

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Franklin, Mr. Rennert, Mr. Neiman, Mr. Fink, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. **SP 1960** (No Variance Requested)
Applicant: Bais Medrash of Asbury Park, Inc.
Location: Southwest corner of Salvatore Drive & Vermont Avenue
Block 1081 Lot 14.01, 14.02 & 8
Conceptual change of use Site Plan to change from residential to proposed school, dormitory and parsonage

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Fink, Mr. Percal

Abstained: Mr. Rennert

2. **SP 1961** (No Variance Requested)
Applicant: Lakewood Cheder School
Location: Vassar Avenue, south of South Oberlin Avenue
Block 1601 Lot 4
Conceptual change of use Site Plan to change from vacant warehouse to proposed school

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Fink, Mr. Percal

**PLANNING BOARD MEETING
AUGUST 16, 2011**

**TOWNSHIP OF LAKEWOOD
PUBLIC HEARING MEETING**

Abstained: Mr. Rennert

3. SD 1525A

Applicant: Levy Isaacson
Location: New York Avenue
Block 223 Lot 95.02

Second reconsideration of a condition of a prior minor subdivision approval

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Fink, Mr. Percal

Abstained: Mr. Rennert

4. SP 1958 (No Variance Requested)

Applicant: Yeshiva Toras Menachem
Location: Swarthmore Avenue, west of Rutgers University Boulevard
Block 1606 Lot 16

Conceptual change of use Site Plan to change existing industrial building to a proposed school

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Fink, Mr. Percal

Abstained: Mr. Rennert

5. SD 1808 (Variance Requested)

Applicant: SS&R Realty, LLC
Location: Northwest corner of Lanes Mill Road & Alvarado Avenue
Block 187.12 Lot 11

Minor Subdivision to create three (3) lots

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Fink, Mr. Percal

Abstained: Mr. Rennert

6. SD 1809 (Variance Requested)

Applicant: Schlomo Wilner
Location: Albert Avenue, south of Oak Street
Block 1159 Lot 74

Minor Subdivision to create two (2) lots

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Fink, Mr. Percal

Abstained: Mr. Rennert

**PLANNING BOARD MEETING
AUGUST 16, 2011**

**TOWNSHIP OF LAKEWOOD
PUBLIC HEARING MEETING**

7. **SD 1810** (Variance Requested)
Applicant: Jonathan Rubin
Location: Ocean Avenue (Route 88) East of Clover Street
Block 244 Lots 11, 12, 13, 14 & 15
Preliminary & Final Major Subdivision for ten (10) zero lot line lots (5 duplexes)

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Fink, Mr. Percal
Abstained: Mr. Rennert

8. **SD 1811** (Variance Requested)
Applicant: Arm Realty & Construction Co.
Location: Whitmore Street, North of East 7th Street
Block 231 Lot 27
Minor Subdivision to create two (2) zero lot line lots-1 duplex (Resolution to deny)

Motion was made and seconded to deny

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Fink, Mr. Percal
Abstained: Mr. Rennert

9. **SD 1812** (No Variance Requested)
Applicant: Jacob Lipschitz
Location: Vine Avenue, north of Elm Street
Block 763 Lot 4
Preliminary & Final Major Subdivision for six (6) zero lot line lots (3 duplexes)

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Fink, Mr. Percal
Abstained: Mr. Rennert

10. **SD 1813** (No Variance Requested)
Applicant: Marcy Janora
Location: East Fifth Street, between Negba Street & Manetta Avenue
Block 236 Lots 44.01 & 44.02
Minor Subdivision to create four (4) zero lot line lots (2 duplexes)

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Fink, Mr. Percal
Abstained: Mr. Rennert

11. **SD 1802** (Variance Requested)
Applicant: 283 Ridge Avenue, LLC
Location: Ridge Avenue between Nowlan Place & Westwood Avenue
Block 235 Lot 16

Minor Subdivision to create two (2) zero lot line lots & one (1) single family lot

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Neiman, Mr. Fink, Mr. Percal

- 12. SD 1770** (No Variance Requested)
Applicant: North Lake Realty
Location: Frontage on Lafayette Boulevard, Thorndike Avenue & Cedar Drive
Block 265 Lot 1
Minor amendment to approved minor subdivision to reflect vacation of a portion of Lafayette Boulevard

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Neiman, Mr. Fink, Mr. Percal
Abstained: Mr. Rennert

- 13. 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

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Neiman, Mr. Fink, Mr. Percal

- 14. 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

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Neiman, Mr. Fink, Mr. Percal

- 15. 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 (Resolution to deny)

Motion was made and seconded to deny

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Neiman, Mr. Fink, Mr. Percal

- 16. 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

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Neiman, Mr. Fink, Mr. Percal

- 17. 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

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Neiman, Mr. Fink, Mr. Percal

- 18. 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

Motion was made and seconded to approve

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Neiman, Mr. Fink, Mr. Percal

5. NEW BUSINESS

- 1. 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** 1. 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.

Mr. Surmonte on behalf of the applicant stated the owner of existing lot 10 is seeking to acquire 5,400 sq ft mainly to the extreme rear of lot 13 to expand his backyard.

Mr. Neiman inquired if there were deeds or is this done prior to a closing or after a closing.

Mr. Kielt stated that the closing is going to take place after they record the filed map. You need this instrument in order to transfer title. Signature is required by both property owners, without that they can not proceed.

Mr. Neiman opened the microphone to the public.

Seeing no one he closed this portion to the public.

A motion was made by Mr. Fink to approve the application. Seconded by Mr. Percal

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Neiman, Mr. Fink, Mr. Percal

2. **SD 1815** (Variance Requested)
Applicant: John Sasooni
Location: Northwest corner of Central Avenue & Circle Place
Block 12.04 Lot 51
Minor Subdivision to create two (2) lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing corner property totaling 21,150 square feet (0.486 acres) known as Lot 51 in Block 12.04 into two (2) proposed residential lots designated as proposed Lots 51.01 and 51.02 on the subdivision plan. The existing property, Lot 51, is vacant, mostly cleared, and contains some large trees. The tract has frontages on three (3) streets. An unnamed, unimproved street exists on the west side of the property. Circle Place, an improved municipal street, borders the site to the east. Central Avenue, a County Road, fronts the south side of the tract. The proposed subdivision lots will access Circle Place. Access would be restricted from the unimproved street and the County Road. Both proposed lots will be 75' X 141' rectangular properties, containing 10,575 square feet. Lot area and lot width variances will be required to create this subdivision. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are predominantly residential. ***We have the following comments and recommendations per testimony provided at the 7/5/11 Planning Board Plan Review Meeting and comments from our initial review letter dated June 27, 2011: I. Zoning*** 1. The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. ***Statements of fact.*** 2. Five foot (5') right-of-way easements to Lakewood Township are proposed for the frontages of the unnamed, unimproved street and Circle Place. The Board shall determine whether to accept the easements instead of right-of-way dedications. The bulk requirements will be impacted should right-of-way dedications be required. ***The Board shall take action on whether to accept the right-of-way easements instead of dedications.*** 3. Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Area (proposed Lots 51.01 and 51.02, 10,575 SF each, 12,000 SF required) – proposed condition. Minimum Lot Width (proposed Lots 51.01 and 51.02, 75 feet each, 90 feet required) – proposed condition. ***The Board shall take***

action on the required variances. 4. The applicant must address the positive and negative criteria in support of the required variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** II. **Minor Subdivision Review Comments** 1. Testimony should be provided as to whether basements are proposed for the future dwellings on Lots 51.01 and 51.02. If so seasonal high water table information will be required. Parking shall be provided in accordance with parking ordinance 2010-62. **The applicant's professionals indicate that testimony on basements will be provided at the hearing.** 2. There is a large tree within the Circle Place right-of-way which could possibly be saved. If so, the proposed sidewalk location could be impacted and a sidewalk easement required. **The applicant's professionals indicate that testimony on the large tree within the Circle Place right-of-way will be provided at the hearing.** 3. The existing pavement of Circle Place is in poor condition. Road widening improvements are required for Circle Place and a design should be submitted. **The applicant's professionals indicate that road widening improvements shall be designed for Plot Plan review and approval. We recommend the design be made a condition of approval, since the future Plot Plans may not be submitted simultaneously.** 4. Testimony is required on the disposition of storm water from development of proposed Lots 51.01 and 51.02. **The applicant's professionals indicate that dry wells shall be provided for the roof runoff.** 5. Testimony is required on proposed lot grading. **The applicant's professionals indicate that testimony will be provided on proposed lot grading at the hearing.** 6. The Plan notes that "future dwellings to be serviced by the New Jersey American Water Company". The project is located within the New Jersey American Water Company franchise area. Our site investigation on 6/17/11 noted that public water is readily available to the site. However, testimony should be provided on sanitary sewer service. No existing sanitary sewer manholes were observed in the vicinity. **The applicant's professionals indicate existing sanitary sewer is located in Hollywood Avenue, a block west of the subdivision. Testimony should be provided as to whether sanitary sewer will be extended to the site or if individual septic disposal systems will be proposed. It should be noted the pavement in Central Avenue is new and the County may have road opening restrictions in place.** 7. The proposed lot numbers should be assigned by the Tax Assessor and the map signed by the Tax Assessor. **The proposed lot numbers have been approved.** 8. Proposed six foot (6') wide shade tree and utility easements are shown along all the property frontages. We recommend a waiver be granted from providing the easement along Central Avenue since it falls within the sight triangle easement. Bearings, distances, and areas should be provided for the proposed easements on the individual proposed lots. **Bearings, distances, and areas have been added to the proposed easements. Areas of three hundred seventy-five square feet (375 SF) shall be added to each of the road widening easements for Lot 51.01.** 9. No shade trees are shown within the proposed six foot (6') wide shade tree and utility easements on the subdivision plan. Shade trees should be provided to the satisfaction of the Board (or a waiver sought), and should conform to recommendations from the Township Shade Tree Commission as practical. A waiver from providing shade trees along Central Avenue should be granted because of the proposed sight triangle easement required. This development, if approved must comply with the Township Tree Ordinance at time of Plot

Plan Review for the proposed lots. ***The applicant's professionals indicate that shade trees shall be provided during Resolution Compliance. We recommend the Board grant a waiver from providing shade trees along Central Avenue since the entire frontage will be encompassed by a sight triangle easement.*** 10. Compliance with the Map Filing Law is required. ***Statement of fact.*** 11. Monuments have not been set. ***Statement of fact.*** 12. The Sidewalk Detail section view shall be revised to show the correct offsets. If the Board approves the right-of-way easements, the property line should be indicated as property line or easement line. ***A four foot (4') dimension shall be shown from the back edge of the sidewalk to the property or easement line.*** 13. If subdivision approval is granted, final review of construction details will be conducted based on the site improvements required by the Board. ***Statement of fact. III. Regulatory Agency Approvals*** Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health (if applicable); e. New Jersey American Water (sewer and water); and f. All other required outside agency approvals.

Mr. Vogt stated variances are being requested for minimum lot area and minimum lot width.

Mr. Flannery was sworn in on behalf of the applicant stated the ordinance requires 12,000 sq ft and each lot is 10,575 sq ft and the minimum lot width the ordinance requires 90 ft. At the tech meeting we had shown the map that a majority of Circle Place and area are non-conforming lots. In particular, in the 200 ft surrounding area, eleven out of the sixteen lots are non-conforming. This fits in with the area, it is the best use of the property and it will create two lots that will provide housing opportunities. Looking at Terry's report, we are proposing a 5 ft right-of-way easement so that Circle Place can be improved to the appropriate width. The second item is the variance which has been indicated earlier. They are C-2 variances in which the benefits outweigh the detriments.

Mr. Neiman asked if he can comply to the comments stated in Mr. Vogt's review letter.

Mr. Flannery confirmed he will provide at the time of plot plan everything to the satisfaction of the engineer.

Mr. Neiman opened the microphone to the public.

Mr. William Hobday, 30 Schoolhouse Lane was sworn in. Mr. Hobday stated, again we are taking a conforming lot and subdividing to two non-conforming lots. He thinks that is a detriment even to a neighborhood as out of sync as possible with the non-conforming lots and if we continue this it's deteriorating those property values.

Mr. Neiman asked if he had done a study as to if their property values will be diminished because there are 75 ft lots instead of 90 ft lots.

Mr. Hobday stated that anytime you squeeze into non-conforming lots, additional housing basically squeezes that neighborhood. He thinks people look at that and say why would I buy here?

Mr. Flannery stated the municipal land use law is what determines what is appropriate. The MLUL states you have to look at the surrounding area and the public good. In this case, it is going to be houses that will be improvements in the neighborhood.

Mr. Neiman stated they do not like to grant variances for lot size in an R-12 but in this case it fits in a little more.

Seeing no other comments from the public this portion of the meeting was closed.

A motion was made and seconded to approve the application.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Neiman, Mr. Fink, Mr. Percal

3. **SD 1816** (Variance Requested)
Applicant: Iris Road, LLC
Location: Southeast corner of Iris Road & Arbutus Drive
Block 20 Lot 11
Minor Subdivision to create two (2) lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing irregular property totaling 0.636 acres in area known as Lot 10 in Block 20 into two (2) new residential lots, designated as proposed Lots 10.01 and 10.02 on the subdivision plan. The site contains an existing dwelling to remain on proposed Lot 10.02. The existing driveway and garage from the dwelling to remain will be removed since these improvements would encroach onto proposed Lot 10.01. Public water and sewer is available. Proposed Lot 10.01 would front Iris Road and be an 80' X 150' rectangular tract containing twelve thousand square feet (12,000 SF). Proposed Lot 10.02 would be a 125' X 130' rectangular corner property, except for the large fifty foot (50') radius at the intersection. Proposed Lot 10.02 would contain 15,713.50 SF. The proposed subdivision will require a width variance for Lot 10.01 and a side yard variance for Lot 10.02. Curb exists along the street frontages, but sidewalk does not. However, new sidewalk is proposed. The lots are situated within the R-12 Single Family Residential Zone. ***We have the following comments and recommendations per testimony provided at the 7/5/11 Planning Board Plan Review Meeting and comments from our initial review letter dated June 27, 2011: 1. Zoning*** 1. The parcels are located in the R-12 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 required: Minimum Lot Width (proposed Lot 10.01, 80 feet, 90 feet required) – proposed condition. Minimum Side Yard (proposed Lot 10.02, 7.2 feet, 10 feet required) – proposed condition. ***The Board shall take action on the required variances.*** 3. Existing Lot 10 has a non-conforming front yard setback. The northwest corner of the existing dwelling is only 27.6 feet from the front property line radius at the intersection, where thirty feet (30') is required. This non-conforming condition will continue on proposed Lot 10.02 with the granting of this subdivision approval. ***Statements of fact.*** 4. The applicant must address the positive and negative criteria in support of the

required variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** II. **Review Comments**

1. The General Notes indicate the coordinates and vertical datum are assumed. A bench mark should be provided. **The bench mark should be from a location that will not be disturbed by future construction.**
2. The Certifications reference a Land Survey dated 5/25/11. A signed and sealed copy of the Survey should be provided. **The Survey is still outstanding.**
3. Runoff is being trapped at the intersection of Iris Road and Arbutus Drive. Review of the existing curb and gutter grades provided on the plan indicates the only solution would be the addition of storm sewer. **A storm sewer design shall be provided. At the Plan Review Meeting, the applicant's engineer agreed to comply with all aspects of our initial review letter.**
4. The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements is requiring and providing four (4) off-street parking spaces per dwelling. A future Plot Plan for Lot 10.01 must show the required off-street parking. The proposed driveway for the dwelling to remain on Lot 10.02 is large enough to accommodate the four (4) off-street parking spaces required. Testimony should be provided on the number of bedrooms for the proposed dwelling on Lot 10.01, and in the existing dwelling to remain on Lot 10.02. **Testimony should be provided on the number of bedrooms for the existing and proposed dwellings.**
5. Testimony should be provided as to whether a basement is proposed for the future dwelling on Lot 10.01. If a basement is proposed, we recommend a minimum of four (4) spaces be provided. Parking shall be provided to the satisfaction of the Board. **Testimony should be provided on whether a basement will be proposed for the future dwelling on Lot 10.01.**
6. If a basement is proposed for Lot 10.01, seasonal high water table information is required. General Note #10 indicates that seasonal high water table information will be provided at time of plot plan submittal. **Providing seasonal high water table information at plot plan submittal is acceptable.**
7. The existing curb on the site is in fair condition. A note should be added to the Improvement Plan that any damaged curb shall be replaced at the direction of the Township Engineer. **The note must still be added.**
8. Testimony should be provided as to whether a Sight Triangle Easement should be provided at the intersection. We note the right-of-way at the intersection has a fifty foot (50') radius. **Testimony shall be provided on whether a Sight Triangle Easement is necessary.**
9. The General Notes indicate the new lots are to be serviced by public water and sewer. The existing dwelling to remain must already be connected to public water and sewer. The project is within the New Jersey American Water franchise area for both water and sewer. **Testimony should be provided confirming the existing dwelling is connected to public water and sewer.**
10. Proposed lot numbers have been assigned by the tax assessor's office. The tax assessor's signature is required. **The tax assessor shall sign the plan.**
11. Seven (7) October Glory Maple shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. **The Board should provide landscaping recommendations, if any.**
12. The Plan indicates many existing large trees on the site. Our site investigation on 6/17/11 confirmed the presence of the large trees that are mapped. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township

Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plan for proposed Lot 10.01 submitted for Township review should include tree protective measures to save mature vegetation where practicable. **Testimony should be provided on the status of specimen trees on the project.** 13. Testimony should be provided on proposed storm water management. No measures for the increase in runoff from Lot 10.01 have been proposed. **Testimony is required to address the increase in runoff from proposed Lot 10.01.** 14. Testimony should be provided on proposed grading. The Improvement Plan shows site removals and some proposed improvements, but no proposed grading. **Testimony should be provided on proposed site grading.** 15. Compliance with the Map Filing Law is required. **Statement of fact.** 16. The following corrections are required to the construction details: a. The limits of the eighteen inch (18") dimension shall be corrected on the depressed curb detail. Also, the contraction joints should be expansion joints. **The revised Depressed Curb Detail shall show a six inch (6") adjoining face and a four and a half inch (4-1/2") depression.** b. The section view on the concrete sidewalk detail should be corrected. **The dimensioning of the section view should be checked since it scales differently from the plan.** c. A pavement replacement detail should be added. **A pavement repair detail has been added, but it is not clear if the base course will be constructed to the existing road surface and milled prior to the placement of top course. Pavement replacement should be added to the Concrete Curb Detail.** 17. Final review of construction details will depend on the improvements required by the Board. **Storm water management details must be added.** 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.

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

Mr. Glenn Lines was sworn in on behalf of the applicant. The existing house is going to remain. There is a garage with a flat roof and that garage will be demolished and the rest of the house will remain. The garage was a later addition. The proposed lot width of lot 10.01 requesting 80 ft width. The area is conforming out of the lots in the area, ten of the eighteen lots within 200 ft also are 80 ft width.

Mr. Neiman asked if there will be sidewalks in front of the homes.

Mr. Lines affirmed that there will be sidewalks.

Mr. Neiman asked if there will be four parking spaces for each home.

Mr. Lines stated there will be four for the existing home. Many of the comments referred to the vacant lot and there are no plans for a house there. As far as basement parking spaces we will provide what is required at the time the plot plan is submitted. Concerning comment number three on Mr. Vogt's review letter where he is asking for an inlet to be constructed at the intersection of Iris and Arbutus, we did go out and get more survey information and that is the

high spot on the curb line. Because of a sewer that was put in Iris Road and some other pot hole repairs that have taken place on Arbutus it now holds water on the corner but it is the high spot along the curb line.

Mr. Vogt stated if the Board acts favorably on the application you will satisfy us regarding drainage during compliance.

Mr. Lines affirmed. The other comment was a sight triangle. When you connect the sight triangle together it wouldn't touch our property. It would be out in the right-of-way.

Mr. Banas arrived at the meeting.

Mr. Neiman asked Mr. Vogt to clarify the sight triangle comment.

Mr. Vogt stated, again, if the Board acts favorably we are going to arrive at a mutually acceptable sight triangle during compliance.

Mr. Follman arrived at the meeting.

Mr. Neiman opened the microphone to the public.

Mr. William Hobday, 30 Schoolhouse Lane was sworn in. He stated this is another R-12 taking one conforming lot and making two non-conforming. Lakewood is no longer a little sleepy village. We are a big town now. And with are current population growth we will probably achieve status of the sixth or seventh largest city in the state of New Jersey. It sometimes appears that we are helping by allowing for these variances but we are not. What we are basically doing is squeezing the current population to what our governing body had said to set the zoning at R-12 and people buy their homes, raise their children and all of the sudden Planning Board says where you would normally been able to put one property I am going to allow you the opportunity to put two. Their criteria is going to say we need the housing but there are lots of lots still open in Lakewood Township. Right now this is an R-12 zone it should be recognized in an R-12 zone. It is kind of small anyway and when you squeeze it it makes it difficult and I do believe this is a detriment to property value and quality of life of those neighbors.

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

A motion was made and seconded to approve the application.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Neiman, Mr. Fink, Mr. Percal
Abstained: Mr. Banas, Mr. Follman

- 4. SD 1814** (No Variance Requested)
Applicant: J & J Group, LLC
Location: Cushman Street, west of River Avenue (Route 9)
Block 430 Lot 60
Minor Subdivision to create four (4) zero lot line lots (2 duplexes)

Project Description

The applicant seeks minor subdivision approval to subdivide an existing irregular property totaling 0.4773 acres in area known as Lot 60 in Block 430 into four (4) new residential lots, designated as proposed Lots 60.01 – 60.04 on the subdivision plan. The site is vacant and will be subdivided to construct two (2) zero lot line duplexes on the four (4) lots. Public water and sewer is available. The proposed lots will be rectangular, except for Lot 60.02 which will be irregular since the right-of-way width changes at this location. The proposed zero lot line duplexes have been design such that each pair of lots exceed ten thousand square feet (10,000 SF) in area. No variances are requested to create the proposed subdivision. The lots are situated within the HD-7 Highway Development Zone. **We have the following comments and recommendations per testimony provided at the 7/5/11 Planning Board Plan Review Meeting and comments from our initial review letter dated June 28, 2011:**

I. Zoning

1. The site is situated within the HD-7, Highway Development Zone District. “Duplexes” are listed as a conditional use. Therefore, the provisions of Section 18-1014 apply for “duplexes”. **Statements of fact.**

2. No variances are being requested. The applicant must address the positive and negative criteria in support of any required variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.**

II. Review Comments

1. The plans reference a 2007 Survey. A signed and sealed copy of the survey should be provided. **The Survey is still outstanding.**

2. Based on the lot dimensions provided, the correct lot areas are as follows:
a. Existing Lot 60 20,790.56 SF
b. Proposed Lot 60.01 4,999.68 SF
c. Proposed Lot 60.02 5,025.60 SF
d. Proposed Lot 60.03 5,382.64 SF
e. Proposed Lot 60.04 5,382.64 SF **The lot areas have been corrected on the plan. The area of proposed Lot 60.01 needs to be corrected in the Zoning Requirements.**

3. The proposed front yard setbacks in the Zoning Requirements shall be corrected to thirty feet (30’). **Twenty-five feet (25’) is the permitted front yard setback. Thirty feet (30’) is being provided for all proposed lots.**

4. The proposed rear yard setbacks in the Zoning Requirements shall be corrected to thirty-two feet (32’) for Lots 60.01 and 60.02, and forty-two feet (42’) for Lots 60.03 and 60.04. **The Zoning Requirements Table must still be corrected.**

5. Testimony should be provided as to whether basements are proposed for the future dwellings on Lots 60.01 – 60.04. If basements are proposed, the minimum of four (4) spaces being provided will comply with the Township Parking Ordinance. Parking shall be provided to the satisfaction of the Board. **Testimony should be provided on prospective basements.**

6. If basements are proposed for Lots 60.01 – 60.04, seasonal high water table information is required. **Seasonal high water table information will be required for any basements and recharge systems.**

7. Existing curb along the Cushman Street frontage of the project is being replaced with depressed curb for the off-street parking. The lengths of the areas being replaced with depressed curb shall be corrected. The proposed limits of depressed curbing are not clear. **The proposed limit of depressed curbing for each lot is shown as forty-four feet (44’). The proposed apron radii should be added.**

8. The curb replacement and new water and sewer connections will disturb the new pavement in front of the site. Once the curb replacement and utility connections are complete, Cushman Street should receive a full width overlay, the same as the new adjacent townhouse project to the west. Construction details for Cushman Street are required. **The plans indicate a full**

width milling and overlay in front of the project site. Construction details for trench restoration are required. 9. Shade tree easements are shown along the property frontage. The proposed easements shall be revised to shade tree and utility easements. Proposed bearings, distances, and areas must be added for the shade tree and utility easements on a per lot basis. **A detail for the proposed shade tree and utility easements has been added to the plan. The distance shown as 122.00' on the frontage of new Lot 60.01 shall be corrected to 44.64'.** 10. The notes indicate shade trees will be planted as per Lakewood Township Ordinance. Three (3) shade trees are proposed between the parking areas. Proposed landscaping is indicated between the parking and the units. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. **The Board should provide landscaping recommendations, if any.** 11. The Plan does not indicate any existing trees on the site. Our site investigation on 6/17/11 observed the site to be lightly wooded. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans for proposed Lots 60.01 – 60.04 submitted for Township review should include tree protective measures to save mature vegetation where practicable. **Testimony should be provided on specimen trees and compensatory planting.** 12. Testimony should be provided on proposed storm water management. No measures for the increase in runoff have been proposed. **Testimony should be provided on proposed storm water management for the increase in runoff.** 13. Testimony should be provided on proposed site grading. No proposed grading is indicated on the plan. **Testimony should be provided on grading, adjoining properties should not be impacted.** 14. Compliance with the Map Filing Law is required. **Statement of fact.** 15. Construction details are required for proposed improvements. **Construction details can be reviewed during compliance submission for improvements required by the Board.**

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.

Miriam Weinstein, Esq. on behalf of the applicant. This is a fully conforming minor subdivision application to subdivide the existing vacant lot into four lots upon which two duplex structures will be constructed. There are no variances.

Mr. Raymond Carpenter was sworn in. Mr. Carpenter stated there will be four parking spaces for each unit for a total of sixteen spots which will back out onto Cushman Street. There will be sidewalks and garbage will be pulled to the front. One of the reasons why we moved the units back 30 ft from the street is to provide some safety between the parking and the structure. We are proposing some low plantings between parking and the structure and we split up the parking by putting an island at every property line and we will put a shade tree at each location to split up the parking and provide more landscaping for the site. As far as the drainage and grading that will be addressed when we submit plot plans for permits.

Mr. Neiman opened the microphone to the public.

Seeing no one he closed this portion to the public.

A motion was made and seconded to approve the application.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Follman, Mr. Percal

6. CORRESPONDENCE

1. SD 1802

Applicant: 283 Ridge Avenue, LLC
Location: Ridge Avenue, between Nowlan Place & Westwood Avenue
Block 235 Lot 16

Correspondence received from Ron Gasiorowski (attorney for objector) for reconsideration of approval

Mr. Kiert stated the attorney that requested the reconsideration is Ron Gasiorowski which we see is present. The attorney for the applicant, Moishe Klein is not present.

Mr. Ron Gasiorowski on behalf of the objector stated that the purpose of this hearing was not to decide whether you were reconsidering it but to decide whether you were going to have a second hearing at which point Mr. Klein would also be here. The application that was filed by the applicant in this matter was for a two family duplex house. It was a single lot and he was looking to subdivide that lot into two lots. One lot contained a duplex house and the second lot is to contain a free standing single family house. During the course of that colloquy between council, Mr. Klein stated that it was his client's intention not to have a two family duplex house but they, in fact, intended to have a four family duplex with a basement apartment. When asked of Mr. Klein whether they had copies of the plans he said they did not have them with them, nor did they submit them to the Board but the testimony was in that one house there would be four people living. Also, if you recall there was an issue as to whether or not there was in fact an existing ordinance that dealt with how a two family could be used with regard to basement living. It very clearly says that if you are going to have a basement apartment, that house must be finished off in a certain fashion with regard to sprinkler system as well as a firewall between top and the bottom. Those plans were never produced. The applicant never advertised that he was seeking to construct a duplex that would house four families. The Board's definition of a multi family house says that if in fact you have one living unit on top of another living unit that is a multi family house. You then look at your buffering requirements for a multi family house, it's a buffering requirement of 30 ft to an adjacent one family residential home which there is here. You do have the authority to reduce that buffer to 15 ft. This particular piece of property has 13.96 ft but it was not a buffer at all, it was just a yard. This matter should come back to the Board. The hearing should be reopened and testimony should be taken as to those issues.

Mr. Jackson stated that the issue of basements came up between Mr. Klein and Mr. Graviano and as he recalls they do not want to be precluded from having basement apartments if that was within their right they want to be able to do that. After reviewing the resolution he does not

see where the Board grants basement apartments and do not recall that being part of their application.

Mr. Neiman stated that the ordinance allows basements and they have a right to put a basement in there. That is why we ask for more off street parking. There are building codes concerning sprinklers and so forth but the last application did not come with architectural plans either and they will be submitting those architectural to the building department.

Mr. Kielt affirmed that is correct. When you make a submission for a duplex subdivision there is no requirement to submit architectural plans. With respect to the ordinance, that is a building issue not a planning issue. Mr. Kielt stated he had no opinion on the buffer. Mr. Gasiorowski may have a valid point but that is not the way we have done them in the past.

Mr. Neiman asked if this application is consistent with other applications.

Mr. Kielt affirmed.

Mr. Vogt agreed.

Mr. Banas asked if the resolution was written and approved by the Board.

Mr. Kielt stated it is on for tonight.

Mr. Banas asked if there was anything contrary as to what Mr. Gasiorowski has indicated in the resolution that would preclude anything that would cause us to have a re-hearing.

Mr. Jackson stated what he thinks Mr. Gasiorowski has indicated in his letter and what he has said tonight is that the ordinance requires certain things and there are no architecturals among other things and in light of that you should change your mind.

Mr. Gasiorowski also had specific questions dealing with parking. The representations made was that there was sufficient parking to accommodate these additional basement apartments and he believes that that was a misinterpretation that they intended to have tenants in these basement apartments.

Mr. Neiman stated that is why we ask for eight parking spaces for the duplex and four for the regular home and there are twelve off street parking spaces.

Mr. Klein stated there was no representation that we are going to have basements with tenants it is that we want to keep open the option to have that to be decided at such a point in time. It will be built according to code. That is something that is not a determination that is made today.

Mr. Gasiorowski stated the plans have not been submitted to this Board.

Mr. Kielt stated they are not a requirement of the approval.

Mr. Jackson stated he does not remember discussing basement apartments and if we have to according to the way the ordinance is written.

Mr. Neiman stated that this is a typical application and it has been heard in front of us hundreds of times before. There is no requirement to submit architectural plans if there is going to be a basement the architectural plans will be submitted at the time of the plot plan.

A motion was made by Mr. Franklin to deny the reconsideration. Seconded by Mr. Percal

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Percal

Abstained: Mr. Rennert, Mr. Fink

7. PUBLIC PORTION

8. APPROVAL OF MINUTES

A motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Follman, Mr. Percal

9. APPROVAL OF BILLS

A motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Follman, Mr. Percal

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary