

1. CERTIFICATION OF COMPLIANCE

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

2. ROLL CALL

Roll Call Mr. Herzl, Mr. Franklin, Mr. Arecchi, Mr. Eli Rennert, Mr. Banas, Mr. Neiman, Committeeman Ackerman, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. PLAN REVIEW ITEMS

1. **SP 1959** (Variance Requested)
Applicant: Rabbi Yerachmiel Milstein
Location: Northwest corner of Miller Road & New Central Avenue
Block 11.01 Lot 4.18
Conceptual change of use from existing residence to proposed synagogue

Project Description

The applicant is seeking Site Plan approval for the use of an existing a two-story frame dwelling, as a house of worship per Section 18-905.B of the UDO. Per the submitted “Change of Use” site plan, the applicant proposes to restripe and add handicap signage to an existing paved driveway within the property, with the intent to delineate eight (8) spaces within the property (one (1) space being handicap accessible). Per the notes on the site plan and the submitted application, no grading, drainage or utility improvements are proposed with the change of use, and no structural additions are proposed to the existing dwelling. Access to the site is provided from Miller Road. The site is located in the western portion of the Township on the east side of Miller Road north of its intersection with New Central Avenue. The tract is irregular in shape, and is 12,586 sf in area (exceeding the 12,000 sf R-12 zone minimum). Single-family residential dwellings exist on the opposite side of Miller Road and on the opposite side of New Central Avenue. Per the submitted plan, curbing exists along the property frontage, but sidewalk does not exist (nor is proposed). (l) **Zoning** (1) The property is located in the R-12 Residential District. Places of worship are a permitted use in the zone, subject to the requirements of Section 18-905 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 R-12 zone, except for the front yard setback to Miller Road (25.7 feet existing, 30 feet minimum required). This is a pre-existing condition, and will not change as a result of the change of use request. (II) **Review Comments** (A) **Site Plan/Circulation/Parking** (1) As indicated previously, the applicant proposes restriping the existing (paved) driveway/parking area to accommodate seven (7) 9'x18' parking spaces and one (1) handicap accessible space. (2) It is unclear how much net sanctuary space is proposed for this application. The architectural plan is not dimensioned (nor sealed), and there is a discrepancy between the 1,424 sf of sanctuary space identified on the application vs. the 824 sf sanctuary space referenced on the Change of Use site plan. Testimony is required. (3) Assuming the 1,424 sf figure for net sanctuary space per the application is correct, seven (7) off-street parking spaces are required. The proposal would be compliant with UDO requirements (8 spaces proposed), provided that (a) The structure would not remain in a dual use as an occupied dwelling. Per Lakewood standards, up to four (4) off-street spaces are required for single-family dwellings (with basements). (b) No on-site catering is proposed. Testimony is required from the applicant. (4) Per review of the proposed parking layout, there appears to be limited movement for the most northerly space (in the 3-space area as depicted) for users to back out and leave the property. Testimony is required from the applicant's engineer regarding this space. (5) No sidewalk exists nor is sidewalk proposed along the property frontage nor adjacent to the site. Sidewalk should be provided to the satisfaction of the Board. (6) No landscaping is proposed with the change of use. Per Section 18-905B of the UDO, for a (disturbed) 20-foot wide perimeter buffer, subsection 3 requires a buffer of trees, shrubs, and "other suitable plantings for beautification and screening", with solid fencing allowed to supplement the buffer. Similarly, Subsection 18-905C of the UDO requires landscaping in front yards (in conformance with the site triangle easement). Landscaping should be provided to the satisfaction of the Board. (7) Per note 9 on the Change of Use site plan, curbside pickup of trash is proposed. The locations of these cans (and recyclable containers) should be provided by the applicant, and screening (if required by the Board). (8) A sight triangle easement should be identified for the driveway. (B) **Architectural** (1) As indicated previously, the submitted architectural floor plan is neither dimensioned nor sealed. For hearing purposes, testimony will be necessary with respect to the minimum net sanctuary space, at a minimum. If approved by the Board, detailed plans will be required to obtain building permits for the proposed interior alterations. (2) The applicant's professionals should testify whether the proposed building will be ADA accessible. (3) It is not clear whether the exterior air conditioning units are proposed for the conversion. If proposed, said equipment should be adequately screened. (C) **Lighting** (1) No lighting is proposed per note #14 on the Change of Use Plan. Testimony should be provided as to proposed activities (and whether lighting is necessary for the proposed use). (2) Lighting should be provided to the satisfaction of the Board. (D) **Utilities** (1) Per note #7 on the Change of Use site plan, no utility changes are proposed. (2) Testimony should be provided by the applicant's engineer regarding existing utilities (e.g., water, sewer, electric) and whether existing utilities are adequate to support the proposed change of use. (E) **Signage** (1)

The only proposed signage identified on the Change of Use site plan is for the proposed handicap space. The location of this sign should be identified on the plan. (2) All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. (F) Construction Details (1) Per the plan, the only construction detail (besides the handicap parking sign) is for a proposed depressed curb at the existing driveway entrance. (2) If approved by the Board, this driveway entrance should be inspected by the Township prior to issuance of the C.O approval. Similarly deteriorated curbing (if any) along the property should be replaced at that time at the direction of the Township. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Lakewood Township (curb entrance work). (c) All other required outside agency approvals.

Mr. Glen Lines for the applicant stated the site in question is on the corner of New Central Ave. and Miller Road, it is an existing house, they are rebuilding the lower level, and want to use the lower level for a synagogue and leave the upper level as a two bedroom apartment for the Rabbi. We are proposing to stripe the existing driveway into eight parking spaces which includes one handicapped so we have some parking. Other than that we are not proposing any site improvements, this project was part of the Primrose development as such all of the sidewalks along Miller and New Central were bonded with the original approval but they have not been constructed yet, we are not proposing to build them at this time, but since they are bonded they would have to be in before the bond is released. There is enough parking for the entire lower level; the entire level is not usable sanctuary space. As to item #2 in Mr. Vogt's letter the actual sanctuary space is 824 sq feet and the entire 1,424 sq feet is the total of the first floor of the building. This is a split level house with the Rabbi being upstairs and the Sanctuary down stairs.

Mrs. Miriam Sue Matthews, 121 Miller Road was sworn in stating she lives across the street from the existing structure. She is against this because of the parking this is a very busy intersection and road any additional parking would cause a great bit of danger for myself any one else to get in and out of our driveways. Any time a house of Worship is presented the parking increases at all times, this is used all during the week not just on weekends. There are other houses of worship in the area and there is a plan for a synagogue on Miller Road so I do not see the need for this house to be made into a synagogue. I object to this.

A discussion ensued about the sidewalks and the bonding for sidewalk through Primrose Estates. The bonding may not be able to be moved to this building but the Board can make it a condition of approval for this synagogue.

Mr. Vogt asked about comment #3 in reference to catering on-site comment II about landscaping, what about trash pick-up. Mr. Lines stated there is no on-site catering planned for the synagogue, we are not proposing landscaping at this time, the trash will be cans picked up by DPW and they will be stored at the rear of the building, the existing

air conditioning units are in the rear, the first floor is ADA accessible the second floor is not, we are not proposing any lighting, the existing utilities will be used, there is no separate signage for the project except possibly a building mounted sign, we will provide any construction details that are necessary.

Mrs. Noreen Gill 192 Coventry Dr. was sworn in stating we are asking for a conceptual change of use from an existing residence to a proposed synagogue, every time someone comes in for something of this nature we are happy to see that something is going in and not only is this going in but Miller Road there needs to be sidewalks and perhaps Miller Road needs to be one way because we all know that they will park on the street and cause dangerous situations.

This portion of the meeting was closed to the public.

Mr. Banas asked if the parking lot is constructed for the home. Mr. Lines stated the parking will be the existing driveway which will be striped after they gain approval.

Mr. Schmuckler made a motion to approve this application with the condition that the sidewalks be put in and the parking area be striped for spaces. Mr. Herzl seconded it.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mr. Rennert, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman, yes, Mr. Fink, yes, Mr. Schmuckler, yes.

2. **SD 1817** (No Variance Requested)
Applicant: Berstone Group
Location: Ocean Avenue, east of Oakland Street
Block 548 Lots 31, 270 & 271
Preliminary & Final Major Subdivision to create six (6) duplexes on twelve (12) zero lot line lots

Project Description

The applicant is seeking a Zero Lot Line Major Subdivision approval in accordance with Section 18-902F.1.b of the UDO. The applicant proposes the subdivision of three (3) existing lots to create twelve (12) proposed lots with six (6) duplex structures. The existing three (3) lots of approximately three (3) acres known as Lots 31, 270, and 271 in Block 548 are proposed to be subdivided into proposed Lots 31.01 – 31.12 on the Major Subdivision Plan. The subdivision would create a cul-de-sac for the project, which is proposed to be called Waverly Court, upon which all residential lots would front. The subject property is located on the southerly side of Ocean Avenue (Route 88), a State Highway, in the north central portion of the Township, west of Oakland Street. Route 88 has recently been improved and new pavement, curb, and driveway aprons have been constructed across the frontage of the site. There is no existing sidewalk along this portion of Route 88. An NJDOT Access Permit is required for the proposed intersection.

The existing right-of-way width of Ocean Avenue is thirty-three feet (33'), and no additional right-of-way dedication has been proposed. The site is currently occupied by two (2) single-family homes, but is mostly unimproved and wooded. The existing two-story dwellings are located on existing Lot 270 and 271. All existing improvements will be removed to make way for the proposed residential subdivision. Besides the existing single-family dwellings the site contains mostly woods. The land slopes from north to south with existing elevations dropping from fifty feet (50') MSL to thirty-five feet (35') MSL. The southwestern edge of the tract is bordered with freshwater wetlands from Lake Shenandoah which is along the South Branch of the Metedeconk River. Lake Shenandoah is approximately two hundred feet (200') from the southern property boundary. 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 mapped on the Subdivision Plan. A Letter of Interpretation has already been obtained for the project, and a fifty foot (50') transition area is associated with the freshwater wetlands. Transition area averaging is proposed for the development. Proposed storm water management facilities and utilities are associated with this project. The project site discharges runoff to a Special Water Resource Protection Area. Accordingly, proposed Stormceptor Water Quality Treatment Devices in conjunction with bio-retention systems will provide water quality for all runoff from pavement and lawn surfaces. An underground recharge system is proposed for Waverly Court, as well as individual roof recharge systems to address water quantity. Proposed sanitary sewer will connect to an existing system in Ocean Avenue. Proposed potable water for the subdivision will connect to an existing main on the north side of Ocean Avenue. Four (4) off-street parking spaces are proposed for each duplex unit. The number of bedrooms for the units is not specified on the subdivision plans. The project is also proposing curb and sidewalk throughout. The subject site is located within the R-10 Single Family Residential Zone District. Duplex housing is a permitted use in the zone district. The site is situated within a predominantly residential area. We have the following comments and recommendations: (I) **Zoning** (1) The site is situated within the R-10, Single-Family Residential Zone District. Per Section 18-902 F. 1. b., of the UDO, "Two Family and Duplex Housing, with a minimum lot size of twelve thousand (12,000) square feet" is listed as a permitted use. Zero lot line subdivisions for duplexes are permitted in the R-10 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 subdivision approval requested: (a) Minimum Front Yard Setback – Proposed front yard for Lot 31.03 is 22.2 feet, where thirty feet (30') is required. (b) Minimum Side Yard Setback – Proposed side yard for the deck on Lot 31.03 is 4.3 feet, where ten feet (10') is required. (c) Minimum Rear Yard Setback – Proposed rear yards for the decks on Lots 31.01, 31.03, and 31.12 are 10.6 feet, 17.9 feet, and 10 feet respectively. A rear yard of twenty feet (20') is required. (3) No variances have been requested for Maximum Building Coverage. However, the inclusion of decks will create proposed building coverage variances for Lots 31.01, 31.02, and 31.09 – 31.12. The maximum allowable building coverage is twenty-five percent (25%). (4) 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. (5) The applicant shall comply with recently adopted Ordinance 2010-28 which adds new Section 18-403 Developers Agreements to the UDO. (6) The applicant shall comply with recently adopted Ordinance 2010-98, Protection of Trees. (7) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (A) **General** (1) The General Notes state that Boundary & Topographic information is taken from a plan entitled "Wetlands Delineation Plan of Lots 31, 270, and 271, Block 548", prepared by Maser Associates. A copy of this Plan must be submitted, along with any more recent Surveys. (2) Off-street parking: According to the plans provided, a typical dwelling will have a basement and no garage. The applicant is proposing four (4) off-street parking spaces per unit which is enough to be in compliance with the RSIS standards of three (3) off-street parking spaces for unspecified number of bedroom units. Up to six (6) bedrooms per unit will be permitted for this project to also comply with parking ordinance 2010-62. (3) Curb and sidewalk is proposed throughout the development. New curb exists along Ocean Avenue, some of which would be removed for the proposed street intersection. Since no right-of-way dedication is proposed along Route 88, sidewalk easements will be required along the Ocean Avenue frontage. Therefore, the proposed shade tree and utility easements shown along the Route 88 frontage should be shifted behind the sidewalk easements. (4) The General Notes indicate trash and recyclable collection 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 site plans and architectural plans have not been submitted. (5) A new road name, Waverly Court, has been proposed for the project. (6) The applicant's professionals indicate the proposed lot numbers have been approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. (7) The General Notes state that any existing improvements on-site to be demolished and disposed of in accordance with applicable regulations. (8) The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of two (2) basic house designs are required for developments consisting of between four (4) and six (6) homes. (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) The sum of the proposed lot depths and the right-of-way of Waverly Court is less than the total frontage of the project along Ocean Avenue. The discrepancy must be resolved. (2) Sight Triangle Easements have not been proposed at the intersection of Waverly Court with Ocean Avenue. Since Route 88 is a State Highway, sight triangle easements requirements will be dictated by the New Jersey Department of Transportation. (3) The General Notes shall address the ownership of

the various components of the proposed storm water management system. (4) Horizontal and Vertical Datum shall be addressed, a benchmark shall be indicated. (5) Proposed off-street parking spaces shall be provided with minimum dimensions. (6) Dimensions should be provided for all the proposed building boxes. Based on scaling of the proposed building boxes it appears the units will comply with the maximum lot coverage of twenty-five percent (25%). However, the inclusion of decks on the smaller lots creates proposed building coverage variances. (7) A Freshwater Wetlands line with a fifty foot (50') transition area is shown along the southwestern edge of the property. The General Notes state that Freshwater Wetlands and Buffer are based upon LOI File # 1514-10-0006.1, Activity # FWW-FWL14-1000001. A copy of the Letter of Interpretation and the approved plan should be submitted. (8) A three hundred foot (300') Riparian Buffer crosses proposed Lots 31.06 and 31.07 beyond the proposed cul-de-sac. No improvements, including proposed grading, encroach upon the Riparian Buffer Line. Survey data must be provided to establish the location of the Riparian Buffer Line. (9) The proposed subdivision is relying on Transition Area Averaging for approval of the current configuration. (10) Limits of proposed Township and State curb should be identified. (11) Proposed sidewalk width shall be dimensioned along with distances from face of curb and right-of-ways. (12) Proposed handicapped ramp locations should be added at the intersection. (C) **Grading** (1) Detailed grading is provided on a Grading & Drainage Plan which is Sheet 3 of 17. A storm sewer collection system is proposed to collect runoff and recharge it within bio-retention systems and the proposed right-of-way of Waverly Court. (2) A walkout basement is proposed for Building #3. A proposed retaining wall also surrounds the rear of this building. Transition Area Averaging and the filling of Lots 31.05 and 31.06 are proposed. (3) A profile has been provided for proposed Waverly Court. The following revisions are required: (a) The proposed grading shall be designed to intersect the existing gutter station and elevation of Ocean Avenue. (b) Proposed horizontal control points should be added. (c) Proposed vertical curves must be added. (d) Proposed low points should be forced at the cul-de-sac inlets. (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 convey storm water runoff into a proposed recharge system. The proposed collection system discharges into Stormceptors prior to reaching bio-retention facilities. The combination of Stormceptors and Bio-retention provides the water quality measures necessary for a Special Water Resource Protection Area. The majority of the proposed recharge system is located under the site access road. It is our understanding the ownership of the storm water management system will be the Township, and the applicant's engineer has already met with the Department of Public Works to review the project. (2) Our review of the Post Development Drainage Areas indicates corrections are required. As a result, areas shown for collection are actually bypassing the proposed system thereby requiring additional storage volume and less discharge from the recharge system. (3) Four (4) soil boring locations have been provided within the proposed project to confirm the seasonal high water table. The permeability rate used in the recharge calculations is acceptable

based on the soils information provided. (4) Roof recharge beds are proposed for most of the lots to allow recharge of runoff from roof leaders. Only the roof area from proposed Lot 31.06 has not been accounted for. In instances where proposed units about the bio-retention areas, roof leaders are directed to these facilities. Testimony should also be provided confirming the roof recharge beds will be owned and maintained by the individual lot owners. (5) The proposed roof recharge bed for Lot 31.05 appears too low and will be within the seasonal high water table based on the soils information provided. (6) The Storm Water Management Report and Design will be reviewed in detail after revisions to the Post Development Drainage Areas are made. (7) A Storm Water Management Operation & Maintenance Manual must be submitted per the NJ Storm Water Rule (NJAC 7:8) and Township Code. (E) **Landscaping** (1) A Landscaping & Tree Protection Plan has been provided on Sheet 6 of 17. (2) 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. Per our site inspection of the property, the majority of the site is wooded. (3) The Tree Protection Plan shows individual trees ten inches (10") or larger. The Tree Save Notes state there are no historic, extraordinary, or specimen trees located within the project area. An inventory of the existing on-site trees has not been provided. Compensatory plantings have not been addressed. (4) The Tree Planting Detail needs to be edited. (5) The Landscape Architectural Notes need to be edited. (6) Landscaping shall be reviewed in detail during compliance should subdivision approval be granted. (F) **Lighting** (1) A Lighting Plan has been provided on Sheet 7 of 17. (2) Proposed lighting has been provided for the cul-de-sac area. The Plan indicates six (6) pole mounted fixtures are proposed. However, the Schedule indicates eleven (11) pole mounted fixtures are proposed. Confirmation on the proposed height of the fixtures should be provided. According to the Lighting Fixture Detail, it appears the height will be fourteen feet (14'). (3) A point to point diagram must be provided to verify the adequacy of the proposed lighting. (4) A Note states that all lighting will be owned and maintained by the property owner. Testimony should be provided regarding street lighting ownership. There is no indication a Homeowners Association is proposed. (5) The reinforcing for the foundation on the Lighting Fixture Detail is partially complete. (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. Only a preliminary layout has been designed. The applicant's professionals will be obtaining existing inverts for the system in Route 88. (3) Potable water is proposed to be extended from an existing main on the north side of Ocean Avenue. (4) The plans state that all other utilities to be provided underground. (H) **Signage** (1) Proposed regulatory signage has not been shown on the plans and should be added. Regulatory sign details have been provided. (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 two (2) existing residential dwellings located in the northeastern part of the property adjacent

Ocean Avenue. The site contains mostly forested woodland with freshwater wetlands bordering the fringe from Lake Shenandoah. The existing on-site topography slopes from north to south towards the freshwater wetlands on the southwestern edge of the site. (2) **Environmental Impact Statement** An Environmental Impact Statement (EIS) report was prepared and submitted for the project, and addresses environmental concerns as applicable. Freshwater Wetlands and a three hundred foot (300') Riparian Buffer have been mapped for the site. A copy of the Letter of Interpretation and the approved plan are required for subdivision approval. Transition Area Averaging is proposed to create this subdivision. (3) **Tree Management** A Tree Protection Plan has been submitted, but is incomplete. The plan only locates existing trees having a diameter greater than ten inches (10"). An inventory is required, compensatory planting must also be addressed. (J) **Construction Details** (1) Construction details are provided on Sheets 8 through 11 of the 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. (3) The Pavement Section Detail must be updated to current 2007 NJDOT Standards. (4) Minor corrections are required to the Post & Rail Fence Detail. (5) Township and State Concrete Curb Details must be clarified. (6) Typical Curb End Detail shall be removed. (7) Typical Bioretention System Detail shall be revised to conform to New Jersey Storm Water Best Management Practices. (8) It is not clear whether the Type "E" Inlet Detail is Overflow Outlet Structure #3. (9) The grates need to be raised on the Overflow Outlet Structure Details. (10) Construction details must be added for the following: (a) Drainage Manhole for Double Pipes. (b) Recharge Piping Section. (c) Recharge Bed. (d) Depressed Curb. (e) Driveways. (f) Aprons. (11) Final review of construction details will take place during compliance review, if/when this project is approved by the Board. (K) **Final Plat (Major Subdivision)** (1) The three hundred foot (300') Riparian Buffer Line needs to be tied to the project boundary. (2) The General Note referencing the Maser plan requires correction to 2009. (3) A Sidewalk Easement should be proposed for the Ocean Avenue frontages of new Lots 31.01 and 31.12. The proposed Shade Tree and Utility Easement shall be relocated behind the Sidewalk Easement. Proposed survey information should be completed and easement areas provided for the individual lots. (4) Proposed Sight Triangle Easements should be added. (5) Dedications for the proposed easements should be added. (6) According to the Final Plat dimensions, the width of the property at Ocean Avenue is 227.20 feet. However, an outbound dimension of 227.38 feet is shown. (7) The non-radial line between proposed lots 31.03 and 31.04 shall be labeled. (8) The proposed lot areas of new Lots 31.01 and 31.09 – 31.11 require minor corrections. (9) The width of the proposed Storm Drainage Easements shall be labeled. The width of the Easements for the Bio-retention Systems shall be increased to twenty feet (20'). (10) The Owner's Certification lists the wrong Blocks and Lots. (11) Compliance with the Map Filing Law is required. (12) 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); (g) NJDEP Transition Area Averaging; and (h) All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. John Doyle on behalf of the applicant this is an application to create a sub-division by creating and improving a road that would be south of Ocean Ave. (Rte. 88) it would allow for on this three acre tract six duplexes each unit within the duplex having their own lot. The requirement is for 12,000 sq feet which would normally say 6 lots equal 72,000 sq feet, we have over 3 acres, there are because of the nearness of Lake Shenandoah certain environmental restraints, we have honored those and provided a development plan that would do appropriately to that concern we will have to go to the DEP, we are on Rte 88 and obviously the DOT will be involved and any approval would be subject to the state agencies. Within our 6 duplexes the limited variance that are needed may all really relate to one lot for the most part, lot 31.03 is because of the configuration that is now required for the cul-de-sac, other wise we would meet the coverage requirement typically the setback requirements and certainly the required area. We have reviewed all of the Engineer comments from Mr. Vogt's letter and we are prepared to meet all of them. Lot 31.03 because it is on the inside corner of the cul-de-sac it requires a front yard, a side yard and a rear yard setback, on the other hand the structure will fit within the lot without exceeding the coverage requirement and the lot itself will meet the overall size requirements. Mr. Franklin asked if the association would maintain the street. Mr. Doyle stated that the builder would like the street to be a public street and he would meet with DPW to inquire about that. Committeeman Neiman asked if they could draw a rough draft of how the unit could be moved to require less or no variances. Mr. Doyle said they would do so.

A motion to move this application to the 9/20/11 meeting was made by Mr. Herzl, seconded by Mr. Banas.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mr. Rennert, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman, yes, Mr. Fink, yes, Mr. Schmuckler, yes.

Mr. Jackson stated that this application was moved to the 9/20/11 meeting at 6:00 pm. No further notice is required.

3. **SD 1818** (No Variance Requested)
Applicant: Israel Klein
Location: Todd Court, north of E. County Line Road
Block 186.04 Lots 12 & 13

Minor Subdivision to realign existing two (2) lots

Project Description

The applicant, Israel Klein of 1230 Todd Court, proposes to acquire land from neighbor Yisroel Levovitz of 1233 Todd Court. The applicant is the owner of Lot 12 in Block 186.04. A minor subdivision proposes to realign the rear portion of the existing side lot line between Lots 12 and 13 by acquiring 5,423 square feet from the owner of Lot 13 in Block 186.04. The minor subdivision approval is being sought to subdivide existing Lot 12, containing 31,941 square feet or 0.73 acres and existing Lot 13, totaling 32,049 square feet or 0.74 acres in Block 186.04 into two (2) new residential lots. The new lots are designated as proposed Lots 12.01 and 13.01 on the subdivision plan. Proposed Lot 12.01 will contain 37,364 square feet or 0.86 acres and Lot 13.01 will total 26,626 square feet or 0.61 acres. The site contains existing two-story dwellings, both of which will remain. All other existing improvements on the properties will also remain. No new improvements are proposed. The site is situated in the northern portion of the Township at the end of Todd Court, north of its intersection with East County Line Road. The surrounding area is predominantly single-family residential. Todd Court is a paved cul-de-sac road in good condition that has an existing right-of-way width of fifty feet (50') and a pavement width of thirty (30'). Curbing and sidewalk, which is also in good condition, exists throughout the development. No variances will be required to create this subdivision. The lots are situated within the R-15 Single Family Residential Zone. We have the following comments and recommendations: (I) **Zoning** 910 The parcels are located in the R-15 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. (2) Per review of the Subdivision Map and the zone requirements, no variances are required to create this subdivision. (II) **Review Comments** (1) The area to be acquired by Lot 12 from Lot 13 is a triangular section of land in the northwest corner of existing Lot 13, west of the wood fence. (2) General Note #2 states that a Survey of Lot 12 was prepared by Charles Surmonte P.E. & P.L.S., and the location of improvements on Lot 13 was taken from a Survey by Walter T. Toth & Associates, P.A. Copies of these surveys should be provided. (3) In General Note #6, the applicant and owner of Lot 12 should be listed as Israel Klein. (4) A wood fence straddles the side property line between existing Lot 11 and proposed Lot 12.01. The status of this encroachment must be addressed. (5) A Legend is required on the plans. (6) The Zone Requirements shall include off-street parking requirements. (7) Testimony should be provided regarding basement usage for the existing dwellings on proposed Lots 12.01 and 13.01. (8) Testimony should be provided regarding the number of bedrooms for the existing dwellings on Lots 12.01 and 13.01. Parking shall be in compliance with NJ R.S.I.S. and Township parking requirements. Parking shall be provided to the satisfaction of the Board. (9) An existing side yard dimension of 15.3 feet is missing from proposed Lot 13.01. (10) Proposed setback lines should be added to the drawing. (11) Proposed lot numbers must be approved by the tax assessor's office. (12) A proposed six foot (6') wide shade tree and utility easement should be added along the property's frontage. The easement dimensions and areas shall be provided for the

individual lots. (13) Our site investigation on 7/21/11 notes existing shade trees for the properties will be located within the area of a proposed shade tree and utility easement. No additional trees are proposed. 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.(14) Compliance with the Map Filing Law is required. (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Township Tree Ordinance (as applicable); (b) Ocean County Planning Board; and (c) 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. Charles Surmonte Esq. for the applicant we would like to know if we have any requirements from the Shade Tree Committee, we would like to not have them or we would not object to granting the Township the Shade Tree Easement.

A motion to move this application to the 8/16/11 meeting was made by Mr. Schmuckler and seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mr. Rennert, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman, yes, Mr. Fink, yes, Mr. Schmuckler, yes.

Mr. Jackson stated that this application was moved to the 8/16/11 meeting at 6:00 pm. No further notice is required.

4. **SP 1962** (No Variance Requested)
Applicant: Moshe Wolfe
Location: New Central Avenue, east of Gudz Road
Block 11.01 Lot 10
Conceptual change of use site plan

Project Description

The applicant is seeking a Site Plan Exemption to convert an existing garage in a two-story frame dwelling into a synagogue. In accordance with the submitted "Change of Use Site Plan", the applicant proposes no improvements to the property. The notes on the site plan and the submitted application indicate no clearing, grading, drainage, or utility improvements are proposed with the change of use. No additions are proposed to the existing garage or dwelling. Renovations to the existing garage are shown on the architectural floor plan submitted. Access to the site is provided from New Central Avenue. The site is located in the western portion of the Township on the north side of New Central Avenue east of its intersection with Gudz Road. The property also has limited frontage on the southeast side of Gudz Road because of the street configurations. The tract would be a 150' X 300' rectangular lot, except the northwest

corner is clipped by Gudz Road. The 44,768.7 square foot area exceeds the twelve thousand square foot (12,000 SF) R-12 zone minimum. Single-family residential dwellings exist on the surrounding properties of Gudz Road and New Central Avenue. Curbing exists along the property frontage of Gudz Road, but not New Central Avenue. Sidewalk does not exist along either frontage. No additional curb or sidewalk is proposed. (I) **Waivers** (1) Submission waivers are requested from Landscaping, Lighting, and Proposed Grading since no changes to the site are completed. (II) **Zoning** (1) The property is located in the R-12 Residential District. Single Family Detached Housing is a permitted use in the zone. Places of worship are a permitted use in the zone, subject to the requirements of Section 18-905 of the UDO. (2) Per review of the Site Plan and the zone requirements, the existing site complies with the Bulk requirements of the R-12 zone. (III) **Review Comments** (A) **Site Plan/Circulation/Parking** (1) The architectural plan shows 797 square feet of Main Shul area. This figure is accurate based on the proposed dimensions provided. (2) Since the Main Shul area is less than eight hundred square feet (800 SF), no off-street parking spaces are required. The General Notes indicate that four (4) off-street parking spaces are required for the residential use to remain. The existing circular asphalt driveway easily provides room for more than four (4) off-street parking spaces. The proposal would be compliant with UDO requirements (4+ spaces proposed), provided that no on-site catering is proposed. Testimony shall be provided from the applicant. (3) No sidewalk exists nor is sidewalk proposed along either property frontage nor adjacent to the site. Sidewalk should be provided to the satisfaction of the Board. (4) Curb exists along Gudz Road, but not New Central Avenue. No additional curb is proposed. Curb should be provided to the satisfaction of the Board. (5) No landscaping is proposed with the change of use. Per Subsection 18-905B of the UDO, if the site leaves a twenty foot (20') undisturbed area then there are no requirements for buffering. If the twenty foot (20') buffer is invaded then requirements indicated in Subsection 18-905B.3 shall be put in place along the invaded area. Unless a waiver is granted, the west side of the site requires a buffer of trees, shrubs, and "other suitable plantings for beautification and screening", with solid fencing allowed supplementing the buffer. Similarly, Subsection 18-905C of the UDO requires landscaping in front yards. Landscaping should be provided to the satisfaction of the Board. (6) General Note #9 on the Change of Use Site Plan indicates solid waste and recycling to be collected curbside by the Township with containers stored on the side of the building. The locations of these solid waste and recycling containers should be provided by the applicant with screening (if required by the Board). (7) The General Notes indicate the boundary and existing conditions have been taken from a Survey by Mager Associates. A copy of the Survey shall be provided. (8) Existing chain link fence encroachments with neighboring Lots 11 and 21 must be addressed. The portion of existing chain link fence encroaching into the New Central Avenue right-of-way must be removed. (9) Our site investigation on 7/26/11 notes the existing chain link fence shown along the Gudz Road frontage is no longer in place. Disturbance indicates this frontage is being used as a secondary site access even though there is full height curb on Gudz Road. (10) The Gudz Road right-of-way is incorrectly listed as twenty-five feet (25'). (B) **Architectural** (1) The submitted

architectural floor plan is neither signed nor sealed. For hearing purposes, testimony will be necessary with respect to the minimum net sanctuary space, at a minimum. If approved by the Board, detailed plans will be required to obtain building permits for the proposed interior alterations. (2) The applicant's professionals should testify whether the proposed building will be ADA accessible. (3) It is not clear whether exterior air conditioning units are proposed for the conversion. If proposed, said equipment should be adequately screened. (C) **Lighting** (1) No lighting is proposed per General Note #14 on the Change of Use Site Plan. Testimony should be provided as to proposed activities (and whether lighting is necessary for the proposed use). (2) Lighting should be provided to the satisfaction of the Board. (D) **Utilities** (1) Per General Note #7 on the Change of Use Site Plan, no utility changes are proposed. (2) Testimony should be provided by the applicant's engineer regarding existing utilities (e.g., water, sewer, electric) and whether existing utilities are adequate to support the proposed change of use. (E) **Signage**

(1) Existing signage was observed in the front yards, but not identified on the Change of Use Site Plan. The locations and sizes of these signs shall be identified on the plan. Variances may be necessary. (2) All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. (F) **Construction Details** (1) Per the plan, no construction details are proposed since no site improvements are proposed. Construction details will be required for any improvements required by the Board.

Mr. Lieb Klein for the applicant in 2010 an addition was constructed to the Rabbi's house the addition was 830 sq feet, it went in under rabbi's study/library, in 2011 after an inspection, the inspector said this looks more like a shul and we are requesting that you come for a change of use before this Board. Also additionally the area is the corner of Gudz Road and New Central Ave, the main sanctuary is just 797 sq feet, this is a very small shul with only a few members and they walk to the shul. The shul is only used for Shabbas and some evening prayers, other than that it is used as the rabbi's house.

Mr. Glen Lines PE was sworn in stating the existing house has a u shaped driveway so it can handle far more than 4 cars, the sanctuary is 797 sq feet, there is no outside catering, there are no existing sidewalks we are requesting a waiver of them, they were not required when the plot plan was approved. As far as the buffer we have 18.8 were 20 is required, we do have stop gate fences for most of the length of the building we could move that if necessary to get stockade fence to the front of the building . Item #6 we can provide location on the side of the house for the trash containers, we can submit a copy of the survey. Item #8 we can remove a piece of chain link fence by New Central Ave. The shul is ADA accessible.

Mr. Fink asked how many people would be attending the shul.

Mr. Moses Wolfe was sworn in stating that about 25 people would be attending the shul, the nearest synagogue would be about 400 feet away on Gudz Road. Mr. Shmuckler

stated that he is familiar with the synagogue and most of the people walk in through the Gudz Road side.

Mr. Banas state there was testimony that people are walking from Gudz Road to the synagogue, there are no sidewalks now and how can you prevent any accidents from happening now, you can't, but you can have a walkway from Gudz on the property.

Mr Zev Tessler 145 Van Buren Ave. safety is a concern but we are a very small congregation and we did not anticipate coming before the Board, we use the backyard as the access to the shul, we keep it level we keep it clean it is not much of a risk. At nighttime we have illumination of a very bright light to light the area, we are asking for a waiver of the sidewalks.

Mr. Banas stated that they are susceptible to a lot of insurance, I don't like to see people hurt however the Board has a standing request to put in sidewalks in front of the property or the side where it extends to the road for safety of people walking in those two areas. I would appeal to you to have to put a sidewalk on both Gudz and New Central Ave.

Mr. Schmuckler made a motion to approve the application as it is. Seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mr. Franklin, no, Mr. Arecchi, no, Mr. Rennert, yes, Mr. Banas, no, Mr. Neiman, yes, Committeeman Akerman, yes, Mr. Fink, yes, Mr. Schmuckler, yes.

5. PUBLIC HEARING ITEMS

1. **SD 1804** (Variance Requested)
Applicant: Tzvi Dessler
Location: Carey Street, west of Lexington Avenue
Block 111 Lot 11
Minor Subdivision to create two (2) lots

Project Description

The applicant has revised the project based on comments received at the June 28, 2011 Planning Board Public Hearing Meeting. The applicant seeks minor subdivision approval to subdivide an existing 110' X 150' property totaling sixteen thousand five hundred square feet (16,500 SF) or 0.38 acres in area known as Lot 11 in Block 111 into two (2) new residential lots, designated as proposed Lots 11.01 and 11.02 on the subdivision plan. The site contains an existing dwelling. All existing improvements on the property will be removed. Proposed Lots 11.01 and 11.02 will become new residential building lots. Public water and sewer is available. Variances will be required to create this subdivision. The lots are situated within the R-10 Single Family Residential Zone. ***We have the following comments and recommendations per testimony provided at***

the 6/28/11 Planning Board Public Hearing Meeting and comments from our most recent review letter dated June 13, 2011: (I) Zoning (1) The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. ***Statements of fact. (2)*** Per review of the Subdivision Map and the zone requirements, the following variances are requested: (a) Minimum Lot Area (proposed Lots 11.01 and 11.02, 7,500 SF and 9,000 SF respectively, 10,000 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lots 11.01 and 11.02, 50 feet and 60 feet respectively, 75 feet required) – proposed condition. (c) Minimum Side Yard Setback (proposed Lots 11.01 and 11.02, 7.5 feet each, 10 feet required) – proposed condition. (d) Minimum Aggregate Side Yard Setback (proposed Lots 11.01 and 11.02, 15 feet each, 25 feet required) – proposed condition. ***Per review of the revised Subdivision Map and the zone requirements, the following amended and additional variances are required: (a) Minimum Lot Area (proposed Lots 11.01 and 11.02, 9,000 SF and 7,500 SF respectively, 10,000 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lots 11.01 and 11.02, 60 feet and 50 feet respectively, 75 feet required) – proposed condition. (c) Minimum Side Yard Setback (proposed Lots 11.01 and 11.02, 7.5 feet each, 10 feet required) – proposed condition. (d) Minimum Aggregate Side Yard Setback (proposed Lots 11.01 and 11.02, 17.5 feet and 22.5 feet respectively, 25 feet required) – proposed condition. (e) Maximum Building Coverage (proposed Lots 11.01 and 11.02, 30% each, 25% allowed) – proposed condition. The Board shall take action on the proposed variances required. (3)*** The applicant must address the positive and negative criteria in support of the requested variances. ***At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. (II) Review Comments (1)*** General Note #2 states that the outbound and topographic survey was prepared by Charles Surmonte P.E. & P.L.S. A revised copy of this survey should be provided which includes the missing driveway apron and concrete walk to the curb we observed during our 4/20/11 site investigation. ***The concrete service walk between the curb and sidewalk must be added to the base map. (2)*** The Zone Requirements list four (4) off-street parking spaces per dwelling required and four (4) spaces per lot proposed. The subdivision improvement plan proposes new asphalt driveways capable of providing four (4) off-street parking spaces per lot. ***The proposed driveways will double stack the vehicles and limit the driveway widths to eighteen feet (18') in order to preserve large existing trees on the project. Accordingly, the proposed dwellings are setback forty-four feet (44') from the right-of-way on the Improvement Plan. The proposed front yard setbacks in the Zoning Table shall be revised to greater than thirty feet (30'). (3)*** Testimony should be provided regarding whether basements are proposed for the future dwellings on proposed Lots 11.01 and 11.02. If basements are proposed, seasonal high water table information will be required. ***Testimony was provided that basements will be proposed. Accordingly, a note has been added to the Improvement Plan stating that soil borings shall be performed to determine the seasonal high water table prior to submitting for***

individual plot plans. (4) Testimony should be provided regarding the number of bedrooms proposed for the future dwellings on Lots 11.01 and 11.02. Parking shall be in compliance with NJ R.S.I.S. and Township parking requirements. Parking shall be provided to the satisfaction of the Board. **Testimony was provided that five to six (5-6) bedroom units will be proposed for the future dwellings. The proposed number of bedrooms combined with basements could provide the equivalent of seven to eight (7-8) bedroom units according to ordinance 2010-62. The four (4) off-street parking spaces proposed, comply with the requirements for seven to eight (7-8) bedroom units.** (5) Proposed lot and block numbers must be approved by the tax assessor's office. **The map shall be signed by the tax assessor.** (6) The design proposes to save three (3) large existing shade trees for the project which will be located within the proposed shade tree and utility easement. No additional trees are proposed. 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. The plans indicate a number of existing trees ten inch (10") diameter or greater within the site, some of which will be removed at time of construction. The design attempts to maximize the preservation of existing trees. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots **The proposed units will be setback and the driveway widths minimized to maximize tree preservation.** (7) Testimony is required on the disposition of storm water from development of proposed Lots 11.01 and 11.02. **Testimony was provided that dry wells will be installed.** (8) Due to no construction proposed at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. **Statement of fact.** (9) Compliance with the Map Filing Law is required. **Statement of fact.** (10) We recommend a stabilized base course layer be used for the driveways. The stone and surface course thicknesses may be reduced. **The end location of the leader arrow for the surface course must be corrected.** (11) The concrete sidewalk is five feet (5') wide and this shall be reflected in the construction details. **A four inch (4") thick sidewalk detail shall be added for the replacement of damaged sidewalk areas.** (12) Final review of construction details will be conducted during compliance if approval is given. **Review of construction details may be a condition of approval. (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 (if necessary); and (d) All other required outside agency approvals.

Mrs. Miriam Weinstein Esq on behalf of the applicant stated as I am sure the Board members recall this matter was heard before this Board at the June hearing at the suggestion of the Board the applicant has made every effort to approach the neighbors particularly the most vocal ones at the last meeting in an attempt to extend an olive branch to them. The applicant has revised the plans to provide for a 15 foot setback on the side of the Friedman's whom I am sure you will recall were the next door neighbors who very vocal that this was something that was very important to them and fairly the applicant agreed and we will give them the 15 foot setback. We will also agree to revise

the plan to show that the house on that 11.02 will not be greater than 65 feet in depth and may in fact be smaller than that. I spoke to Mr. Friedman at lengths before the meeting last week and he mentioned two specific items to me that bothered him, one that the maximum building area on the plans extended 81 feet in depth and two that the trees shown to be taken down that were within the 15 foot setback. The applicant will save the trees in the 15 foot setback the applicant will also agree to make every effort to preserve the tree line nature of the neighborhood. I spoke to Mr. Jonathan Rubin the neighbor on the other side and he stated that he has no problem with the application as it stands now. I also tried to reach another neighbor but could not get through, I was told that they got my message but they did not make the last meeting but sent their children who no longer live in the neighborhood. We already presented our case and our testimony at the last hearing we would like the board members to understand that this applicant is willing to listen to anything constructive that the neighbors want them to do to make the application more palatable and they have told that to the neighbors. The applicant can construct a duplex on the property by right, what we are proposing will yield the exact same number of living units the exact same number of families the exact same number of cars. However with two single family homes the applicant is actually adhering to the character of the neighborhood. As were the applicant to construct a duplex it would actually be the first duplex on this block. This application is very similar in nature to many that this board has seen in the past and has approved in the past.

Mr. Brian Flannery PE was sworn in stating this is a simple C2 application. A duplex may be smaller but it would not reflect the character of the neighborhood. By flipping the units and making a smaller lot closer to the western property line where there house is 4.8 feet to the property line and giving a 15 foot setback at that location we have provided 20 feet between the units. The plans to remove some trees improperly showed up on the old plan along that property line and they showed up again. Now that the house is pushed back the trees will not be removed. The other item that was submitted on the plan was an 85 foot deep unit on the smaller lot and basically that was showing the maximum size that would fit based on the coverage, we are going to limit that to 65 feet so it would be less than an 1800 sq ft coverage, that house will fit in with the neighborhood the fact that they are all separated fit in also. So when we get down to looking at the benefits outweighing the detriments. The benefits are that it provides housing opportunities. The front set back is greater than the norm so that we can make the driveways double stacked and save the trees out front. On the side setbacks we are proposing to respect the neighbors with 10 on one side and 15 on the other side. My opinion is that the benefits outweigh the detriments.

Mrs. Hindy Friedman, 220 Carey Street was sworn in stating she is not here with anger or animosity towards her neighbor, all she wants is her block the way it is, there are no houses on the block this size they are trying to destroy what we have they can build somewhere else. We were told that if the neighbors don't want it it won't happen but they will do what ever they want. You say there is a need for housing in Lakewood but there are homes for sale all over Lakewood why do they have to ruin our block.

Mrs. Rachael Reiner, 217 Carey Street was sworn in stating she takes issue with what the lawyer said about her sending her children to the last meeting she had just married her son off the night before and could not make it so she sent her children, she feels the lawyer was highly unprofessional with what she said. Putting up two monstrosities will entirely change the character of the entire block, we are all one family homes for the last 25 to 30 years. How someone can come to our block and change it this way is terrible I hope the Board does not grant this application.

Mrs. Gitty Reiback 1121 Lexington Ave., was sworn in stating he was not contacted by anyone about this application. If this is allowed to be built Mrs. Friedman's backyard will never see the light of day again. This seems to me to be like big business crowding out small people this isn't need this is want, this is business not quality of life, and it is not right. We would love for a one family home should be built or a duplex but not this. This is not personal but a variance should not be allowed in this area.

Mrs. Gerry Balwins Governors Road, was sworn in stating that this is a time again where things happen and people should be at ordinance hearings and Master Plan times when things get re-zoned because people do not realize how this effects their neighborhood. If Duplexes are allowed without variance that is the way it should be variances should not be granted especially in this case.

Mrs. Eideoman was sworn in stating she has lived there for 35 years, she is there to state that she does not think this will fit into the neighborhood.

Mr. Moshe Friedman 220 Carey Street was sworn in stating he apologized for his actions from the last meeting. When you change something so much you can't say this is the original product, they are coming here and asking for four variances on this lot, so many variances are changing the zoning. They are building this and saying it is the way it is tough luck. I did not ask for 15 feet at the last meeting, we were offered a better deal because we were told this would be built no matter what. Carey Street is a wonderful block and we would be happy to have them move onto our block we should not have to move onto their block. I am here to ask that you not grant their requests.

Mr. Bill Hobday 30 Schoolhouse Lane was sworn in stating that the Planning Board does not have to grant variances, the neighbors have done all they can to convey this and they expect the Planning Board will help them maintain their street the way it is and their property values.

This portion was closed to the public.

Mrs. Weinstein stated that as far as the lot coverage variance on lot 11.02 we don't need a lot coverage variance. We withdraw the request for a coverage lot as well, we will be willing to stick to the lot coverage. The only other thing I would like to point out is the neighbors kept talking about a single house, they are not getting a single house it will be a duplex at best which is permissible as of right.

Mr. Schmuckler asked to see a map with other undersized lots in the area. Mr. Flannery showed Exhibit A-2 showing there is only one 50 foot wide lot two lots over and one across the street.

Mr. Fink made a motion to not approve the variances thereby not approving the application, the benefits do not outweigh the causes. Mr. Schmuckler seconded the motion.

Roll Call Mr. Herzl, abstain, Mr. Franklin, yes, Mr. Arecchi, yes, Mr. Rennert, abstain, Mr. Banas, yes, Mr. Neiman, yes, Mr. Fink, yes, Mr. Schmuckler, yes.

Application is denied.

2. SP 1951 (No Variance Requested)

Applicant: Tova Trust

Location: Second Street, between Clifton Avenue & Lexington Avenue
Block 120 Lot 13

Preliminary & Final Site Plan proposed addition to existing retail/office building

Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a two-story building addition with unfinished basement to the existing retail/office building for additional retail and office space. The site is located within the downtown section of the Township and fronts on the north side of Second Street, east of Clifton Avenue. The property contains just less than seven thousand square feet (7,000 SF) or 0.16 acres. A two-story building with a basement exists on-site with retail use on the first floor, office use on the second floor, and parking/delivery behind the building. The applicant is proposing 8,897 square feet of addition space among the unfinished basement and two (2) floors. The proposed area for the unfinished basement is 2,991 square feet. The proposed area for the first floor retail use is 2,991 square feet which is planned to be divided among three (3) tenants. The proposed area for the second floor office use is 2,915 square feet which is also indicated to be divided among three (3) tenants. The site is developed and existing utilities are available to the project. The surrounding lands and roadways are all improved with commercial development. Existing sidewalk and curb front the site, and are also located on the east side of the property which is an access driveway to municipal parking. The site is located in the B-2 Central Business Zone. Retail and office facilities are permitted uses in the zone. ***We have the following comments and recommendations per testimony provided at the 5/3/11 Planning Board Plan Review Meeting, and comments from our initial review letter dated March 23, 2011:*** (I) **Zoning** (1) The site is situated within the B-2, Central Business Zone. Retail and offices are permitted uses in the Zone. **Statements of fact.** (2) A seven foot (7') side yard setback with an aggregate of fifteen feet (15') is required. The ordinance indicates a side yard setback is not required between two (2) business uses.

While a business use is located on the west side of the project, a municipal parking lot access driveway is located on the east side of the property. No side yard setbacks are proposed as the building addition intends to encompass the entire lot width. It is our opinion a side yard variance is required for the proposed zero foot (0') side yard setback from the east side of the project. Furthermore, it was observed during our 3/17/11 site investigation that the proposed building addition would cover existing doors and windows, and require the removal of roof drains and air conditioning units on the neighboring building to the west of the site. The applicant may wish to contact construction personnel to confirm the proposed footprint is permissible. ***As testified at the 5/3/11 meeting, the applicant intends to provide a four foot (4') setback on the side of the addition to the neighboring property for an access easement. Accordingly, a revised building addition footprint has been submitted which requires an additional variance for rear yard setback. A rear yard setback of 6.3 feet is proposed, where ten feet (10') is required. The Board shall take action on the required side yard and rear yard variances requested. Furthermore, the site plans and architectural plans must be further revised to provide proposed offsets to the hundredth of a foot. Since the property narrows in the rear, we calculate a proposed 3.41 foot side yard offset from the rear corner of the addition, which violates the four foot (4') easement agreed upon.***

(3) All non-residential uses in the B-2 Zone are exempt from parking requirements. ***Statement of fact.***

(4) The applicant must address the positive and negative criteria in support of any required variances. ***At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.***

(II) **Review Comments**

(A) **Site Plan/Circulation/Parking**

(1) The General Notes indicate the Boundary and Topography were taken from a survey prepared by DVS & Associates, dated 12-1-10. A copy of this survey must be provided since we note a number of discrepancies. Most importantly, the width of the proposed building addition will exceed the existing lot width near the rear of the tract where the property narrows. Other physical features require correction such as utilities, signs, curb, and drainage. ***The requested survey has been provided. However, the survey is out of date and the applicant's professionals have indicated an updated survey is being prepared to allow site design to be properly addressed.***

(2) An existing building wall connecting the existing market façade to the adjoining building on the site to the west must be added to the plan. Therefore, the proposed addition will make the side yard area on the west side of the market with the existing compressors and air conditioning units inaccessible. ***The existing building wall has been added to the plan and needs to be labeled. The proposed addition will no longer abut the adjacent building leaving access between the structures. However, the existing basement access to the building on neighboring Lot 24 is to be reconstructed within this space. Therefore, the existing compressors and air conditioning units on the west side of the market still appear inaccessible.***

(3) The proposed building addition will conflict with an existing basement access to the neighboring building on the west side of the project. Testimony is required as to how this conflict is being handled. ***The applicant's***

professionals indicate the basement stairs will be reconstructed within the proposed alley. (4) No loading or delivery areas are proposed. The current delivery operations taking place behind the building will be eliminated by the proposed addition. Testimony is required regarding **future** site operations, particularly deliveries for the retail uses. **The applicant's professionals indicate that testimony will be provided.** (5) Proposed building offsets must be clarified. The proposed side yard at the northeast corner of the addition is zero feet (0'), while the proposed side yard at the southeast corner of the addition is 0.4 feet. **The applicant's professionals correctly note the existing building and proposed addition are not square and the existing building wall is not parallel to the property line. Therefore, the offsets are not equal. All existing and proposed building offsets must be provided to the hundredth of a foot since setback variances are required. The Zone Requirements incorrectly list zero feet (0') as the provided combined side yard setback.** (6) The existing adjoining lots must be correctly shown on the site plan since off-site improvements are being undertaken on the property immediately east of the site. **The existing lot line between Lots 18 and 24 should be beyond the rear of the building** (7) The applicant proposes to replace the existing sidewalk which is in disrepair and partially located on the property, with new sidewalk adjacent the municipal parking lot driveway. Also, the depressed curb accessing the existing parking and delivery behind the current building will be replaced with full height curb. The new sidewalk will require the removal of existing trees and the relocation of existing signage, both of which are not shown on the site plan. **Since an updated survey is required for design, the applicant's engineer has agreed to provide the revisions during resolution compliance should site plan approval be granted.** (8) Existing and proposed building access points must be shown. The locations will impact the proposed sidewalk design. Sidewalk should be added behind the proposed addition since there will be building access points at the rear of the addition. **Existing building access points to the ally from the neighboring building must be added. Sidewalk shall be added for the access on the east side of the existing on-site building. Sidewalk should also be added around the proposed addition for the access easement to be proposed for the neighboring property.** (9) The General Notes indicate solid waste and recycling to be collected by the Township. **Approval from the DPW Director is necessary.** Testimony is required from the applicant's professionals addressing trash and recycling collection. No waste receptacle area is shown. **The applicant's professionals indicate that solid waste will be collected from robo-cans as is the current means of collection. The General Notes indicate the robo-cans will be stored in the fenced area on the north side of the building. However, it appears access will be blocked because of the limited space.** (10) A six foot (6') high stockade fence with a gate is proposed around the rear yard. Construction details are required. **The fence has been changed to board on board and a detail added to the plans. It is not clear whether the four inch (4") dimension below the fence is a mow strip or sidewalk. The footings should be identified as square. A single gate detail must be added.** (11) Minor corrections are required to the General Notes. **General Note #9 should identify new impervious surface is less than one quarter acre.** (B) Architectural (1) Architectural

floor plans and elevations have been provided for the proposed building addition. The proposed building addition includes two-stories and an unfinished basement. The proposed building height is twenty-one feet six inches (21'-6"). The allowable building height is sixty-five feet (65'). **Changes are still required to the revised architectural plans submitted such as dimensions and square footage. The existing dimension of sixty-seven feet, seven inches (67'-7") is in conflict with the existing building length on the site plan.** (2) No restrooms are proposed in the building addition. Restrooms must be added since the restrooms in the existing section of the building are not accessible by the future tenants of the addition. **The applicant's professionals indicate restrooms will be provided based on tenant needs within the proposed addition.** (3) The labeling of the Elevations need to be corrected. The Rear Elevation is the North Elevation. The North Side Elevation shall be revised to West Side Elevation. The South Side Elevation shall be revised to East Side Elevation. **The applicant's professionals indicate the labels on the elevations will be corrected on the next revision.** (4) The architect should provide testimony on handicapped accessibility. Testimony is required from the architect on the specific uses for the proposed individual floors, as well as the existing building. **The applicant's professionals indicate that testimony will be provided on ADA accessibility and specific uses.** (5) The applicant's professionals should provide testimony regarding the facades and treatments of the proposed new building addition. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. **The applicant's professionals indicate that testimony and renderings will be provided.** (6) We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. **The revised site plans indicate air conditioning equipment will be located on the roof. Revisions are required to the architectural plans.** (C) **Grading** (1) No proposed grading plan has been provided. Proposed elevations and contours are required to complete the project design. **Proposed grading may be provided after the survey is updated, and will be reviewed during resolution compliance if/when site plan approval is granted by the Board.** (D) **Storm Water Management** (1) No storm water management system has been shown or designed for the site. The property is virtually impervious and small, being less than seven thousand square feet (7,000 SF). Testimony should be provided on the existing storm water management conditions. **The applicant's professionals indicate that testimony will be provided on existing storm water management conditions.** (E) **Landscaping** (1) No landscaping has been provided for the project. The only areas available for landscaping are the proposed rear yard and a strip of land adjacent the existing building. **Based on the submission of revised plans, the only area available for landscaping is a strip of land on the east side of the existing building.** (2) Final landscape design (if any) is subject to Board approval and should conform to recommendations from the Township Shade Tree Commission as practicable. **The Board should provide landscaping recommendations, if any.** (F) **Lighting** (1) An existing light pole is shown along Second Street in front of the building. No proposed lighting is depicted on of the plans. Testimony on site lighting should be provided from the applicant's professionals. **Additional existing light fixtures have**

been added to the plan. No new site lighting is proposed. (G) **Utilities** (1) The plans state that existing public water and sewer laterals to be reused. It appears new connections will be necessary unless major renovations are proposed to the plumbing of the existing building. Water and sewer approvals will be required from New Jersey American Water since the project is within their franchise area. **New utility connections should be shown.** (H) **Signage** (1) The Site Plan proposes no freestanding signage. The architectural plans indicate proposed wall sign locations on the east side of the proposed addition. No dimensions or details have been provided to confirm that the signs comply with the ordinance requirements. **The applicant's professionals indicate that all building mounted signage will comply with the Township Ordinance and final signage design will be based on tenant usage.** (I) **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. **Review of construction details may be a condition of approval.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Developers Agreement at the discretion of the Township (b) Township Tree Ordinance (as applicable) (c) Ocean County Planning Board; (d) Ocean County Soil Conservation District (if applicable); and (e) All other required outside agency approvals.

Mr. Doyle on behalf of the applicant. This is an application to expand an existing permitted use in downtown Lakewood on 2nd street. As the area would show, many of these properties are just about 100% land covered. This site is not and an expansion consistent with the neighborhood is sought. At the time of the technical review meeting, which I did not represent the applicant Mr. Vogt's report there is mention made that this building like many buildings in the downtown area would be right against the next-door neighbor. The neighbor has air-conditioning units and has a staircase to get to his basement that is on my client's property there had been some litigation and clearly those are trespassers on the other hand the applicant sought to do a fair thing and he has agreed and I have provided Mr. Liston, the attorney for the next door neighbor with an easement whereby we would grant a 4 foot easement so that he would have the needed access he sought we will provide a temporary construction easement that would allow him at his expense to move the staircase so that it would be in such a way that a person going to enter it would not be outside the easement but would be in the easement we would further provide for the neighbors benefit that the access from the rear of the property for this 4 foot easement would be by a gate limited to the neighbor and the land owner, so I think that resolved those issues. On the other hand in order to obtain the desired square footage we were now losing the 4 feet the rear of the building which had been previously proposed to be 10 feet from the rear yard setback we would now request to be 6 foot 3, in other words needing a 3 plus feet variance. That variance is consistent with the neighborhood. The variance that Mr. Vogt speaks of is there is a passageway to the public parking to the rear and north of our building. We had believed that the setback requirement should not apply due to the nature of that.

Mr. Glen Lines PE was sworn in stating the lot that we are talking about is block 120 lot 13 which is on second street, there are two existing business on the first floor, currently the back of the property is opened there is a chain link fence and some various vehicles parked in the rear yard, just to the east of our lot there is part of the municipal property which is the access to the parking lot which is right across the street here between 2nd and 3rd. The two buildings adjacent to ours along the property line when acted by the survey one of them extend over the property line by a few inches. We are in the D2 zone almost all of the buildings already have zero rear yard setbacks. What we are proposing is to construct an addition on the back of the building with zero side yard setback on the side that is adjacent to the municipal parking lot, there is an existing 4.5 foot setback between our building and the building to the west and the new addition will allocate four foot separation between the two buildings for a side yard setback in that area. We originally had a conforming application but by losing that area on the side an trying to keep the interior square footage up we are now at 6.3 foot rear yard and we would use the rear yard for storage of trash containers. We have one emergency exit in that corner that is not shown on this plan but after the application is approved we would extend the sidewalk out to the municipal lot.

Mr. Schmuckler asked how the construction will take place if they are building on the entire lot. Mr. Lines stated that they would use the area in the lot or a separate off site staging area.

Mr. Edward Liston Esq. on behalf of the Vydi Realty Holding Co which is the company that holds the property to the west. It was at my clients initial request that the 4 foot easement was provided, the first plans that you saw butted up against our building. Mr. Doyle and I have worked out an easement agreement if this matter is granted I would just ask that this agreement be referenced in the resolution, so that it is part of the condition of approval.

A motion was made to approve this application with the easement agreement as part of the resolution by Mr. Herzl and seconded by Mr. Fink.

Roll Call Mr. Herzl, yes, Mr. Franklin, no, Mr. Arcchi, no, Mr. Rennert, yes, Mr. Banas, no, Mr. Neiman, yes, Mr. Fink, yes, Mr. Schmuckler, yes.

6. CORRESPONDENCE

1. **SP 1877** (No Variance Requested)
Applicant: K Land Corporation
Location: Route 70 & New Hampshire Avenue
Block 1077 Lot 21
Site Plan – proposed furniture store
Request to alter a condition of the previously approved site plan

Our office has received a request (copy enclosed) from the applicant of the above-referenced project regarding a condition of its Planning Board approval (SP1877,

approved January 29, 2008). We offer the following comments and recommendations: (1) Planning Board Resolution SP 1877, memorialized February 19, 2008 incorporated T&M Associates' engineering review letter dated January 7, 2008. (2) Comment A(6) of T&M's 1/7/08 review references the Township's proposed improvements to the Route 70/Vermont Avenue intersection and extension of Vermont Avenue north (including the subject property). The author of the review recommended that the applicant contribute ½ of the estimated cost of the intersection improvements, as well as ½ of the estimated cost of the roadway improvements along the frontage of the applicant's property. Incorporated into T&M's review (and the Board resolution was a cost estimate of said improvements dated December 3, 2007, prepared by the prior Township Engineer (Birdsall). The recommended cost for these improvements, to be borne by the applicant was \$163,625.00. (3) In May, 2010, the applicant requested a reduction in its off-site contribution towards road improvements as calculated and referenced above based on its "fair share" estimate of improvements. The Township Solicitor issued an opinion to the applicant that the Planning Board's approval of the \$163,625 contribution stands based on the memorialization of the Board approval as accepted by the applicant. The applicant was directed to either (a) Provide Lakewood Township with a contribution of \$163,425; or (b) Seek Planning Board approval for an amendment to this condition of approval. (4) It should be noted that the proposed Vermont Avenue improvements that would have provided access to this property were designed by Birdsall for the Township, and have been reviewed by the NJDOT. Unfortunately, funding for the construction of these improvements does not exist at this time, and there is no defined timetable as to when the road improvements will occur. (5) The applicant is seeking to proceed with the Wawa portion of its project at this time. Since it is not known when the necessary Vermont Avenue/Route 70 improvements will occur, the applicant has engaged a consultant and negotiated an interim access drive from the Wawa to Route 70. It is our understanding that NJDOT has reviewed and approved this interim access, and the applicant intends to proceed with construction of this access (and the Wawa project) in 2011. (6) The applicant has provided an engineer's cost estimate dated April 8, 2011 from its consultant (Langan Engineering), indicated an estimated construction cost of \$203,187 for the proposed interim access. It is the applicant's position that it will meet or exceed the \$163,625 fair share contribution stipulated in the Board approval (SP1877). The applicant is seeking the Board's approval of this request.

- (1) Per our review of the request, we believe that the applicant's request is reasonable and equivalent to the original fair share, based on available information that the Township has neither sufficient funding for the intersection and Vermont Avenue construction, nor definitive timetables as to when this work will be constructed. (2) If deemed acceptable by the Planning Board, we recommend acceptance of the applicant's proposed access improvements in lieu of the originally-stipulated in kind contribution, conditioned that forthcoming construction cost receipts be provided by the applicant up to, or in excess of the original \$163,625 figure.

Mr. Franklin recused himself from this application. Mr. Rennert is disqualified from this vote.

Mr. Penzer stated that this road was suppose to go all the way through to Route 70. Unfortunately Lakewood has run out of money and this has not been completed. We had promised WAWA that they would have a secondary access. We were told that we could use a jug handle for a needed access, we would have loved to pay for the pro-rata share of the road but the problem is there is no road for the foreseeable future. You wanted us to pay \$165,000 we would be spending now over \$200,000 so we are saying that we satisfied our condition of paying our pro-rata share by putting in what we had to do because we can't put the road in. We are here to say that we have satisfied your condition of contributing by spending more money then you asked us to do because we needed to get the WAWA in.

Mr. Vogt stated that this was what the Board asked at the time that they would contribute to having Vermont Ave going in. It is not going in at this time there is no funding that has been identified to my knowledge, I can't tell you when or if it is going in, they want to move now with the WAWA. There Engineer has identified their costs going over \$200,000, we think it is reasonable, our only recommendation is if you think it is reasonable that they show proof that the actual construction costs are up to \$163,625 figure. Chairman Neiman asked when the Township has the money to improve Vermont Ave. will they be responsible for any of the improvement. Mr. Vogt stated that he did not think so.

Mr. Banas made a motion to say that they satisfy the condition that the Board placed on this application to contribute to the input of Vermont Av. By creating a Jug handle and access to the property. The applicant will show expenditures to Mr. Vogt in the amount original requested. Seconded by Mr. Herzl.

As an afterthought Chairman Neiman realized that this should be opened to the public for comment.

Mrs. Nechama Morgan was sworn in stating how would this effect the road coming in from Vermont in the next few years.

Mr. Jackson stated that how he understands it this is just a municipal improvement that was subject to serve this property that the applicant would have to share in the cost for. Now there is an alternate public improvement and the money is just going to there, so if the town had to do it they would just have to fund it like they would otherwise.

Mr. Penzer stated that he final road from Vermont is not planned as of now, his opinion is that they will get hurt in this venture, when the Township does the road we may have to do more at that time.

The motion was moved and seconded again.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Schmuckler, yes.

2. SD 1551A (No Variance Requested)

Applicant: South Lake Park

Location: Hope Chapel Road

Block 11 New Lot 140

Reorient driveway by utilizing access easement to Garfield Street across adjoining property

We have received a request on behalf of the applicant for the above referenced lot for Board approval to access the lot from the rear of the site (see enclosed schematic dated July 18, 2011 from Anthony Koval, PLS of FWH Associates, PA). As indicated on the enclosed schematic, existing Lot 140 is a trapezoidal shaped property with frontage on the south side of Hope Chapel Road, east of its intersection with Clear Stream Road. Per the schematic and per communications with the applicant's professionals, the applicant seeks approval for a driveway, off-street parking area and turnaround to the rear of a proposed dwelling to be constructed on site. The driveway would extend through portions of existing adjacent Lots 10 and 11, connecting to Garfield Street. The driveway would be approximately 12 feet wide, within a 15-foot wide easement to be obtained by the applicant. Per communications with the applicant and professionals, Garfield Avenue is unimproved at this time, but will be approved (local 20-foot wide) cartway width proposed as part of a prior Subdivision approval. Garfield Avenue will be improved to McKinley Avenue, which will access Hope Chapel Road. Per communications with the applicant and professionals, we recommended Board consideration of this request prior to detailed design documents. We recommend that the applicant and professionals provide the following information and testimony, at a minimum, for the Board's consideration: (1) An aerial exhibit should be brought to the Board hearing to illustrate the area and general conditions in the vicinity of the property. Confirming testimony should be provided by the applicant's professionals regarding proposed off-road improvements as described above. (2) Testimony should be provided as to the nature of the request, why access to Garfield Avenue is sought (vs. the Hope Chapel Road frontage). (3) How would trash pickup be handled on the site? Deliveries? (4) How many off-street parking spaces are proposed outside of the proposed drive aisle?

If/when Board approval is granted for this request, design documents would be required for Township approval including the following information, at a minimum: (1) Proof of access for the necessary easements through Lots 10 and 11. (2) A detailed plot plan showing proposed grades and construction details. (3) Design information (if/as needed) for access improvements

Mr. Brian Flannery for the applicant they would like to do an easement through the triangular piece of property there and instead of having a driveway on Hope Chapel Road the driveway would be on Garfield. Garfield is being improved as part of this application, there would be four spaces for the driveway. The trash could be picked up on Garfield if that is what DPW wants.

Mr. Herzl made a motion to accept the moving of the driveway to Garfield from Hope Chapel Road. Mr. Banas seconded the motion.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mr. Arecchi, yes, Mr. Banas, yes, Mr. Rennert, yes, Mr. Neiman, yes.

#3 SD1550A

Applicant: Seymour Investments
Location: Cross Street, west of Route 9
Block 533 Lots 3 & 10

Former Calgo Gardens site. Correspondence from Enclave Homeowner's Association dated 7/27/11.

Mr. Vogt stated that they are going thru compliance agreement they do not have the agreement in the application or minutes. We are looking at the drainage and we are not completely satisfied and we are waiting for more information, unless the Board or Township tells us otherwise if they have met all the conditions we typically sign off on it.

Mr. Banas does not remember anything about this.

Chairman Neiman asked Mr. Kielt to send a letter back asking for the agreement that was brought up and to explain it in full.

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

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Margaret Stazko
Planning Board Recording Secretary