

I. CERTIFICATION OF COMPLIANCE

Vice Chairman Banas 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 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. Banas, Mr. Percal, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Magno was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

- SD 1820** (Variance Requested)
Applicant: Congregation K’Hal Zichron Yaakov
Location: James Street, west of Hearth Court
Block 284.04 Lots 1 & 41
Minor Subdivision to create three (3) lots

A motion was made by Mr. Franklin seconded by Mr. Percal to approve.

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

Mr. Follman arrived to the meeting.

- SD 1822** (No Variance Requested)
Applicant: Yaakov Mandlebaum
Location: Northwest corner of Marlin Avenue & Salem Street
Block 1159.01 Lot 30
Minor Subdivision to create two (2) lots

A motion was made by Mr. Franklin seconded by Mr. Percal to approve.

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

Abstained: Mr. Schmuckler

3. **SD 1817** (Variance Requested)
Applicant: Berstone Group
Location: Ocean Avenue, east of Oakland Street
Block 548 Lots 31, 270 & 271
Preliminary & Final Major Subdivision to create seven (7) duplexes on fourteen (14) zero lot line lots

A motion was made by Mr. Franklin seconded by Mr. Percal to approve.

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

4. **SP 1970** (No Variance Requested)
Applicant: Abraham Newman
Location: Coleman Avenue
Block 104 Lot 24
Change of Use Site Plan from existing single family house to a dormitory

A motion was made by Mr. Franklin seconded by Mr. Percal to approve.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Follman, Mr. Percal, Mr. Schmuckler

5. NEW BUSINESS

1. **SD 1824** (Variance Requested)
Applicant: Naftuli Falk
Location: Read Place, east of Albert Avenue
Block 855.02 Lot 27
Minor Subdivision & variance to create two (2) lots

Project Description

The applicant proposes to subdivide the existing 150' X 300' tract into two (2) equal separate lots. Existing Lot 27 in Block 855.02, containing forty-five thousand square feet (45,000 SF), would be subdivided into proposed Lots 27.01 and 27.02 as designated on the subdivision plan. There is an existing dwelling on the property, which will be removed. Public water and sewer is not available. The site is situated in the south central portion of the Township on the north side of Read Place, east of its intersection with Albert Avenue. The surrounding area is predominantly single-family residential, with some vacant land. Read Place is a narrow paved road in fair condition that has an existing right-of-way width of fifty feet (50'). Curbing and sidewalk does not exist along the property frontage, but is proposed. Road widening is proposed since the existing pavement width is narrow. The existing forty-five thousand square foot (45,000 SF) property which would be subdivided

into twenty-two thousand five hundred square foot (22,500 SF) lots falls within the R-20 Single Family Residential Zone. Lot width variances are requested to create this subdivision. We have the following comments and recommendations: I. Zoning 1. The property is located within the R-20 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. 2. The applicant has requested bulk variances for lot width on proposed Lots 27.01 and 27.02. Lot widths of seventy-five feet (75') are proposed where the ordinance requires a minimum of one hundred feet (100'). 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. The Survey Certification indicates that a Survey of Lot 27 was prepared by Harry W. Mager, Jr., P.L.S., dated 8/3/11. A copy of this survey should be provided. 2. The General Notes indicate vertical elevations are based on an assumed datum. A bench mark must be provided. 3. The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The zoning schedule indicates that four (4) off-street parking spaces are required and will be provided for the proposed future dwellings. The applicant should provide testimony detailing the number of bedrooms proposed for the future dwellings. Parking must be provided to the satisfaction of the Board. 4. Testimony should be provided whether basements will be proposed for the future dwellings on proposed Lots 27.01 and 27.02. If basements are proposed, a minimum of four (4) off-street parking spaces would be required to comply with the Township Parking Ordinance. 5. If basements are proposed, seasonal high water table information will be required. The Notes on the Improvement Plan indicate seasonal high water table information will be provided with plot plan submissions. 6. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office on August 5, 2011. If approved, the map shall be signed by the tax assessor. 7. The Notes on the Improvement Plan should be labeled. 8. The Improvement Plan includes a note that private well and septic are to be provided and approved by the Ocean County Board of Health. Furthermore, proposed well and septic locations will be shown when plot plans are submitted. 9. Six foot (6') wide shade tree and utility easements dedicated to the Township are proposed along the property frontages of new Lots 27.01 and 27.02. The proposed easement areas are shown on an individual lot basis. 10. Four (4) October Glory Maple street trees are proposed along the property frontage of Lots 27.01 and 27.02. The proposed quantity in Tree List shall be corrected from three (3) to four (4). Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation on 9/23/11 indicates the rear of the property to be wooded. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 27.01 and 27.02 11. The applicant proposes to construct road widening, with curb, sidewalk, and driveway aprons along the property frontage of new Lots 27.01 and 27.02. The proposed sidewalk will be five feet (5') wide and setback two feet (2') behind the back of curb. The proposed half pavement width shall be increased to at least fifteen feet (15') and pavement widening construction details provided. 12. Existing topography and proposed curb grades will be required for the improvements along Read Place. 13. Note #4 on the Concrete Curb Detail shall be eliminated since it does not apply to curb being constructed with road widening. The pavement repair strip on the

detail shall be replaced with road widening specifications. 14. Testimony is required on the disposition of storm water from the development of proposed Lots 27.01 and 27.02. The property slopes northward away from Read Place. The Notes on the Improvement Plan state that storm water management shall be provided when plot plans are submitted. 15. Testimony should be provided on proposed site grading. No proposed grading is indicated on the plan. The Notes on the Improvement Plan indicate that proposed grading will be included on the plot plan submittals. 16. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 17. Compliance with the Map Filing Law is required.

18. Final review of construction details will be conducted during compliance if approval is given. 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 (well and septic system approvals); and e. All other required outside agency approvals.

Mr. Magno stated they are requested a variance for lot width. The zone requires 100 feet and both proposed lots are 75 feet.

Mr. Samuel Brown, Esq. on behalf of the applicant. The lots exceed the required bulk. It is a positive step for the neighborhood and this particular lot. Mr. Flannery will explain the details.

Mr. Brian Flannery, P.E., P.P. was sworn in. He stated it is a very simple subdivision and reiterated the requested width variance. We have an area map that shows the two blocks next to us and roughly half of the lots are deficient in area. The area between Pine and Oak Street, 68% of the lots are deficient in width. We are providing the area that is required. 75' foot wide lots in my opinion provide a sufficient width for the proposed use and the Board can grant a variance without any detriment to the zoning ordinance or the public good.

Mr. Brown asked Mr. Flannery to confirm that last point.

Concerning RVV's report on page two under zoning, item 1 says that it is a permitted use, item 2 indicates the variances which we have discussed. Under the review comments, we are providing four parking spaces per unit in accordance with what the Board normally wants. We do not know if there will be basements at this time and we are providing four off-street parking spaces for each lot. Comment 14 is with respect to stormwater and we will provide drywells at time of drywells at time of plot plan.

Mr. Schmuckler asked about the sidewalks being five feet wide.

Mr. Flannery stated it was correct.

Mr. Banas asked if any one from the public wished to be heard, seeing no one this portion of the application was closed.

Mr. Brown stated this will be a benefit to the area and it is better to develop the lot than have it remain in its current condition with an existing home which in very poor condition. There is no

detriment that Mr. Flannery can point to and we certainly meet the criteria for the variance. The lots are both larger than is required in the area.

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

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Follman, Mr. Percal, Mr. Schmuckler

- 2. SD 1825** (No Variance Requested)
Applicant: Yedidah Perr
Location: Fern Street, west of Warren Avenue
Block 768 Lot 77
Minor Subdivision to create two (2) lots

Project Description

The applicant proposes to subdivide the existing 100' X 150' tract into two (2) equal separate lots. Existing Lot 77 in Block 768, containing fifteen thousand square feet (15,000 SF), would be subdivided into proposed Lots 77.01 and 77.02 as designated on the subdivision plan. The property was previously cleared and is currently vacant. Public water and sewer is available. The site is situated in the central portion of the Township at the end of a tangent side cul-de-sac bulb on the north side of Fern Street, west of its intersection with Warren Avenue. The surrounding area is predominantly single-family residential, with vacant land immediately to the west. Fern Street is a new cul-de-sac that has not received top course pavement. Sidewalk does not exist along the property frontage, but is proposed. Concrete curb, potable water, sanitary sewer, and storm drainage all exist within the cul-de-sac. The existing fifteen thousand square foot (15,000 SF) property which would be subdivided into seven thousand five hundred square foot (7,500 SF) lots falls within the R-7.5 Single Family Residential Zone. No variances are requested to create this subdivision. We have the following comments and recommendations: I. Zoning 1. The property is located within the R-7.5 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. 2. No variances have been requested or appear to be required for this subdivision. II. Review Comments 1. A Boundary and Topographic Survey has been submitted for review. The survey must be revised to add potable water, sanitary sewer, and storm drainage to the cul-de-sac since the information is needed for the Improvement Plan and future plot plans. An existing utility pole on the south side of Fern Street is incorrectly shown on Lot 43.04. 2. The Survey Certification indicates the survey date to be 8/23/11. This date must be corrected. 3. The General Notes indicate vertical elevations are based on an assumed datum. The bench mark used for the survey must be provided on the Minor Subdivision. 4. The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The zoning schedule indicates that four (4) off-street parking spaces are required and will be provided for the proposed future dwellings. The applicant should provide testimony detailing the number of bedrooms proposed for the future dwellings. Parking must be provided to the satisfaction of the Board. 5. Testimony should be provided whether basements will be proposed for the future dwellings on proposed Lots 77.01 and 77.02. If basements are proposed, a minimum of four (4) off-street parking spaces would be required to comply with the Township Parking

Ordinance. 6. If basements are proposed, seasonal high water table information will be required. The Notes on the Improvement Plan indicate seasonal high water table information will be provided with plot plan submissions. 7. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. 8. The Notes on the Improvement Plan should be labeled. 9. The Improvement Plan includes a note that new lots are to be serviced by public water and sewer. The project will be serviced by New Jersey American Water Company since it is located within their franchise area. 10. Six foot (6') wide shade tree and utility easements dedicated to the Township are proposed along the property frontages of new Lots 77.01 and 77.02. The proposed easement areas are shown on an individual lot basis. 11. Three (3) October Glory Maple street trees are proposed along the property frontage of Lots 77.01 and 77.02. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation on 9/23/11 indicates the property was previously cleared and few trees exist on-site. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 77.01 and 77.02. 12. The applicant proposes to construct sidewalk and driveway aprons along the property frontage of new Lots 77.01 and 77.02. The proposed sidewalk will be five feet (5') wide and setback two feet (2') behind the back of existing curb. 13. A Note states that damaged curb to be replaced at the direction of the Township Engineer. 14. Testimony is required on the disposition of storm water from the development of proposed Lots 77.01 and 77.02. The property slopes westward toward undeveloped land. The Notes on the Improvement Plan state that storm water management shall be provided when plot plans are submitted. 15. Testimony should be provided on proposed site grading. No proposed grading is indicated on the plan. The Notes on the Improvement Plan indicate that proposed grading will be included on the plot plan submittals. 16. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 17. Compliance with the Map Filing Law is required. 18. Final review of construction details will be conducted during compliance if approval is given. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; and d. All other required outside agency approvals. New Jersey American Water Company will be responsible for water and sewer service.

Mr. Magno stated there are no variances requested.

Mr. Glenn Lines, P.E., P.P. was sworn in. Mr. Lines stated we are proposing two conforming lots. We are not requesting any variances as outlined in the review letter. We will provide a minimum of four parking spaces. We do not know if there will be basements in the house at this time. We will provide sidewalks and there are a few minor comments with regard to the survey which we will make those revisions on the plan.

Mr. Franklin asked if the street was in already.

Mr. Lines stated it was as well as the curbs and cult-de-sac.

Mr. Banas opened the microphone to the public, seeing no one from the public this portion of the meeting was closed.

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

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Follman, Mr. Percal, Mr. Schmuckler

- 3. SP 1929A** (Variance Requested)
Applicant: Bais Rivka Rochele
Location: Southeast corner of Fourth Street & Monmouth Avenue
Block 160 Lot 1, 3, 5, 6, 13, 14 & 15
Final Site Plan for proposed retail & office

Project Description

The applicant is seeking Final Major Site Plan approvals for two (2) proposed projects. Project 1 would permit the construction of a retail/office development on new Lot 1.01 and Project 2 proposes approval for an existing two-story stucco building on proposed new Lot 1.02. The overall area presently contains a fixed trailer building, two (2) one-story masonry buildings, and a two-story stucco building. All improvements are proposed to be removed except for the two-story stucco building which would remain on new Lot 1.02. The creation of proposed new Lots 1.01 and 1.02 is from a separate Minor Subdivision application SD#1753 which was approved at the same time as the Preliminary Major Site Plan. A building complex with a parking lot is proposed for Project 1. The proposed new building has frontage on Fourth Street. According to the site plan, this building proposes ground floor retail use and second floor office use. The proposed ground floor retail use will be 29,250 square feet while the second floor office use will be 16,670 square feet. A proposed ground level walkway separates the ground floor retail uses. The proposed Project 1 design is based on Steckler Street being vacated. The half right-of-way width of twenty-five feet (25') would be added to the property's three hundred foot (300') frontage along Steckler Street. Township Committee approval would be required for the street vacation. Subdivision approval was granted from this Board for the conveyance of part of old Lot 13. The existing two-story stucco building fronting Monmouth Avenue is proposed to be the subject of Project 2. It is not clear how the floor areas of the existing two-story stucco building will be utilized for Project 2. No parking is proposed for Project 2. We have the following comments and recommendations per testimony provided at the 10/4/11 Planning Board Plan Review Meeting, and comments from our initial review letter dated September 29, 2011: 1. Zoning 1. The two (2) projects are located in the B-4 Wholesale Service Zone. Retail activities and service activities are permitted in the Zone. Testimony shall be provided by the applicant's professionals regarding the proposed uses to confirm compliance with the UDO for this Zone. The Preliminary Resolution of approval requires a final site plan depicting the following: a. The proposed use for each of the buildings including the retail, office, and tenant space. b. No supermarket use. c. No medical tenants. According to the site plans, Project 1 consists of ground floor retail use and second floor office use. According to the architectural plans, Project 1 consists of ground floor retail and supermarket use, with second floor office use. The proposed use for Project 2, which is the existing two-story stucco building to remain, has not been indicated. The applicant's engineer indicates testimony will be provided regarding the proposed tenant mix. 2. A minimum lot area variance was granted by the Board for new Lot

1.02. A twenty thousand square foot (20,000 SF) lot area is required. The proposed square footage of the approved undersized 55.56' X 94.33' Lot 1.02 shall be corrected on the plans. The area of proposed Lot 1.02 should be checked, we calculate the area to be slightly larger. 3. A minimum lot width variance was granted by the Board for new Lot 1.02. A one hundred foot (100') lot width is required, whereas 55.56 feet was approved. Statements of fact. 4. A front yard setback variance was granted by the Board for new Lot 1.02. A twenty-five foot (25') front yard setback is required, whereas 7.48 feet was approved. The proposed Bulk Requirements Table should be revised accordingly. 5. A rear yard setback variance was granted by the Board for new Lot 1.02. The Zoning requires a rear yard setback of thirty feet (30'), whereas a zero foot (0') setback was approved. Statements of fact. 6. A side yard setback variance was granted by the Board for new Lot 1.02. A ten foot (10') side yard setback is required, whereas a zero foot (0') setback was approved. Statements of fact. 7. An aggregate side yard setback variance was granted by the Board for new Lot 1.02. A twenty foot (20') aggregate side yard setback is required, whereas 0.25 feet was approved. Statements of fact. 8. On the Phase 2 project, no off-street parking is proposed. The uses for the existing building have not been defined and no off-street parking calculations have been provided. Information on the proposed uses and floor areas is required in order for the Board to determine the extent of the parking variance that will be required. The Preliminary Resolution of approval requires the applicant to address parking for the building on new Lot 1.02. The applicant's engineer indicates testimony will be provided regarding the proposed use of the existing building on Lot 1.02. 9. A waiver from the provision of a shade tree and utility easement was granted by the Board for new Lot 1.02. Statement of fact. 10. A front yard setback variance is required for new Lot 1.01. A twenty-five foot (25') front yard setback is required. A zero foot (0') front yard setback is proposed on Project 1 for the portion of the proposed building fronting Fourth Street. The Board shall take action on the required variance. 11. A rear yard setback variance is required for new Lot 1.01. A thirty foot (30') rear yard setback is required. A one foot (1') rear yard setback is proposed on Project 1 for the portion of the proposed building opposite the Fourth Street frontage. The Board shall take action on the required variance. 12. A side yard setback variance is required for new Lot 1.01. A ten foot (10') side yard setback is required. A zero foot (0') side yard setback is proposed for Project 1 where the 16,335 square foot retail portion of the building abuts the neighboring existing two-story stucco building that is to remain on new Lot 1.02. The Board shall take action on the required variance. 13. An aggregate side yard setback variance is required for new Lot 1.01. A twenty foot (20') aggregate side yard setback is required. A 15.66 foot aggregate side yard setback is proposed for Project 1. This occurs where the proposed portion of the building abuts the neighboring existing two-story stucco building that is to remain and the opposite side is set 15.66 feet from the property line to be formed by the vacation of Steckler Street. The Board shall take action on the required variance. 14. A variance was granted by the Board for the proposed number of parking spaces on new Lot 1.01. On Project 1, the proposed retail use of 29,250 square feet requires one hundred forty-seven (147) parking spaces. The proposed office use of 16,670 square feet requires fifty-six (56) parking spaces. A total of two hundred three (203) spaces are required. Forty-eight (48) off-street spaces are proposed. Statements of fact. 15. The proposed configuration of Project 1 does not provide ample space for a shade tree and utility easement. The Board should consider granting a waiver from this provision for new Lot 1.01. The Board shall take action on the required design waiver. 16. The applicant must address the positive and negative criteria in support of the required outstanding 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. General Note #1 states that engineering documents for the vacation of Steckler Street were being developed by the Lakewood Township Engineering Department. However, the Preliminary Resolution of approval requires that the applicant propose to request the Lakewood Township Committee to vacate a portion of Steckler Street. The applicant shall have final approval from the Lakewood Township Committee for the vacation of Steckler Street before the Board will grant final site plan approval for the proposed developments of the subject sites. Per communications with Township officials, an Ordinance for the vacation of Steckler Street will be introduced at a meeting of the Township Committee. 2. As depicted on the current design for Project 1, a twenty-four foot (24') wide access is proposed for Steckler Street (assumed to be vacated for design purposes). A six foot (6') width of the access is proposed west of the centerline and an eighteen foot (18') width of the access is proposed east of the centerline. An additional six foot (6') wide loading area is proposed on the west side in front of building section closest to Fourth Street. This leaves a proposed sidewalk width of less than four feet (4') in front of most of the retail units. Testimony should be provided about the adequacy of this proposed pedestrian circulation. The applicant's engineer indicates that testimony will be provided to address pedestrian circulation. 3. A loading area for Project 1 is proposed in the southeast corner of the site. The loading area will accommodate three (3) trucks and a trash compactor. As required by the Preliminary Resolution of approval, testimony shall be provided on appropriate and reasonable loading to accommodate the proposed building complex. Vehicular circulation plans must be provided to confirm accessibility for the loading areas, delivery, emergency, and trash pickup vehicles that will need to access the site. The applicant should address whether what appear to be bollards are being proposed across from the loading area to protect vehicles in the future municipal parking lot. Testimony shall also be provided regarding loading, delivery, and trash pickup on Project 2 for the existing two-story stucco building to remain since no facilities are proposed. The applicant's engineer indicates that testimony will be provided to address loading at the proposed facilities. 4. For Project 1, the proposed pavement tie-in location at the southeast corner of the site does not match existing conditions. The proposed disposition of Steckler Street south of the site, if any, should also be discussed. The applicant's professionals have indicated the proposed vacation of Steckler Street will be discussed with the Lakewood Development Corporation. The proposed limits of work need to be better defined. A coordination meeting for the design of this facility and the future Steckler Street municipal parking lot will be set with our office. 5. The plans for Project 1 indicate a slight encroachment of the existing parking lot on Lot 11 owned by the Lakewood Development Corporation onto the applicant's new Lot 1.01. Since the property line is on a skew and the approved Minor Subdivision Map has not been filed, we recommend a squaring off of the property line to correct the encroachment. The applicant's professionals have indicated that testimony will be provided to address the property line encroachment along Lot 11. 6. The Demolition Plans indicate off-site items to be removed and/or relocated. An existing tree and part of an existing fence are shown to be removed from Lot 11 owned by the Lakewood Development Corporation. An existing fence on the east side of Steckler Street is shown to be relocated five feet (5') by others. Testimony shall be provided to address these issues. The applicant's engineer indicates that testimony will be provided to address all off-site improvements as they pertain to this project. The existing fence on the east side of Steckler Street will be replaced at the right-of-way line as part of the construction work associated with the municipal parking lot project. 7. The plans are proposing sidewalk to be constructed adjacent the existing parking lot curb on part of Lot 11 owned by the Lakewood Development Corporation. The applicant's professionals have indicated that testimony will be provided to address the proposed sidewalk on Lot 11. 8. The plans for Project 1 attempt to retain the bulk of

existing curb and sidewalk on the Monmouth Avenue and Fourth Street frontages. Accordingly, the following note has been added to Sheet C-03: "Curb and sidewalk along the property frontage shall be replaced to the satisfaction of the Township Engineer." However, the Preliminary Resolution of approval requires sidewalks along Fourth Street to be eleven feet (11') wide. Additional proposed sidewalk must be indicated. The plans have been revised to indicate the replacement of curb and sidewalk on the Monmouth Avenue and Fourth Street frontages. In accordance with the Preliminary Resolution of approval, a minimum proposed sidewalk width of eleven feet (11') has been designed along the Monmouth Avenue and Fourth Street frontages. A proposed sidewalk easement is required at the northwest corner of the project where the sidewalk will encroach onto the site. 9. Proposed floor area calculations must be confirmed for Project 1. Dimensions for the proposed building on Project 1 must be to the hundredth of a foot. There are building dimension discrepancies between the site plans and architectural plans for Project 1. The proposed floor area calculations and dimensions for the existing two-story stucco building to remain on Project 2 must be addressed. The applicant's engineer indicates the site plan drawings represent the maximum footprint and square footage of the proposed building for zoning purposes on Project 1. The architectural plans show a slightly smaller footprint and square footage for Project 1. Therefore, as the proposed retail and office space is leased for Project 1, minor changes to the building footprint and square footage will be necessary. However, any future changes for Project 1 cannot exceed the footprint and square footage depicted on the site plan drawings. The applicant's engineer indicates testimony will be provided regarding the proposed use of the existing building to remain on Project 2. 10. The following conditions of the Preliminary Resolution of approval must also be addressed: a. Provision of adequate traffic circulation on the site. b. No parking on Steckler Street. c. No parking on Monmouth Avenue. d. The municipal parking lot shall be complete and in operation prior to the applicant receiving final site plan approval for the proposed developments of the subject sites. The applicant's engineer indicates that testimony will be provided to address the items listed above. B. Architectural 1. New Architectural Plans for Project 1 were submitted for review. It is our understanding the proposed building complex for Project 1 will be thirty-one feet three inches (31'-3") in height. The existing two-story stucco building to remain for Project 2 will be twenty-six feet six inches (26'-6") in height. The new architectural plans for Project 1 show stairs and openings to basement areas. However, no basement floor plans have been provided. The applicant's professionals have indicated that testimony will be provided to address the basement. 2. The applicant's professionals have indicated that testimony will be provided as to whether any roof-mounted HVAC equipment is proposed for the building complex of Project 1 or the existing two-story stucco building to remain on Project 2. If so, said equipment should be adequately screened. The applicant's professionals indicate that the applicant and/or the project architect will provide testimony on proposed roof mounted equipment. 3. The applicant's professionals indicate that testimony will be provided to address the existing building for Project 2. C. Grading 1. The proposed grading and limits of improvements to the Steckler Street portion of the project, which is shown to be vacated, have been designed. Coordination with the Lakewood Development Corporation's parking lot project will be required during compliance review should final site plan approval be granted. A design coordination meeting is required, particularly with respect to grading, to prevent the applicant's contractor from having to reconstruct proposed improvements to be constructed by the Lakewood Development Corporation's contractor. 2. A final grading review will be conducted during compliance should final site plan approval be granted. Final grading will be reviewed during compliance submission should approval be granted. D. Storm Water Management

1. Testimony is required confirming private maintenance of the storm water management system for the site. The Storm Water Maintenance Manual, which was provided during the preliminary approval stage, must be revised to account for the final site plan design. Revisions should also be included to the "Corrective Response to Emergency Conditions" section. The applicant's engineer indicates additional testimony can be provided to address the maintenance of the storm water system. The applicant's engineer also indicates an updated maintenance manual will be provided upon final approval of the proposed project.

2. New storm sewer profiles should be provided for the proposed site. These profiles will be reviewed in detail during compliance should final site plan approval be granted. The applicant's engineer indicates new storm water profiles will be provided in a subsequent submission.

E. Landscaping 1. A landscaping plan for the proposed Project 1 site plan has been provided for review. Red Maples are proposed in the parking lot corners. Nine (9) English Yews are proposed in front of the retail portion of the site facing eastward. No landscaping is proposed for Project 2 involving the existing two-story stucco building to remain. The Planting Schedule proposes twenty-eight (28) English Yews which are in conflict with the nine (9) shown on the plan. The Shade Tree Commission recommended a row of spreading plantings be proposed on the north and west sides of the parking lot. However, these plantings would be located within the right-of-way. The Shade Tree Commission also recommended the increase in shade tree caliper to between 3-3.5 inches.

2. Final landscape design for both projects is subject to Board approval. The Board should provide landscaping recommendations, if any.

F. Lighting 1. A detailed revised lighting design for the proposed site plan including a point to point diagram has been provided. The comprehensive lighting plan proposes five (5) low pole mounted fixtures and twenty (20) wall mounted fixtures. A table indicating the number of each type fixture and their respective wattage is required. The lighting proposed is inadequate in some locations and must be revised as a condition of approval. The site lighting has been revised to increase light levels throughout the proposed parking and pedestrian circulation areas to acceptable levels. The revised lighting plan proposes five (5), one hundred fifty watt (150W), twelve foot (12') high pole mounted fixtures, eighteen (18), forty-two watt (42W), twelve foot (12') high wall mounted fixtures, and five (5), seventy watt (70W), twelve foot (12') high wall mounted fixtures.

2. The lighting design for the proposed site has pole mounted fixtures located within right-of-ways. Relocation of these fixtures is recommended. Potential alternate locations could be on the proposed landscape islands of the parking area. The lighting design has been reconfigured to remove all the lights from the surrounding right-of-ways. The Board should provide lighting recommendations, if any.

G. Utilities 1. A fire suppression system is proposed for the Project 1 building. Separate connections are proposed for potable water and fire protection measures. The water connections are being made on the Fourth Street side of the project. Testimony must be provided on whether there is an existing or proposed fire suppression system for the Project 2 site plan where the existing two-story stucco building will remain. Testimony should be provided regarding a fire suppression system for the building to remain.

H. Signage 1. The Project 1 Site Plan proposes wall signs, but no freestanding signage. Wall signs will be limited to sixty square feet (60 SF) which is the maximum area allowed for a building having more than sixty feet (60') of length. The architectural plans indicate proposed wall sign locations over the front and rear access points of the large store which is permitted. No dimensions or details have been provided to confirm that the signs comply with the area requirements. No signage information has been provided for the Project 2 site plan where the existing two-story stucco building will remain. The applicant's professionals indicate proposed building mounted signage will be addressed by the applicant and/or project architect.

I. Environmental 1. Tree Management Plan A Tree Management Plan has been submitted for review. All of the existing trees will be

removed. Four (4) shade trees and twenty-eight (28) shrubs are proposed to replace the existing vegetation. The number of shrubs proposed requires clarification. J. Traffic 1. A Traffic Impact Assessment for the proposed projects has not been submitted for review, and has been required by the Board as a condition of approval. The proposed development site plan will bring additional vehicular traffic to the site. The Environmental Impact Statement and Parking Assessment submitted during the preliminary approval stage, recognizes the proposed projects will depend on the construction of a new municipal parking lot to assist in providing the shortfall of off-street parking proposed. The applicant's professionals indicate that testimony will be provided to address traffic. 2. Testimony should be provided by the applicant's traffic expert as to whether any improvements are warranted for safety purposes due to the developments of the projects. Testimony will be necessary for the public hearing, at a minimum. The applicant's professionals indicate that testimony will be provided to address traffic. K. Construction Details 1. Construction details are provided with the current design submission. We recommend that final construction details be revised as necessary during compliance review, if/when these projects are approved by the Board. The construction details will be reviewed during compliance submission should site plan approval be granted. III. Regulatory Agency Approvals Outside agency approvals for these projects may include, but are not limited to the following: a. Township Committee (Street Vacation for Project 1); b. Ocean County Planning Board; c. Ocean County Soil Conservation District (Project 1); and d. All other required outside agency approvals. New Jersey American Water Company will be responsible for the construction of sanitary sewer and potable water service for the proposed projects.

Mr. Magno stated the application passed preliminary approval and at that time a number of variances were granted. Most of those variances continue and there are variances that are proposed with the final approval.

Mr. William R. Vogt, Jr., P.E. of L2A Land Design was sworn in.

Mr. Shlomo Kanerek, 137 East 8th Street was sworn in.

Mr. Steven Pfeffer, Esq. on behalf of the applicant. Mr. Pfeffer stated he sent Mr. Kiert a letter from Jan Wouters which the Board has a copy of concerning the vacation of Steckler Street. With regard to the RVV report under zoning, it is correct that at the preliminary the Board imposed certain restrictions one of which was no supermarket which we agree with but one was no medical tenants. As I mentioned at the tech meeting we have been approached by a physical therapist for the offices on the second floor and we feel that that would gentrify the area and we would request tonight besides final approval is elimination of that one condition of the preliminary, no medical tenants.

Mr. Banas stated the reason why it was eliminated was that the number of spaces that are required for parking are excessive and if you could show that there are sufficient spaces you have met your requirement.

Mr. Pfeffer stated we received, subject to finding out who the true tenants are which Rabbi Kanerek is about to testify to, preliminary approval for two stories. With regard to the tenants, we did not know what tenants we are going to have. I don't know if having an attorney or an engineer on the second floor would be different from having a physical therapist. We do have

some approval for professional offices on the second floor and if you suggest that having a medical office would generate more parking.

Mr. Banas stated that he was suggesting that but he would leave it up to the professionals.

Mr. Pfeffer asked Mr. Kanerek what definite and potential commitments you have for the first and second floor.

Mr. Kanerek stated there are six or seven stores on the first floor including a drug store, a butcher store which would like to relocate from Second Street, a fish store and a cleaner. Out of seven stores we have locked up five of them. There has only been interest in the second floor. The owner of the drug store would like a medical office upstairs as it would help his business. We are asking the Board to approve medical for the upstairs. In addition, on the original application, we had the building in the middle of the lot. All of our tenants asked if we would move the building back so they have the frontage parking off of Fourth Street.

Mr. Pfeffer reiterated his request for medical on the second floor.

Mr. Banas stated that what it amounts to is that the type of clients for the use doesn't bother me. What bothers me is we have sufficient parking spaces off the street to accommodate for each one of those. That would be the direction that we could follow with our professionals.

Mr. William Vogt entered a drawing of the preliminary approval plan as exhibit A-1 dated July 10, 2010. We eliminated the supermarket on the revised plan and kept the same building dimensions. We shifted the ground floor retail and second story office to the east against Steckler Street and provided all the parking in one area.

Mr. Pfeffer stated that the applicant agreed to eliminate the grocery store because of a competing business nearby.

With regard to page 3 dealing with the proposed tenant mix I believe Rabbi Kanerek has dealt with that issue.

Mr. William Vogt entered a drawing of the revised site plan as exhibit A-2 last revised October 24, 2011. This is a colored rendering of the most current submitted site plan to the Township. This shows the ground floor, second story office building back to the east against Steckler Street in the same configuration as the preliminary approval along with 48 off-street parking stalls to the west of the property. There is a sidewalk and entranceways into various locations of the building.

Mr. Pfeffer referred to paragraph 2 on page 3 with regard to proposed lot 1.02 being the incorrect size.

Mr. William Vogt stated he will check with the surveyor and correct that.

Mr. Pfeffer referred to paragraph 8 on page 3 and asked about the existing building on lot 1.02.

Mr. William Vogt stated this was formally lot 13 and under proposed conditions it is going to be lot 1.02. This is an existing two story building that is an antique furniture store. This building is not part of our application but there was no existing parking for that building under current conditions so it will remain the same.

Mr. Schmuckler stated that the Board asked at the tech meeting was an overall plan.

Ms. Elizabeth Dolan, P.E. was sworn in.

Mr. William Vogt entered a drawing of the overall parking exhibit as A-3 revised November 15, 2011. It is a larger scale drawing of the site plan with the surrounding properties showing parking stalls.

Mr. Banas asked how many parking spaces they need for all the various uses.

Mr. William Vogt stated 203 spaces.

Mr. Schmuckler asked if that included medical.

Mr. Kiert stated it is a different ratio for medical.

Mr. Vogt stated that they did not break it down for medical.

Mr. Jackson stated that what they need to know what the impact would be of having medical.

Mr. Banas asked if they had a medical use, how many parking spaces would be needed.

Mr. Magno stated you would need an additional 45 spaces if the second floor was all medical.

Mr. Pfeffer stated that Rabbi Kanarek would be willing to have fifty percent medical on the second floor so they would need 20 additional spaces. Concerning paragraphs 10 and 11 on page 4 of RVV's report, Mr. Pfeffer asked if those variances were a result of the engineer deeming a corner lot had different dimensions.

Mr. William Vogt confirmed.

Mr. Pfeffer asked if anything changes from the preliminary to the actual layout or it was just a question of how you deem a corner lot.

Mr. William Vogt affirmed. The only change was that this portion of the building was laid back to the zero lot line on Steckler Street.

Mr. William Vogt stated after preliminary approval they had additional landscaping on Fourth Street and the Board took it away.

Mr. Banas stated they shall grant a waiver for the landscaping later in the meeting.

Mr. Pfeffer stated that this property is the core of the UEZ master plan. We are working with Mr. Terry Vogt, who designed the adjacent parking lot.

Mr. William Vogt stated there was a comment about the four foot wide sidewalk on the rear of the property. This is going to be all the loading operations in the back. The main entrance is in the front where we are providing a six foot wide concrete sidewalk. We are reducing it in the back but it is still compliant with all ADA requirements. Mr. William Vogt talked about the loading area in the back. The trucks are going to use some of the circulation aisles on the adjacent municipal lot to back their trucks in to the loading area and if there are any cars parking there they are going to line both of those striped islands with concrete bollards as indicated on the plans. Concerning the limits of work of the application, we met with RVV and we will coordinate all the work between this project and the municipal construction. Mr. William Vogt stated he did not see any issue with squaring off the property with regard to correcting the encroachment onto the existing parking lot on lot 11. When we vacate Steckler Street we are going to shift the fence to the east at the applicant's cost and take care of any offsite improvements. If necessary we will reconstruct a portion of the sidewalk at the Township engineer's discretion.

Rabbi Kanerek stated there is a day care center, a girl's seminary and a monument store in the existing building which is going to stay the same for right now.

Mr. Pfeffer stated that there will be no basements and the HVAC will be on the roof. We are working with the UEZ engineer concerning grading.

Mr. Banas asked if they agree with everything in the report.

Mr. Pfeffer stated they were just asking for medical use and they agree with everything else on the report.

Mr. William Vogt went over the traffic circulation on the overall plan.

Mr. Percal asked if all the traffic exiting the parking lot will go into Fourth Street.

Mr. William Vogt Affirmed it is the only way in and out.

Mr. Percal said he was concerned about making a left turn onto oncoming traffic.

Ms. Dolan stated the amount of office space is somewhat limited but generally the size and placement of the office spaces is going to generate very low traffic volumes probably less than twenty trips in an hour. The retail is a little different because we do not know the exact nature of the tenants but we are in a more downtown, urban setting where we are anticipating pedestrian trips and as mentioned earlier we have a hundred space parking lot for this general area. Based on my estimation, the trip generation during the peak hours might be somewhere between sixty five and one hundred vehicles for the new retail and office combination. Typically what we see during peak hours, particularly for more convenience type retail uses, in a predominant right turn and right turn out. We do have a traffic light to help during non peak hours it is likely you will see more lefts. But because there is a traffic signal nearby that helps to get people to and from the site. They can go around the block if need be but there is an expectation of pedestrian trips and shared trips throughout the general area.

Mr. Pfeffer asked if any improvements were warranted for safety purposes due to the developments of the project.

Ms. Dolan stated Mr. Vogt went over the pedestrian circulation, the vehicular circulation, the accommodation for the delivery vehicles. I don't think we will be seeing a lot of tractor trailer deliveries, I think these will be smaller scale stores. We will probably see a lot more box trucks, UPS, FedEx, etc. In the development of the newer plan we have separated the new parking for the property so that it is completely accessible and we have sidewalks around the property to accommodate the pedestrian needs. From a geometric and a pedestrian perspective we can accommodate the anticipated activity.

Mr. Schmuckler discussed owners, doctors etc. to park in the back so the cars do not sit there all day in the main parking lot.

Mr. Percal stated there is a building going up diagonally from this property which will have several floors of retail and office space and he does not see people making a left from the parking lot.

Mr. Pfeffer stated the building Mr. Percal was referencing had problems getting tenants so they purchased the vacant lot to the west of that building to provide parking.

Mr. Percal stated he was not concerned about the parking but the traffic both of these buildings will create on Monmouth Avenue.

Ms. Dolan stated the lot onsite is geared towards the retail users and the small offices for this proposed development. The total number of vehicles that can enter and exit the parking lot closer to the intersection is limited by the size of the lot. The type of tenants and the trips are likely to be made, based on my experience, when the street is busy you're going to see a lot of right turn vehicles because people do not want to make lefts. They know there are cars waiting at a red light and they can not turn left out of the site so they can approach the site from other streets, we have a good pattern but at quieter times those lefts can be processed with no problem with the gapping and the changing of the lights.

Mr. Banas asked if they are going to have any access from Steckler Street to the parking lot.

Ms. Nolan said no. The access from Fourth Street will be vacated Steckler into the parking but there will be no vehicular access other than for delivery activity into this site.

Mr. Pfeffer stated there will be pedestrian access.

Mr. Banas opened the microphone to the public, seeing no one from the public this portion of the meeting was closed.

A motion was made by Mr. Follman, seconded by Mr. Franklin to grant waivers.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Percal, Mr. Follman, Mr. Schmuckler

Mr. Schmuckler made a motion to approve with the following conditions: Steckler Street being vacated, the parking lot onsite, the changes we discussed that the second story main access should be off of Steckler Street as well as paragraph 10C being no parking on Fourth Street instead of no parking on Monmouth Avenue. Also to approve medical use for 50% of the second floor including physical therapy, seconded by Mr. Percal.

Mr. Magno stated that we are amending the preliminary approval and granting variances based on half of the 13,670 being approved for medical so that changes the required space count. The proposed space count stays at 48. The building to remain will have zero parking spaces proposed. Being that Steckler Street is getting vacated the Township needs an easement back for access back into the municipal parking lot.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Follman, Mr. Percal, Mr. Schmuckler

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

Project Description

The applicant is seeking Amended Site Plan approval for the construction of a 128' X 216' paved parking area with storm water management system located behind the existing motorcycle dealership building. A total of one hundred forty-six (146) off-street parking spaces are proposed for the project. The existing eight-three (83) spaces in the front of the building will be reduced to eight-two (82) spaces with the creation of five (5) handicapped spaces. Sixty-four (64) spaces are proposed for the new parking area behind the building. According to the revised parking tabulation, ninety-five (95) off-street parking spaces are required. This is based on the following six (6) criteria: • One (1) space is required for every two hundred square feet (200 SF) of showroom. Since the showroom is eight thousand square feet (8,000 SF), forty (40) spaces are required. • One (1) space is required for every four (4) seats of the existing café/snack bar. Since the seating totals forty (40) seats, ten (10) spaces are required. • One (1) space is required for every two hundred square feet (200 SF) of existing sales support area. Since the sales support area is 1,880 square feet, ten (10) spaces are required. • One (1) space is required for every thousand square feet (1,000 SF) of existing service, tech, and parts storage area. Since the service, tech, and parts storage area is 11,422 square feet, twelve (12) spaces are required. • One (1) space is required for every two hundred square feet (200 SF) of existing outdoor motorcycle display area. Since the display area is about 1,480 square feet, eight (8) spaces are required. • One (1) space is required for each employee. A total of fifteen (15) employees have been estimated, thereby requiring fifteen (15) spaces. Some of the wooded area existing on the site will be removed for the proposed parking area. The property gently slopes from west to east. Additional storm water management facilities have been designed to incorporate the additional impervious area proposed for the site. Except for the adjacent site to the west, the surrounding lands and roadways are all improved. Sidewalk does not exist along the frontages because of the nature of the use which does not lend to pedestrian traffic. We have the following comments and recommendations per testimony provided at the 10/4/11

Planning Board Plan Review Meeting, and comments from our latest review letter dated September 29, 2011: I. Waivers A. The following waiver has been requested from the Land Development Checklist: 1. Submission Waiver from Checklist Requirement #21, Architectural Drawings. We support the requested waiver. There are no buildings or building additions proposed as part of this application. The Board shall take action on the requested waiver. II. Zoning 1. The site is situated within the B-5A, Highway Development Zone. New motor vehicle salesrooms are a permitted use in the zone. Statements of fact. 2. A wing of the existing building which is dedicated to retail sales encroaches into the required fifty foot (50') side yard setback. Therefore, the Zoning Requirements shall be revised to show both the existing and provided Side Yard Setback of 31.3 feet as an existing nonconforming setback. The Aggregate Side Yard Setbacks are also nonconforming and the Zoning Requirements shall be amended to show both existing and provided aggregate side yard setback of 82.2 feet (31.3 feet + 50.9 feet). The existing side yard setback and aggregate side yard setback still require revision. The provided side yard setback has been corrected to 31.3 feet. The provided aggregate side yard setback should be corrected from 82.6 feet to 82.2 feet. 3. An existing tent, which is defined as a Temporary Accessory Structure covers an outdoor patio area with seating. This structure encroaches into the required thirty foot (30') side yard setback. Therefore, the Zoning Requirements shall be revised to show both the existing and provided Side Yard Setbacks of 17.7 feet as nonconforming. An updated survey locates the tent 25.2 feet from the side property line and the edge of pavement 17.7 feet from the side property line. Accordingly, the provided accessory structure side yard setback has been revised to 25.2 feet. The existing accessory structure side yard setback of thirty-one feet (31') still requires correction. 4. No variances have been requested. Per review of the Site Plan and the zone requirements, it appears no "new" variances are required for the proposed project. A setback variance was previously granted for the free standing sign. The existing nonconforming aspects of the site plan have been mentioned above. The updated survey accurately maps the existing nonconformities. It should be noted the 2002 Site Plan Resolution did not grant any side yard setback variances for a building addition or temporary accessory structure. The applicant shall provide evidence that setback variances were previously granted for the nonconforming side yard and aggregate side yard setbacks. Unless the applicant can show previous approvals for the building addition and tent which are the cause of the nonconforming setbacks, the Board should take action on whether to grant variances for the nonconforming setbacks. 5. Per review of the site plans and application, the following design waivers are required: a. No curb and sidewalk has been proposed along any of the site frontages. b. No shade tree and utility easements have been provided along any of the site frontages. c. No shade trees have been provided along any of the site frontages. d. Any and all other design waivers deemed necessary by the Board. The Board shall take action on the required design waivers. III. Review Comments A. Site Plan/Circulation/Parking 1. General Note #13 lists a Parking Tabulation based on ordinance requirements. Testimony must be provided on the increase in the number of proposed parking spaces for the site since no alterations are proposed to the existing sales and repair facility. The number of off-street parking spaces is being increased by sixty-three (63) from eighty-three (83) to one hundred forty-six (146). Parking calculations have been revised on the Vicinity Plan & Project Data plan, which is sheet 1 of 4. The parking requirement allocation for the existing facility has been revised to be greater than the parking existing on site. The applicant's engineer should testify how the additional parking area meets the new demand. 2. Testimony must be provided on additional anticipated site traffic from the increase in the number of parking spaces. A summary traffic report may be necessary. The applicant's engineer indicates that testimony shall be provided on additional anticipated site traffic. 3. Testimony should be

provided by the applicant's professionals as to existing and proposed site operations. General Note #14 lists the existing dealership's hours of operation. The applicant's engineer indicates that testimony shall be provided on site operations. 4. The site plan shows existing dumpsters to be relocated. The dumpsters will be enclosed by a six foot (6') masonry block wall to match the building and a self closing chain link gate. Unless waived by the Board, all relocated dumpsters shall be landscaped screened and designed in accordance with Section 18-809.E., of the UDO. Construction details have been provided. No additional landscaping is proposed. Therefore, a waiver from landscape screening shall be acted upon by the Board. 5. The site plan shows three (3) existing equipment containers to remain and one (1) relocated equipment container. The applicant's professionals indicate the equipment containers are utilized by the owner for storage purposes including snow clearing equipment, special events equipment, and promotional items. Furthermore, one (1) of the containers on-site is used for charitable blood donation drives. Testimony should be provided at the public hearing on the use of the containers. Screening of the containers should be considered. No additional landscaping is proposed to screen the containers. Testimony should be provided on the use of the containers.

B. Architectural 1. No architectural drawings have been provided since the project does not involve any buildings. Statement of fact. C. Grading 1. Per review of the proposed grading plan, the design concept is feasible. Final grading can be addressed during compliance review if/when approval is granted. Final grading will be reviewed during compliance submission should approval be granted. D. Storm Water Management 1. A Storm Water Management Facilities Maintenance Plan must be provided. Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. The Storm Water Management Facilities Maintenance Plan has been included as an appendix in the submitted revised Storm Water Management Report. The Plan confirms the applicant will be the responsible party for the operation and maintenance of the proposed storm water management system. The Maintenance Plan will be reviewed in detail during compliance submission should approval be granted. E. Landscaping 1. A Landscaping Plan has not been provided and is required unless a waiver is granted by the Board. A waiver has been requested from the submission of a Landscape Plan. 2. We recommend landscape islands be proposed in the paved parking area to breakup the expanse of asphalt, protect site lighting poles, and improve aesthetics. The applicant's professionals cite cost as the reason no landscape islands are proposed. 3. Landscape screening is required around the proposed dumpster enclosure and recommended around the equipment containers. The applicant is requesting that no landscape screening be required. F. Lighting 1. A supplemental lighting plan has been provided. Three (3) proposed lighting fixtures are shown within the paved parking area and another proposed lighting fixture shown in the vicinity of the dumpster. Lighting information includes a point to point diagram to evaluate the proposed site lighting. Details are required to complete the lighting plan which must be added to the set of drawings. A revised Lighting Plan has been submitted. Only two (2) proposed twenty-five foot (25') high lighting fixtures are shown as the applicant's professionals indicate the lights will be for security purposes and this rear parking lot will be closed after dark. Therefore, the point to point diagram indicates the proposed lighting will be deficient with respect to the ordinance requirements. Construction details for proposed lighting will be reviewed during compliance submission should site plan approval be granted. 2. The overall lighting design is subject to review and approval by the Board. The Board should provide lighting recommendations, if any. G. Utilities 1. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. The site plan shows existing public water and sewer services. Testimony should be provided that no further extension of the existing water and sewer services are required for this project. The applicant's engineer

indicates that testimony shall be provided on utilities. H. Signage 1. No proposed signage information is provided. However, the site previously received a setback variance for the existing free standing sign. A full signage package for any new free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. The applicant's engineer indicates that no new signage is proposed. I. Environmental 1. A Tree Protection Management Plan has been provided. Revisions to the plan are necessary which we can review with the applicant's engineer. Since the project is commercial, it is our interpretation based on the current plan that the applicant shall either pay a fee of \$1,572.00 based on 0.786 acres of clearing, or plant four (4) replacement trees of two inch (2") diameter or greater based on four (4) trees per acre. The applicant's engineer indicates that the applicant will either pay the required fee or plant the required amount of trees. J. Construction Details 1. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is approved. The applicant's engineer agrees that details shall be revised as necessary during compliance review. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance (as applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. New Jersey Department of Transportation (if applicable); and f. All other required outside agency approvals.

Mr. Jackson stated there was an issue with the notice and the application will have to be rescheduled for November 29, 2011.

Mr. Liston, Esq. confirmed they will re-notice.

Mr. Kielt stated there was enough time to get it in the paper and send the notices.

A motion was made to by Mr. Follman, seconded by Mr. Rennert to carry this application to the November 29, 2011 Planning Board meeting.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Follman, Mr. Percal, Mr. Schmuckler

5. **SP 1964** (Variance Requested)
Applicant: Sprint Spectrum
Location: Northwest corner of Airport Road & Oak Street
Block 1160 Lot 269.01
Preliminary & Final Site Plan for proposed wireless telecom facility mounted on existing water tower

Project Description

The applicant is Sprint Spectrum, L.P., with mailing address of 1 International Boulevard, Suite #800, Mahwah, New Jersey 07495. The applicant proposes to install twelve (12); four foot (4') tall wireless telecommunications antennas mounted on the side of a new water tank at a

maximum height of one hundred thirty-three feet (133') above grade level. The new water tower is almost one hundred fifty feet (150') tall and is owned by the Lakewood Township Municipal Utilities Authority. In addition, approval for the placement of related equipment cabinets in a 20' X 30' lease area at the base of the tank is also required. The construction of this wireless communications facility is to support mobile phone services. The proposed wireless communications facility is not intended for human occupancy and will be visited once every four (4) to six (6) weeks for routine maintenance. Therefore, the communications facility does not require any parking for employees. In addition, the wireless facility does not require potable water and will not produce sewage. Furthermore, the nature of the wireless facility requires specialized trained technicians and is exempt from ADA compliance. We have the following comments and recommendations per testimony provided at the 10/4/11 Planning Board Plan Review Meeting, and comments from our initial review letter dated September 22, 2011. I. Zoning 1. The site is situated within the M-1, Industrial Zone. Wireless Telecommunications Towers and Antennas shall be permitted subject to meeting the conditions of Section 18-1012 of the UDO. Testimony shall be provided on the meeting of these conditions. The applicant's professionals should provide testimony on the project. 2. A side yard setback variance has been requested for the project. A minimum side yard setback of thirty feet (30') is required. A side yard setback of 27'-1" is proposed to the compound. The Board shall take action on the requested side yard setback variance. 3. Per review of the site plans and application, the following design waivers are required: • Providing a Landscape Plan (Section 18-803). • Providing Storm Water Management (Section 18-815). • Providing sidewalk along the site frontage (Subsection 18-814.M.). • Providing a shade tree and utility easement along the site frontage. • Providing shade trees along the site frontage. • Any and all other design waivers deemed necessary by the Board. The applicant shall provide testimony on the required design waivers, particularly with regard to storm water management since the site plan proposes additional site access to proposed and future facilities. The Board shall take action on the required design waivers. 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 survey and base map used for the project was undertaken prior to completion of construction on the new tank site, as evidenced by the noted dirt stockpile. Therefore, the existing conditions are not properly shown and affect the proposed design submitted. An updated survey and base map is required. Based on our site investigation conducted on 9/21/11, the tank site is complete, but has yet to receive final stabilization. Accordingly, the following corrections are warranted: a. New perimeter fencing with a swing gate shall be added. b. New site access shall be added including on-site asphalt driveways with concrete apron. c. Hydrants, water valves, and electrical facilities shall be added. d. New topography is required. The bulk of the site slopes toward the existing woods located off-site to the west. The site survey supplied showed the existing site conditions while the tank site was under construction. The applicant has agreed to update the property survey and modify the site plan accordingly. The updating of the survey and modification of the site plan may be conditions of site plan approval which can be reviewed during compliance submission. 2. The application proposes the construction of a wireless communications facility to support the mobile phone services provided by Sprint. The proposed location of the compound and equipment cabinets for the carrier at the base of the structure is depicted. The locations of the equipment areas for three (3) other future carriers are also depicted. The applicant's engineer should provide testimony on the facilities being constructed for this

application. The plans depict all fencing and access to be constructed, but must be revised since new perimeter fencing has been constructed at the site. The design of the proposed facilities can be finalized during compliance submission based on an updated survey. 3. Similar to the previous comment, the applicant's engineer should provide testimony regarding any existing subsurface utilities in the area, such as those serving the other wireless carriers. Any potential conflicts with the proposed subsurface electric and Telco must be addressed. In addition, recently constructed water and electric lines associated with the new tank must be added. The applicant's professionals indicate that testimony will be provided. 4. A separation distance of ninety feet (90') is shown to the existing water tank scheduled to be removed from adjoining Lot 267. It should be noted the distance is shown from the column of the new structure and not the elevated tank portion. Statements of fact. 5. Names of all property owners within two hundred feet (200') of the subject site are shown on Sheet Z2. The overlay of the site boundary must be corrected to assure the notification radius is accurate. We have confirmed with the applicant's professionals that the notification radius will not be impacted by the correcting of the overlay. 6. Our office has reviewed the provided Antenna Site FCC RF Compliance Assessment and Report provided by Pinnacle Telecom Group. Our office has no objection to the report's conclusion that the proposed installation is in compliance with the Maximum Permissible Exposure (MPE) limits of both the FCC and the State of New Jersey. Statements of fact. 7. The proposed rear yard distances to the compound and equipment are reversed and should be corrected. The applicant's professionals have agreed to make the correction. 8. An undefined temporary construction easement area is shown in a wooded area west of the site. Testimony should be provided on the disposition of this easement since it may impact the site plan approval and required regulatory approvals. The temporary construction easement was granted to the LTMUA for the construction of the new water tank. The applicant does not have the right to the temporary easement and will not use this temporary easement. 9. A note indicated that Lakewood Township will have access to the main wireless communication compound gate should be clarified. Sprint is the lessee to the Lakewood Township Municipal Utilities Authority. It is not clear whether the Township, LTMUA, or both will have access. 10. The symbols in the Legend are not consistent with the Site Plan. Any symbols requiring correction will be addressed during compliance submission. 11. It should be noted there is no existing sidewalk along the frontages of properties in proximity to this site. Therefore, there is a basis for granting the waiver from providing sidewalk along the site frontage. B. Grading 1. A grading plan is provided. However, the proposed grading plan requires revision since it is based on an out of date topography. Final grading can be addressed during compliance review, if/when approval is granted. The grading is based on a plan supplied by the LTMUA. Adjustments can be made during compliance submission based on an updated survey. C. Storm Water Management 1. A waiver has been requested from providing Storm Water Management Facilities. However, additional impervious coverage is proposed for the site development. The applicant's professionals have confirmed that crushed gravel will be proposed in the compound and the access drive area. Virtually no additional impervious coverage is proposed for the site development. Therefore, we support the waiver requested from providing Storm Water Management Facilities. D. Landscaping 1. No landscaping work is proposed and a waiver has been requested from providing a Landscape Plan. The Board may waive landscaping requirements at their discretion. The applicant's professionals should provide testimony regarding whether or not landscaping is appropriate. The applicant's professionals indicate that landscaping was not proposed because the LTMUA project designed the site landscaping which has been installed by the LTMUA contractor. Therefore, we can support the waivers from providing a Landscape Plan, shade trees, and a shade tree and utility easement

along the site frontage. However, the site plan should be revised to relocate existing landscaping which will be disturbed by the proposed site improvements. E. Lighting 1. We note two (2) proposed floodlights atop the PPC. No other proposed lighting has been observed. Testimony on the adequacy of the lighting should be demonstrated. The applicant's professionals indicate that testimony will be provided on lighting. F. Utilities 1. The applicant's professionals should provide brief testimony regarding the routing of utilities to the proposed installation and the potential for conflict with existing improvements. The applicant's professionals indicate that testimony will be provided on utilities. G. Signage 1. An emergency sign with an "800" contact number is proposed to be mounted on the exterior side of the chain link fence. No other signage information is provided. Statements of fact. H. Environmental 1. No environmental impacts are expected or proposed beyond the de minimus impact of radiofrequency (RF) levels addressed in the Compliance Assessment and Report. Statement of fact. I. Construction Details 1. Construction details are provided on Sheets Z5 - Z7 of the plans. Statement of fact. 2. The Gravel Access Drive Detail shall have processed quarry gravel over dense graded aggregate base "course". The applicant agrees to supply the requested information as part of site plan compliance. 3. The Asphalt Pavement Detail should include a Bituminous Stabilized Base Course layer. The Dense Graded Aggregate Base Course thickness may be reduced with the addition of a Bituminous Stabilized Base Course layer. The applicant agrees to supply the requested information as part of site plan compliance. 4. The Depressed Concrete Curb Detail must be corrected. A view showing the method of depression should be added. The applicant agrees to supply the requested information as part of site plan compliance. 5. Construction details of full height Concrete Vertical Curb must be added. The applicant agrees to supply the requested information as part of site plan compliance. 6. Final review of construction details can take place during compliance should site plan approval be granted. Statement of fact. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Lakewood Township Industrial Commission; b. Lakewood Township Municipal Utilities Authority (lessor); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; and e. All other required outside agency approvals.

Mr. Magno stated there is a new water tower being constructed in the industrial park. This application is probably the first of others that will come in for the cellular use of the water tower. They are putting a number of structures on it for Sprint and there is a variance required for side yard setback. There are a number of waivers that are required including the landscaping, stormwater management, sidewalk along the site frontage, providing shade trees and shade tree utility easements.

Mr. Greg Meese, Esq. on behalf of the applicant. Concerning the sideyard variance, the plans shows that as a variance but the Board should note that it is required to be twenty feet, the dimensions show seventeen feet and change. It is actually to an internal fence around the Sprint equipment and if you measure from the property line to the equipment itself it exceeds the twenty foot sideyard setback requirement. Since the whole property is surrounded by a fence it would seem that that is not really a variance but we have noticed it on the plan and the public. Sprint was a winner of a bid by the Lakewood MUA and we are proposing to attach twelve antennas to the new water tank and to install four equipment cabinets at the base of the water tank. The twelve panel antennas will be flush mounted to the side of the water tank, painted to match.

Mr. Banas asked if there were any issues with the engineer's report.

Mr. Meese, Esq. said they had none.

Mr. Banas opened the microphone to the public, seeing no one from the public this portion of the meeting was closed.

A motion was made by Mr. Percal, seconded by Mr. Follman to approve the application.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Follman, Mr. Percal, Mr. Schmuckler

- 6. SP 1966** (No Variance Requested)
Applicant: Malcom Smith
Location: Chambers Bridge Rd, South of Ocean Ave (Rte 88)
Block 669 Lots 90 & 101
Preliminary & Final Site Plan for proposed used car dealer & warehouse

Project Description

The applicant is seeking Preliminary and Final Major Site Plan approval. The subject property is known and designated as Lots 90 and 101 in Block 669. As calculated by the most recent survey of the property, the area equals 3.06 acres. Lot 90 is mostly wooded and vacant with some freshwater wetlands. Lot 101 is currently developed with a 2,409 square foot office building and parking lot. It is intended to maintain the existing building for use as a used car lot sales office on Lot 101 and construct a six thousand square foot (6,000 SF) warehouse on Lot 90 at the rear of the existing parking lot on Lot 101. The applicant has indicated a transfer permit was received from the Township to convert the existing building, which was a bank, to an office for used car sales. Therefore, the subject of this application is mainly the construction of the warehouse and its associated increase in impervious area. Accordingly, a recharge basin has been designed to mitigate the increase in storm water flows. We have the following comments and recommendations per testimony provided at the 10/4/11 Planning Board Plan Review Meeting, and comments from our initial review letter dated September 27, 2011: I. Waivers A. The following waivers have been requested or are required from the Land Development Checklist: 1. B2 – Topography within 200 feet thereof. 2. B4 – Contours of the area within 200 feet of the site boundaries. 3. B10 – Man-made features within 200 feet thereof. 4. C13 – Environmental Impact Statement. 5. C14 – Tree Protection Management Plan. The Site Plan does not show topography within two hundred feet (200') of the site. The indicated reason for a waiver request on "B-Site Features" is that it would not impact the design. Waivers have been requested from the Environmental Impact Statement and a Tree Protection Management Plan. We support the "B-Site Features" requested waivers. However, a summary EIS should be provided addressing Groundwater Contamination Areas which are mapped for the site, as well as wetlands and transition area impacts on the proposed site design. The existing property is partially wooded. We can support the granting of the requested waiver from C14, provided there is an agreement to comply with the Township's Tree Ordinance as a condition of approval. The Board granted the "Site Features" waivers. A summary Environmental Impact Statement has been submitted. A Tree Protection Management

Plan will be a condition of approval should site plan approval be granted. II. Zoning 1. The site is situated within the B-4, Wholesale Service Zone. Per Section 18-903D.1.c. & e., of the UDO, under "permitted uses" in the B-4 zone cites wholesale, storage, and warehousing facilities, as well as new or used car lots. Statements of fact. 2. No variances have been requested. Per review of the Site Plan and the zone requirements, it appears no variances are required for the proposed project. Confirming testimony should be provided. 3. Per review of the site plans and application, the following design waivers appear to be required: • A design waiver is required to permit the proposed gravel vehicle area with timber curb. Asphalt and concrete curb are required per Township Ordinance. • A design waiver has been requested from providing a fence around the recharge basin. Fencing is required for Township maintained basins. The applicant's professionals shall provide testimony on the proposed basin ownership. • Providing shade trees along the project frontage. An existing ten foot (10') wide shade tree easement is shown along the project frontage. An existing twenty foot (20') wide sanitary sewer easement along the project frontage overlaps the shade tree easement. Therefore, shade trees may not be planted within the easement because of the sanitary sewer. • Any and all other design waivers deemed necessary by the Board. The applicant's professionals have indicated that the proposed recharge basin will be owned and maintained by the applicant. Testimony should be provided regarding the design waivers and the Board shall take action on the design waivers. 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. III. Review Comments A. Site Plan/Circulation/Parking 1. We recommend the consolidation of existing Lots 90 and 101 be made a condition of site plan approval. The applicant's engineer indicates a deed of consolidation will be provided for Lots 90 & 101 as a condition of approval. 2. The General Notes indicate that the base map is based on a plan prepared by Bernard M. Collins Surveying, Inc., entitled "Map of Survey", dated February 9, 2011. A copy of this survey shall be submitted. A copy of the survey is included in this submission. The General Notes have been revised to reflect the latest revision date on the survey. 3. A freshwater wetlands delineation line shows on the site plan which was field delineated on February 24, 2011. The line has yet to be verified by the New Jersey Department of Environmental Protection. A fifty foot (50') wetlands transition area has also been indicated. The proposed site plan relies on transition area reduction and compensation for approval of the current layout. Survey information must be added to the site plan for the proposed regulatory restriction lines. A Transition Area Inset has been provided on the revised Site Layout Plan. A north arrow and outbound information shall be added to the Inset. Survey information provided for the proposed transition area boundary requires correction and should read in a clockwise direction. 4. A substantial portion of the proposed recharge basin is located within an Ocean County Utilities Authority easement. Accordingly, approval will be required from the Ocean County Utilities Authority. The Ocean County Utilities Authority has consented to construction of a portion of a proposed recharge basin partially within their easement. The required Consent to Use Agreement with the Ocean County Utilities Authority must be finalized. 5. Testimony should be provided on loading/unloading of vehicles and the use of the proposed gravel vehicle area and warehouse. The applicant's professionals indicate that testimony will be provided regarding the loading and unloading of vehicles and the use

of the proposed gravel vehicle area and warehouse. 6. A 10' X 15' refuse area is proposed on-site. Construction details with dimensions have been provided. Testimony is required regarding the adequacy of the refuse area. Should Township collection be proposed, approval will be required from the Department of Public Works. The refuse area should be designed in accordance with Section 18-809.E., of the UDO. A General Note on the revised plans indicates that refuse pick-up shall be private. Landscape screening should be provided around the outside of the enclosure. B. Architectural 1. The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. The applicant's professionals indicate that testimony will be provided regarding building façade, colors, and materials. 2. Testimony should be provided as to whether any utilities are proposed for the warehouse. The elevation notes a clear span interior. The applicant's professionals indicate that testimony will be provided regarding utility services to the proposed warehouse. C. Grading 1. Per review of the proposed grading plan, the design concept is feasible. Final grading can be addressed during compliance review if/when approval is granted. Final grading will be reviewed during compliance submission should approval be granted. D. Storm Water Management 1. An existing Type "B" Inlet frame and grate will be replaced with a proposed Type "E" Inlet frame and grate where the existing curb will be removed to access the proposed warehouse building in the rear of the site. The existing fifteen inch reinforced concrete pipe (15" RCP) for drainage will remain intact. The existing twenty foot (20') wide drainage easement across Lot 90 can be abandoned with a Lot Consolidation for the project. Testimony should be provided on the abandonment of the existing drainage easement. It is anticipated the existing and proposed storm water management systems will be owned and maintained by the applicant. 2. Soil test pits are required to demonstrate that a two foot (2') vertical separation between the proposed bottom of the storm water management basin and the seasonal high water table is maintained. Permeability test results are required to justify the recharge calculations used for the project. The required test pit and soil permeability test was performed to confirm the elevation of seasonal high water table and recharge capabilities of the storm water management basin. The location of the test pit shall be added to the plans. 3. Since the project is not classified as major development, a Storm Water Management Operations & Maintenance Manual is not required. Testimony should be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. The applicant's engineer indicates the applicant will assume responsibility for the maintenance and operation of the proposed basin. Confirming testimony should be provided on the ownership and maintenance of other existing and proposed storm water management facilities on-site. E. Landscaping 1. The applicant has not provided shade trees along the property frontage. A waiver has been requested from this requirement. The applicant's engineer indicates a waiver has been requested from planting shade trees along the site frontage due to the existence of a sanitary sewer easement. 2. The overall landscape design is subject to review and approval by the Board. The Board should provide landscaping recommendations, if any. The applicant should also comply with recommendations from the Lakewood Shade Tree Commission as practical. F. Lighting 1. The project contains existing site lighting. It is not clear what alterations to the existing site lighting are proposed. Testimony should be provided on the adequacy of existing site lighting. The applicant's engineer indicates the existing site lighting is intended to be maintained.

Other than a proposed light fixture over the man-door on the proposed warehouse, no other site lighting is proposed. The adequacy of site lighting must still be addressed. 2. A wall mounted light fixture is proposed over the man door of the warehouse, presumably for security purposes. No other lighting is proposed for the warehouse portion of the site plan. Testimony should be provided on proposed site lighting. The applicant's professionals indicate testimony will be provided regarding site lighting. G. Utilities

1. Public water and sewer approvals are required from the Lakewood Township Municipal Utilities Authority since the project is within their franchise area. The applicant's engineer indicates the project has received tentative technical approval from the LTMUA. Final approval is pending submission of the required deeds and developer agreements. 2. An existing twelve inch (12") water main is being extended across the frontage of the proposed project from an existing main terminating in front of Lot 100 which is immediately to the north of the site. A water service line is proposed for the existing building and a proposed stub for a future connection. Testimony should be provided as to whether the proposed stub will service the warehouse at some future time. The applicant's engineer indicates the applicant intends to service the warehouse at some point in the future and will provide testimony. 3. Testimony should be provided as to whether any existing wells or septic systems will be abandoned on the site. If so, approval will be required by the Ocean County Board of Health. The applicant's engineer indicates the appropriate protocols for the removal and abandonment of the existing septic system will be followed once the connection is made to the public sewer system. Once the water service line is connected to the public water supply system, the well will be disconnected from the building. However, the well will be maintained for irrigation purposes only. H. Signage 1. No signage information has been provided for the project. A full signage package for any free-standing and/or building-mounted signage identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. The existing free-standing sign is shown to remain. A detail of the sign has been added to the plans. The sign is nonconforming and zoning data must be added to the plans. I. Environmental 1. Site Description Per review of NJDEP Geographic Information System (NJDEP-GIS) mapping, the property is situated within a mapped groundwater Classification Exception Area (CEA). A CEA is an institutional control that identifies environmental requirements that must be adhered to in developing and occupying known contaminated areas.

We recommend that the a copy of the CEA be obtained and provided for review as a condition of Planning Board approval, if/when forthcoming, to ensure that the proposed improvements are performed in accordance with CEA requirements. A copy of the CEA Status Reports has been included as Addendum A in the Limited Environmental Impact Statement submitted. The Biennial Certification was transmitted to the applicant on September 16, 2011. 2. Environmental Impact Statement No Environmental Impact Statement (EIS) was submitted for the project and a waiver has been requested. At a minimum, we recommend the applicant's professionals provide a summary EIS addressing Groundwater Contamination Areas which are mapped for the site, as well as wetlands and transition area impacts on the proposed site design. A Limited Environmental Impact Statement has been provided addressing the Groundwater Contamination Areas, as well as wetlands and transition area impacts on the proposed site design. 3. Tree Protection Management Plan A waiver is required from the submission of a Tree Protection Management Plan. The existing property is partially wooded. We can support the granting of the requested waiver only from a site plan

completion standpoint. A Tree Protection Management Plan must be provided as a condition of approval to comply with the Township's Tree Ordinance. It was agreed that a Tree Protection Management Plan is required as a condition of approval. J. Construction Details 1. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is approved. The construction details will be reviewed during compliance submission should site plan approval be granted. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance (as applicable); c. Lakewood Fire District; d. Lakewood Township Municipal Utilities Authority (water and sewer); e. Ocean County Utilities Authority; f. Ocean County Board of Health (for well and septic removal, if applicable); g. Ocean County Planning Board; h. Ocean County Soil Conservation District; i. NJDEP (Freshwater Wetlands); j. NJDEP (Transition Area Waiver); and k. All other required outside agency approvals.

Mr. Magno stated there were no variances proposed. At the last meeting some waivers were approved. Design waivers will have to be approved tonight including the proposing gravel vehicle parking area with timber curb as apposed to asphalt and concrete curb. The fence for the recharge basin will no longer exist because they indicate on the plans that they will own and maintain the basin. It will not go to the Township. The last item has to do with providing shade trees along the frontage and the reason they are not doing that is because their existing shade tree easement overlaps the sanitary sewer easement.

Mr. John Novak, Esq. on behalf of the applicant.

Mr. Malcom D. Smith was sworn in. He stated his operation will be moved from Denby Avenue to this location. He will use the area to store boats and antique automobiles. The multiple operations he has on Denby will be consolidated to this one location. Mr. Smith will be the only one working at this location.

Mr. Novak stated the design waivers, particularly the gravel vehicle area. There is an existing site that was approved by this Board and developed by the previous owner and then left abandoned.

Mr. Smith stated he will be the only one using it to bring the boat in, turn it around and store it in the building. It will not be a public area and there will be no receiving or shipments in this area. He will own and maintain the recharge basin. There will only be maintenance as far as cleaning and waxing of the boats. All oil changes and mechanical work will be done at a different location.

Mr. Jason Fichter, P.E. was sworn in. There are two lots which will be merged of about three acres. Towards Chambersbridge Road there is a 2,400 square foot single story building that was previously abandoned and surrounding that there is parking and traffic circulation. The driveway is one way in and one way out. This application proposes no

changes to the front of the site except to widen a portion of the driveway going around the back of the building. The large undeveloped area towards the back of the property is where this proposed 6,000 square foot warehouse will go. In front of the warehouse is a gravel area. This is where the vehicles will make their maneuvers. In terms of stormwater management, since only a portion of the property is being developed, they created a recharge basin so when there is a rainstorm we have graded the site so this developed area only will drain into that recharge basin. The depth of the basin is three and a half feet, the water depth during the hundred year storm will be three feet. We are asking for a fence waiver because the water can only even in a hundred year storm event be three feet deep. The slope on the side of the basin is mellow. It will blend into this area. The basin is surrounded by an existing wooded area. There are no residential developments nearby and it is setback from the road so we believe a fence is not necessary here. In terms of utilities, Mr. Smith is looking only for electric and gas. This building will not be served by water and sewer but the site will be.

Mr. Smith stated he would like a little bit of exterior lighting at night for security purposes which the front building currently has. There will be no one on the property at night.

Mr. Banas asked if there are any items listed by the engineer that are not acceptable.

Mr. Fichter stated they are requesting a waiver for the shade trees along the property frontage. We are requested that because there are conflicts with the existing utilities.

A motion was made by Mr. Follman, seconded by Mr. Schmuckler to approve the requested waivers.

Mr. Banas opened the microphone to the public, seeing no one from the public this portion of the meeting was closed.

A motion was made by Mr. Follman, seconded by Mr. Percal to approve.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Follman, Mr. Percal, Mr. Schmuckler

- 7. SP 1967** (Variance Requested)
Applicant: New Hampshire Ave., LLC (Pine Belt Chrysler)
Location: Northeast corner of New Hampshire Ave & Ocean Ave (Rte 88)
Block 189.03 Lot 91.01
Preliminary & Final Site Plan for proposed automobile dealership

Project Description

The applicant is seeking Preliminary and Final Major Site Plan approval. The applicant proposes to construct a 58,648 square foot automobile dealership building surrounded by two hundred thirty (230) off-street parking spaces and a storm water management system consisting of underground recharge. The site is located in the northeastern portion of the Township, at the northeast corner of the intersection of Route 88 and New Hampshire Avenue. Route 88 is a State Highway and New Hampshire Avenue is a County Road. Highway access to the site is to

be provided at three (3) points. A right turns “in”, right turns “out” driveway is proposed in the southeast corner of the site along Route 88. Another right turns “in”, right turns “out” driveway is proposed for the approximate center of the project frontage along New Hampshire Avenue. A two-way driveway is proposed in the northwest corner of the tract along New Hampshire Avenue. A vehicular connection is also proposed with the Pine Belt Chevrolet site to the east, which will eliminate parking spaces on the neighboring site. We have the following comments and recommendations per testimony provided at the 10/4/11 Planning Board Plan Review Meeting, and comments from our initial review letter dated September 26, 2011: I. Zoning 1. The site is situated within the B-4, Wholesale Service Zone. Per Section 18-903D.1.e., of the UDO, under “permitted uses” in the B-4 zone cites new or used car lots. Statements of fact. 2. Per the revised plan submission, the following free-standing sign variances are requested: • Number of Signs – maximum of one (1) permitted, two (2) proposed. • Area of Each Sign Face – maximum of fifty square feet (50 SF) allowed, 98.4 square feet proposed for the monument sign and 152.2 square feet proposed for the pylon sign. • Sign Height – maximum of eighteen feet (18’) permitted, thirty-five feet (35’) proposed for the pylon sign. 3. The architectural plans indicate wall mounted signage on the proposed building. Testimony is required on the compliance of the proposed wall mounted signage. Variances may be necessary. The revised architectural plans clarify the proposed wall mounted signage. A variance is required for the proposed wall mounted signage on the front elevation of the building. Six (6) separate wall mounted signs totaling 350.3 square feet are proposed on the front elevation of the building. A permitted signage area of sixty square feet (60 SF) per building face is allowed. 4. We calculate the revised architectural plans propose a gross floor area of 58,648 square feet, which requires two hundred ninety-three (293) parking spaces. The proposed two hundred thirty (230) spaces have been based on just the first floor area of the proposed building. Therefore, a variance is required for the number of off-street parking spaces. It should be noted that the twelve thousand eight hundred square foot (12,800 SF) second floor area shown on the architectural plans is only for parts and storage. 5. Per review of the site plans and application, the following design waivers appear to be required: • Providing parking facilities closer than twenty feet (20’) from the street line (Subsection 18-807.C.6.). The nearest proposed parking facility to the street line is ten feet (10’). • Providing concrete sidewalk along the project frontage (Subsection 18-814.M.). It should be noted there is no existing concrete sidewalk along the frontages of the adjoining sites to connect to. • Providing a shade tree and utility easement along the project frontage. Shade trees are proposed along the project frontage within what is usually the area for the easement. • Any and all other design waivers deemed necessary by the Board. The Board shall take action on the required design waivers. 6. The applicant must address the positive and negative criteria in support of the required variances and design waivers. 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 B-4 Zone Requirements shown on the Cover Sheet must be corrected. Our review of the project to the correct design regulations indicates no setback variances will be required. Based on the revised architectural plans, new corrections are necessary to the B-4 Zone Requirements shown on the Cover Sheet. The Note with the single asterisk shall be removed since it does not apply. 2. The proposed building square footage must be provided to verify the Parking Requirements. The proposed building square footage provided on the site plan does not include the parts and storage area of the second floor. Therefore, a variance is required for the proposed number of parking spaces. 3. Our review indicates there are two hundred thirty (230) proposed parking spaces on-site, four (4) of which are van

accessible handicapped spaces. The proposed number of handicapped spaces must be increased. Many of the proposed parking rows have the wrong space count, which must be corrected. The space counts in the proposed parking rows have been corrected. However, the proposed number of handicapped spaces must still be increased. 4. A vehicular access connection is proposed to the neighboring Pine Belt Chevrolet site to the east. The associated off-site construction work will eliminate a number of existing off-street parking spaces from the Pine Belt Chevrolet site. No information has been provided on how the space reduction would impact the adjoining project. At a minimum, testimony will be required from the applicant's professionals. A note has been added to the revised plans that the sixteen (16) existing parking spaces on the adjacent Pine Belt Chevrolet site shall be removed. The note also states that per prior approval, one hundred thirty-six (136) spaces were required, which is greater than the one hundred eighty (180) parking spaces to remain. 5. A waste oil/fluids enclosure is proposed at the northeast corner of the building on the architectural plans, which is not shown on the site plan. There is also a building jog on the west side of the proposed building which is indicated on the architectural plans, but not the site plans. Drawing coordination is required. The architectural plans have been revised to coordinate with the site plans. The proposed waste oil/fluids enclosure at the northeast corner of the building has been setback to be within the building footprint. 6. Testimony should be provided by the applicant's professionals as to proposed site operations. The applicant's professionals indicate testimony shall be provided on proposed site operations during the hearing. 7. The site plan shows proposed enclosed trash and recycling dumpsters conforming to Section 18-809.E., of the UDO. Testimony is required regarding collection and adequacy of the enclosure area. Should Township collection be proposed, approval will be required from the Department of Public Works. The applicant's professionals indicate that testimony shall be provided during the hearing as required. 8. Proposed vehicular circulation aisle widths are a minimum of twenty-four feet (24') wide, with a minimum parking space size of 9' X 18'. A Circulation Plan should be provided to demonstrate that trash collection and delivery trucks, as well as emergency vehicles can properly access the site. A Circulation Plan has been provided for review. The plan indicates turning radii are sufficient for garbage collection, package deliveries, and emergency vehicles. The applicant's professionals indicate that vehicle delivery intended for retail sales shall occur across the street at the Pine Belt Chevrolet dealership and be driven onto the premises. 9. Testimony should be provided on loading/unloading of vehicles and service products. No loading/unloading zones are indicated. A 12' X 28' parts delivery loading space has been added to the plans. The proposed loading space will block a vehicular access aisle on the northwest side of the building. Testimony should be provided. B. Architectural 1. Proposed building mounted signage information must be completed with respect to zoning requirements. Proposed building mounted signage information has been provided on the revised architectural plans. Proposed building mounted signage information must be added to the zoning requirements on the site plans. 2. The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. The applicant's professionals indicate that testimony shall be provided at the hearing. 3. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. The applicant's professionals indicate that testimony shall be provided at the hearing. 4. ADA accessibility to the proposed building should be addressed. The applicant's professionals indicate that additional building specific details shall be provided on the architectural plans. C. Grading 1. As indicated on the plans, site grading is proposed. Since fill is to be imported, we recommend that the applicant perform analytical testing, in accordance with N.J.A.C. 7:26E-

6.4(b)2.iii through iv, N.J.A.C. 7:26E-6.4(b)3, (d) and (e), on the fill at a frequency suitable to demonstrate that contaminants are not present within the fill soil at concentrations above the relevant NJDEP Soil Cleanup Criteria. The applicant's engineer has agreed to add a general note to the plans pertaining to fill testing. 2. Per review of the proposed grading plan, the design concept is feasible. Final grading can be addressed during compliance review if/when approval is granted. Final grading will be reviewed during compliance submission should approval be granted. D. Storm Water Management 1. A Storm Water Management Operations & Maintenance Manual has been provided in an Appendix of the Storm Water Management Report. The Manual indicates that the operation and maintenance of the proposed storm water management system will be the responsibility of Pine Belt Enterprises. A review of the manual will be conducted during compliance should site plan approval be granted. The manual will be reviewed in detail during compliance submission. E. Landscaping 1. The applicant has provided shade trees, but not a shade tree and utility easement along the property frontage. A waiver has been requested from providing a shade tree and utility easement along the property frontage. 2. Existing and proposed utilities should be added to the plan to eliminate proposed planting conflicts. Utilities have been added to the plan in an attempt to eliminate planting conflicts. 3. Existing and proposed easements should be added to the plan to eliminate proposed planting conflicts. The proposed sight triangle easements along New Hampshire Avenue require correction which impacts the proposed planting. 4. The landscape design is subject to review and approval by the Board. The Board should provide landscaping recommendations, if any. The applicant should also comply with recommendations from the Lakewood Shade Tree Commission as practical. 5. Final review of the landscaping design can take place during compliance should site plan approval be granted. Final landscaping will be reviewed during compliance submission after design revisions are made to the plan. F. Lighting 1. Details, which shall include mounting heights, are required for the different types of lights proposed. Details for the different types of lights proposed are still required. Mounting heights will not exceed twenty-five feet (25'). 2. The lighting design is subject to review and approval by the Board. The Board should provide lighting recommendations, if any. 3. Final review of the lighting design can take place during compliance should site plan approval be granted. Final lighting design will be reviewed during compliance submission after details are added to the plan. G. Utilities 1. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. The site plan shows new public water and sewer services proposed for the building on Off Site Utilities Plan Sheet 6. The project will require approval from the Lakewood Township Municipal Utilities Authority. H. Signage 1. Variances have been requested for the proposed free standing signs. However, sign details have not been provided for review and are required. Building mounted signage has been schematically shown on the preliminary architectural drawings. A full signage package for any new free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. Complete signage information shall be provided since variances are required. I. Environmental 1. Tree Management A Tree Location Plan has been provided. The plan indicates four hundred sixteen (416) existing trees having a diameter greater than six inches (6") were located. The existing trees having a diameter of ten inches (10") or more have been inventoried. Ten percent (10%) of the total tract area, 0.49 acres, has been proposed for a Tree Save Area. Compliance with the Township Tree Ordinance shall be a condition of approval. J. Construction Details 1. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance

review; if/when this application is approved. The construction details will be reviewed during compliance submission should site plan approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance (as applicable); c. Lakewood Fire District; d. Lakewood Township Municipal Utilities Authority (water and sewer); e. Ocean County Planning Board; f. Ocean County Soil Conservation District; g. NJDEP Authorization to Discharge; h. NJDOT Access Permit; i. NJDEP CAFRA Individual Permit; and j. All other required outside agency approvals. The Lakewood Fire District approved the project on September 13, 2011. The Ocean County Planning Board granted final approval with contingencies on September 7, 2011. The Ocean County Soil Conservation District certified the project on January 18, 2011. A New Jersey Department of Environmental Protection Authorization to Discharge Permit was granted on January 28, 2011. A New Jersey Department of Transportation Access Permit was granted on March 25, 2011. A New Jersey Department of Environmental Protection CAFRA Individual Permit was granted on March 10, 2010.

Mr. Magno stated the variances involve signs and parking.

Mr. Tim Lurie, P.E. was sworn in.

Mr. Mike Millemann, A.I.A., was sworn in.

Mr. Pfeffer, Esq. on behalf of the applicant. We agree with everything in the report and would like to discuss the variances requested.

Mr. Lurie stated that one sign is permitted. The second sign is consistent with the other auto uses in the general vicinity. We will need a variance for the maximum square footage allowed which is 50 square feet. We are proposing 152.2 square feet for the sign base which is consistent with signs along Route 88. The sign height where 18 feet is permitted we are requested 35 foot high sign which is consistent as well. Roughly 12,000 square feet is being sought for second floor storage. The parking would be adequate if not for the second floor which is being used for storage only.

Mr. Pfeffer stated they are short on parking because of the second story storage space. Besides that, it is a fully conforming plan as far as parking is concerned.

Mr. Lurie discussed the heights of other automobile dealer signs along Route 88.

Mr. Lurie stated that they provide four handicap spaces along the front which is based on one hundred customers.

Mr. Vogt asked about the building signs.

Mr. Millemann stated they are requesting variances for the number of signs permitted. The signs include brand signs, owner sign, express service and service entry signs.

Mr. Banas opened the microphone to the public, seeing no one from the public this portion of the meeting was closed.

A motion was made by Mr. Percal, seconded by Mr. Follman to approve the application.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Follman, Mr. Percal, Mr. Schmuckler

6. CORRESPONDENCE

7. PUBLIC PORTION

8. APPROVAL OF MINUTES

A motion was made and seconded to approve.

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

9. APPROVAL OF BILLS

A motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Follman, Mr. Percal, Mr. Schmuckler

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary