

## I. CERTIFICATION OF COMPLIANCE

Chairman Neiman called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Mr. Kielt read the Certification of Compliance with the NJ Open Public 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. Banas, Mr. Neiman, Committeeman Akerman, Mr. Fink, Mr. Follman, Mr. Schmuckler

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

- 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

A motion was made and seconded by to approve.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Schmuckler  
Abstained: Committeeman Akerman, Mr. Fink

- 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

A motion was made and seconded by to approve.

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

Abstained: Committeeman Akerman, Mr. Fink

- 3. 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

A motion was made and seconded by to approve.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Schmuckler  
Abstained: Committeeman Akerman, Mr. Fink

- 4. 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

A motion was made and seconded by to approve.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Schmuckler  
Abstained: Committeeman Akerman, Mr. Fink

- 5. 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

A motion was made and seconded by to approve.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Schmuckler  
Abstained: Committeeman Akerman, Mr. Fink

- 6. SP 1951** (No Variance Requested)  
Applicant: Tova Trust  
Location: Second Street, between Clifton Avenue & Lexington Avenue  
Block 120 Lot 13  
Preliminary & Final Site Plan proposed addition to existing retail/office building

A motion was made and seconded by to approve.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Schmuckler  
Abstained: Committeeman Akerman, Mr. Fink

## 5. NEW BUSINESS

1. Discussion: Review / recommendation of proposed ordinance  
( Section 18 - 706 ) Impact fees.

Mr. Jan Wouters, Township Attorney, stated that after reviewing the ordinance that was adopted at first reading we have determined that is still needs some work but it will be reviewed again at a future meeting.

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

### **Project Description**

The applicant is seeking a Site Plan Exemption to construct what is depicted on the submitted site and architectural plans as a two-story, five bedroom dwelling, also including a Shul with 720 SF of floor area. An unfinished basement (with exterior stairs) and an unfinished attic are also proposed. The property is situated on the northwest corner of New Central Avenue and Elderberry Court. Access is proposed via an 18'x36' driveway from Elderberry Court. As depicted on the Change of Use Site Plan, Elderberry Court is not paved along the property frontage at this time but is proposed. New Central Avenue is paved along the property's (dual) southerly frontage, but no curb and sidewalk exist. Off-site improvements are depicted on the Change of Use Site Plan in support of the proposed dwelling and Shul, including but not limited to curb and sidewalk along both property frontages, a driveway apron, a recharge pipe and two (2) drainage inlets proposed along the edge of the New Central Avenue cart way and frontage, proposed sanitary sewerage within Elderberry Court, and water and sewer services. It should be noted that off-site improvements are part of a previously-approved major subdivision that is being constructed including the subject property as one residential lot. The tract is a 12,001 SF rectangular lot, which meets the 12,000 SF minimum Lot Area of the R-12 zone. 1. Zoning 1. The property is located in the R-12 Residential District. Single Family Detached Housing is a permitted use in the zone. Places of worship are a permitted use in the zone, subject to the requirements of Section 18-905 of the UDO. 2. Per review of the revised Site Plan and the zone requirements, the existing site appears to comply with the Bulk requirements of the R-12 zone. The provided rear yard setback should be corrected to 34.3 feet based on the revision to the building dimensions shown on the Site Plan. The provided building coverage percentage must be corrected and the applicant's professionals shall insure the coverage does not exceed three

thousand square feet (3,000 SF), which is twenty-five percent (25%) of the lot area. II. Review Comments A. Site Plan/Circulation/Parking 1. The architectural plan shows 729 square feet (net) Shul floor area. This figure is accurate based on the proposed dimensions provided. 2. Since the Main Shul area is less than eight hundred square feet (800 SF), no off-street parking spaces are required. The General Notes indicate that four (4) off-street parking spaces are required for the proposed residential dwelling/use of the building. The proposed 18' x 36' asphalt driveway provides room for four (4) off-street parking spaces. Therefore, the proposed dwelling/Shul is compliant with UDO parking requirements, provided that no on-site catering is proposed. Testimony shall be provided from the applicant. Parking shall be provided to the satisfaction of the Board. 3. As indicated previously, sidewalk is provided along both property frontages. If approved by the Board, the handicap ramp proposed at the intersection of Elderberry Court and New Central Avenue must be designed and constructed in accordance with applicable ADA standards. 4. No landscaping is proposed with the change of use. Per Subsection 18-905B of the UDO, if the site leaves a twenty foot (20') undisturbed area then there are no requirements for buffering. If the twenty foot (20') buffer is invaded then requirements indicated in Subsection 18-905B.3 shall be put in place along the invaded area. Unless a waiver is granted, the west side of the site requires a buffer of trees, shrubs, and "other suitable plantings for beautification and screening", with solid fencing allowed supplementing the buffer. Similarly, Subsection 18-905C of the UDO requires landscaping in front yards. Landscaping should be provided to the satisfaction of the Board. 5. The locations of proposed solid waste and recycling containers should be addressed by the applicant. 6. The proposed Shade Tree, Utility and Sidewalk easement must be filed with the Township (if not done already). 7. The General Notes indicate the boundary and existing conditions have been taken from a Survey by Charles Surmonte, PLS. A copy of the Survey shall be provided. B. Architectural 1. The submitted architectural floor plan is neither signed nor sealed. For hearing purposes, testimony will be necessary with respect to the minimum net sanctuary space, at a minimum. If approved by the Board, signed and sealed plans matching the site plan will be required to obtain building permits for the proposed interior alterations. 2. The applicant's professionals should testify whether the proposed building will be ADA accessible. 3. As indicated previously, the architectural documents indicate that the proposed basement and attic areas will be unfinished. The basement is proposed to have outside access via a stairwell on the north side of the home. Testimony should be provided as to whether residential development or additional bedrooms are proposed in these areas. 4. It is not clear whether exterior air conditioning units are proposed for the conversion. If proposed, said equipment should be adequately screened. C. Lighting 1. No lighting appears proposed per the Change of Use Site Plan. Testimony should be provided as to proposed activities (and whether lighting is necessary for the proposed use). 2. Lighting (if any) should be provided to the satisfaction of the Board. D. Construction Details 1. Per the plan, no construction details are proposed since no site improvements are provided. Construction details will be required for any improvements associated with the proposed Change of Use Site Plan (if approved). III. Regulatory Agency Approvals The following outside agency approvals appear necessary (unless already granted): 1. Lakewood Township (Plot Plan review).

Mr. Vogt stated there are no variances.

Mr. Elli Bohm was sworn in. He stated that half of the property will be used as a house and half will be used as a shul on New Central Avenue for the local residents. He stated there is no

parking as it is only for the immediate residents and it is less than 800 square feet. Mr. Bohm stated there will be no on-site catering.

Mr. Neiman 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. Schmuckler, seconded by Mr. Follman to approve the application.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Committeeman Akerman, Mr. Follman, Mr. Schmuckler

Mr. Fink: Abstained

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

### **Project Description**

The applicant seeks an amended preliminary and final major subdivision approval for Zero Lot Lines in accordance with Section 18-911 of the UDO. An existing rectangular 3.20 acre property known as Lots 10 – 12 in Block 415, is to be subdivided into fourteen (14) new residential lots, designated as Lots 10.01 through 10.14 on the subdivision plan. The site is proposed to be developed with seven (7) two-story duplex buildings. The overall design is similar to the previously approved subdivision of seven (7) lots with duplex units. A proposed cul-de-sac from Route 9 will provide access to the dwelling units. The proposed road will have a fifty foot (50') wide right-of-way, a thirty-two foot (32') wide pavement width, curbing, and sidewalk as per the subdivision plan. The cul-de-sac bulb will have a turnaround with a sixty foot (60') right-of-way radius and a fifty-five foot (55') pavement radius. Curbing and sidewalk also exist along the Route 9 frontage of the project. We have the following comments and recommendations per testimony provided at the 11/1/11 Planning Board Plan Review Meeting and comments from our initial review letter dated October 27, 2011: 1. Zoning/Applicability 1. The property is located in the HD-6 Highway Development Zone District and R-10 Single-Family Residential Zone District. Duplexes are permitted as a conditional use in the HD-6 zoning district. Zero lot line residential dwellings are permitted in the R-10 zoning district. Statements of fact. 2. As indicated previously similar bulk variances were granted with the original approval, similar to those sought under this amendment. 3. In accordance with Section 18-911-C of the Ordinance, newly constructed or proposed duplexes (or conversion of an existing dwelling to a zero lot line dwelling) are allowed activities in the R-10 Zone provided that the duplex is constructed to applicable Township standards, and the duplex is intended to be divided into two (2) separately owned structures and lots. Therefore, the proposed creation of a zero lot line subdivision is an allowed activity. Statements of fact. 3. Minimum Lot Width variances are required for the proposed Lots 10.05 – 10.10 on the west side of the cul-de-sac bulb. The required lot width is fifty percent (50%) of the requirements of the zone, which is seventy-five

feet (75') for the R-10 Zone. Therefore, the required lot widths for the zero lot line properties are 37.5 feet. Although proposed Lots 10.05 – 10.10 require lot width variances, all of the lots are at least thirty-five feet (35') wide. The Board shall take action on the required Lot Width variances. 4. Minimum Front Yard Setback variances are required for proposed Lots 10.03, 10.04, 10.11, and 10.12. The proposed front yard setbacks are 25.4 feet, 16.8 feet, 16.8 feet, and 25.4 feet respectively, whereas thirty feet (30') is required. The Board shall take action on the required Front Yard Setback variances. 5. Minimum Rear Yard Setback variances are required for the decks on proposed Lots 10.01 – 10.04 and 10.11 – 10.14. The proposed rear yard setbacks for the decks are ten feet (10'), whereas twenty feet (20') is required. The Board shall take action on the required Rear Yard Setback variances. 6. Maximum Building Coverage variances are required for the combination of proposed Lots 10.03 and 10.04, and the combination of proposed Lots 10.11 and 10.12. The proposed building coverage for the combination of lots is 25.5%, whereas twenty-five percent (25%) is allowed. The Board shall take action on the required Building Coverage variances. 7. New relief for a design waiver is sought per the applicant's request from providing a fifteen foot (15') wide dense landscape buffer. A five foot (5') high privacy fence is proposed along the northern and southern property boundaries. The Board shall take action on the required landscape buffer design waiver. II. Review Comments A. General 1. Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required. The applicant's professionals indicate that a written agreement shall be provided during resolution compliance. 2. Corrections are necessary to the Schedule of Bulk Requirements. The Schedule of Bulk Requirements should be revised to show Zero Lot Line requirements and the proposed variances requested for the amended subdivision. 3. Per a meeting held with the Department of Public Works, the applicant has revised the recharge system. Per communications with the applicant's professionals, this area will be shifted towards the unpaved area during compliance review. This item has been addressed. B. Architectural 1. Architectural plans have been provided for "wide" units and "narrow" units. An additional "narrow" unit architectural plan is required for proposed Lots 10.07 and 10.08 which show a shorter "narrow" unit. Three (3) separate architectural plans have been provided. Model "A" is for proposed Lots 10.01 - 10.04 and 10.11 - 10.14. Model "B" is for proposed Lots 10.05, 10.06, 10.09, and 10.10. Model "C" is for proposed Lots 10.07 and 10.08. 2. The architectural plan for the "narrow" units show proposed basement access from the rear of the units while the development plan indicates basement access from the side of the units. The latest architectural plans for the narrow units show proposed basement access from the side of the units, consistent with the development plan. Proposed sidewalk should be added to the development plan for the basement access doors on the sides of the "wide" units. C. Final Plat 1. Compliance with the Map Filing Law, as applicable. Statement of fact. III. Regulatory Agency Approvals The following required outside agency approvals previously obtained should still be valid: a. Ocean County Planning Board; b. Ocean County Soil Conservation District; c. New Jersey Department of Environmental Protection (LOI); d. New Jersey Department of Transportation. New Jersey American Water Company will be responsible for constructing sanitary sewer and potable water. The applicant's professionals indicate they are in the process of updating the regulatory approvals from the Ocean County Soil Conservation District, New Jersey Department of Transportation, and New Jersey American Water Company. Ocean County Planning Board approved the project on October 19, 2011. A Letter of Interpretation/Line Verification was previously issued by the New Jersey Department of Environmental Protection on July 10, 2007 and is still in effect.

Mr. Vogt stated there was an approval with similar bulk variances but there are slight plan modifications and as a result the Board would have to grant similar variances again because they don't match the variances that were granted with the first approval. There are various bulk variances that have to be granted for section 1 zoning including minimum lot width, minimum front yard setback, minimum rear yard and building coverage on two of the lots.

Mr. Abraham Penzer, Esq. on behalf of the applicant. He stated this is part of the new ordinance that was adopted subsequent to the original approval that we had in 2007 which allowed zero lot lines. Mr. Penzer read a letter from the law firm of Citta, Holzapfel & Zabarsky, dated October 25, 2011 including the agreement that the applicant shall install along the entire length of the border of his property and that of block 415 lot 13 a vinyl solid privacy fence with the good side of the fence facing the property along block 415 lot 13.

Mr. Brian Flannery, P.E., P.P. was sworn in. Mr. Flannery entered a rendered version of the site plan as exhibit A-1, an aerial exhibit of the area as exhibit A-2 and a perspective rendering of the development as exhibit A-3. He stated since the original application a few things have changed, the front set back on Route 9 was 100' and is now 75' so that made us able to make the buildings a bit wider. Also, we have zero lot lines so instead of having seven duplexes on seven lots we have fourteen fee simple lots. The variances we are asking for are virtually identical to the original application. When that application was approved there was a question about school buses coming in the cul-de-sac. The applicant agreed to make it a 60' diameter rather than 50' which creates a front yard setback. Mr. Flannery went over the zoning items in Terry Vogt's report.

Mr. Neiman stated the only things that are changing is you are moving closer to Route 9 and you would like zero lot line lots.

Mr. Flannery confirmed that is correct.

Mr. Franklin asked about the drainage between the zero lot line homes.

Mr. Vogt stated there is a standard agreement which both homeowners sign that identify the responsibilities that go with drainage on a particular lot whether they be roof leaders or drywells. At the time of plot plan, they will be submitting individual grading plans what the owners agree to.

Mr. Flannery stated the Township is only responsible for the improvements within the right-of-way.

Mr. Vogt stated they are going to move the underground system further outside the paving so it can be maintained easier as well.

Mr. Flannery stated the streets will be owned and maintained by the Township. Any drainage improvements on the lots in between will be maintained by the homeowner's association.

Mr. Neiman opened the microphone to the public.

**PLANNING BOARD MEETING  
DECEMBER 13, 2011**

**TOWNSHIP OF LAKEWOOD  
PUBLIC HEARING MEETING**

Ms. Noreen Gill, 192 Coventry Drive was sworn in. She asked about the letter that Mr. Penzer read and if it is permissible if the party is not present.

Mr. Akerman stated that Mr. Penzer could have not brought the letter to the Board's attention but the opposing party could not be present tonight so he was doing them a favor.

Ms. Gill asked about the drainage.

Mr. Vogt explained the individual drainage and overall site drainage.

Ms. Gill also asked about the site being closer to Route 9.

Mr. Penzer stated that the ordinance changed.

Ms. Lori Leeds, 30 Berg Avenue, Long Branch, NJ was sworn in. She stated she owns an adjoining lot and is concerned about the water going on to her property.

Mr. Flannery stated there is a recharge as required by the RSIS so that we recharge the excess runoff that is created by the pavement and the houses. There are pipes that direct the runoff in the middle of the southerly property which is furthest away from Ms. Leeds lot.

Mr. Vogt stated there is an individual yard drainage system which is proposed but the vast majority of this property is designed to drain within a recharge system under the edge of the cul-de-sac which is on the other end of the property.

Mr. Bill Hobday was sworn in. He asked about the number of units and basements.

Mr. Flannery stated it is the same number of units. The only difference is that they will be zero lot line lots, not duplexes. They will use the basements the same as every other development in town. This application does have additional parking and the same amount of units.

Mr. Hobday discussed his concerns about the project being on Route 9.

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

Mr. Fink asked if there was room for busses when cars are parked in the cul-de-sac.

Mr. Flannery stated that they did make the cul-de-sac ten feet wider on each side than required so there should be no issue.

A motion was made by Mr. Schmuckler, seconded by Mr. Banas to approve the application including the vinyl fence as agreed upon with the adjacent property owner and further changes to the drainage system to help protect the owners.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Committeeman Akerman, Mr. Fink, Mr. Follman, Mr. Schmuckler



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

**Project Description**

The applicant is seeking Preliminary and Final Major Site Plan approval in order to construct a proposed two-story commercial building with basement. Per the design documents, the first floor is proposed to include a catering kitchen. The second floor proposed office space with mostly storage use for the kitchen. The basement is proposed to be storage use for the kitchen. The proposed second floor of the building is 48' X 60' for a building area of 2,880 square feet. The proposed main floor and basement are 48' X 58'. Therefore, the proposed total floor area is 8,448 square feet since the upper floor proposes a two foot (2') projection. The proposed two-story, 8,448 square foot building with parking area is on a one hundred foot (100') wide by one hundred fifty foot (150') long property with double frontage on Squankum Road and Park Place. The tract is situated south of the Four Corners Deli property along East County Line Road. The site presently contains two (2) dwellings and a detached garage. The applicant has proposed a total of twenty-four (24) parking spaces for the proposed use. There is existing curbing along the property frontages. Sidewalk exists along the Squankum Road frontage, but no sidewalk exists or is proposed along the Park Place frontage. Per communications with the applicant's professionals, a right-of-way easement will be given along the Squankum Road frontage. An existing County Road Widening Easement is shown for Lot 33, but not Lot 34. The curbing is in place, is within the property boundaries, and aligns with the adjoining properties. Park Place, a municipal road, has a forty foot (40') right-of-way. The existing curbing is located approximately fifteen feet (15') from the centerline. Virtually all of the existing improvements will be removed from the site. Access is proposed from both Squankum Road and Park Place. We have the following comments and recommendations per testimony provided at the 11/1/11 Planning Board Plan Review Meeting and comments from our initial review letter dated October 27, 2011: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours of the area within 200 feet of the site boundaries. 3. C14 - Submission of a Tree Protection Management Plan. The applicant shall provide supporting testimony on the requested waivers as required. Sufficient existing data is provided to review the application. Therefore, we support the waiver requests. However, the submission of a Tree Protection Management Plan will be required as a condition of approval. Our site investigation on 10/14/11 revealed only a couple of large trees of consequence on the property. The Board granted the requested waivers. II. Zoning 1. The site is situated within the B-1, Neighborhood Business Zone. According to Section 18-903A.1.c (11), of the UDO it would seem catering facilities are permitted in the B-1 Zone since offices, restaurants, and similar services are listed. Statements of fact. 2. Per review of the revised Site Plan submission and the zone requirements, no variances are now required for the proposed project. 3. Per review of the Site Plan and the zone requirements, the following waivers are required for the proposed project: • As currently depicted, a waiver would be required from providing sidewalk along the Park Place frontage. However, per communications with the applicant's professionals, said sidewalk will be provided. • A waiver is requested from providing shade trees, and shade tree and utility easements along the property frontages. • The location of a trash enclosure within a front yard setback (Section 18-809, dumpsters). The Board shall take action on the remaining waivers. 4. No buffer has

been provided between the proposed commercial use and the existing residential use on the adjoining property to the south. An existing stockade fence in disrepair is located along the property line. A five foot (5') high vinyl privacy fence is proposed just south of the parking lot. A partial waiver for buffering as proposed is required. III. Review Comments A. Site Plan/Circulation/Parking 1. The General Notes indicate the boundary and topographic information was taken from a Boundary and Topographic Survey dated 8/16/11. A copy of the survey should be provided. A copy of the survey has been provided. The Deed Description should be revised to reference Lots 33 and 34, not 34 and 35. 2. The proposed front yard setbacks shall be corrected in the Schedule of Bulk Requirements. The proposed front yard setbacks should be to the overhangs at the building access points. Also, the proposed side yard setback on the south side of the building should be forty-eight feet (48') because of the overhang. The proposed front yard setback to Park Place has been corrected. Per communications with the applicant's professionals, additional (minor) corrections to the Schedule will be made if/when approval is granted. 3. As indicated on the site plans, access is proposed from both Squankum Road and Park Place by a twenty-eight foot (28') wide through access driveway. Per input received at the workshop hearing, the applicant has reduced the proposed access driveway has been reduced from twenty-eight feet (28') to twenty-four feet (24'). As a result, the proposed off-street parking spaces on the south side of the aisle have been moved four feet (4') further from the south property line. Proposed depressed curb widths should be added for the revised design. 4. The proposed wall for the steps leading down to the basement must be added to the site plan. The proposed wall at the basement access has been added to the plans. Basement stairs are permitted within the yard setbacks. The 10.5 foot setback dimension from Park Place for the proposed wall should be corrected to ten feet (10') on the Site Plan (Sheet 3). 5. An 8' X 10' enclosed dumpster area is proposed behind the facility on the Park Place frontage. The plans indicate trash disposal will be the responsibility of the owner. Chain link fence with privacy slats are proposed for the enclosure and double leaf gate. 6. Testimony is required to address proposed loading and delivery operations for the facility. The applicant's professionals indicate that testimony will be provided to address proposed loading and delivery operations. 7. The plans do not properly address the impact of the proposed project on existing facilities of adjoining Lot 35. The end of the proposed parking area in front of the building encroaches onto neighboring Lot 35. The proposed building is being constructed along the property line (0' setback) of Lots 34 and 35. The proposed building has an access point along the north side, yet an existing fence is shown on Lot 35 just north of the property line. The applicant's professionals indicate that testimony will be provided to address the encroachment of proposed improvements onto neighboring Lot 35. 8. A proposed access point is missing on the south side of the building. The proposed doorway and overhanging eave should be added. 9. Existing fencing is shown around the property on the Existing Conditions Plan. The limits of fence removal are not clear. The applicant's professionals indicate that the existing fence that encroaches along the southern property line shall be relocated. The applicant's professionals also indicate that all other existing fencing shall be removed. The plans have been revised accordingly. 10. Per review of site conditions and communications with the applicant's professionals, all deteriorated curb and sidewalk along Squankum Road and Park Place will be replaced as part of this application. Confirming testimony should be provided. Per previous testimony, the applicant agrees to this condition. 11. Proposed building overhangs shown on the architectural plans must be added to the site plans. Proposed building overhangs must still be added to the south and west sides of the building on the site plans. 12. A Road Widening Easement to the "Township" needs to be filed for Lot 33. A Sidewalk Easement to the "Township" should be filed for Lots 33 and 34. A Road Widening Easement to

the "County" already exists for Lot 34 from the construction of intersection improvements by the County. B. Architectural 1. Information should be provided for utility connections. It is doubtful any existing residential utility connections could be used as stated in the Site Plan General Notes. Roof mounted HVAC equipment is proposed and will be adequately screened. The applicant's professionals indicate that utility connections will be revised as a condition of approval. 2. The architect should provide testimony regarding the proposed building, façade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing. The applicant's professionals indicate that renderings will be provided. 3. The proposed building access point on the south side of the building is not on the site plan. This affects the proposed grading. The applicant's professionals indicate that steps will be provided for the proposed building access point on the south side of the building. This may be accomplished along the proposed walk since it will not be an accessible route. C. Grading 1. The proposed basement floor is not two feet (2') above seasonal high water table. Accordingly, the applicant has requested relief from this matter. The plans state that the basement walls and flooring are to be waterproofed. The plans also state that the basement will be equipped with a sump pump which shall discharge to the storm sewer and shall have a backflow prevention valve. Any overflow from the recharge system being overtaxed will enter the County's storm sewer system on Squankum Road. Therefore, we defer to the County on the design relief requested. The County approved this project based on their facilities not being affected. Their review indicates the County facilities associated with the Squankum Road and East County Line Road intersection terminates at Lot 34. Therefore, any overflow from the applicant's recharge system would enter a "Township" storm sewer system and not a "County" owned system. Should the Board grant the requested relief from the waiver of meeting the seasonal high water table requirements, the applicant's have agreed to address the necessary design revisions during compliance if/when approved. 2. Proposed spot elevations must be added at the building access points. A proposed spot elevation is only shown at the building's main entrance. Additional proposed spot elevations may be added as a condition of approval and reviewed during compliance submission if/when approval is granted. 3. The proposed contour lines are incomplete; it is not clear how the proposed site elevations meet the surrounding existing grades. The proposed contour lines may be added as a condition of approval and reviewed during compliance submission if/when approval is granted. D. Storm Water Management 1. The proposed storm water management design for the site is feasible. We recommend the applicant's engineer meet with our office to review the proposed design. Per communications with the applicant's engineer, the design will be redesigned for our review prior to the public hearing. The proposed storm water management design may be finalized as a condition of approval and reviewed during compliance submission. 2. Proposed details and inverts must be provided for cleanouts of the roof drain connections into the proposed recharge system. Proposed details may be added as a condition of approval and reviewed during compliance submission. E. Landscaping 1. The overall landscape design is subject to review and approval by the Board. The Board should provide landscape design recommendations, if any. 2. Existing trees on the south side of adjoining Lot 35 will be impacted by the proposed construction since the building is being constructed on the property line. The applicant's professionals indicate that testimony will be provided. F. Lighting 1. The proposed pole mounted fixture on the north side of the project is located off-site. Per communication with the applicant's engineer, this pole will be relocated. The proposed lighting design has been revised and is acceptable. G. Utilities 1. Public water and sewer services will be provided by New Jersey American Water Company. The plans state the existing connections will be utilized. The connections onsite will have to be reviewed by New Jersey American Water Company. 2. An

Ocean County Utility Authority Easement is shown in the northwest corner of the site. OCUA must review and approve the site plan. H. Signage 1. The architectural plans show a proposed signage area on the front elevation. Otherwise, no signage information is provided other than traffic signage. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. Testimony should be provided on proposed signage. I. Environmental 1. Tree Management Plan A waiver was requested from submission of a Tree Management Plan. Our site investigation and the Existing Conditions Plan only note a few trees as significant. The applicant must comply with the requirements for tree protection and removal as applicable on the site. The applicant's professionals indicate that testimony shall be provided regarding existing trees onsite. J. Construction Details 1. A detailed review of construction details will occur during compliance review; if/when this application is approved. The construction details will be reviewed 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. Developer's 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. Ocean County Utilities Authority; f. Fire Code Review; and g. All other required outside agency approvals. Water and sewer utilities will be constructed by New Jersey American Water

Mr. Vogt stated there are no variances.

Mr. Liston, Esq. on behalf of the objectors. He read a letter into the record sent from his office to the attention of Kevin Kielt dated December 12, 2011 which included jurisdictional objections.

Mr. Akerman and Mr. Follman left the meeting.

Mr. Abraham Penzer, Esq. on behalf of the applicant. He stated that a catering kitchen and a restaurant are one in the same. We would like to move the restaurant portion so the catering hall and the restaurant are next to each other. We do not need parking for this so we have 24 more spaces.

Mr. Vogt stated when they looked at the B-1 Zone in the UDO under permitted uses, offices, restaurants and similar services is listed. The Board needs to determine if a catering hall is exactly or somewhat a restaurant.

Mr. Jackson stated that apparently the UDO does not define what a restaurant is. He believes that under the state sanitary health code, any establishment that serves food for human consumption is a restaurant. He believes that under the UDO that this application is under the right board.

Mr. Liston argued that the adjoining property where the restaurant is located is a lease, not owned and that the plans do not show the restaurant seating.

Mr. Neiman stated that based on what was said by the Township attorney and engineer, the application will be heard tonight.

Mr. Liston expressed his concerns about the 1,800 square foot pantry on the second floor and the possibility that it could be used as a catering hall which would require additional parking.

Mr. Brian Flannery, P.E., P.P. was sworn in. He stated that under the UDO it says service activities of and similar to the following types may be permitted including offices, restaurants and similar services and clearly a catering kitchen is a similar service. It is his opinion that it clearly fits within the definition of the ordinance. Mr. Liston suggested that the trash enclosure in the front yard along Park Place is a variance. The trash enclosure consists of a fence. The ordinance clearly says 4' high fences are permitted in the front yard. He also indicated that the stairs are within the 15' and again the ordinance states that stairs are permitted within any setback. The applicant has agreed that sidewalk will be provided on Park Place along the entire frontage. Mr. Flannery entered a rendered version of the site plan as exhibit A-1 and a conceptual elevation of the building as A-2. The final waiver we are asking for is for buffering along the southerly property line we are providing a 5' vegetative strip on the neighbor's side of the fence with arborvitae and a 6' vinyl fence. The application that was initially submitted showed no landscaping and no buffer in that area. We have revised the plan to make the driveway that was originally submitted at 28' to 24' wide. As per loading, they propose that they will designate the properties in the southwest corner for employee parking lot.

Mr. Penzer stated there will be 5-6 employees in the catering kitchen.

Mr. Yaakov Nawhouse was sworn in. He is one of the owners of Four Corners. He stated they are only able to cater around twelve parties a week. Having a bigger kitchen would allow us to do many more affairs. He stated there is currently one delivery truck which is on the road all day for parties and lunch orders. He stated that they are not in the catering hall business and it is not something they want to do.

Mr. Penzer stated they have no problem restricting this building for no retail.

Mr. Liston asked what they will be storing in the second floor pantry.

Mr. Nawhouse stated they will be mainly using it to store their catering props including vases, chafing dishes, etc. They are not keeping food up there. They do not store tables and chairs and they use other people's halls.

Mr. Flannery stated there will be no eating by patrons in that building.

Mr. Penzer concurred.

Mr. Flannery stated the dairy and meat kitchens are around 700 square feet each. They are going to restrict the parking spaces in the south easterly corner to employees only and label a loading area along the southerly side of the building. The only issue would be if those parking spaces were other than employee spaces but if they are a truck can pull there and load and unload without and problem and that would get the trucks off the street. The applicant has agreed to replace all curbs and sidewalks along as directed by the Township engineer. They agree to comply with the road widening easement requirements.

Mr. Penzer stated with regard to the architectural renderings, they have no problem providing the rendering.

Mr. Flannery stated they load and unload on the south easterly corner of the building.

Mr. Penzer stated they would like the Board and the Township Committee to help limit the time that a car can park so they can free up more spaces.

Mr. Liston questioned if there was room for cars to come in and out of the Park Place entrance when there is a truck loading or unloading.

Mr. Flannery stated there still should be adequate space for cars to enter and exit. He affirmed that it won't be a separate designated loading zone.

Mr. Neiman asked if any one from the public wished to be heard.

Moishe Kiseri was sworn in. He expressed concerns about their children playing near the property. When it gets busy people use their lot to make u-turns and park there. He asked if there would be a fence up during construction.

Mr. Vogt agreed that a temporary fence during the construction would be a good idea.

Mr. Penzer agreed.

Yehuda Jaffa was sworn in. He expressed his concerns about the traffic on Squankum Road and if there was any way they could ease the congestion. He would like the Board to enforce that there will not be a catering hall there.

Mr. Kiseri questioned the benefits of this application to the residents.

Mr. Neiman stated the Board has ordinances that they have to follow.

Solomon Uhr, 445 Squankum Road was sworn in. He does not think this application belongs in the B-1 zone. He also expressed his concerns about a possible catering hall at this location and the lack of parking.

Mr. Neiman stated that the applicant gave testimony that there will be no catering hall and no eating at this location and they will be putting that in the resolution. If they would like to change that in the future, they will be to come back before the Board and notify the neighbors.

Seeing no one further, this portion of the application was closed.

Mr. Liston entered photographs as exhibits O-1 through O-8. The photographs showed overflow of parking. Another photograph showed a truck parked on the street near the Four Corners café.

Mr. Neiman stated that this application should alleviate the problem of trucks parking on the street because they will be delivered to the back of the new building.

A motion was made by Mr. Banas, seconded by Mr. Fink to approve the application with a limitation to no sit down dining.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Schmuckler

**6. CORRESPONDENCE**

**7. PUBLIC PORTION**

**8. APPROVAL OF MINUTES**

A motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Schmuckler

**9. APPROVAL OF BILLS**

A motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Schmuckler

**10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary