water Management Report and Design will be reviewed in detail during compliance, if/when approved. E. Landscaping 1. Proposed shade trees along the street frontages and shrubs screening air conditioning units have been provided on Sheet 6 of 13. 2. Proposed dedications and/or easements shall be added to the Landscape Plan. The proposed shade trees should be located within the Shade Tree and Utility Easement. Proposed shade trees should not be located in the Sight Triangle Easements. 3. A proposed shade tree along the East Fifth Street frontage is shown beyond the property limits and should be eliminated. 4. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. Most of the site will be cleared for the construction of the project. Our site investigation noted plenty of existing trees on the site. Compensatory plantings shall be addressed with a Tree Protection Management Plan. 5. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted. F. Lighting 1. Since the proposed project creates no new streets and fronts existing roads, only existing street light fixtures have been mapped. 2. The Sheet Index on the Title Sheet should be revised to eliminate Lighting Plan and Details since no new lighting is proposed. G. Utilities 1. Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company. 2. The proposed sanitary sewer laterals will connect to an existing system in the center of School Garden Street. 3. Potable water services are proposed to be extended to an existing main on the northwest side of School Garden Street. 4. The plans should state that all proposed utilities are to be provided underground. H. Signage 1. Except for an existing stop sign to be relocated, no proposed regulatory signage has been shown on the plans. 2. No project identification signs are proposed. 3. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. I. Environmental 1. Site Description Per review of the site plans, aerial photography, and a site inspection of the property, the tract has six (6) existing residential dwellings and some accessory structures located on the property. The site contains plenty of existing trees. The existing on-site topography is pretty flat and generally slopes from southwest to northeast towards East Fifth Street. The existing pavement edge along School Garden Street is very irregular. Telephone poles are across from the site along School Garden Street. 2. Environmental Impact Statement A waiver was requested from submitting an Environmental Impact Statement (EIS) for the project. 3. Tree Management Prior to construction, a Tree Protection Management Plan in accordance with the current ordinance shall be submitted. J. Construction Details 1. Construction details are provided on Sheets 12 and 13 of 13. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. 3. Final review of construction details will take place after compliance submission, if/when this project is approved by the

Board. K. Final Plat (Major Subdivision) 1. Final Plat corrections should be in accordance with the relevant previous comments of this report. 2. The General Notes require some corrections. 3. A proposed 25' X 25' Sight Triangle Easement dedicated to the Township of Lakewood should be provided at the intersection of East Fifth Street and School Garden Street. 4. The proposed Drainage Easements should intersect the dedication or road widening easement line. 5. Proposed monuments shall be added at the outbound corners and the intersection of side lines with School Garden Street. 6. The Legend shall be corrected to change "Monument Set" to "Monument to be Set" in accordance with the typical plan notes. 7. Compliance with the Map Filing Law is required. 8. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance; c. Ocean County Planning Board; d. Ocean County Soil Conservation District; an e. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Vogt said variances are being requested for minimum lot area, minimum front yard setback, minimum side yard setback, minimum combined yard setback, minimum rear yard setback and maximum building coverage. There are also waivers which we conditionally recommend.

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

Mr. Doyle, Esq. said they have taken several differently owned pieces of property and made it into a single cohesive, modern housing area. The overall density is consistent with the master plan and the zoning ordinance. There are specific concerns in the review letter that he would like his engineer respond to.

Mr. Brian Flannery, P.E. said they can satisfy most of the engineer's comments. They will be asking for a road widening easement rather than a dedication because it would impact the lot areas. The other side of the street is Township owned property and we are making it a lot better as Mr. Doyle indicated. The architectural will be revised so there are four parking spaces per unit. This project does not have a detention basin so they feel they do not have to pay the one time maintenance fee. A Percal map will be provided at the public hearing.

Mr. Neiman reiterated that the applicant make sure they provide testimony concerning all the variances requested.

A motion was made by Mr. Schmuckler and seconded by Mr. Banas to advance this application to the July 23, 2013 meeting.

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

6. **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)

**Project Description**

The applicant is seeking a Preliminary and Final Major Subdivision approval. The applicant proposes the subdivision of three (3) existing lots to create twenty-one (21) proposed lots. The twenty-one (21) proposed lots would be developed as eighteen (18) lots for nine (9) duplex structures, one (1) future site plan lot, one (1) open space lot, and one (1) lot with an existing single-family dwelling to remain. The existing three (3) lots known as Lots 1, 2, and 4 in Block 536 are proposed to be subdivided into proposed Lots 1.01 – 1.20 and 4.01 on the Major Subdivision Plan. The subject property is located on the southerly side of Ocean Avenue (Route 88), a State Highway, in the central portion of the Township, immediately east of Conrail's New Jersey Southern Branch Main Stem. Route 88 is improved, with some stretches of existing sidewalk, curb, and driveway aprons across the frontage of the site. The subdivision would create a cul-de-sac for the project, which is proposed to be called Regal Court upon which all but one (1) of the residential lots would front. An NJDOT Access Permit is required for the proposed intersection. The existing right-of-way width of Ocean Avenue is fifty feet (50') at this location, and no additional right-of-way dedication has been proposed. Two (2) out parcels, Lots 3 and 152, interrupt the site's frontage along Route 88. An existing two and a half-story frame dwelling is slated to remain on proposed Lot 4.01 which would be immediately east of the out parcels. In addition to the new residential lots, a proposed future commercial lot would be created on the west side of the intersection of Route 88 and Regal Court, as well as an open space lot at the terminus of the cul-de-sac. The site is currently occupied by four (4) buildings. The three (3) existing buildings on Lots 1 and 2 are used as an auto repair facility. The existing two and a half-story frame building on Lot 4 is a residential dwelling. Except for the residential dwelling, all existing improvements will be removed to make way for the proposed subdivision. Most of the existing 5.238 acre area of the site slopes from north the south with elevations dropping from about fifty-five (55) to the low thirties based on NGVD 1929. The south edge of the tract is bordered with freshwater wetlands from the South Branch of the Metedeconk River and a fifty foot (50') transition area is shown crossing the southwest corner of the property. The surface water body is classified as a Category One waterway by the NJDEP and is subject to a three hundred foot (300') riparian buffer which is shown on the subdivision plans. Proposed storm water management facilities and utilities are associated with this project. The proposed drainage system consists of a conventional storm sewer collection system that collects storm water and directs runoff to an onsite underground recharge system. The system has been designed to outlet from a proposed bubbler inlet near Ocean Avenue. Proposed sanitary sewer and potable water for the subdivision will be extended from existing mains in Route 88. Four (4) off-street parking spaces are proposed for each duplex lot. The project is also proposing curb and sidewalk for the cul-de-sac. The subject site is located within the B-4 Wholesale Service Zone District. The site is situated in a predominately commercial area. We have the following comments and recommendations: 1. Zoning 1. The site is situated within the B-4, Wholesale Service Zone District. Single-family detached housing on minimum seven thousand five hundred square foot (7,500 SF) lots and two-family attached housing on minimum ten thousand square foot (10,000 SF) lots are permitted in the Zone. 2. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are required for the zero lot line duplex portion of the subdivision approval requested: • Minimum Rear Yard Setback to a Building – Proposed rear yard to the building for Lot 1.13 is 12.83 feet, where fifteen feet (15') is

required. • Minimum Rear Yard Setback to a Deck – Proposed rear yards for the decks on Lots 1.08, 1.09, and 1.13 are 4.38 feet, 4.38 feet, and 11.55 feet respectively. A rear yard of fifteen feet (15') is required. • Maximum Building Coverage – Proposed building coverage for the combination of Lots 1.02/1.03, 1.04/1.05, 1.06/1.07, 1.13/1.14, and 1.15/1.16 are 33.3%, 32.8%, 33.4%, 33.4%, and 31.2% respectively. A building coverage of thirty percent (30%) is allowed.

3. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are required for the existing dwelling to remain on proposed Lot 4.01, the single family lot on the subdivision approval requested: • Minimum Lot Area – Proposed lot area would be 6,260 square feet, where seven thousand five hundred square feet (7,500 SF) is required (proposed condition). • Minimum Front Yard Setback – The existing front yard setback for the dwelling to remain is 18.9 feet, where a front yard of twenty-five feet (25') is required (existing condition). • Minimum Side Yard Setback – An existing side yard setback for the dwelling to remain is 6.0 feet, where a side yard of seven feet (7') is required (existing condition).

4. A variance is required for the number of off-street parking spaces on proposed Lot 4.01. The plan indicates that four (4) off-street parking are required and less than four (4) off-street parking spaces are being provided.

5. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are required for proposed Lot 1.01, the future site plan lot on the subdivision approval requested: • Minimum Lot Area – Proposed lot area would be 8,888 square feet, where twenty thousand square feet (20,000 SF) is required (proposed condition). • Minimum Lot Width – Proposed lot width would be 77.52 feet, where a lot width of one hundred feet (100') is required (proposed condition).

6. It should be noted that if the New Jersey Department of Transportation requires that right-of-way be dedicated along Ocean Avenue (Route 88), either additional variances or a redesign will be required.

7. Waivers are required for proposed lot lines which are not perpendicular or radial to the cul-de-sac right-of-way.

8. 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

A. General

1. A Site Plan application will be required for the future design indicated on proposed Lot 1.01. The applicant's engineer should confirm that the schematic design shown is for illustrative purposes.

2. A Boundary & Topographic Survey has been submitted. Any approvals should be conditioned upon the encroachments extending off-site to be removed.

3. Off-street parking: According to the plans provided, the applicant is proposing four (4) off-street parking spaces per unit which is enough to be in compliance with the RSIS and Township standards of four (4) off-street parking spaces required. Up to six (6) bedrooms per unit with an unfinished basement are permitted for this project to be in compliance with parking ordinance 2010-62. The preliminary architectural plan indicates that five (5) bedrooms are proposed for the duplex units. The construction plans indicate that basements will be proposed.

4. The applicant shall confirm that trash and recyclable collection is to be provided by the Township of Lakewood. Each unit shall have an area designated for the storage of trash and recycling containers. This matter is not addressed on the construction plans and the preliminary architectural plan.

5. A new road name, Regal Court, has been proposed for the project.

6. The proposed lot numbers shall be approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor.

7. The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of four (4) basic house designs are required for this development consisting of between seven (7) and fifteen (15) homes.

8. Virtually all proposed storm water management has been designed within proposed easements and right-of-ways. Therefore, it is anticipated the Township of Lakewood

will be responsible for operation and maintenance. Accordingly, a one-time fee of nine thousand seven hundred fifty dollars (\$9,750.00) should be paid based on one (1) single family detached dwelling at seven hundred fifty dollars (\$750.00) per unit and eighteen (18) single family attached dwellings at five hundred dollars (\$500.00) per unit. Department of Public Works approval will be required. 9. Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required, including provisions to address items associated with the use, maintenance, and repair of common areas and facilities associated with the overall property. Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township. B. Plan Review 1. Curb and sidewalk is proposed throughout the development. Proposed sidewalk shall be five feet (5') wide, unless pedestrian bypass areas are designed. The limits of proposed curb and sidewalk along Ocean Avenue need to be clarified. Curb and sidewalk is required across the entire project frontage unless waivers are granted. Proposed curb and sidewalk locations along Route 88 will be dictated by the New Jersey Department of Transportation. Limits of proposed Township and State curb should be identified. 2. The General Notes should be corrected to list all existing and proposed uses. 3. General Note #11 should refer to existing lots. 4. A Sight Triangle Easement to the Township of Lakewood is proposed on the west side of the intersection of Regal Court with Ocean Avenue. Since Route 88 is a State Highway, any sight triangle easement requirements will be dictated by the New Jersey Department of Transportation, not the Township. 5. Ten foot (10') wide Shade Tree and Utility Easements are proposed along the road frontages. 6. The Site Development Plan should have typical dimensions and road stationing added. 7. Dimensions should be provided for all the proposed building boxes, especially since proposed building coverage variances are being requested. 8. The Schedule of Bulk requires many corrections. In many cases the minimum setback values are not correct. However, we have found no instances where additional variances would be required. 9. A Freshwater Wetlands Line is indicated on the plans just to the south of the project. A fifty foot (50') transition area is shown crossing the southwestern corner of the property. It is our understanding that a Letter of Interpretation/Absence is being applied for. 10. A three hundred foot (300') Riparian Buffer crosses proposed Lots 1.11 - 1.13 on the southeast side of the project. No improvements, including proposed grading, encroach upon the Riparian Buffer Line. A proposed wall with either guide rail or fencing will be constructed to prevent encroachment into the buffer. Survey data must be provided to establish the location of the Riparian Buffer Line. C. Grading 1. Grading is provided on a Grading and Drainage Plan which is Sheet 4 of 12. The design will significantly fill the site in order to provide a proposed gravity sanitary sewer collection system. A wall is proposed at the cul-de-sac terminus which in places exceeds a height of ten feet (10'). Accordingly, guide rail and fencing is proposed on top of the wall. 2. Walkout basements are proposed for many of the units on the south side of the development to reduce fill and proposed retaining wall height. 3. A profile has been provided for proposed Regal Court. 4. Off road profiles are required for the proposed storm drainage easements. 5. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved. D. Storm Water Management 1. A proposed storm sewer collection system has been designed to collect and convey storm water runoff. The majority of the storm water from the development will be directed to an onsite underground recharge system. The system has been designed to outlet from a proposed bubbler inlet near Ocean Avenue. This design would require approval from the NJDOT. If approval is granted, a meeting with the Department of Public Works will be necessary during compliance to review proposed maintenance responsibilities. 2. Our review of the project indicates it will be classified as Major Development since more than a quarter acre of impervious surface will be added and

over an acre of disturbance will take place. As a result, the project must meet water quality and water quantity reduction rate requirements. The Storm Water Management Report must be revised to address water quality. Accordingly, we recommend an extended detention basin with water quality fore bay be designed for the portion of the open space lot which is not subject to wetlands transition areas and riparian buffers. Our recommended design would drastically reduce pipe sizes and virtually eliminate NJDOT approval of the storm water management design.

3. Soils information must be completed within the proposed project to confirm the seasonal high water table is deep. The Storm Water Management Report should justify the permeability rate used in the routing calculations.

4. The Storm Water Management Report and Design will be reviewed in detail after revisions to the project are made.

5. A Storm Water Management Operation & Maintenance Manual has been submitted per the NJ Storm Water Rule (NJAC 7:8) and Township Code. The Manual will be reviewed in detail after the storm water management design is found to be acceptable.

E. Landscaping

1. Shade trees, ornamental trees, and coniferous screening trees have been provided on Sheet 6 of 12.

2. The proposed Easements shall be added to the Plan. Except for the proposed shade tree and utility easements, landscaping should not be located in the easements.

3. Proposed utilities should be added to avoid planting conflicts.

4. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. The site will be cleared as necessary for the construction of the project. Compensatory plantings shall be addressed with the Tree Protection Management Plan.

5. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted.

F. Lighting

1. Lighting has been provided for the proposed cul-de-sac and the future parking lot on the commercial site. The proposed lighting is shown on Sheet 6 of 12.

2. The Plan indicates that five (5) Cobra Head, one hundred watt (100W) high pressure sodium pole mounted fixtures are proposed for street lighting. A detail shows the proposed height of the fixtures to be twenty-five feet (25').

3. The Plan also indicates that one (1) Shoe Box, one hundred watt (100W) metal halide pole mounted fixture is proposed for the future parking lot on the commercial site. A detail shows the proposed height of the fixture to be eighteen feet (18').

4. A point to point diagram has been provided to verify the adequacy of the proposed lighting. The proposed street lighting will be conforming, but the parking lot lighting is below the required minimum intensity.

5. It is anticipated that all lighting within public right-of-ways will be owned and maintained by the Township and all fixtures on individual lots will be privately owned and maintained. Confirming testimony should be provided regarding lighting ownership.

6. Lighting shall be reviewed in detail after compliance submission should subdivision approval be granted.

G. Utilities

1. Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company.

2. The proposed sanitary sewer will connect to an existing system in Ocean Avenue. The proposed design will not be deep enough to provide gravity service to the basements.

3. Potable water is proposed to be extended from an existing main on the north side of Ocean Avenue.

H. Signage

1. Proposed regulatory signage and details should be completed.

2. No project identification signs are proposed.

3. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance.

I. Environmental

1. Site Description Per review of the site plans, aerial photography, and a site inspection of the property, the site is currently occupied by four (4) buildings. The three (3) existing buildings on Lots 1 and 2 are used as an auto repair facility. The existing two and a half-story frame building on Lot 4 is a residential dwelling. Most of the existing 5.238 acre area of the site slopes from north the south with elevations dropping from about fifty-five (55) to the low thirties based on NGVD 1929. The south edge of the tract is



bordered with freshwater wetlands from the South Branch of the Metedeconk River and a fifty foot (50') transition area is shown crossing the southwest corner of the property. The surface water body is classified as a Category One waterway by the NJDEP and is subject to a three hundred foot (300') riparian buffer which is shown on the subdivision plans. 2. Environmental Impact Statement It is our understanding that an Environmental Impact Statement (EIS) is being prepared for the project in conjunction with the Letter of Interpretation/Absence submittal. The submittal of the Environmental Impact Statement is required prior to the Public Hearing. 3. Tree Management The Boundary & Topographic Survey locates trees having a diameter of ten inches (10") and larger. A Tree Protection Management Plan will be required as a condition of approval. The plan shall be completed in accordance with current ordinance Chapter XIX, Protection of Trees. J. Construction Details 1. Construction details are provided on Sheets 9 and 10 of 12. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. 3. Final review of construction details will take place after compliance submission, if/when this project is approved by the Board. K. Final Plat (Major Subdivision) 1. Revisions should be made in accordance with previous comments contained in this report. 2. Survey information needs to be added to the three hundred foot (300') Riparian Buffer Line which must be tied to the project boundary. 3. Non-radial lines shall be labeled. 4. Some proposed outbound corner monuments should be added. 5. A Legend should be added. 6. Coordinates shall be provided on at least three (3) outbound corners. 7. The text in the Secretary's Certification should be corrected. 8. Compliance with the Map Filing Law is required. 9. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. 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; c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. New Jersey Department of Transportation Access Permit; f. New Jersey Department of Environmental Protection (LOI/A); and g. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Vogt said variances are being requested for minimum rear yard setback to the building, minimum rear yard setback to a deck, maximum building coverage for the zero lot line duplexes. The single family lot 4.01 requires variances for minimum lot area, minimum front yard setback, minimum side yard setback and off-street parking. Lot 1.01 also needs variances for minimum lot area and minimum lot width.

Mr. Brian Flannery, P.E. said they can address the comments in the engineer's review letter. Again, there is a comment about the maintenance fee for the detention basin but they do not have a basin. He will be prepared with the Percal map and have testimony concerning the variances at the public hearing. He said the back lots will require DEP approval which will be a long process so they are proceeding with the subdivision of the other lots. They will be back to the Board once they receive DEP approval for the back lots.

A motion was made by Mr. Schmuckler and seconded by Mayor Ackerman to advance this application to the July 23, 2013 meeting.

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

## 6. PUBLIC HEARING ITEMS

1. **SD 1883** (Variance Requested)  
Applicant: Boneh Builders LLC  
Location: East Kennedy Boulevard  
Block 174 Lots 17, 18, 50  
Major Subdivision to create thirteen lots

### Project Description

The applicant is seeking a Preliminary and Final Major Subdivision approval. The applicant proposes the subdivision of three (3) existing lots to create thirteen (13) proposed lots. The thirteen (13) proposed lots would be developed as twelve (12) lots for new single-family residential dwellings and one (1) lot with an existing single-family dwelling to remain. The existing three (3) lots known as Lots 17, 18, and 50 in Block 174 are proposed to be subdivided into proposed Lots 17.01 – 17.06, 18.01, and 50.01 – 50.06 on the Major Subdivision Plan. The subject property is located in the northeast portion of the Township on the south side of Kennedy Boulevard East, east of Lucerne Drive. Kennedy Boulevard East at this location is an unimproved one hundred twenty foot (120') right-of-way which has recently been turned over to the Township from Ocean County. A portion of the southern half of this right-of-way would be improved from Lucerne Drive to provide access to the subdivision. The subdivision would create a cul-de-sac for the project that intersects the south side of the Kennedy Boulevard East extension. The cul-de-sac is proposed to be called Park Slope Terrace, upon which most of the residential lots would front. The subject property also has frontages on the northwesterly side of Brook Road and the northerly side of County Line Road East, both improved County Roads. An intersection project with a signal is slated by the County and construction improvements are proposed across these County Road frontages. Most of the existing 5.677 acre area of the site is open and very flat. However, the northern perimeter of the lands is wooded. The Environmental Impact Statement indicates the existing site is composed entirely of uplands. Our site investigation confirms this assessment. Presently, there are three (3) single-family residences and associated appurtenances on the properties to be subdivided. There is an occupied residence on each of existing Lot 17, 18, and 50. Except for the existing two-story dwelling on Lot 18, all other structures located on the site will be removed. The existing two-story dwelling will be located on proposed Lot 18.01. Though the existing dwelling faces Brook Road, the proposed lot will have a second frontage on the cul-de-sac. Proposed storm water management facilities and utilities are associated with this project. The revised proposed drainage system consists of a conventional storm sewer collection system that collects and directs runoff to an underground recharge system. The proposed recharge system is located within the Kennedy Boulevard East right-of-way, east of Lucerne Drive. Proposed sanitary sewer and potable water for the subdivision will be extended from existing mains in Lucerne Drive. Four (4) off-street parking spaces are proposed for each lot. The project is also proposing curb and sidewalk for the cul-de-sac. The subject site is located within the R-15 Single-Family Residential Zone District. The lands surrounding the site are exclusively residential. We have the following comments and recommendations per testimony provided at the 4/9/13 Planning Board Plan Review Meeting and comments from our initial review letter dated March 20, 2013: 1. Zoning 1. The site is situated within the R-15, Single-Family Zone District. Single-family detached housing on minimum fifteen thousand square foot (15,000 SF) lots is permitted in the Zone. Statements of fact. 2. According to our review of the Major Subdivision Plan and the zone requirements, variances are requested for Minimum Lot Width.

A proposed Lot Width of seventy-five feet (75') is requested, where one hundred feet (100') is required. The Board shall take action on the requested lot width variances. 3. Kennedy Boulevard East is to be improved to just east of the intersecting cul-de-sac of the proposed subdivision. A waiver is required from constructing Kennedy Boulevard East across the remaining frontage of the property. The Board shall take action on the required waiver. It should be noted that any future extension of Kennedy Boulevard East toward Brook Road would require another party to construct this missing section of roadway. 4. Concrete sidewalk is proposed throughout the cul-de-sac for the subdivision and along the site frontage with Kennedy Boulevard East. Unless a waiver is granted by the Board, proposed sidewalk should be added along the south side of Kennedy Boulevard East between Lucerne Drive and the site. The Board shall take action on the required waiver. We recommend the Board consider this missing section of sidewalk between Lucerne Drive and the proposed project. 5. Improvements are proposed to County Line Road East and Brook Road with the County intersection project. Curb and sidewalk are proposed across the subdivision frontage of County Line Road East. No curb and sidewalk is proposed across the project's Brook Road frontage and is required unless a waiver is granted by the Board. The Board shall take action on the required curb and sidewalk waiver. 6. All proposed storm water management has been designed within existing and proposed right-of-ways. Therefore, it is anticipated the Township of Lakewood will be responsible for operation and maintenance. Accordingly, a one-time fee of nine thousand seven hundred fifty dollars (\$9,750.00) should be paid based on thirteen (13) single family dwellings at seven hundred fifty dollars (\$750.00) per unit. Department of Public Works approval will be required. The applicant's engineer is requesting a waiver from the one-time maintenance fee on the technicality that Section 18-815B.4., of the UDO, refers to detention facilities and basins. The Board shall take action on the waiver request. 7. 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. The applicant's engineer indicates that testimony will be provided to support the variances. II. Review Comments A. General 1. As mentioned previously, Kennedy Boulevard East has recently been turned over to the Township from Ocean County. Accordingly, the Township has yet to enact any long term plan for the future of this mainly unimproved right-of-way. Therefore, any proposed improvements to Kennedy Boulevard East should be reviewed and acted upon by the Township Committee. The design of the infiltration basin proposed effectively blocks a roadway connection between Lucerne Drive and Brook Road. The proposed basin has been removed and an underground recharge system is now being proposed. 2. The applicant shall confirm that trash and recyclable collection is to be provided by the Township of Lakewood. The applicant's engineer indicates that a meeting with the public works department shall be scheduled. 3. A new road name, Park Slope Terrace, has been proposed for the project. Statement of fact. 4. The proposed lot numbers shall be approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. The Tax Assessor has approved the proposed lot numbers and a copy of the approval has been provided. 5. The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of four (4) basic house designs are required for this development consisting of between seven (7) and fifteen (15) homes. The applicant's engineer indicates that the required number of house designs shall be provided for the project. B. Plan Review 1. Proposed Sight Triangle Easements should be added at the intersection of Park Slope Terrace with Kennedy Boulevard East. The Sight Triangle Easements can be added for resolution compliance submission should approval be granted. 2. Proposed Shade Tree and Utility

Easements should be added along the County Line Road East and Brook Road frontages. Except for proposed Lot 18.01, Shade Tree and Utility Easements have been added along the County Road frontages. Unless a waiver is granted by the Board, the missing easement shall be added. Lengths L33 and L34 are missing from the "Easements" table. The corrections can be provided with resolution compliance submission should approval be granted. 3. Proposed off-street parking spaces shall be provided with minimum dimensions. The driveways accessing the County Roads should include turnarounds. The proposed driveways have been dimensioned. Turnarounds must still be added for proposed driveways accessing the County Roads. The corrections can be provided with resolution compliance submission should approval be granted. 4. The Site Development Plan should have typical dimensions and road stationing added. Typical dimensions have been added. The road stationing must be added to the Site Development Plan for our review. The corrections can be provided with resolution compliance submission should approval be granted. 5. Curb and sidewalk is proposed for the cul-de-sac. The proposed sidewalk should have a consistent width of five feet (5') throughout the development. In this manner, pedestrian bypass areas will not be necessary. Proposed sidewalk width shall be dimensioned along with distances from face of curb and right-of-ways. The proposed sidewalk width needs to be clarified. Both four foot (4') and five foot (5') proposed width dimensions are shown for contiguous sidewalk. Also, the proposed sidewalk location along Kennedy Boulevard East shall be consistent on each side of the Park Slope Terrace intersection. Proposed curb ramp locations must also be consistent between plan sheets. The corrections can be provided with resolution compliance submission should approval be granted. C. Grading 1. Grading is provided on a Grading & Drainage Plan which is Sheet 4 of 13. The design minimizes proposed grading and saves perimeter vegetation. A storm sewer collection system is proposed to collect runoff and recharge it within an infiltration basin. The project has been revised; the infiltration basin has been eliminated and the storm water runoff is now collected and directed to an underground recharge system. 2. Profiles have been provided for proposed East Kennedy Boulevard and Park Slope Terrace construction. The following revisions should be provided: a. Proposed horizontal control points added. The control points may be added to the Site Development Plan for our review. b. Adjustments to the proposed vertical intersection points within the cul-de-sac such that the high points are equidistant from the beginning and end of the curb line profile. The profile will be checked during resolution compliance review if approval is granted, since low points are being forced for collection of storm water runoff. 3. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved. We recommend the applicant's engineer meet with our office for final grading suggestions prior to submitting for resolution compliance should approval be granted. D. Storm Water Management 1. A proposed storm sewer collection system has been designed to convey storm water runoff into an infiltration basin. The proposed infiltration basin has been designed in the unimproved Kennedy Boulevard East right-of-way. A proposed emergency outlet structure from the infiltration basin would connect to the existing drainage system located on the east side of Lucerne Drive. If approval is granted, a meeting with the Department of Public Works will be necessary during compliance to review proposed maintenance responsibilities. The project has been revised and the infiltration basin was removed from the plans and replaced by an underground recharge system to handle the increase in storm water runoff. The applicant's engineer indicates that a meeting with the public works department shall be scheduled. 2. Our review of the project indicates it will be classified as Major Development since more than a quarter acre of impervious surface will be added and over an acre of disturbance will take place. As a result, the project must meet water quality and water quantity reduction rate requirements. The Storm Water Management Report

should be revised to address water quality. The Storm Water Management Design and Report have been revised. Corrections are necessary to the Drainage Area Maps which impact the design. We recommend the applicant's engineer meet with our office to correct the design prior to submitting for resolution compliance or meeting with Public Works. 3. The Storm Water Management Report and Design will be reviewed in detail during compliance, if/when approved.

Statement of fact. E. Landscaping 1. The proposed Shade Tree and Utility Easements shall be added to the Landscaping Plan. Proposed Sight Triangle Easements shall also be added. Proposed shade trees should not be located in the sight triangle easements. Where possible, shade trees should be located within proposed shade tree and utility easements. Most of the proposed shade trees along the Kennedy Boulevard East extension will have to be located within the right-of-way. The overall project design has been modified by the replacement of a proposed infiltration basin with an underground recharge system. After all proposed easements are added to the plan, the design should be revised to reduce shade tree planting conflicts with the underground recharge system. Corrections can be provided with resolution compliance submission should approval be granted. 2. General Note #5 should be corrected. The note is based on a Tree Protection Management Plan which has not yet been submitted and would be required as a condition of approval. 3. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. The site will be cleared as necessary for the construction of the project. The design attempts to preserve vegetation in the rear yards for most of the proposed lots. Compensatory plantings shall be addressed with the Tree Protection Management Plan. The plans should be sent back to the Shade Tree Commission for review because of the proposed landscape revisions necessitated by the change in the storm water management concept. Shade Tree Commission comments can be addressed with resolution compliance submission should approval be granted. 4. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted.

Statement of fact. F. Lighting 1. It is anticipated that all lighting will be owned and maintained by the Township after installation since all fixtures will be within public right-of-ways. Confirming testimony should be provided regarding street lighting ownership. The applicant's engineer confirms that the Township shall own and maintain the proposed lighting. 2. Lighting shall be reviewed in detail after compliance submission should subdivision approval be granted.

Statement of fact. G. Utilities 1. Except for the water service from County Line Road East to the future dwelling on proposed Lot 50.06, all water and sewer services have been designed from the cul-de-sac. A ten foot (10') wide strip of land from the northeast rear corner has been included in the design of proposed Lot 50.06 to allow for a sewer lateral connection to the cul-de-sac. A twenty foot (20') wide utility easement is designed through the south side of proposed Lot 17.06 to permit water and sewer service to Lot 17.05 which fronts Brook Road. The plans have been revised to propose a ten foot (10') wide strip of land on the south side of new Lot 17.06 to permit water and sewer service to new Lot 17.05. No variances are being created by the revisions to the proposed lots.

H. Signage 1. Proposed regulatory signage has not been shown on the plans and should be added. Regulatory sign details should be completed. Regulatory signs are provided on the Utility Plan. At a minimum, a "No Outlet" sign should be added. Final review of locations and details will be completed after resolution compliance submission should approval be granted.

I. Environmental 1. Tree Management An Existing Conditions & Tree Management Plan has been submitted. A Tree Plot area has been surveyed indicating all trees having a diameter of ten inches (10") and larger. The plan shall be completed in accordance with current ordinance Chapter XIX, Protection of Trees. Providing a Tree Protection Management Plan shall be a condition of any approvals.

J. Construction Details 1. Final review of construction

details will take place after compliance submission, if/when this project is approved by the Board. Statement of fact. K. Final Plat (Major Subdivision) 1. Proposed Shade Tree and Utility Easements should be added to the County Road frontages. Except for proposed Lot 18.01, Shade Tree and Utility Easements have been added along the County Road frontages. Unless a waiver is granted by the Board, the missing easement shall be added. Lengths L33 and L34 are missing from the "Easements" table. 2. The proposed Easements that encumber multiple lots should provide areas on an individual lot basis. Proposed Easement areas have been provided and will be checked during resolution compliance review should approval be granted. 3. Some proposed outbound corner monuments should be added. An outbound corner monument shall be added where the south side of proposed Lot 18.01 intersects the Brook Road right-of-way. 4. The Surveyor's Certification should have the original date of the survey corrected to 12-28-12. This is the original date of the Boundary Survey. The date shown is the date of the Topographic Survey. 5. Compliance with the Map Filing Law is required. Statement of fact. 6. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. Statement of fact. 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; c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. Ocean County Board of Health; and f. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Vogt said variances are requested for minimum lot width.

Mr. Doyle, Esq. on behalf of the applicant stated there are existing houses, one of which will be demolished. They have created a street of an existing right-of-way that was previously un-improved that they will improve. The improvements are significant and are all in accordance with the ordinance. There was a significant change concerning the drainage that after meeting with Township officials a more traditionally system should be placed. All of the lot sizes meet the ordinance. The houses will be consistent and improve the neighborhood. There will be road improvements at the corner by the County that will be done so they ask that certain waivers be granted until they can see how the County proceeds.

Mr. Brian Flannery, P.E., was sworn in. He entered exhibit A-1, a rendered version of the plan that was submitted, A-2 is the Percal map. This is on the fringe of the Brook Hill development which was built under a cluster. The typical lot size is 12,750 SF and 90 FT wide. The lots that are being proposed all meet and exceed the 15,000 SF. The sole variance is for width. Three of the lots are 75 FT wide. There was a lot of discussion about the basin and it raised a lot of concern. The Township committee advised them how they would like to see the plans changed and they have complied with that. Concerning comment 3 under Zoning, they are requesting a waiver from constructing Kennedy Boulevard East across the remaining frontage of the property. Basically, on the plan you can see that when you get past the frontage of this property, there is one lot that has frontage on Brook Road as well as a shul. The Township has indicated that they do not want this road to connect to Brook Road because Engleberg Terrace comes out 20 FT away. Having two roads at the same location would be a hazard.

Mr. Schmuckler believes that East Kennedy should be constructed through to Brook Road as it creates another access road and alleviates traffic.

Mr. Flannery said that Brook is a County road and they would need approval from the County. The County does not want two streets that are 20 FT away because it is dangerous. The street can be extended in the future, but they do not believe it is necessary at this time.

Mr. Schmuckler does not see that it is a safety area. He said you are adding access to an area that already has very poor access.

Mrs. Morris said after meeting with several committee members and the Township engineer, they do not want to close off the option of extending East Kennedy Boulevard but it's not necessarily something they are sure can go through. It would take a lot of time and back and forth with the County.

Mr. Schmuckler reiterated that he would like to see the road go all the way to Brook Road and that all the lots are 100 FT wide.

Mr. Doyle said the County does not want East Kennedy intersecting with Brook Road and that's partially why they vacated it. Also, Brook is not a perpendicular road. So the intersection created would be at an oblique angle which would be unsafe. Also, Engleberg Terrace has a peculiar angle.

Mr. Schmuckler does not see the benefit of granting the variances in this area.

Mr. Neiman agrees that this road should be extended but for some reason the Township believes it should not be done at this time. He asked if there is any documentation concerning this with the County.

Mr. Flannery said there were only meetings where the County indicated they do not want it done.

Mr. Neiman asked if the applicant has any issues with extending it.

Mr. Flannery said the Township also indicated that a bike path might be put there.

Mr. Neiman said the area is really congested and could use another access.

Mr. Flannery said the applicant is extending East Kennedy Boulevard to the end of their property and that is all they are required to do unless the Township committee does not want that.

Mr. Franklin said they want to see East Kennedy Boulevard extended to the end of their property.

Mr. Neiman said if the Township wants different, then the applicant can come back for an amended approval.

Mr. Flannery went through different items which explained the benefits outweigh the detriments.

Mr. Banas asked if there will be curbs and sidewalks.

Mr. Flannery said yes except on Brook Road where they are asking for a waiver for the frontage along Brook because it is a County Road. The County has future plans to improve Brook and they would have to rip the sidewalks out.

Mr. Banas asked if this was sent to the County yet.

Mr. Flannery said they submitted to the County and they have a conditional approval. The condition is the County is finishing their improvement plan for the intersection with Brook and they would have to revise the plans once that is complete.

Mr. Banas would like to see curbs and sidewalks along Brook Road and Kennedy Boulevard East.

Mr. Flannery said they will provide curbs and sidewalks on East Kennedy all the way through to Lucerne Drive and on Brook Road there will just be sidewalk and an easement on their property.

Mr. Flannery commented that since the plans have changed they no longer should have to pay the one time maintenance fee as there is no longer a detention basin.

Mr. Vogt said that is correct, this is not a basin by definition. The reason the comment is still in the letter, it is functioning the same and the proposal is for the Township to maintain the system the way they would a basin.

Mr. Flannery said this has been enforced where there is a detention basin which requires regular mowing and other type of maintenance.

Mr. Jackson said that this is an administrative issue.

Mr. Neiman opened to the public.

Ms. Noreen Gill, 192 Coventry Drive, was sworn in. She asked if there are basements, how many bedrooms, how many parking spaces, underground utilities, width of the street.

Mr. Flannery said there are four parking spaces minimum per unit. Typical 5-6 bedroom units. The utilities will be underground. The road is RSIS compliant which would be 30 FT. The roads would be maintained by the Township.

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

A motion was made by Mr. Banas, seconded by Mr. Franklin to approve the application.

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

No: Mr. Schmuckler

2. **SD 1887** (Variance Requested)  
Applicant: Harold Frankel



Location: County Line Road East & Clifton Avenue  
Block 106 Lots 4 & 5  
Minor Subdivision to create three lots (two duplex units and one synagogue).

This project will not be heard and will be carried to the June 18<sup>th</sup> meeting. No further notice required.

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

This project will not be heard and will be carried to the June 18<sup>th</sup> meeting. No further notice required.

- 4. SP 2017AA** (No Variance Requested)  
Applicant: Lakewood Cheder School  
Location: 725 Vassar Avenue  
Block 1601 Lot 4  
Site Plan to convert portions of an existing warehouse into a school

### **Project Description**

The applicant previously obtained Site Plan exemption/Change of Use approval (Lakewood Planning Board application SP1961, approved July 5, 2011) for conversion of a portion of a previously-unused warehouse building and property, and several dwellings and buildings, for the Lakewood Cheder Boys School. The exemption approval permitted several classrooms, a Shul, several offices and amenities per Section 18-906.B of the UDO. Previously-permitted work was performed within a building area footprint of approximately 25,000 sf, identified as "Phase I" in the initial (SP1961) planning board application. This Phase I "fit-out" area occurred primarily within the former one-story office area on the eastern end of the former building, and included a 6,242 sf Shul, classrooms and offices. As agreed as a condition of the SP1961 "Phase I" project approval, the applicant has submitted this application for Site Plan Approval for the full (Phase II) buildout of this former building, as depicted in the current applications (SP2017's) site plan and architectural design documents. Proposed (Phase II) work as part of this application includes the following: • Two-story buildout of existing warehouse building, including classrooms and offices, dining rooms, library, gyms, and interior courtyard. • Creation of 37,514 sf "Rentable Area" within southern portion of the first floor of the former warehouse building. • Creation of a one-way bus circulation drive around the perimeter of property. The circulation drive begins at the existing Vassar Avenue site entrance, extending around the southern, western, and northern building facades, leading to an entrance sidewalk near the front lobby of the proposed school building. The drive will extend along the northern parking aisle of the refurbished parking lot proposed in the northeast corner of the site, allowing for one-way

exiting of buses via the existing Vassar Avenue access in the northeast corner of the property. • Restriping of the existing paved area north of the building to provide off-street parking spaces as depicted on the plan. • Elimination of existing loading docks near proposed school entrance, installation of a covered entryway at main entrance. The site is located in the Industrial Park, on the West side of Vassar Avenue, immediately south of its intersection with Oberlin Avenue South. The tract is irregular in shape, and is 12.84 acres in area. Commercial and light industrial sites surround the property. I. Zoning 1. The property is located in the M-1 (Industrial) Zone. Schools are a permitted use in the zone, subject to the requirements of Section 18-906 of the UDO. 2. Per review of the Site Plan and the zone requirements, the existing and proposed layout complies with the Bulk requirements of the M-1 zone 3. No bulk variances appear necessary for the Site Plan Approval request. II. Review Comments A. Architectural 1. Per review of the architectural plans, the following first-floor facilities are proposed: • Classrooms and offices as depicted; • Three (3) dining rooms, ranging from 6,421 sf - 9,994 sf in size; • Two (2) gyms, ranging from 6,358 sf – 7,502 sf in size; • One (1) 6,356 sf Shul; • One (1) 16,066 sf interior courtyard; and • One (1) 37,514 “Rentable Area” for future use. 2. Per review of the architectural plans, the following second-floor facilities are proposed: • Classrooms and offices as depicted; • One (1) 9,155 sf dining room; • One (1) 6,652 sf gym; and • One (1) 3,275 sf library. 3. Per communications with the applicant’s professionals, fire suppression systems will be provided per applicable building code requirements. 4. Per communications with the applicant’s professionals, renderings will be provided for the Board’s review at the forthcoming public hearing. B. Site Plan/Circulation 1. Per communications with the applicant’s professionals, testimony will be provided at the hearing, summarizing the proposed use of the school, including but not limited to the following: a. How many students are proposed at the school. b. Will any students (or parents) drive and park at the school. c. How many buses are proposed d. Will any students will be dropped off and picked up (by car). We note that per information provided on Sheet 1 of the Site Plans, proposed off-street parking (138 spaces) will exceed the UDO requirement of 134 spaces per parking requirements as outlined in Section 18-906. 2. Per communications with the applicant’s professionals, the one way access drive has been designed to provide adequate circulation for the largest buses and vehicles that will access the site. The applicant has agreed to provide a dimensioned circulation plan for our review as a condition of Board approval, if/when forthcoming. 3. The western portion of the proposed bus circulation drive will be demarcated within the larger (existing) paved area via use of 4” wide reflective striping. This concept is feasible for circulation purposes. The applicant agrees to work with our office regarding additional demarcations deemed necessary (e.g., one way arrows, signage, etc.) as a condition of Board approval, if/when forthcoming. 4. Similarly, the existing paved parking area at the north end of the site will be demarcated with 4” wide white reflective striping and handicap accessible parking signage as depicted on the site plans. Final details for this area will be reviewed during compliance, if/when Board approval is granted. 5. Per communications with the applicant’s professionals, the plans will be reviewed by the local fire code official to confirm that the existing fire lane at the front of the building is adequate for the proposed (built-out) use. Said review will be a performed as a condition of Board approval, if/when forthcoming. 6. As indicated previously, a 37,514 sf “Rentable Area” within the building will remain for a future user, including the existing paved parking and loading area, which will share the same southern access from Vassar Avenue that will be utilized by buses entering the site. We recommend that a signage package be developed, prohibiting private vehicles from using this area, and allowing for proper traffic flow between the buses and future users of this area. This information can be provided for our review during compliance, if/when Board approval is granted. 7. The northerly end of the one way bus circulation drive will abut the

proposed parking area on the north side of the site. We recommend additional markings and signage (signs, arrows, etc). to coordinate shared use of this common drive between buses and users of the parking lot. Per communications with the applicant's professionals, the applicant agrees to provide this information for our review during compliance, if/when Board approval is granted. 8. Per Note #8 on the Site Plans, trash and recyclables pickup will be provided by Lakewood Township DPW. Final dumpster locations will be subject to DPW approval and will be addressed during compliance. The applicant agrees to this condition. 9. If approved, we recommend, during compliance, that existing paving to be used for the one way access drive and new (northerly) parking lot be evaluated for integrity, and necessary pavement repairs (if any) made prior to Phase II occupancy. Per communications with the applicant's professionals, the applicant agrees to this condition. C. Grading and Drainage 1. As evidenced on the Site Plans, no new grading is proposed for the Phase II building fit-out and site improvements, with the exception of grading to accommodate the proposed entrance walk and configuration of the proposed one-way bus drive in the northeast portion of the site. Additionally, a 209 sf area of existing paving will be removed, graded and reseeded as lawn cover. Per review of proposed grading, it is feasible as designed. 2. As evidenced on the site plans, no significant new paving or building area is proposed vs. existing conditions. The additional paved area associated with extending the proposed one-way bus drive in the northwest corner of the site is at least partially offset from the removal of paving referenced in comment #2, above. Therefore, existing stormwater collection systems and the stormwater management ponds serving the site are sufficient for the proposed buildout. 3. As part of the paving removal referenced in comment #1, an existing inlet is being converted to accept flow from the lawn area. The proposed inlet conversion is acceptable as designed. D. Landscaping 1. No new landscaping is depicted on the site plans. As indicated previously, virtually all of the area is previously developed or disturbed. 2. Additional landscaping (if deemed necessary at time of hearing) should be provided to the satisfaction of the Board. 3. Per communications with the applicant's professionals, the applicant will comply with applicable Township Tree Protection requirements associated with extension of the one-way bus access drive in the northwest property corner. E. Lighting 1. No new lighting (security, parking, other) is identified on the site plans. If use of the school facility is contemplated after daylight hours, lighting should be provided. Per communications with the applicant's professionals, the applicant will work with our office during compliance (if approval is granted) on additional lighting if deemed necessary by the Board. F. Utilities 1. As noted on the Site plans, water and sewer service for the proposed facility will be provided via existing connections from water and sewer piping within Vassar Avenue, which is within the Lakewood Township MUA's (LTMUA's) service area. LTMUA approval for the project is necessary. 2. Per communications with the applicant's professionals, existing services for gas, electric, and telephone are anticipated to be adequate to serve the proposed school facility upon completion of the fit-out. G. Construction details 1. Construction details are provided on Sheet 2 of the site plans. A final review of details will be performed during compliance review, if/when approval is 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 Protection Ordinance (as applicable); c. Lakewood Township (Fire Code review of buildout); d. Lakewood Township MUA (water, sewer service); e. Ocean County Planning Board; f. Ocean County Soil Conservation District; and g. All other required outside agency approvals.

Mr. Rennert stepped down.

Mrs. Morris stated that the applicant has requested that the tech and public meeting be tonight due to the minor site improvements and the time constraints they have to start construction.

Mr. Neiman said that is fine.

Mr. Penzer said they are not asking for any variances. Most of the project consists of internal renovations.

Mr. Brian Flannery, P.E., was sworn in. He said this is an existing warehouse that was previously converted to a school. They are now coming in for approval of phase II which includes creation of a rentable area within the southern portion of the first floor, creation of a one-way bus circulation, restriping of the existing paved area and elimination of existing loading docks. There are more than enough parking spots and sufficient bus stacking. The maximum number of buses would be 40 which there would be enough room for. There are currently 500 students and the ultimate buildout would be 2,000 students. All the comments will be satisfied.

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

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

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

The resolution was also memorialized.

A motion was made by Mr. Schmuckler, seconded by Mr. Banas to approve the resolution.

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

- 5. SP 2019** (Variance Requested)  
Applicant: Bais Torah Utefillah Inc  
Location: Fifth Street  
Block 70 Lot 3  
Minor Site Plan for building addition to existing synagogue

### **Project Description**

The applicant is seeking Minor Site Plan approval and bulk variance relief for an 800 sf first story addition, an accompanying 800 sf basement, and new wooden handicap accessible ramp to the rear of the existing synagogue located at the property. As indicated on the architectural plans, the first floor of the addition consists of approximately 550 sf of "Women's Ezras Noshim" sanctuary space, with the remaining area being a stairwell and miscellaneous amenities. The proposed basement as depicted will consist of a warming kitchen and miscellaneous amenities. The site is located on the south side of Fifth Street, approximately 200 feet east of Route 9. Per the survey plan, curb and sidewalk exists along the property frontage. The property is rectangular in shape, and is approximately 7,500 sf in area. The site is currently surrounded existing (varied) development. I. Waivers A. The following waivers have been requested (or appear necessary): 1. B2 - Topography within 200 feet thereof (50 feet provided). 2. B3 -

Contours of the site to determine natural drainage. 3. B10 – Man-made features within 200 feet of site. 4. C10 - Shade Trees (none provided). We support the above-referenced submission waivers (no significant topographic changes are proposed, and all work is proposed in the rear of the property). II. Zoning 1. The property is located in the R-OP (Residential Office Park) Zone. Places of Worship are permitted in the zone, subject to the requirements of Section 18-905 of the UDO. 2. Per review of the Site Plan, the following new bulk variances have been requested for the project: • Impervious coverage – 44% proposed, 25% allowed. • Side yard setback (for ramp deck) – 3 feet proposed, 12 feet required. We note that the existing synagogue building setback of 11 feet will be maintained. • Aggregate side yard setback – 10 feet proposed, 25 feet required. Similarly, we note that the existing synagogue building aggregate setback of 18 feet will be maintained. Testimony justifying the necessary bulk variance relief must be provided at the public hearing. 3. Per review of the Site Plan, the following design waivers are required for proposed project: • Providing shade trees across the site frontage. • Providing a 10 foot landscape perimeter buffer per Section 18-905B-1a of the UDO. It should be noted that virtually all of the area to be developed for the expansion is disturbed and/or devoid of mature vegetation. III. Review Comments 1. Per communications with the applicant's professionals, summary testimony will be provided regarding the proposed building addition and impacts (if any) on existing facility operations. 2. The application does not propose additional "main" sanctuary space as defined per Section 18-905-A1 of the UDO. Per communications with the applicant's professionals, no catering facilities are proposed. As such, no additional off-street parking is required per UDO standards (Section 18-905) for the proposed addition. 3. As indicated above, the application requires a waiver of the perimeter buffer requirements that are stipulated in Section 18-905B of the UDO. Buffering (if any) should be provided to the satisfaction of the Board. 4. The site plan depicts an existing trash storage area located between the existing synagogue building and the westerly property line. Per communications with the applicant's professionals, curbside pick-up will continue after the proposed addition is constructed (if/when approved). 5. Testimony should be provided regarding any existing or proposed security lighting associated with the proposed building expansion. IV. Outside Agency Approvals The applicant is responsible for obtaining all outside agency approvals necessary to construct the addition, including the following: 1. Lakewood Township. 2. Any others that may be necessary.

Mr. Rennert stepped down.

Mr. Penzer, Esq. stated that the Rabbi has a synagogue that is the most popular synagogue in the heaviest Yeshiva area. They knocked down and rebuilt the building in the exact formation. The problem is there is no place for woman. So they wanted to add an addition just for the women to be able to also come to services which would go beyond the lot coverage. He said there are no parking problems because everyone walks. The lot coverage would be 44%.

Mr. Neiman asked about the drainage.

Mr. Vogt said they looked at it and said the property is pretty much developed.

Mr. Glenn Lines, P.E. said that the property is completely disturbed already and they are not really changing the nature of the property.

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

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

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

## **7. CORRESPONDENCE**

- **SD 1550A** Seymour Investments / Cross Trade LLC  
Request to remove a condition of approval

Mr. Ray Carpenter, P.E. was sworn in. He stated this is an approval for 74 townhouse units. He explained they had some issues with Ocean County approvals concerning the drainage designs. He said originally there was no drainage in Chestnut Street. Since that time, a new development went up and they have put in drainage on that street. Now they redesigned the system and they tied it into Chestnut Street. The County drainage system remains intact.

Mr. Schmuckler asked if there will be any back flow into the Enclave basin.

Mr. Carpenter said that they are tying into a drainage system that was constructed by others in Chestnut Street.

Mr. Franklin asked if it is large enough to accept their system.

Mr. Carpenter said yes. They will be reducing the runoff from their site into the drainage system in Chestnut Street which has been approved by the Planning Board engineer, Ocean County and Ocean County Soils.

Mr. Jackson asked how this decreases runoff.

Mr. Carpenter said there is less runoff from the site pre-development to post-development. That is a requirement by state law.

Mr. Vogt said what he is trying to say is the design meets the New Jersey Stormwater rules which is the governing design standard.

Mr. Schmuckler asked if there is any change to the way this affects the neighbors.

Mr. Carpenter said there is no change.

Mr. Schmuckler said when this was originally approved there was an agreement with the neighbors. He asked why they are at the Board now if nothing changed.

Mr. Pfeffer, Esq. said that there was no need for an easement on the adjacent property as all the runoff would be going into the Ocean County system.

Mayor Ackerman definitely remembers some sort of agreement to tap into the neighbor's system.

Mr. Carpenter said the originally drainage would have been tied into the County system. They were never tying into the Enclave's system.

Mr. Schmuckler said that condition 23 of the resolution called for an agreement with the neighbor's. He asked why that was requested at that point in time and what changed that you no longer are requesting that.

Mr. Pfeffer said it was requested by the neighbors of the Enclave and it ended up as part of the resolution. However, it is his understanding that it is not necessary. Why should the applicant pay for an easement he doesn't need.

Mr. Neiman believes this is something that should be dealt with in court. He doesn't believe the planning board can go back to something they agreed to then and we are hearing testimony that nothing changed.

Mr. Ron Gasiorowski, Esq. on behalf of the Enclave Homeowner's Association stated that he was perplexed by the notice that was sent out because nothing in this application has changed but in the notice it says "to eliminate any easement with neighboring development with regard to stormwater management and drainage to provide stormwater management and drainage to the flow of the Ocean County system". He said at the original meeting there were a number of objections from the neighbors. One of them had to do with the need for an easement to place this water into the system which the Enclave had. The applicant agreed to come to an agreement rather to litigate the issue of the easement.

Mr. Neiman asked that there was an agreement made up because of an easement that was necessary.

Mr. Gasiorowski said that was correct. He read further in the resolution that this agreement must be fully executed with the adjoining Enclave Homeowner's Association prior to signing of the subdivision plat. The original agreement was never executed by the applicant. He said this development does need to use the Enclave's stormwater system.

Mr. Vogt said his understanding is the discharge connection location where their outflow pipe ties in is at a place now where they do not need an easement. That does not relieve whatever obligation there was in the resolution relative to an agreement, not an easement. They were not the original engineer's for this applicant. He has had several meetings with the applicant and his professionals about this issue and what was agreed to. His understanding, per the Enclave, that there was an agreement to come to some common ground as to how they were gonna make the Enclave whole relative to the receipt of the water. From a design standpoint, the way the basin functions in his opinion it meets the requirement of the stormwater rule which is the design standard.

Mr. Schmuckler asked if the usage of the Enclave changed at all.

Mr. Vogt said the water still flows in the same general collection system through the Enclave development which is technically allowed per the stormwater rule but he can not tell you what was agreed back in 2008.

Mr. Neiman asked what the purpose of this agreement was.

Mr. Gasiorowski said the manner in which the originally easement was prepared could in fact an adjoining property owner tie into that system and the applicant made a decision now to litigate the issue so he agreed to pay x amount of dollars.

Mr. Neiman asked what the money was for.

Mr. Gasiorowski said there were questions in regard to maintenance. A similar applicant paid the Enclave to tie into their system in the same fashion.

Mr. Jackson said the nature of the runoff is different.

Mr. Gasiorowski reiterated that the agreement is a condition in the resolution.

Mr. Pfeffer asked Mr. Vogt if the runoff goes through the Ocean County facility.

Mr. Vogt said it is his understanding that it goes through the Enclave basins. The pipe that this project is discharging into is a Township system runs through the Enclave property ultimately into one of the on site basins.

Mr. Carpenter said that the development adjacent, Chesterfield Commons, needed an easement to gain access to the stormwater on the Enclave's property as well as the sewer and water on the Enclave's property. They did not need any of those easements because they are now available on Chestnut Street.

Mr. Vogt said he is not questioning easements. He is concerned about the agreement which was made.

Mr. Vogt asked if the previous system ultimately flowed into the Enclave.

Mr. Carpenter said yes.

Mr. Vogt said the design does conform to the stormwater rule but with what was agreed to, the end point of the Enclave basins was the same then as it is now.

Mr. Carpenter said the ultimate destination of the runoff is the same.

Mr. Vogt said that comes back to what the Board meant with the agreement.

Mr. Carl Fink, 146 Enclave Boulevard was sworn in. He stated that the original applicant did reach out to him and they had a few meetings in which Mr. Carpenter attended. He said an agreement was made and said that Mayor Ackerman was present as well.

Mr. Neiman asked if the agreement was specific to the drainage.



Mr. Fink said it was not, there were other issues. He said the applicant was willing to give them 100,000 dollars, redo their back gate, widen a left turn and other things. Once this agreement was made, the Enclave came back and supported the applicant. He implored the Board to really review the original agreement.

Mr. Neiman said they don't have an agreement. They only have the resolution with a condition that says drainage agreement.

Mr. Neiman asked what the purpose of the 100,000 dollars is. If it is to make sure the Enclave system can hold the runoff then maybe a fair compromise would be to bond this money for at least 5 years after the project is built and then have professionals look at it.

Mr. Schmuckler said if nothing changed as Mr. Carpenter previously said the he does not see a reason to remove this agreement.

Mr. Neiman questioned if this money was just for the drainage system or was it for backing this project. He does not feel comfortable voting on a monetary agreement.

Mr. Banas made a motion to deny the request for the removal of a condition of approval, seconded by Mr. Franklin.

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

- **SD 1586C** Serenity Estates  
Request to modify open space ownership

Mr. Brian Flannery, P.E. was sworn in. He stated that this application was before the board many years ago. The open space was indicated to be set aside for the Homeowner's Association. The project has been sold and the new applicant feels that it would be a better arrangement if the open space was owned by the person that is going to own this house. They would be responsible for owning and maintaining the basin. There are two structures currently there that were going to be knocked down but they would like to now leave. There is currently a gore on that property and that would also be left and used as an extra buffer.

Mr. Neiman asked who would maintain the basin.

Mr. Flannery said the Township.

Mr. Schmuckler would like to see that this piece of land gets deed restricted for open space use only.

Mr. Flannery agrees to that.

Mayor Ackerman asked why someone would want to take responsibility for this lot.

Mr. Flannery stated that they want to live on a larger piece of land and there is already a large home there. This would eliminate the need for a Homeowner's Association. Also, all the residents would have access to the open space lot which would be in the deed. He said this is how it is done in many other towns.

Mr. Banas believes there should be a Homeowner's Association rather than divert it to one individual. He doesn't see the advantage to the members of the community.

Mr. Flannery reiterated that this will benefit the other 19 homes and town. It is easier to go after one person than a Homeowner's Association in case the property is not properly maintained.

Mr. Jackson asked about the 19 families that would be on the open space lot that one family owns.

Mr. Flannery said the open space would be limited to the area that is open space now. They don't get to into his yard that is in a separate lot. It is delineated because there is a separate lot at this point. The two lots will merge and the only restrictions will be on the parts that merged with it, not the entire lot.

Mr. Schmuckler said then you would have to keep them separate lots. Otherwise in the future there would be no way of delineating is for open space and which is owned by that family.

Mr. Flannery said they could provide easement language.

Mr. Jackson asked what would happen if this owner didn't take care of the open space lot.

Mr. Flannery said it would be the same thing as any other lot. They would receive violations and may be taken to court.

Mr. Neiman opened to the public.

Ann Richardson, 1870 Lanes Mill Road, was sworn in. She read a letter asking the Board members to make sure this project receives all the appropriate approvals needed.

Noreen Gill, 192 Coventry Drive, was sworn in. She said she was here when this application was originally approved. They were concerned about the Crystal Lake Preserve. She said she pity's the person who buys that open space lot.

Mr. Neiman closed to the public.

A motion was made by Mr. Schmuckler, seconded by Mayor Ackerman to approve this change with the deed restriction clearly saying that the open space will be preserved and shall be already used for this clustering and not any further clustering as well as the homeowner's have access to the open space land and the easements shall be clearly defined to what they have access to.

Affirmative: Mr. Franklin, Mayor Ackerman, Mr. Neiman, Mr. Schmuckler, Mr. Rennert  
No: Mr. Banas

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

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary