

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Rennert, Mr. Percal, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. Resolution 2012-01 confirming the election of officers, appointment of professionals and selection personnel

A motion was made and seconded to approve.

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

2. **SP 1884A**

Applicant: Chinuch L'Banos
Location: Block 189.04 Lot 188

Request to relocate recreation from rear corner of property to the front area of the school

A motion was made and seconded to approve.

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

- 3. SP 1971** (No Variance Requested)
Applicant: Elli Bohm
Location: Northwest corner of New Central Avenue & Elderberry Court
Block 11.01 Lot 14.06
Conceptual change of use site plan from a residential use to a mixed use residential and shul

A motion was made and seconded to approve.

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

- 4. SD 1603A** (Variance Requested)
Applicant: Joseph Rosenbaum
Location: West side of River Avenue, between James Street & Edgewood Court
Block 415 Lots 10, 11 & 12
Amended Preliminary & Final Major Subdivision to create 14 zero lot line lots. Prior application received resolution compliance from T&M Associates. This approval for creation of lot lines only. No design change.

A motion was made and seconded to approve.

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

- 5. SP 1927A** (No Variance Requested)
Applicant: Four Corners Partners, LLC
Location: Squankum Road & Park Place, South of E. County Line Road
Block 169 Lots 33 & 34
Preliminary & Final Site Plan for proposed catering kitchen and office

Mr. Penzer on behalf of the applicant. He stated he needed a clarification from Mr. Jackson on one of the conditions of the resolution.

Mr. Banas stated the only thing that was in his motion was not to serve food on the second floor. For example, if there were an overflow in the restaurant they could not have patrons dine on the second floor.

Mr. Liston stated when he cross examined the applicant he indicated that he needed all the space on the second floor so he could store his equipment and have an office.

Mr. Newhouse stated if there was limited space at the restaurant the idea was to use the first floor in the new building for overflow patrons.

Mr. Liston argued that the applicant has to come back to the Board because it is not shown on his site plan.

Mr. Neiman stated they will restrict the main room on the second floor and the first floor is not restricted.

A motion was made and seconded to approve.

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

6. **SD 1729** (Variance Requested)
Applicant: Congregation Kol Aryeh of Lakewood
Location: Southeast corner of Fourteenth Street & Hope Chapel Road
Block 24.01 Lots 10 & 11
Minor Subdivision to create 2 lots (Amended resolution)

A motion was made and seconded to approve.

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

5. NEW BUSINESS

1. **SD 1828** (No Variance Requested)
Applicant: Cedarbridge Development, LLC
Location: Northwest corner of Pine Street & New Hampshire Avenue
Block 961.01 Lots 2.01, 2.02 & 2.03
Amended final major subdivision to realign existing three (3) lots

Mr. Kielt stated this application will be carried to the February 21, 2012 meeting.

2. **SP 1972** (Variance Requested)
Applicant: Hamesivta B' Bensonhurst
Location: Massachusetts Avenue, opposite North Drive
Block 442 Lots 3.01 & 3.02
Preliminary & Final Major Site Plan for proposed boys high school & dormitory

Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a three-story boy's high school and post high school building with dormitories in two (2) phases. The first phase would be to construct a three-story building without the main Bais Medrash and

dining room below. The third floor would also be unfinished. The second phase would be to construct an addition and finish the third floor. The proposed project within a 13,780 square foot footprint includes an improved basement, first floor classrooms and offices, and two (2) upper floors of dormitory rooms. The site plans and architectural plans indicate the proposed first floor of the school building will contain six (6) classrooms and four (4) offices. The upper floors will contain thirty-three (33) dorm rooms for sixty (60) high school students and ninety (90) post high school students, complete with bathrooms and a laundry. The basement contains recreation area and dining rooms. An interior parking area consisting of eighteen (18) parking spaces, two (2) being handicapped accessible, and site improvements are also proposed within the property, including a one-way bus drop-off area. Access to the proposed high school is provided from Massachusetts Avenue, a County Road. We have the following comments and recommendations per testimony provided at the 1/3/12 Planning Board Plan Review Meeting, and comments from our initial review letter dated December 21, 2011: I. Waivers A. The following waiver has been requested from the Land Development Checklist: 1. C13 - Environmental Impact Statement. The subject property is lightly wooded and vacant. The applicant's professionals found there are no environmentally sensitive elements on this property and within two hundred feet (200'). The Board granted the requested waiver from the Land Development Checklist at the January 3, 2010 Plan Review Meeting. II. Zoning 1. The parcels are located in the R-20/12 Cluster Residential District. Private schools are a permitted use in the zone. Statements of fact. 2. Per review of the Site Plan and the zone requirements, the following variances are required for proposed project: • Maximum Building Coverage – twenty-five percent (25%) permitted, 31.3 percent proposed. • In accordance with Section 18-906A of the UDO, a twenty foot (20') wide perimeter landscape buffer is required from residential uses and zones. Said buffer is required along the property lines. Relief is necessary on some portions of the project. It should be noted the surrounding lands are vacant and zoned residential. The Board shall take action on the required variances. 3. The site plans indicate that six (6) classrooms and four (4) offices are proposed for the facility. Confirming testimony regarding the facility should be provided by the applicant's professionals. Testimony should be provided on the various aspects of the proposed facility. 4. A partial design waiver is required from providing sidewalk and curb along the entire Massachusetts Avenue frontage of the site. The proposed sidewalk and curb terminates twenty-five feet (25') from the curb return at the exit driveway rather than extending to the southerly property line. The construction of proposed sidewalk and curb along the Bushwick Avenue frontage is unnecessary since it is an unimproved right-of-way that does not provide site access. The plans have been revised to provide sidewalk and curb along the entire Massachusetts Avenue frontage. Therefore, the partial design waiver from providing sidewalk and curb along the entire Massachusetts Avenue site frontage is no longer required. 5. The applicant must address the positive and negative criteria in support of any required variances. III. Review Comments A. Site Plan/Circulation/Parking 1. Testimony should be given regarding proposed circulation with the site layout (parking, loading area, access, etc.). A Circulation Plan and a Traffic Impact Assessment have been submitted. 2. The General Notes require editing and updating to match the latest project proposal. Some minor editing of the General Notes is still required. The addition of the phased square footages does not match the total building coverage square footage. The corrections can be made during compliance review should approval be granted. 3. Sheet 2 of the plans should be titled "Boundary & Topographic Survey of Property" with the following added: a. Completion of bearings, distances, and areas for existing individual Lots 3.01 and 3.02 since they have not been consolidated yet. Bearings and distances have been added to the Survey. Individual lot areas are still required. b. Completion of existing contours

for Massachusetts Avenue. Existing contours for Massachusetts Avenue have been added to the Survey. Existing contour one hundred thirty-eight (138) requires correction. The corrections can be made during compliance submission should approval be granted. 4. Proposed dimensions and building overhangs must be shown for the three-story building. Corrections must be made in the Zone Requirements Table. The required dimensions should also consider the project phasing. The proposed aggregate side yard setbacks are in excess of the 21.3 feet shown in the Table and will not require a variance. The additional information may be provided during compliance review should approval be granted. 5. Proposed dimensioning must be completed on the site plan for the sizes and locations of improvements. Additional proposed dimensioning has been added and may be completed during compliance review should approval be granted. 6. As indicated previously, an eighteen (18) space parking lot with two (2) handicapped spaces are being provided for the proposed school. Since a total of ten (10) classrooms and offices are proposed, ten (10) off-street parking spaces are required per UDO standards. Testimony should be provided as to whether any Tutor Rooms, Libraries, or Meeting Rooms are proposed as described per Section 18-906C of the UDO. Testimony should be provided on the room breakdown to confirm the required number of off-street parking spaces. 7. The General Notes indicate all high school students will be bused, and no student shall be permitted to drive to and from school. Confirming testimony should be provided by the applicant's professionals that no students (including those using the proposed dormitories) will be allowed to park on-site. Testimony should also be provided as to the maximum number of staff professionals at the site during school operations. Testimony should be provided on site operations. 8. A one-way bus drop off area, which is included in the proposed parking area, runs parallel to Massachusetts Avenue. Although it appears that adequate turning movements will be provided for the proposed bus drop off area, refuse collection, and deliveries, a vehicle circulation plan should be provided as confirmation. A Circulation Plan has been added to the set of drawings which confirms that adequate turning movements will be provided. This comment has been satisfied. 9. Testimony is necessary from the applicant's professionals regarding how the proposed bus drop off area will be used, including but not limited to times, sizes, and types of vehicles anticipated (i.e., buses, vans, cars, others). Testimony on the proposed bus drop off area should be provided. 10. The proposed sidewalk should be extended to the curbing in front of the curved section of the bus drop-off. An eight foot (8') wide proposed sidewalk has been extended from the building access to the curbing on part of the bus drop-off. 11. A proposed refuse enclosure is depicted on the northern side of the site. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. The waste receptacle area shall be screened and designed in accordance with Section 18-809.E. of the UDO. Testimony should be provided on trash collection. 12. A lot consolidation is recommended (if feasible). Testimony should be provided on the feasibility of a lot consolidation since proposed improvements cross the existing property line between Lots 3.01 and 3.02. 13. A retaining wall is proposed to the north of the building and to the west of the parking area. The proposed grading on the improvement plan also indicates a retaining wall will have to be extended to the north side of the refuse enclosure. The required information can be provided during compliance review should approval be granted. 14. Additional regulatory signage should be added to the site plan, such as handicapped and one-way signs. The additional regulatory signage has been added. Some proposed signage locations require adjustment and may be corrected during compliance review should approval be granted. 15. It should be clarified whether concrete driveway aprons are proposed for the vehicular access points to Massachusetts Avenue. The site plan indicates the proposed sidewalk crossing the driveway access points. The applicant's

engineer indicates that concrete driveway aprons are proposed for the vehicular access points to Massachusetts Avenue. The proposed locations shall be clarified on the plans and this may be completed during compliance review should approval be granted. 16. No sidewalk is proposed for the basement access on the south side of the building. Proposed sidewalk may be added during compliance review should approval be granted. 17. A proposed shade tree and utility easement should be provided across the Bushwick Avenue frontage. The proposed shade tree and utility easement shall be extended across the entire Bushwick Avenue frontage. The proposed Type "A" Inlet may be constructed within the easement. Proposed deeds of easement and descriptions shall be submitted to the Board Attorney and Engineer for review and approval prior to filing. This may be done during compliance submission should approval be granted. B. Architectural 1. Architectural plans have been provided for the proposed high school. The set includes floor plans and elevations. The proposed building includes three (3) floors and a finished basement. The plans shall be corrected accordingly. The proposed building height must be confirmed. The allowable building height is thirty-five feet (35'). Revised architectural plans have been submitted which phase the building construction. Per communications with the applicant's professionals, the building height will comply with the Code. 2. As noted on the proposed architectural plans, the basement is finished and contains numerous facilities, the first floor is mainly classrooms and offices, and the second and third floors contain dorm rooms. An elevator is proposed to make all floor levels handicapped accessible. Confirming testimony is required from the architect on the specific uses for the individual floors. Testimony on the specific uses for the individual floors was provided at the workshop hearing. 3. We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. Testimony should be provided on HVAC equipment. 4. The applicant's professionals should provide testimony regarding the facades and treatments of the proposed new building. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. Any testimony and renderings should also address the building phasing. C. Grading 1. Per review of the proposed grading plan, the design concept is feasible. However, the following should be addressed: a. Additional proposed elevations for the handicapped parking spaces to insure slope compliance. b. Additional proposed contours are required to complete the grading design, especially for the widening of Massachusetts Avenue. c. Proposed elevations should be provided at control points, such as building landings. Final grading can be addressed during compliance review if/when approval is granted. Final grading will be reviewed in detail during compliance submission should approval be granted. 2. The proposed grading should be coordinated with the architectural plans. The coordination may be done during compliance review should approval be granted. 3. Profiles are required for Massachusetts Avenue, storm sewer, and sanitary sewer. A Massachusetts Avenue Plan & Profile sheet has been added to the drawings for the widening of Massachusetts Avenue. Profiles for storm sewer and sanitary sewer must be added during compliance review should approval be granted. 4. The soil boring information shall be corrected for Soil Boring #2 on the drawings. The seasonal high water table information provided in the Storm Water Management Report justifies the proposed basement elevation of the school and the depth of the storm water recharge systems. The revised soil boring logs provided on the drawings do not match the logs provided in the Storm Water Management Report. Corrections must be made during compliance review should approval be granted. D. Storm Water Management 1. The design should be corrected by revising the grading to divert some bypass area to the proposed system beneath the parking lot and adjusting the size of the system accordingly. The design has been revised to reduce the bypass area and increase the recharge system to comply with the required runoff reductions. Minor corrections to the design, proposed drainage areas, and Storm Water

Management Report can be completed during compliance submission should approval be granted. 2. The runoff summaries in the Report must be revised to the Plan inverts. The inverts for the front infiltration system must be revised to 123.90 and 124.40. The corrections can be made during compliance submission should approval be granted. 3. A Storm Water Management Facilities Maintenance Plan must be provided. Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. The applicant's engineer indicates a Storm Water Management Facilities Plan will be provided during compliance review should approval be granted. Testimony should be provided that the operation and maintenance of the proposed system will be the responsibility of the applicant. E. Landscaping and Lighting 1. A dedicated landscaping plan is provided with the submission; proposed landscaping is depicted on Sheet 6 of the plans. A revised landscaping plan has been submitted which considers the proposed building phasing. Proposed foundation plantings for Phase 1 will be replanted in Phase 2 when the building addition is constructed. The "IMP" call out on the plan for Castle Spire Holly shall be corrected to "IMH". The correction may be submitted during compliance review should approval be granted. 2. A six foot (6') wide shade tree and utility easement is proposed across the Massachusetts Avenue frontage of the property. Seven (7) Armstrong Maple shade trees are proposed within the easement. The Shade Tree Commission recommends the caliper of these shade trees be increased to a minimum of three inches (3"). We recommend that an easement and shade trees be added along the Bushwick Avenue unimproved right-of-way since proposed grading will extend to the property line. The revised plans satisfy the tree caliper recommended by the Shade Tree Commission. The proposed shade tree and utility easement along Bushwick Avenue shall be extended across the entire frontage. Proposed shade trees shall be added. The corrections may be completed during compliance review should approval be granted. 3. The Shade Tree Commission also recommends the addition of five (5) ornamental flowering trees of two and a half to three inch (2-1/2" - 3") caliper north of the parking lot. The revised plan has added three (3) Tuskegee Cape Apples north of the parking lot and two (2) Tuskegee Cape Apples in front of the building. The plan call out north of the parking lot shall be corrected to three (3). 4. Testimony should be provided as to whether compensatory landscaping is proposed (or necessary). The Tree Protection Management Plan must be revised to comply with new Tree Ordinance Chapter XIX. Per communication with the applicant's professionals, the applicant will comply. 5. Landscaping should be provided to the satisfaction of the Board. The Board should provide landscaping recommendations, if any. 6. Testimony is required clarifying the mounting heights of the various light fixtures. It appears no mounting heights will exceed fifteen feet (15'). The applicant's engineer indicates that no fixture heights shall exceed fifteen feet (15'). 7. Lighting should be provided to the satisfaction of the Board. The Board should provide lighting recommendations, if any. F. Utilities 1. An existing water main on the east side of Massachusetts Avenue is not being extended across the frontage of the site. A proposed domestic water service and a separate fire suppression line are being connected to the school building from the existing main on the east side of Massachusetts Avenue at the north end of the site. Fire hydrants are not proposed for the project. Fact. G. Signage 1. Other than a signage area shown on the front elevation of the architectural plans, no signage information is provided. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. The revised architectural plans only propose a signage area on the Phase 2 addition of the front elevation. The applicant's professionals indicate that any proposed sign shall comply with Township ordinance. Testimony should be provided on proposed building signage. H. Environmental 1. A waiver from preparing an

Environmental Impact Statement (EIS) was requested for this project. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. Data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmentally-sensitive areas exist per available mapping. Per communications with the applicant's professionals, there are no known areas of environmental concern that exist within the property. A waiver was granted from providing an Environmental Impact Statement.

2. Virtually no existing trees with a diameter of ten inches (10") or greater can be saved during construction. The Tree Protection Management Plan must be revised to comply with new Tree Ordinance Chapter XIX. Compliance with new Tree Ordinance Chapter XIX may be a condition of approval.

I. Traffic

1. An evaluation of the traffic implications for the proposed high school has been submitted for review, assessing parking supply and impacts of this project on the road network adjacent to the site.

2. The evaluation indicates that access will be limited to the two (2) one-way driveways along Massachusetts Avenue with a one-way counterclockwise circulation pattern. The access design will accommodate school buses serving the site as well as delivery and refuse vehicles.

3. The evaluation indicates that minimal additional traffic will be generated by the proposed use. The critical intersections of Massachusetts Avenue with North Drive and the site will operate at good levels of service. In addition, the proposed parking will be more than sufficient to support the site.

4. Traffic testimony should be provided for the proposed three-story school based on the ultimate "build out".

J. Construction Details

1. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is approved. Final review of construction details will take place during compliance depending on Board approval of the site plan.

2. Retaining wall details should be added. A Typical Retaining Wall Section has been provided. Shop drawings will be required prior to construction should approval be granted.

3. Dimensions for the footings should be completed on the Trash Enclosure Details. The reinforcing for the slab should be installed three inches (3") from the bottom. Additional information has been provided. Final detail corrections can be made during compliance review should approval be granted.

4. The Protective Bollard Detail footing dimension should be a diameter. The proposed one foot, six inch (1'-6") dimension should be a diameter. The correction can be submitted during compliance should approval be granted.

5. The rims shall be corrected on the Concrete Drainage Manholes Detail. The correction can be submitted during compliance should approval be granted.

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 (as applicable);
- c. Lakewood Township (Fire)
- d. Ocean County Planning Board;
- e. Ocean County Soil Conservation District;
- f. Water and sewer utilities, prior to occupancy permits; and
- g. All other required outside agency approvals.

Mr. Vogt stated a waiver was previously approved and the variances requested are for maximum building coverage and a 20' wide perimeter landscape buffer.

Mr. Penzer on behalf of the applicant. He entered an architectural rendering of the building as exhibit A-1 and page 6 of the preliminary and final site plan was entered as A-2.

Mr. Brian Flannery, P.E., P.P. was sworn in. The application is for a school on Massachusetts Avenue which contains a total of six classrooms, four offices and thirty three dorm rooms which will be there for the sixty proposed high school students and ninety proposed post high school students. As indicated on Terry's report, this is a permitted use and we are requested variances for building coverage and perimeter buffer. It should be noted that the surrounding areas are vacant. The applicant is proposing a fence and landscaping which would provide the buffering that's intended as part of the ordinance. With respect to the variances, the master plan does indicate that schools are a desirable use. This triangle area is targeted as a smart growth core and it is my testimony that this school fits in under that smart growth criteria. He stated there will be eighteen parking spaces where ten is required and that the students are not allowed to drive which is stipulated on the application. The high school students will be bused in the morning and the evening. There is a one way entrance on the northerly side of the site where the busses would come in. There is more than enough room for two buses if they come in at the same time and they would exit out an exit only onto Massachusetts Avenue.

Mr. Penzer stated that if there were other people to come to the school it would be from Hearthstone which is directly across the street.

Mr. Flannery stated there are a total of 150 students with the six classrooms which equates to twenty five per classroom. There are sufficient classrooms for the students. He stated they are using a dumpster for trash collection subject to the review of Public Works. If the Board acts favorably on this application, the lots will be consolidated as recommended in Terry's report. The stormwater management facilities will be the responsibility of the applicant.

Mr. Banas is concerned about the building coverage being 31.3%.

Mr. Scott Kennel, Traffic Engineer was sworn in. He stated that traffic counts were conducted to record the highest traffic volumes. He also went through the rest of the traffic report that was submitted to the Board. He stated the analysis included that this site can be constructed, generate traffic and operate compatibly with the existing traffic conditions and provide level service of A and B. The site has been designed to provide positive onsite circulation and a safe and efficient means of access to and from the property.

Mr. Neiman asked about parking on Massachusetts Avenue.

Mr. Kennel stated that you are currently not allowed to park there.

Mr. Neiman opened the microphone to the public.

Ms. Noreen Gill, 192 Coventry Drive was sworn in. She expressed her concerns about the traffic on Prospect Street. She also stated that making a right or a left out of the southerly driveway is dangerous because of a hill to the north.

Mr. Kennel stated the two way exit is more efficient. He stated there was adequate sight distance.

Mr. Surmonte, Licensed Surveyor was sworn in. He stated the crest of the hill is about 7 ½ feet higher than the grade at the exit drive, 400 feet to the north.

Mr. Larry Avrin, 144 Enclave Boulevard was sworn in. He expressed his concerns with the parking on Massachusetts Avenue.

Mr. Kennel stated that the applicant is willing to stipulate that there will be no parking on Massachusetts along its frontage.

Mr. Neiman stated the best thing would be to have no parking on both sides.

Mr. Larry Simons, 7 Schoolhouse Lane was sworn in. He went over some reports he had in his possession which he wanted clarification on. He asked for the application to be tabled.

Mr. Bill Hobday, 30 Schoolhouse Lane was sworn in. He also was concerned about the traffic and parking on Massachusetts Avenue. He also believes the building is too large for the property.

Ms. Janet Payne, 120 Massachusetts Avenue was sworn in. She stated she lives at the crest of the hill on Massachusetts and she sees the traffic everyday. Ms. Payne does not like the two way exit onto that street. She also sees all the parking on both sides of Massachusetts Avenue and there should be no parking. She does not believe there should be a gate on the fence with access to the woods.

Mr. Vogt stated that Massachusetts Avenue is a County road. The Board can make recommendations but the ultimate configurations of the ingress and egress are going to be the County's decision.

Mr. Michael Weiser, Munsey, NY was sworn in. He stated he is a managing officer of the properties adjacent to this project. He objected to the waiver of the 20' buffer. He stated people own those adjacent properties, not the Township, and they may be developed in the future.

Ms. Gerri Balwinz, Governer's Road was sworn in. She objected to the 31.3% variance requested building coverage.

Seeing no one further from the public, this portion of the meeting was closed.

Mr. Flannery stated that the points Mr. Simons brought up do not have any impact on the application. He believes the plans and the application presented is very clear. The traffic engineer believes this is the right plan for this project and the bottom line is that it needs to be approved by the County. He believes the 10' buffer with a fence will provide as much buffering as 20' without the fence. With regards to not having a gate on the fence, the rear of the property is a public right-of-way and this applicant should have access to the Township woods the same as any other property owner. He stated there are two stories of dormitories and one story that are the classrooms and offices. The architectural plans submitted show three floors, the site plan shows two floors.

Mr. Vogt stated they did notice that the site plan makes reference to a two story building. Looking at the architectural drawings obviously it is a three story building. He asked if the three story building will require a height variance.

Mr. Flannery stated they are not. They are going to comply with the 35' height.

Mr. Vogt stated they can argue if it is two or three floors but it is conforming.

Mr. Banas reiterated his concerns about the 31.3% building coverage.

Mr. Penzer stated the 6% does not matter. They are giving the students room to move. The impact will be the same whether it is 25% or 31%.

Mr. Neiman stated he would feel more comfortable if there were no parking signs on both sides of Massachusetts Avenue.

Mr. Flannery stated the applicant is willing to bear the expense of the signs but he can't put signs up on a County roadway without approval.

Mr. Banas stated he would like an opening on the fence so when the future park is developed they have access.

Mr. Percal asked about school zone signs being placed.

Mr. Kennel stated that the municipality would have to send a request to the County.

Mr. Schmuckler made a motion to approve the application with the following stipulations: on the southern side of the property there should be tall arborvitaes which Terry will direct them to build up the buffer, there should be a gate on the fence and if and when the park opens up the school should allow access for the students, we are directing the Board attorney to write a letter to the County engineer requesting that Massachusetts Avenue, from Prospect to Cross should have no parking on either side and they should understand there are numerous schools within this triangle and address it with school zones signs in order to slow down traffic as well as requesting them to possibly lowering the speed limit along Massachusetts Avenue. The motion was seconded by Mr. Herzl.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Percal, Mr. Schmuckler

Abstained: Mr. Neiman, Mr. Rennert

- 3. SP 1954** (No Variance Requested)
Applicant: Harley Davidson of Ocean County
Location: Route 70, east of Vermont Avenue
Block 1086 Lot 16
Amended Site Plan for proposed additional parking

Project Description

The applicant is seeking Amended Site Plan approval for the construction of a 128' X 216' paved parking area with storm water management system located behind the existing motorcycle dealership building. A total of one hundred forty-six (146) off-street parking spaces are proposed for the project. The existing eight-three (83) spaces in the front of the building will be reduced to eight-two (82) spaces with the creation of five (5) handicapped spaces. Sixty-four (64) spaces are proposed for the new parking area behind the building. According to the revised parking tabulation, ninety-five (95) off-street parking spaces are required. This is based on the following six (6) criteria: • One (1) space is required for every two hundred square feet (200 SF) of showroom. Since the showroom is eight thousand square feet (8,000 SF), forty (40) spaces are required. • One (1) space is required for every four (4) seats of the existing café/snack bar. Since the seating totals forty (40) seats, ten (10) spaces are required. • One (1) space is required for every two hundred square feet (200 SF) of existing sales support area. Since the sales support area is 1,880 square feet, ten (10) spaces are required. • One (1) space is required for every thousand square feet (1,000 SF) of existing service, tech, and parts storage area. Since the service, tech, and parts storage area is 11,422 square feet, twelve (12) spaces are required. • One (1) space is required for every two hundred square feet (200 SF) of existing outdoor motorcycle display area. Since the display area is about 1,480 square feet, eight (8) spaces are required. • One (1) space is required for each employee. A total of fifteen (15) employees have been estimated, thereby requiring fifteen (15) spaces. Some of the wooded area existing on the site will be removed for the proposed parking area. The property gently slopes from west to east. Additional storm water management facilities have been designed to incorporate the additional impervious area proposed for the site. Except for the adjacent site to the west, the surrounding lands and roadways are all improved. Sidewalk does not exist along the frontages because of the nature of the use which does not lend to pedestrian traffic. We have the following comments and recommendations per testimony provided at the 10/4/11 Planning Board Plan Review Meeting, and comments from our latest review letter dated September 29, 2011: I. Waivers A. The following waiver has been requested from the Land Development Checklist: 1. Submission Waiver from Checklist Requirement #21, Architectural Drawings. We support the requested waiver. There are no buildings or building additions proposed as part of this application. The Board shall take action on the requested waiver. II. Zoning 1. The site is situated within the B-5A, Highway Development Zone. New motor vehicle salesrooms are a permitted use in the zone. Statements of fact. 2. A wing of the existing building which is dedicated to retail sales encroaches into the required fifty foot (50') side yard setback. Therefore, the Zoning Requirements shall be revised to show both the existing and provided Side Yard Setback of 31.3 feet as an existing nonconforming setback. The Aggregate Side Yard Setbacks are also nonconforming and the Zoning Requirements shall be amended to show both existing and provided aggregate side yard setback of 82.2 feet (31.3 feet + 50.9 feet). The existing side yard setback and aggregate side yard setback still require revision. The provided side yard setback has been corrected to 31.3 feet. The provided aggregate side yard setback should be corrected from 82.6 feet to 82.2 feet. 3. An existing tent, which is defined as a Temporary Accessory Structure covers an outdoor patio area with seating. This structure encroaches into the required thirty foot (30') side yard setback. Therefore, the Zoning Requirements shall be revised to show both the existing and provided Side Yard Setbacks of 17.7 feet as nonconforming. An updated survey locates the tent 25.2 feet from the side property line and the edge of pavement 17.7 feet from the side property line. Accordingly, the provided accessory structure side yard setback has been revised to 25.2 feet. The existing accessory structure side yard setback of thirty-one feet (31') still requires correction. 4. No variances have been requested. Per review of the Site Plan and the zone requirements, it appears no "new"

variances are required for the proposed project. A setback variance was previously granted for the free standing sign. The existing nonconforming aspects of the site plan have been mentioned above. The updated survey accurately maps the existing nonconformities. It should be noted the 2002 Site Plan Resolution did not grant any side yard setback variances for a building addition or temporary accessory structure. The applicant shall provide evidence that setback variances were previously granted for the nonconforming side yard and aggregate side yard setbacks. Unless the applicant can show previous approvals for the building addition and tent which are the cause of the nonconforming setbacks, the Board should take action on whether to grant variances for the nonconforming setbacks. 5. Per review of the site plans and application, the following design waivers are required: a. No curb and sidewalk has been proposed along any of the site frontages. b. No shade tree and utility easements have been provided along any of the site frontages. c. No shade trees have been provided along any of the site frontages. d. Any and all other design waivers deemed necessary by the Board. The Board shall take action on the required design waivers. III. Review Comments A. Site Plan/Circulation/Parking 1. General Note #13 lists a Parking Tabulation based on ordinance requirements. Testimony must be provided on the increase in the number of proposed parking spaces for the site since no alterations are proposed to the existing sales and repair facility. The number of off-street parking spaces is being increased by sixty-three (63) from eighty-three (83) to one hundred forty-six (146). Parking calculations have been revised on the Vicinity Plan & Project Data plan, which is sheet 1 of 4. The parking requirement allocation for the existing facility has been revised to be greater than the parking existing on site. The applicant's engineer should testify how the additional parking area meets the new demand. 2. Testimony must be provided on additional anticipated site traffic from the increase in the number of parking spaces. A summary traffic report may be necessary. The applicant's engineer indicates that testimony shall be provided on additional anticipated site traffic. 3. Testimony should be provided by the applicant's professionals as to existing and proposed site operations. General Note #14 lists the existing dealership's hours of operation. The applicant's engineer indicates that testimony shall be provided on site operations. 4. The site plan shows existing dumpsters to be relocated. The dumpsters will be enclosed by a six foot (6') masonry block wall to match the building and a self closing chain link gate. Unless waived by the Board, all relocated dumpsters shall be landscaped screened and designed in accordance with Section 18-809.E., of the UDO. Construction details have been provided. No additional landscaping is proposed. Therefore, a waiver from landscape screening shall be acted upon by the Board. 5. The site plan shows three (3) existing equipment containers to remain and one (1) relocated equipment container. The applicant's professionals indicate the equipment containers are utilized by the owner for storage purposes including snow clearing equipment, special events equipment, and promotional items. Furthermore, one (1) of the containers on-site is used for charitable blood donation drives. Testimony should be provided at the public hearing on the use of the containers. Screening of the containers should be considered. No additional landscaping is proposed to screen the containers. Testimony should be provided on the use of the containers. B. Architectural 1. No architectural drawings have been provided since the project does not involve any buildings. Statement of fact. C. Grading 1. Per review of the proposed grading plan, the design concept is feasible. Final grading can be addressed during compliance review if/when approval is granted. Final grading will be reviewed during compliance submission should approval be granted. D. Storm Water Management 1. A Storm Water Management Facilities Maintenance Plan must be provided. Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. The Storm Water Management Facilities Maintenance Plan has been included as

an appendix in the submitted revised Storm Water Management Report. The Plan confirms the applicant will be the responsible party for the operation and maintenance of the proposed storm water management system. The Maintenance Plan will be reviewed in detail during compliance submission should approval be granted. E. Landscaping 1. A Landscaping Plan has not been provided and is required unless a waiver is granted by the Board. A waiver has been requested from the submission of a Landscape Plan. 2. We recommend landscape islands be proposed in the paved parking area to breakup the expanse of asphalt, protect site lighting poles, and improve aesthetics. The applicant's professionals cite cost as the reason no landscape islands are proposed. 3. Landscape screening is required around the proposed dumpster enclosure and recommended around the equipment containers. The applicant is requesting that no landscape screening be required. F. Lighting 1. A supplemental lighting plan has been provided. Three (3) proposed lighting fixtures are shown within the paved parking area and another proposed lighting fixture shown in the vicinity of the dumpster. Lighting information includes a point to point diagram to evaluate the proposed site lighting. Details are required to complete the lighting plan which must be added to the set of drawings. A revised Lighting Plan has been submitted. Only two (2) proposed twenty-five foot (25') high lighting fixtures are shown as the applicant's professionals indicate the lights will be for security purposes and this rear parking lot will be closed after dark. Therefore, the point to point diagram indicates the proposed lighting will be deficient with respect to the ordinance requirements. Construction details for proposed lighting will be reviewed during compliance submission should site plan approval be granted. 2. The overall lighting design is subject to review and approval by the Board. The Board should provide lighting recommendations, if any. G. Utilities 1. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. The site plan shows existing public water and sewer services. Testimony should be provided that no further extension of the existing water and sewer services are required for this project. The applicant's engineer indicates that testimony shall be provided on utilities. H. Signage 1. No proposed signage information is provided. However, the site previously received a setback variance for the existing free standing sign. A full signage package for any new free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. The applicant's engineer indicates that no new signage is proposed. I. Environmental 1. A Tree Protection Management Plan has been provided. Revisions to the plan are necessary which we can review with the applicant's engineer. Since the project is commercial, it is our interpretation based on the current plan that the applicant shall either pay a fee of \$1,572.00 based on 0.786 acres of clearing, or plant four (4) replacement trees of two inch (2") diameter or greater based on four (4) trees per acre. The applicant's engineer indicates that the applicant will either pay the required fee or plant the required amount of trees. J. Construction Details 1. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is approved. The applicant's engineer agrees that details shall be revised as necessary during compliance review. 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 (as applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. New Jersey Department of Transportation (if applicable); and f. All other required outside agency approvals.

Mr. Liston on behalf of the applicant stated that the applicant is withdrawing the portion of the application which shows a parking lot on the rear of the premises. The intention is to look at a comprehensive plan to increase the size of his building to the rear. He stated that Mr. Banas asked at the last meeting if the building with the sideyard setback variance received building permits and he stated that it did which he entered as exhibit A-1.

Mr. Lurie stated that the addition in question was constructed on top of an existing patio that was previously approved as part of the site plan application back in 1999. The actual addition was less than 1,500 square feet so it was less than a minor site plan approval. It is located approximately 31.3' off the property line where the edge of the existing patio is also located. By closing the patio it conforms more with the actual building.

Mr. Gasiorowski asked if there was an application to the Planning or Zoning Board prior to the erection of this addition.

Mr. Lurie stated no because it was less than 1,500 square feet.

Mr. Gasiorowski asked about the temporary structure.

Mr. Liston objected that the temporary structure is not part of this application and it is an enforcement issue.

Mr. Banas stated as a Board they do look at the entire site plan. He believes the tent that Mr. Liston is speaking of is not temporary.

Mr. Liston stated they will come back with an expansion of the rear of the building within the next six to eight months and we will address it at that time.

Mr. Schmuckler believes the zoning officer should sign off on the temporary structure.

Mr. Banas opened the microphone to the public.

Mr. Doug Staples was sworn in. He expressed that at the last meeting they spoke about the temporary structure and whether it was in fact temporary or permanent.

Mr. Jackson stated that the Board can not enforce the applicant to take down the tent. They can only approve or deny an application.

Seeing no one further from the public, this portion of the meeting was closed.

A motion was made by Mr. Schmuckler to approve the sideyard setback variance for the existing building only, seconded by Mr. Percal.

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

6. CORRESPONDENCE

7. PUBLIC PORTION

8. APPROVAL OF MINUTES

A motion was made and seconded to approve.

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

9. APPROVAL OF BILLS

A motion was made and seconded to approve.

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

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary