

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, Mrs. Koutsouris, Mr. Fink, Mr. Neiman, Mr. Akerman, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1695 (No variance Requested)
Applicant: Benzion Green
Location: Harvard Street, west of Apple Street
Block 171 Lots 3, 11 & 19
Minor Subdivision – 4 lots

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutsouris, to approve

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Fink; abstain, Mr. Neiman; yes, Mr. Akerman; abstain, Mr. Schmuckler; yes

Mr. Kielt said there is one change to the agenda. Item #1 SD 1691 Sam Bauman- he received a request from the applicant's attorney to table to March 16, 2010.

5. NEW BUSINESS

1. SD # 1691 (Variance Requested)
Applicant: Sam Bauman
Location: Lakewood New Egypt Road-west of Pine Circle
Block 261 Lots 3, 3.01
Minor Subdivision to create 3 lots

Tabled to March 16, 2010

2. SP # 1925 (Variance Requested)
Applicant: Yeshiva Keter Torah
Location: Squankum Road, north of Apollo
Block 104 Lots 13 & 54
Preliminary & Final Major Site Plan for proposed high school

Mr. Vogt prepared a letter dated January 14, 2010 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval for the construction of a two-story boy's high school building, which includes an improved basement, within a 7,352 square foot footprint and to convert an existing one-story dwelling into a temporary two-story dormitory, which includes an improved basement. The site plans indicate the proposed high school building will contain five (5) classrooms and four (4) offices. An interior parking area consisting of ten (10) parking spaces, one (1) being handicapped accessible, and site improvements are also proposed within the property, including a one-way bus drop-off area. Access to the site is provided from Squankum Road, a county road. The existing one-story dwelling at 670 Squankum Road is proposed to be converted into a 5,486 square foot temporary dormitory. The architectural plans indicate the proposed addition and alteration of the structure would be designed for occupancy by fifty (50) students. The plans also indicate an allowable occupancy of 109, based on a 50 SF/occupant calculation. Dormitory rooms are proposed for the basement, first floor, and second floor areas. A seven (7) space parking area with no handicapped spaces is proposed for the temporary dormitory. The site is located in the northern portion of the Township on the west side of Squankum Road, north of the intersection with Apollo Road near the Howell Township border. The tract consists of three (3) lots that total 9.7 acres in area. Existing Lot 59 of the site contains an existing one-story dwelling and an existing shed. Existing Lots 13 and 54 are vacant. Most of existing Lot 13, the largest of the three (3) existing lots contain freshwater wetlands associated with the Metedeconk River floodplain. *The existing three (3) lots are no longer proposed for consolidation as part of the site plan approval.* The existing shed would be removed and the existing dwelling converted into a temporary dormitory. Vacant land borders the site to the north and west. An existing residential subdivision exists to the south of the site. Squankum Road borders the entire east side of the tract. *We have the following comments and recommendations per testimony provided at the 12/1/09 Planning Board workshop hearing, and comments from our initial review letter dated October 8, 2009:* Zoning- The parcels are located in the R-12 Residential District. Private Schools are a permitted use in the zone. *The applicant is no longer proposing to consolidate the existing lots associated with this site plan. Therefore, testimony is required regarding compliance of the proposed uses. A temporary dormitory is proposed for existing Lot 59. While it is the intent of the proposed dormitory is to provide temporary housing for the neighboring proposed boy's high school, dormitories are not specifically listed as a permitted use in the zone. A boy's high school is proposed for existing Lot 54. Private schools are clearly permitted in the zone. The proposed improvements for the boy's high school encroach onto existing Lot 13. Therefore, we recommend that existing Lots*

13 and 54 be consolidated. Additionally, testimony should be provided regarding whether the temporary dormitory is permitted in the zone. Per review of the Site Plan and the zone requirements, the following variances are required for proposed project. In accordance with Section 18-906A.2., of the UDO, a twenty foot (20') buffer is required from a residential use or district. No buffer is proposed, and only an 11.1' buffer may be provided from the existing dwelling which is proposed to be converted into a temporary dormitory. In accordance with Section 18-906A.3., of the UDO, landscaping shall be provided for the required buffer. No landscaping is proposed for the twenty foot (20') wide buffer area. In addition, the temporary dormitory and the proposed septic system for the proposed high school encroach upon the twenty foot (20') wide area which could be used for landscaping. Since the applicant is no longer proposing to consolidate the existing lots associated with this site plan, the following variances are required for existing Lot 54: In accordance with Section 18-812A.9.b., of the UDO, no sign shall be erected closer to the street or property line than fifteen feet (15'). A five foot (5') sign setback is proposed. In accordance with Sections 18-812D.1.a. (1) & (2), of the UDO, the freestanding sign shall not exceed twenty square feet (20 SF) and shall not exceed five feet (5') in height. All freestanding signage should be monument style signage. No pole mounted signage is permitted. Testimony should be provided regarding the proposed sign indicated on Sheet 3 of 11 since it does not appear to conform to the requirements. In accordance with Section 18-902E.4.e., of the UDO, side yard setback, ten feet (10') permitted, two feet (2') proposed. In accordance with Section 18-906A.2., of the UDO, a twenty foot (20') buffer is required from a residential use or district. No buffer is proposed, and only a two foot (2') buffer may be provided at the building corner of the proposed high school. In accordance with Section 18-906A.3., of the UDO, landscaping shall be provided for the required buffer. No landscaping is proposed for the twenty foot (20') wide buffer area. In addition, improvements for the proposed high school encroach upon the twenty foot (20') wide area which could be used for landscaping. The applicant must address how the temporary dormitory and associated parking complies with the Zoning requirements. Testimony is required. A partial design waiver is required from providing sidewalk and curb along the entire frontage of the site. It appears these improvements are not proposed along the northern frontage of the site because of existing freshwater wetlands. Action on the design waiver is required by the Board. The applicant must address the positive and negative criteria in support of the required variances. Testimony is required. Review Comments-Site Plan/Circulation/Parking- As indicated previously, a ten (10) space parking lot with one (1) handicapped space is being provided for the proposed high school. Since a total of nine (9) classrooms and offices are proposed, nine (9) off-street parking spaces are required. In addition a seven (7) space parking lot is proposed for the temporary dormitory. No parking requirements associated with the temporary dormitory are shown. Parking requirements associated with the temporary dormitory must be addressed. A one-way bus drop off area, separate from the parking area, is proposed parallel to Squankum Road. Although it appears that adequate turning movements will be provided for the proposed bus drop off area, refuse collection, and deliveries, a vehicle circulation plan should be provided as confirmation. A Geometric Plan which must be correctly titled has been provided. The proposed bus circulation has been properly indicated. Refuse collection and emergency vehicle circulation must still be addressed. Testimony is necessary from the applicant's professionals regarding how the proposed bus drop off area will be used, including but not limited to times, sizes, and numbers of vehicles anticipated (i.e., buses, vans, cars, others). The General Notes state that "all students shall be bussed, no student shall be permitted to drive to and from school, and pick up and drop off time shall be between the approximate hours of 8:30 AM and 5:30 PM". Testimony shall be provided. Per our 9/25/09 site inspection, we note that no sidewalk and curbing exist along Squankum Road in front of the site. Sidewalk and curbing, along with road widening is proposed in front of the southern part of the site. These improvements are not proposed for Squankum Road along the northern part of the site

frontage, presumably because of freshwater wetlands restrictions. *Confirming testimony should be provided. The existing front property line along the southern part of the site must be correctly shown along with the proposed dedication to the County. Proposed bulk requirements must be revised accordingly.* A proposed refuse enclosure is depicted behind the proposed school building which should be dimensioned. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. *The proposed refuse enclosure still requires dimensions and testimony is required from the applicant on trash collection.* The General Notes reference an outbound and topographic survey. An Existing Condition Plan shows outbound survey data and a partial topographic survey. A signed and sealed copy of the referenced survey must be provided as a separate document. *An outbound survey from 2007 has been provided. The survey is nearly three (3) years old and should be updated. The site plans do not indicate how and when the partial topography and wetlands points were surveyed or obtained. The survey also shows an existing twenty foot (20') wide drainage easement and an existing flared end section which is not within the easement along the western boundary of Lot 13. The existing drainage easement to the intended party should be modified to correct this situation.* A General Note indicates that the existing lots will be consolidated. The applicant's professionals must testify how this will be accomplished (i.e., lot consolidation plan, other). A Lot Consolidation Plan is recommended because of all the other survey data which will be required for freshwater wetlands, transition areas, transition area disturbance, and easements. *The existing lots are no longer proposed for consolidation. The latest proposal has zoning ramifications. We recommend the applicant reconsider the consolidation.* Survey data is required for the Freshwater Wetlands and Waters Boundary Line, the Transition Area Line, and the Wetlands Transition Area Disturbance Line. If applicable, the wetland flagging points should be indicated on adjoining properties and right-of-ways. *Partial survey data has been added to the Freshwater Wetlands and Waters Boundary Line. Survey data for the Transition Area Line and the Wetlands Transition Area Disturbance Line is incomplete. A copy of the Letter of Interpretation must be submitted.* The limits of proposed interior sidewalk are not clear. The same symbol for the interior site sidewalk shall be used as that used along the road frontage. A Proposed Improvement Plan separate from a Proposed Grading and Drainage Plan is recommended. *The limits of proposed interior sidewalk has been somewhat clarified. Only the material for the proposed handicap ramps has not been indicated.* All proposed curb radii should be shown for accuracy of the layout. In addition, the proposed curb return points should be added. *Most of the proposed curb radii have been added, the proposed tangent points must still be shown.* Site improvements associated with the temporary dormitory are incomplete. A means of access should be provided between the proposed temporary dormitory and proposed high school. *More information on the proposed site improvements for the temporary dormitory has been completed and a means of access between the temporary dormitory and high school provided. Additional dimensioning on the site plan is necessary.* The plans show a Freshwater Wetlands and Waters Boundary Line as verified by NJDEP File No. 1514-08-0007.1 FWW080001. A copy of this LOI shall be submitted with this application, this will also verify the Transition Area Line depicted. A three hundred foot (300') riparian buffer to the Metedeconk River is also shown on the plans. The entire riparian buffer is located between the Freshwater Wetlands/Waters Boundary Line and the River. *A copy of the LOI must still be submitted.* Architectural- Progress sketches have been provided for the proposed high school. A completed set of floor plans and elevations are required. Review of the sketches indicates that the site plans and architectural plan do not match and require coordination. It is also impossible to properly evaluate the parking requirements since the architectural plans are incomplete. *Completed architectural plans are still required.* As noted on the Proposed Addition and Alteration for 670 Squankum Road architectural plans, new dorm rooms are proposed on the basement, first floor, and second floor levels. It appears only the first floor level will be

handicapped accessible. Testimony is required from the architect. *Testimony shall be provided.* A fire suppression line is shown for the proposed high school building. Testimony should be provided as to whether the proposed temporary dormitory will include a sprinkler system. *A proposed fire suppression line has been added for the proposed temporary dormitory.* We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. *Proposed air conditioning equipment must still be addressed.* We recommend that color renderings of the buildings be provided for the Board's use at the forthcoming public hearing for the application. *Statement of fact.* Grading-Grading information provided on the current design plans is incomplete. Additional proposed elevations and proposed contours are required to evaluate the grading. Proposed elevations should be provided at control points, such as curb returns and corners, access points, and building corners. Missing proposed contours must be added between the proposed building and parking area, as well as between the proposed parking area and the transition area line. *Additional proposed grading information has been provided. Our office can review remaining deficiencies with the applicant's engineer.* Per review of the existing elevations and per review of site conditions during our 9/25/09 site inspection, on-site grades generally slope to the north towards the Metedeconk River. *Statement of fact.* The site plans references a survey. A signed and sealed copy of this survey should be provided as part of this application. The Existing Conditions Plan only shows a partial topographic survey. Should the actual survey only include a partial topographic survey, then a waiver must be requested. *The Board should act on a waiver request from providing a complete topographic survey for the site. If an insert is added for the proposed pavement transition area on Squankum Road, then the existing topography provided appears adequate to properly evaluate the site plan.* Only one (1) soil boring is indicated on the drawings. There is a moderate slope to the site. Therefore, additional borings must be provided to justify the proposed basement elevation of the high school and the recharge system. *A second soil boring has been added which justifies the proposed basement elevation of the high school and the recharge system.* Stormwater Management-The Stormwater Management Report does not seem to account for all proposed improvements and overland runoff lost from the site that is not collected in the stormwater management system. Revisions to the system and report are necessary. It appears additional underground detention with slower release rates will be required. *A revised Stormwater Management Report has been submitted. We recommend the routing be based on the 24 Hour, Type III, SCS Storm to insure there is proper volume in the proposed system. The proposed underground detention facility is subject to review and approval by the NJDEP since the outlet structure is located within the wetlands transition area. We question the need for stone surrounding the pipes since solid pipe is proposed.* A larger proposed recharge system for the roof of the proposed high school building may be required because of the lack of cover on the overflow discharge pipe. *The size of the proposed recharge system has been increased and must be enlarged further to account for a 7,352 SF building. The proposed invert elevation of the discharge pipe shall be raised to 93.30 and a foot of stone shown over the proposed recharge pipe in the profile.* While the stormwater management concept for this project appears viable, additional design information must be provided, including the following items at a minimum: Information regarding the proposed roof leaders and their discharge(s) into the proposed stormwater recharge system. *Proposed roof leaders have been added, but their design needs to be coordinated with the architectural plans.* Proposed profiles of the stormwater management system- *Proposed profiles of the stormwater management system have been added and some modifications are necessary.* The Stormwater Management Facilities Maintenance Plan provided as part of the Stormwater Management Report lacks detail. The frequency of inspections and maintenance to the system is inadequate. The section on record keeping must be expanded with more precision for this particular project. *A revised Stormwater Management Facilities Maintenance Plan has been submitted as part of the revised Stormwater Management Report. The revised*

Plan is more comprehensive. However, it needs to be tailored to the site specifics of the project such as the underground detention and recharge facilities. Landscaping and Lighting- A dedicated landscaping plan is provided with the submission; proposed landscaping is depicted on Sheet 4 of the plans. The Landscape Plan is now Sheet 5 in the revised plan set. A six foot (6') wide shade tree and utility easement is proposed across the developed frontage of the property. The easement shall be dedicated to the Township of Lakewood and include bearings, distances, and an area. Bearings and distances have been added to the proposed easements. Only proposed areas must be included. Proposed shade trees shall be removed from sight triangle easements. The sight triangle easements must be approved by the County in order to determine whether any proposed shade trees are still within the easements. Testimony should be provided as to whether compensatory landscaping is proposed (or necessary). It should be noted that tree protection details are provided on the plans for mature vegetation that is salvageable during construction. Testimony shall be provided. Landscaping should be provided to the satisfaction of the Board. The Board should provide recommendations to the applicant, if necessary. Proposed Compact Japanese Holly shrubs encroach onto the parking area proposed for the temporary dormitory. Also, the counts on the plan and plant list require corrections for the Compact Japanese Holly and Winter Green Boxwood. Purple Leaf Sand Cherry shall be corrected in the plant list. The Landscape Plan has been revised. "Purple" Leaf Sand Cherry shall be corrected in the plant list. The fifty-one (51) count on the plan for the Leyland Cypress shall be corrected to forty-eight (48). No landscaping is proposed for the converted temporary dormitory. Landscaping has been proposed on the revised for the converted temporary dormitory. Corrections are required to the Planting Notes. Minor corrections are still required to the Planting Notes which we can review with the applicant's professionals. A dedicated lighting plan is provided with the submission; proposed lighting is depicted on Sheet 5 of the plans. The Lighting Plan is now Sheet 6 in the revised plan set. The Lighting Plan shows five (5) sixteen foot (16') high pole mounted lights and four (4) fifteen foot (15') high wall mounted lights. However, the Luminaire Schedule indicates six (6) pole mounted lights and ten (10) wall mounted lights. Revisions are required including details, photometric data, and a point to point diagram. The revised Lighting Plan show six (6) sixteen foot (16') high pole mounted lights and four (4) fifteen foot (15') high wall mounted lights. The point to point diagram indicates that additional lighting should be considered in the vicinity of the proposed refuse enclosure and low level lighting for some of the pedestrian access ways, especially between the proposed buildings. Lighting should be provided to the satisfaction of the Board. The Board should provide their recommendations for lighting, if any. Utilities- The plans indicate the site is served by public water and proposed septic systems. Proposed (new) water services to the proposed high school building from Squankum Road are depicted on the plan. A schematic of a proposed septic system design for the new high school is indicated. No existing or proposed water and septic systems are shown for the existing dwelling to be converted to a temporary dormitory. The revised plans propose new water services, including fire suppression lines, to the proposed buildings from Squankum Road. Schematics of the proposed septic system designs for the buildings are indicated. The proposed disposal field for the high school located on Lot 54 is shown on adjoining Lot 59. This matter must be addressed since the lots are no longer proposed for consolidation. The applicant must receive necessary approvals for the increased demands resulting from the proposed addition/alteration to the existing structure, as well as the proposed high school building. At a minimum, approvals will be required from New Jersey American Water Company for water and Ocean County Board of Health for the septic systems. Testimony should be provided on the proposed public water and private septic systems. Signage- 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. Proposed signage information has been provided. Variances are required for the proposed free-standing

sign. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. **Statement of fact.** Environmental - No Environmental Impact Statement (EIS) was prepared for this project. **Statement of fact.** To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Wood Turtle and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. Per NJDEP mapping, the undeveloped portion of the site contains potential state threatened species habitat. We recommend that the applicant request and provide results for a threatened and endangered species database search from the NJDEP Office of Natural Heritage, and assess the site for critical habitat (if any). If a habitat assessment was performed during NJDEP's approval for the wetlands letter of interpretation that would be acceptable in lieu of a new assessment. Testimony should be provided by the applicant's professionals as to whether there are any other known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property. **Testimony shall be provided.** We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. **A note should be added to the plans.** Construction Details- 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 @ 4,500 psi. A more detailed review of construction details will occur during compliance review; if/when this application is approved. **A more detailed review will be completed, if necessary.** The Outlet Control Structure detail requires revisions to match the stormwater system design. **The detail has been properly revised.** Trash Rack detail discrepancies must be corrected. **The proposed trash rack has been eliminated.** Corrections are required on the Typical Storm Sewer Trench detail. **The detail has been properly revised.** Corrections are required to the Protective Bollard detail. **The concrete for the protective bollard shall be 4,500 psi.** The footings for the Trash Enclosure detail and Solid White Vinyl Fence detail must be coordinated. **Information on the footings for the details must be completed and the footings must extend at least thirty-six inches (36") below proposed grade.** A joint between the pavement and curb is not required since all paving is asphalt. **Part of the joint note must still be removed from the plans.** Handicapped ramp details must be revised to the current NJDOT standards. **Additional handicapped ramp details and locations must be added to the plans.** Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. **Statement of fact.** Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Ocean County Board of Health (septic systems); New Jersey American Water Company (water service); NJDEP (wetlands buffer encroachment for stormwater outfall); and all other required outside agency approvals. **Evidence of outside agency approvals must be submitted when they are obtained.**

Mr. Vogt gave an overview of his letter and said some concerns were the temporary dormitory and the buffers and landscaping in the buffer. He also asked the applicant if they were consolidating the lots and the applicant said they were.

Mr. Dennis Kelly Esq. appeared on behalf of the applicant and said there was one other waiver and that was sidewalks in the portion of the front. Mr. Surmonte was sworn in as the applicant's

engineer. Mr. Kelly said it is the applicant's intent to consolidate the lots. Mr. Surmonte said the lot line is to be removed and the entire parcel will be on one lot. Mr. Neiman asked if this was part of a phase from the prior application for this school. Mr. Kelly said Yeshiva Keter Torah had a separate application close to this one on Apollo Road further down that was broken down into phases. This is for the high school, not the elementary school. Mr. Surmonte identified sheet 5 of 11 on the easel and said the structure to the left side of the property is an existing residence that is to be converted into the proposed dormitory and the larger structure in the center of the property is to be a newly constructed school. Mr. Surmonte said there is a recent provision in the ordinance that permits the dormitory on a lot as an accessory use to the school and that is why they eliminated the lot line. Mr. Neiman asked Mr. Vogt if that was correct and Mr. Vogt said he is not sure what ordinance Mr. Surmonte is referring to and Mr. Kielt said they discussed this at the zoning meetings and as we speak dormitories are not a permitted use anywhere- there was a finding by Mr. Mack, the former zoning officer, that considered a dormitory an acceptable accessory use to a school and created a policy of such. Mr. Vogt said it is consistent with past approvals for the board even though it may not be specifically stipulated in writing and Mr. Kielt said yes. Mr. Vogt asked Mr. Jackson if they are ok proceeding and Mr. Jackson said by custom and tradition schools and universities have had dormitories as an accessory use and he would not call them a different use. Mr. Vogt said it may have been more of an issue if they kept them on separate lots.

Mr. Kelly said the other thing to be addressed is the waiver of sidewalks; they are proposing sidewalks on the site and asked Mr. Surmonte to show where they are not proposed and why. Mr. Surmonte said they are just not proposed north of the northerly entrance drive and said that area leads down to the brook and there are wetlands nearby. Mr. Neiman asked if there was enough buffer before wetlands and Mr. Surmonte said yes and showed where the wetland line is on the plans. Mr. Neiman said on other applications they have asked for some type of construction protection so no debris could go into the wetlands and brook and Mr. Kelly said typically there is a snow fence or barrier that is put up during the construction and Mr. Jackson said an engineer should require some kind of detail to indicate what will be done during construction. Mr. Vogt said that is typically down on the soil erosion plan. Mr. Surmonte said they will also have to get a NJDEP permit for the intrusion into the buffer for the outfall.

Mr. Neiman said on Mr. Vogt's report he calls it a temporary dormitory and asked why and Mr. Vogt said they interpreted it as being a temporary use and Mr. Kelly said it is the existing structure and what they were proposing is to convert it into a dormitory and Mr. Vogt asked if it was going to be permanent and Mr. Kelly said yes and Mr. Surmonte said he is being careful on how they define permanent. Mr. Vogt said they had interpreted it as being non permanent and if it is going to be permanent then let the board know. Mr. Kelly said it is the applicant's intention to make it permanent. Mr. Neiman said then it has to comply with a dormitory, with a sprinkler system and everything that is required. Mr. Neiman asked about parking and Mr. Surmonte said there is no parking requirement for a dormitory but they are providing 7 and Mr. Neiman said there is no parking requirement because there is no ordinance for a dormitory and said there should be some parking for a dormitory and Mr. Kielt said in the past they have used industry standards. Mr. Fink asked how many doors to the dormitory and Mr. Surmonte said he did not have the architectural plans with him so Mr. Vogt supplied him with a set. Mr. Neiman asked how many parking spaces are they supplying and Mr. Surmonte said 7 for the dormitory- 3 to the north, 2 to the south and 2 adjacent to the building to the west. Mr. Vogt asked how many beds are in the dorm and Mr. Surmonte said it has an occupancy allowance of 109 and the design occupancy is 50- there will be 5 large bedrooms. Mr. Vogt said they have a square footage of a little more than 2,000 sf. and Mr. Surmonte said Sal (Santoro) came up with 5,500 gross sf and was looking at the plans, sheet 1 of the plans. Mr. Surmonte said he is also

incorporating rooms in the basement, so there will be 4 dorm rooms in the basement and 5 on the main floor. Mr. Fink asked again how many entrances will there be and Mr. Surmonte said there will be an entrance in the front and one at the rear so there will be 2 and Mr. Fink said none for the basement and Mr. Surmonte said the plans indicate large wells which would be emergency exiting but it is not specified on the plans. Mr. Kelly said they would have to comply with the building department for a C/O. Mr. Schmuckler asked where they were located now and Mr. Kelly said they were at the other location in temporary structures but not dormitory structures. Mr. Schmuckler asked how many students are in the high school and their professionals did not. Mr. Fink asked for safety issues if there is a shot they can propose 3 exits or entrances because 2 for 109 children sleeping downstairs and the main floor concerns him for safety reasons. Mr. Vogt said they will have to address that if they are going to have people sleeping in the basements. Mr. Surmonte said on the north side of the building they can put another entrance. Mr. Surmonte said he can comply with the remainder of the items in the board engineer's report.

Mr. Neiman asked about the garbage and Mr. Surmonte said they have a large refuse area in the rear of the school and it is linked to the dormitory.

Mr. Neiman opened the microphone to the public.

Bill Hobday, 30 Schoolhouse Lane Lakewood was sworn in. He said with 9 dorm rooms, how many bathrooms will be provided and Mr. Surmonte entered the architectural into evidence. He said they building also has a second floor that he neglected to inform the board which will also have 9 rooms- so there will be 9 rooms on the second floor, 5 on the first floor and 4 in the basement. Mr. Hobday said with 18 rooms of students residing, how many bathrooms will there be and Mr. Surmonte said there is a large bathroom on the second floor that has 5 showers, 4 sinks; on the first floor is the same so there will be a total of 10 showers in the building. Mr. Hobday asked about the toilets and Mr. Surmonte said there will be a total of 6 toilets and 4 urinals between the 2 bathrooms. Mr. Hobday asked if that was adequate for 18 dorm rooms and Mr. Surmonte said it was done with an occupancy load of 50. Mr. Hobday said he would think that on something like this-this is an R12 zone, that if dormitories are not a permitted use this board has an obligation to recognize that if there should be an ordinance that permits it they should ask the Township Committee to write an ordinance that permits it. Mr. Neiman said he agrees with him and they will ask the attorney to speak to the Township Committee. Mr. Hobday asked if this was city sewer or septic and Mr. Surmonte said it will be served by septic. Mr. Hobday displayed disbelief and Mr. Neiman said they will not get approval without the Board of Health approval.

Mr. Neiman asked if there was any kitchen facility in the dormitory and Mr. Surmonte said looking at the architectural plans submitted by Sal Santoro dated 8/18/09, there is a kitchen on the ground floor. Mr. Fink said there is no plumbing in the basement as far as facilities and Mr. Surmonte said yes and also stated that based on the occupancy this application will not only go to Ocean County Health Department but also go to the State of New Jersey for treatment works approval.

Seeing no one else, this portion was closed to the public.

Mr. Schmuckler asked if 10 parking spaces for the school building was enough and Mr. Vogt said there is 1 parking space per classroom and asked if there will be students driving here and Mr. Surmonte said his understanding from talking to the rabbi is students will not be permitted to have cars and Mr. Vogt asked if that could be incorporated into the approval and Mr. Kelly

said yes. Mr. Surmonte said there is a note on the plans that state no student shall be permitted to drive to and from school and all students shall be bussed. Mr. Schmuckler said he noticed the fencing starts out as wood then goes to chain link then to white vinyl and then to wood again and asked the reason and Mr. Surmonte said the wood and chain link is all existing fencing and they proposed along the westerly and southerly property lines is a 6ft. high solid white vinyl fence.

Mr. Neiman said he likes the school but he doesn't know if the board has enough information on the dormitory to vote on this application and Mr. Jackson said that is the board's prerogative and if they feel they need more information they can ask for it. Mr. Fink said he would feel more comfortable with more information and he has issues with dorm and would like to see restrooms in the basement also along with an extra door and the safety should be brought up. Mr. Kelly said the concern they have with the dormitory is the septic capacity so they would like to put those facilities in the basement but they would have to get the approval from the county so the architectural they submitted is what they would like to design. They agree to add another entrance but changing the design to increase capacity, they do not know if they have that. Mr. Jackson asked if they had a layout, a detail of operation, are there lounges, recreation facilities, faculty rooms etc. and asked what the daily hours and school periods etc. and said if they were to come back with the rabbi and answer some of those questions that might alleviate some of the board's concerns. Will there be events like graduation where the parents will come in? The board needs more assurances that this will be run well and be safe and be an asset. Mr. Neiman agreed and said they feel comfortable with the actual school but they don't have architectural on the dormitory and that is an important building.

Mr. Schmuckler asked if they could go on to the next application and let the rabbi come back and Mr. Neiman said they have an agenda to follow. Mr. Neiman said he had no problem splitting this into 2 applications- look at the school and then let them come back for the dormitory but asked if that can be done if it is on the same lot and Mr. Vogt said they could do phase 1 and phase 2 and Mr. Jackson asked if they can come back in 2 weeks and Mr. Kelly said they can certainly come back and it was the intention that the rabbi was going to be here this evening. He agrees it would be cleaner to bring it back at the next meeting. Mr. Neiman said he had no problem with them splitting it up and Mr. Kelly said it is all one application. Mr. Fink and Mr. Neiman said they should concentrate on cleaning up the dormitory portion of the application.

Mr. Jackson said they will be coming back as a continuation of this meeting.

Mr. Kielt said they can carry it to the meeting of March 16, 2010

Motion was made by Mr. Akerman, seconded by Mr. Fink, to carry the application to the meeting of March 16, 2010.

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

3. SD # 1694 (No variance Requested)
Applicant: North Lake Realty LLC
Location: Lafayette Boulevard

Block 265 Lot 1
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated January 12, 2010 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing 48,956 square foot lot into two (2) proposed residential lots. The existing property, Lot 1, is a vacant, wooded tract with frontages on four (4) streets. Carlton Avenue South borders the property on the east side and is a fully improved street in a developed residential neighborhood. Cedar Drive is an unimproved street on the south side of the property and connects the right-of-ways of Thorndike Avenue and Carlton Avenue South. Thorndike Avenue borders the site to the west, is unimproved, and connects the right-of-ways of Cedar Drive and Lafayette Boulevard. Lafayette Boulevard is an unimproved street on the north side of the lot and connects the right-of-ways of Thorndike Avenue and Carlton Avenue South. The right-of-ways of all four (4) streets are sixty feet (60') wide. The applicant proposes to subdivide the property into two (2) residential lots. Proposed Lot 1.01 will be 100' X 120', contain 12,000 square feet, and have frontages on Carlton Avenue South and Cedar Drive. Proposed Lot 1.02 will consist of the remainder of the tract and contain 36,956 square feet. Proposed Lot 1.02 will have frontages on Cedar Drive, Thorndike Avenue, and Lafayette Boulevard. Except for curb and sidewalk along the frontage of Carlton Avenue South, the only other construction proposed is a long driveway connecting to existing pavement on Lafayette Boulevard to the west of the site. No improvements are proposed for any other of the street frontages. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are predominantly residential. *We have the following comments and recommendations per testimony provided at the 12/1/09 Planning Board workshop hearing, and comments from our initial review letter dated October 15, 2009.* Zoning and Waivers- No topography is shown and a waiver is required. The Plan Notes state that outbound survey information was obtained from a boundary and topographic survey dated 2/10/2005. Our site investigation indicates that this survey must be updated. New storm sewer, sanitary sewer, and paving have all been constructed since the date of the 2005 survey. Lafayette Boulevard and Thorndike Avenue have been improved to the northwest corner of the site. We recommend that an updated boundary and topographic survey be submitted because the information will be necessary prior to filing for and obtaining permits. *Topography is provided on the revised plan as requested, based on a February, 2005 survey as referenced on Plan Note #2.* The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. *Fact.* No variances are required (or are necessary). *Fact.* Review Comments- The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. The Schedule of Bulk Requirements lists two (2) off-street parking spaces required per dwelling unit; this shall be corrected. The Schedule also proposes four (4) off-street parking spaces per dwelling unit. In order to comply, two-car garages are required since the proposed driveways only have enough room for two (2) vehicles. *The applicant's engineer's cover letter notes that two-car garages will be provided. A note to this effect should be added to the compliance plan (if approved by the Board).* Testimony should be provided as to whether basements are proposed for any of the proposed dwellings. Parking shall be provided to the satisfaction of the Board. *Per the applicant's engineer's cover letter, basements are proposed.* We note that sidewalk and curbing is proposed along the property's Carlton Avenue South frontage. No improvements are proposed for Lafayette Boulevard, Thorndike Avenue, and Cedar Drive. *Fact.* On the north side of Lafayette Boulevard, opposite this project, another Minor Subdivision Application (SD# 1687) is pending before the Board. Accordingly, we recommend the half width of Lafayette Boulevard be improved across the frontage of proposed Lot 1.02 as part of this application to allow proper access. Roadway improvements, which are not shown on the plan, have been constructed to the northwest corner of proposed Lot 1.02. *Per the applicant's engineer's cover letter, access*

for proposed Lot 1.02 should be from a driveway off of Thorndike Avenue. The plans depict a 12' foot paved portion along the property's Thorndike Avenue frontage. The curb and sidewalk proposed along the Carlton Avenue South frontage will be an extension to the existing curb and sidewalk directly north of the property. Based on our site investigation, we recommend a curb radius and handicapped ramp be constructed at the Carlton Avenue South and Cedar Drive intersection. Dimensioning of proposed depressed curb is required. This information is provided on the revised plan. Proposed handicapped ramp, concrete sidewalk, concrete apron, and concrete curb details are required, this should include depressed curb. A forty foot (40') wide road half section, asphalt driveway, and pavement repair details must also be added. Details have been provided as requested. The concrete details should be revised to specify a minimum compressive strength of 4,500 psi. Existing and proposed spot elevations and contours are necessary to evaluate any grading and improvements. Existing grading has been provided. Per the applicant's engineer's cover letter, proposed grades will be provided as a condition of approval. Should minor subdivision approval be granted, the Board may wish to consider having the applicant bond for improvements since no other construction is proposed at this time. Fact. The Plan Notes state that the properties will be served by public water and existing and/or proposed by others sanitary sewer facilities. Testimony should be provided clarifying public water and sewer service. The project is located within the New Jersey American Water Company franchise area. Per the applicant's engineer's cover letter, testimony will be provided. The lot numbers should be consistent with the numbers assigned by the Tax Assessor. Fact. Proposed six foot (6') wide shade tree and utility easements are shown along all the property frontages. Bearings, distances, and areas must be provided for the proposed easements on the individual proposed lots. No shade trees are shown within the proposed six foot (6') wide shade tree/utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board (or waiver sought). Easement information has been provided. Per the applicant's engineer's cover letter, the applicant agrees to planting shade trees as directed by the Board. No sight triangle easements are indicated. The applicant's professionals shall provide testimony as to whether the easements are necessary. Per the applicant's engineer's cover letter, testimony will be provided. Landscape ties encroach onto the property from adjoining Lot 2. The disposition of the encroachment must be addressed. Per the applicant's engineer's cover letter, the ties will be relocated. Compliance with the Map Filing Law is required. Fact. Outside agency approvals for this project may include, but are not limited to the following (Fact): Ocean County Planning Board; Water and Sewer Approvals (if necessary); Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals.

Mrs. Miriam Weinstein Esq. appeared on behalf of the applicant. She said this is a fully conforming lot and fronts on both Carlton Avenue and Cedar Drive and the balance will remain as a single 48,000 sf lot and no construction is proposed at this time. Mr. Brian Flannery was sworn in as engineer for the applicant. Mr. Flannery said they only need topography for the site and they provided that and there are no variances requested. With reference to the sewer and water, there is public sewer and water on Carlton Avenue South and is right in front of the site and Thorndyke-either this applicant or something in the future will happen to develop that. All the other items in the report will be complied with including the sidewalks along the frontage of Carlton Avenue South at this point and will come back in the future on the 48,000 sf lot and at that time they will put in sidewalks along every road that they develop. With respect to site triangle easements, on the larger lot in the future if they are doing something they will put a site triangle then and the 12,000 sf lot is at a "T" intersection where a site triangle isn't needed so none are proposed. Mr. Flannery said they agree to comply with the remaining items in the report.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to approve

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

4. SD # 1701 (No variance Requested)
Applicant: Abraham Flam (formerly Harvard Community LLC)
Location: East Harvard, East End Avenue and East End Street
Block 225 Lots 3, 4, 5 & 6
Minor Subdivision to create 2 duplex lots

Mr. Vogt prepared a letter dated January 12, 2010 and is entered in its entirety. The owners of Lots 3, 4, and 6 are Harvard Community LLC, 28 Negba Street, Lakewood, New Jersey 08701. The owner of Lot 5 is Rachel Flam, 1492 Pine Park Avenue, Lakewood, New Jersey 08701. The applicant is Harvard Community LLC, 28 Negba Street, Lakewood, New Jersey 08701. The applicant is seeking minor subdivision approval. It appears the applicant proposes to remove two (2) single family dwellings and construct two (2) duplexes. The existing four (4) lots known as Lots 3 – 6 in Block 225 are proposed to be subdivided into four (4) zero lot line proposed lots designated as Lots 3.01 – 3.04. Four (4) off-street parking spaces are proposed for each unit. The existing property has frontage on three (3) streets. East End Street borders the site on the east side, East Harvard Street borders the site on the south side, East End Avenue borders the site on the west side, and a residential dwelling and an office building border the site on the north side. There is existing curb along most of the East End Avenue frontage. Otherwise, the existing edge of pavements of the surrounding roads is very irregular. East Harvard Street has a right-of-way width of forty feet (40'), while the other roads have fifty foot (50') right-of-way widths. There is a mix of commercial and residential uses in the area. *We have the following comments and recommendations per testimony provided at the 12/1/09 Planning Board workshop hearing, and comments from our initial review letter dated November 24, 2009.* Zoning and Waivers- The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings and duplexes are permitted uses in the zone. Zero lot line subdivisions for duplexes are permitted in the R-10 zone. *Fact.* The General Notes state that outbound survey information was obtained from a boundary and topographic survey dated 5/6/06. A copy of this survey is required to properly review zoning compliance. *A copy of the survey has been provided. This item has been addressed.* Variances will be required should the Township require a five foot (5') right-of-way dedication along East Harvard Street. *Fact.* Curb and sidewalk are proposed along the frontages of East End Street and East End Avenue. No improvements are proposed along the East Harvard Street frontage, which requires waivers. *Fact. The applicant is requesting a waiver from curb and sidewalk along East Harvard Street.* No variances have been requested on this application. *Fact.* Review Comments- The existing pavement width is too narrow where the East End Street and East Harvard Street right-of-ways intersect. No roadway improvements are proposed. This issue must be addressed. *Some additional paving appears proposed at the intersection. Per the workshop hearing, the existing roadway, curb and sidewalk were to be reviewed with the Director of Public Works and improvements proposed where deemed necessary. Testimony should be provided at the forthcoming public hearing. Additional paving information appears necessary on the compliance plans (if approved by the Board).* A 27.00' dimension is shown from the centerline of

right-of-way of East End Street to the right-of-way line of adjoining Lot 2, while a 25.00' dimension is shown from the centerline right-of-way of East End Street to the proposed right-of-way line of the subdivision. The applicant's professional shall address this matter. *Per the applicant's consultant's cover letter, a one-way designation for East End Avenue is requested for this subdivision. This request must be a condition of approval if this application is approved by the Board. A site triangle is proposed at the intersection of East End Avenue.* The existing curb in front of adjoining Lot 2 is dimensioned 20.50' from the centerline right-of-way of East End Street. It appears this dimension is maintained across the frontage of the subdivision. As a result, the extension of sidewalk across the frontage of subdivision requires an easement. A 2.5' wide sidewalk easement is being proposed. *Fact.* The existing curb along the East End Avenue frontage of the subdivision is located 16.1' from the centerline of right-of-way. The proposed sidewalk location must be dimensioned within the right-of-way. *The location is dimensioned from the centerline on the revised plan.* Only the East End Avenue and East Harvard Street intersection requires the construction of a handicapped ramp. Utility pole relocations should be noted where the existing poles are conflicting with proposed improvements, such as the East End Avenue and East Harvard Street intersection. *Pole relocations are noted on the revised plan.* Existing spot elevations, proposed spot elevations, and proposed contours are necessary to evaluate any grading and improvements. *Per the applicant's consultant's cover letter, proposed lot grading will be provided during plot plan review (if approved by the Board). At a minimum, necessary paving, curbing and sidewalk information, including grading as necessary, must also be provided at that time.* The zero lot line ordinances require parking for each duplex unit as if each unit was a single-family dwelling. The zoning schedule on the plan indicates that four (4) spaces are proposed for each unit, which is satisfactory. The proposed driveways as depicted on the subdivision plan shall be dimensioned; however they seem to scale at least 20' x 36'. *The proposed driveways have been dimensioned and appear adequate.* The Schedule of Bulk Requirements must reference Chapter 18, Section 902, Subsection F. *This item has been addressed.* The General Notes state that public water and sanitary sewer service to be provided by New Jersey American Water Company. Information should be provided on the plan regarding water and sewer service to the proposed duplex units. *Per the applicant's consultant's cover letter, proposed utility service information will be provided during plot plan review (if approved by the Board).* Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. *Fact.* Proposed ten foot (10') wide shade tree and utility easements are shown along all the property frontages. Bearings, distances, and areas must be provided for the proposed easements on the individual lots. No shade trees are shown within the proposed shade tree/utility easements on the subdivision plan. Shade trees should be provided to the satisfaction of the Board (or waiver sought). *Easement information and proposed shade trees have been added to the revised plan.* No sight triangle easements are indicated. The applicant's professionals shall provide testimony as to whether the easements are necessary. *A site triangle is proposed at the intersection of East End Avenue. None is provided at the end of East End Street. Testimony should be provided.* Proposed construction details such as handicapped ramp, concrete apron, depressed curb, road widening, asphalt driveway, and pavement repairs for improvements to the duplex units must be added to the plan in accordance with applicable Township or NJDOT standards. *Details have been provided.* Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required, including provisions to address items associated with the use, maintenance and repair of common areas and facilities associated with the overall property. Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township. *Per the applicant's consultant's cover letter, the applicant agrees to providing this agreement as a condition of approval.* Compliance with the Map Filing Law is required. *Fact.* Outside agency approvals for this project may include, but are not limited to the following (*Fact*): Ocean County Planning

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Board; Ocean County Soil Conservation District; Water and Sewer will be constructed by NJAWC; and all other required outside agency approvals.

Mr. Brian Flannery appeared on behalf of the applicant and said this application has no variances. They have asked for no sidewalks along E. Harvard Street- it is a one way street and this same applicant owns the property across the street and they are working on an application for that and when they come in with that they will provide sidewalks for that so they respectfully request not to install now. They have provided curb and sidewalk in front of the units they are building. They will provide the additional paving requested by the board engineer and Mr. Franklin. East End Avenue is designated as a one way street so they do not need to have that as a condition of approval and because it is a one way street, site triangle easements in not necessary and they agree to comply with the remainder of the comments in the report. Mr. Neiman asked if they were providing 28 parking spots for this application and Mr. Flannery said they are providing 4 parking spaces per unit so that would be 16 parking spaces. Mr. Schmuckler asked about sidewalk and Mr. Flannery said they are putting sidewalks in front of the units and asked for a waiver for sidewalks for East Harvard Street where it is near the side of the units. The board was not comfortable and Mr. Neiman said that street needs sidewalks and Mr. Flannery said the applicant will be happy to put in sidewalks. Mr. Neiman asked about garbage and was told it would be roll out to the front.

Mr. Franklin said they have to have more parking and said they have never seen the disaster in their life until they go out to East End and Harvard Street this last snow storm. He can't plow their snow, he can't get the cars off the street and they have no place to park and they give him hell and say he sits on the Planning Board and you allow these places to be built and there is not place for their cars and asked why are we doing this. He said they have to have more parking. Mr. Neiman said they have 4 spots for each unit and there are 4 units and he asked how many rooms are there and Mr. Franklin said there are also basements which are also homes so that is the problem. Mr. Neiman said that is what they usually ask for-one for the basement and 3 for the upstairs and Mr. Franklin said it is not working and Mr. Flannery said he thinks it is not working because in that area you have all the homes that were approved (a) not by this board, developments that were approved years ago before the RSIS kicked in and there are developments with 2 parking spaces per unit and they don't have enough. Mr. Franklin said he wants to make sure on the applications they are approving, if they can get more parking spaces, they should get it. Mr. Franklin said the RSIS does not work in Lakewood and Mr. Flannery said 3 doesn't work but 4 does. Mr. Schmuckler asked how the spaces are stacked and Mr. Flannery said these are 4 side by side.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Fink, seconded by Mrs. Koutsouris, to approve

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

The applicant agreed to install the sidewalks.

- 5. SD # 1702 (Variance Requested)
Applicant: 323-325 Realty LLC**

PLANNING BOARD MEETING
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MEETING

TOWNSHIP OF LAKEWOOD
REGULAR

Location: Ridge Avenue, east of Hackett Street
Block 235 Lots 33, 35, 36 & 41
Preliminary & Final Major Subdivision – 6 fee simple lots

Mr. Vogt prepared a letter dated January 14, 2010 and is entered in its entirety. The applicant is seeking Preliminary and Final Major Subdivision approval. The applicant proposes to subdivide four (4) existing lots (Lots 33, 35, 36 & 44 in Block 235) into six (6) proposed fee-simple lots. These lots will be developed into three (2) residential duplexes in accordance with the Township's Zero Lot Line Development Ordinance, Section 18-911. The property to be subdivided, totaling 0.97 acres, is an irregular, pan-handle shaped property. It contains an existing dwelling, driveway, shed, parking area and appurtenances which will all be removed. The lot fronts on the north side of Ridge Avenue, between Hackett Street and Negba Street. The applicant is proposing to construct three (3) multi-story duplex units. Each residential dwelling unit will be approximately twenty-six foot (26') feet wide by fifty-eight (58') feet long. Decks are proposed at the rear of each unit. Although the architectural plans are incomplete, it appears that each unit will be (at least) two-story, with five (5) bedrooms, and a first floor area. It is unclear from the current architectural plans whether basements or lofts are proposed. Individual driveways capable of parking up to four (4) vehicles are proposed for each unit. The majority of the adjacent and surrounding properties are developed with single and multiple-family dwellings. *We have the following comments and recommendations per review of the revised submission, testimony provided at the 12/1/09 Planning Board workshop hearing, a subsequent design meeting with the applicant's professionals and John Franklin of the DPW, and comments from our initial review letter dated November 18, 2009:* Zoning- The site is situated within the R-7.5 (Single-Family Residential Zone). Per Section 18-903G.1.b. of the UDO, duplex housing is a permitted use. *Fact.* As indicated previously in the application, the applicant is also seeking approval for zero Lot line development, in accordance with Township ordinance Section 19-911. Zero lot line residential dwellings are permitted in the R-7.5 zoning district. *Fact.* In accordance with Section 18-911-B of the Ordinance, zero lot line duplexes are allowed activities in the R-7.5 Zone provided that the duplex(es) is constructed to applicable Township standards, and the duplex(es) is intended to be divided into two (2) separately owned structures and lots. *Fact.* Per review of the subdivision plans and application, the following variances may be necessary, at a minimum: A minimum (aggregate) side yard width of fifteen (15') feet is required for each duplex building, vs. 14.9 feet aggregate side yard widths proposed for each of the two duplex buildings to be constructed on Lots (33.03-33.06). *Acknowledged and requested by the applicant per the engineer's 12/21/09 response letter.* Providing sidewalk along the property frontage (Section 18-814M). Curb exists along Ridge Street, but no sidewalk exists in front of the project or is proposed. *Per the applicant's engineer, sidewalks is not requested nor proposed along the property frontage since the street and sidewalks will be privately maintained. Section 18-814M is cited as a basis for not providing. Testimony must be provided at the public hearing. Assuming the applicant's interpretation of the UDO is accurate with respect to this item, we recommend that the benefit and need for sidewalk along the frontage be evaluated as part of the zoning relief being sought by the applicant. The zoning table must be revised to indicate the proposed rear yard setback for revised Lot 33.01 to be 22.1 feet as depicted on the site plan. We note that this setback is still compliant.* Positive and negative criteria for all necessary variances should be provided by the applicant. *Fact.* Review Comments-Site Plan/Circulation/Parking- Testimony should be provided by the applicant's professionals regarding the proposed access drive's compliance with RSIS design standards, as applicable. Specifically, there are no proposed turnarounds to accommodate larger vehicles including but not limited to DPW, delivery, or emergency services (e.g., Fire) that will need ingress and egress to the proposed units. We recommend that the current access drive be reviewed and approved by said agencies prior to approval by the Board, if/when forthcoming.

Testimony should be provided regarding the project's compliance with RSIS standards, specifically the lack of a designated turnaround. We acknowledge that per our meeting with the DPW, the proposed trash and recyclables area has been moved to the front of the access drive to provide access from Ridge Avenue. Testimony and/or proof must be provided that the proposed access drive will provide emergency vehicular access, access for deliveries, etc. Per note #13 on the Site Development Plan (Sheet 3 of 11), a blanket cross access ingress and egress easement is proposed to allow pedestrian and vehicular access on the proposed access drive. Based on this proposal, we assume that this proposed access drive will be privately-owned and maintained. Confirming testimony is required from the applicant. A Homeowner's Association is now proposed. Confirming testimony is necessary. As noted above, sidewalks do not appear to be proposed along Ridge Avenue nor within the development itself. Pedestrian access within the development should be addressed by the applicant to the satisfaction of the Board. A waiver has been requested. Testimony is required addressing whether a Homeowners Association (HOA) is proposed for road and facility maintenance (including but not limited to snow plowing and stormwater management). If not, 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. A Homeowner's Association is now proposed. Confirming testimony is necessary. A site triangle easement should be provided for the intersection of Ridge Avenue and the proposed access drive. A site triangle easement per AASHTO standards has been provided on the revised Site Plan, as well as a written description from the applicant's surveyor. This item has been addressed (pending minor typo revisions in written easement description). According to RSIS, for townhouses containing four (4) bedrooms or more, the parking shall be 2.5 off-street spaces per townhouse unit. Based on available information, the applicant proposes five (5) bedrooms basement for each unit. The applicant provides twenty-eight (28) spaces, equivalent to 5.6 off-street spaces per unit. Each proposed unit will have a driveway large enough to park four (4) vehicles except for the duplex units proposed within Lots 33.03-33.04. We recommend that the driveway lengths for these units be revised to a 36 foot minimum length, or a design waiver will be necessary. This item remains outstanding. It is unclear how trash and recyclables collections will be addressed per the current design. There appears to be a partially-recessed trash enclosure pad depicted near the intersection of the proposed access drive and Ridge Avenue. No enclosure details are provided on the current plans. Responsibility of proposed trash and recyclables collections must be addressed by the applicant. If Township collection is proposed, approval by the DPW is necessary. As stated previously, the trash and recyclables area appears to be proposed near the access drive's intersection with Ridge Street. This area should be clearly labeled on the Site Plan. DPW approval is pending. Upon deletion of the parallel parking spaces as referenced above, we recommend that the proposed dumpster pad/paved area near Ridge Avenue be further recessed to avoid encroaching into the proposed 24 foot wide drive aisle. Although the revised Site Plan contains conflicting information (and must be revised), it appears that four (4) parallel (9' x' 22' minimum) parking spaces are proposed in addition to the 24 proposed driveway spaces. Confirming testimony must be provided by the applicant's professionals. The Existing Conditions and Tree Management Plan (Sheet 2 of 11) should be signed and sealed by a professional land surveyor. This item has been addressed. Per note #10 on the Site Development Plan (Sheet 3 of 11), street and other surfaces disturbed during construction will be restored per Township standards. This note should be expanded to include curb, sidewalk, utilities and other similar existing features. This item has been addressed. The "Typical Roadway Section" detail on Sheet 9 of 11 should be revised to reflect the proposed access drive, and be in compliance with applicable RSIS and Township standards. This item has been addressed. Architectural- An architectural plan set was submitted for review. As indicated previously, the plan set appears incomplete. The following information must be provided, at a minimum: The "Front Elevation" plan scale (1/8" = 1 feet) appears erroneous with respect to vertical dimensioning, at a minimum. Correct scales must be provided. Vertical

dimensions were added to the revised plan. This item has been addressed. Proposed dwelling unit widths must be dimensioned on the first and second floor layout plans. *This item has been addressed.* Information must be provided as to whether basements are proposed, and if so, finished or unfinished. If finished, a floor plan must be provided. *No information has been provided. Testimony is necessary. As noted in our "Grading" comments below, the Grading Plan appears to indicate that basements are proposed.* Similarly, information must be provided as to whether lofts are proposed, and if so, finished or unfinished (the submitted front elevation appears to show a third floor). If finished, a floor plan must be provided. *No information has been provided. Testimony is necessary.* The proposed unit height(s) must be provided. *The unit height is provided and complies with the UDO.* Each architectural plan should be individually identified and dated. All three submitted sheets contain the same title, same sheet designation and are undated. *This item has been addressed.* 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. *Testimony is required.* Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. *Testimony is required.* (Additional) horizontal layout coordination between the architectural plans and the site plans may be required based on forthcoming architectural revisions. *This item appears to have been addressed.* Grading- A detailed grading plan is provided on Sheet 4 of 11. Per preliminary review of the grading design, it is feasible for the project as proposed. *Fact.* Proposed finished first floor elevations must be provided on the grading plans. Spot elevations for proposed stairs and landings must also be provided, and be consistent with the proposed building architecture. *Revised grades and spot elevations have been provided as requested, and appear (generally) adequate.* As stated previously, testimony is necessary regarding whether basements (finished or unfinished) are proposed. If basements are proposed, basement floor elevations must have the required minimum two foot (2') separation from the local seasonal high ground water table. *The revised Grading Plan appears to depict basement floors for the proposed units. Two (2) foot seasonal high ground water separation appears to be proposed.* A detailed grading review will be performed during compliance if/when this project is approved by the Board (at a minimum). *Fact.* Stormwater Management- Stormwater management for the proposed project includes collection of stormwater via inlets and piping, and recharge through three (3) proposed on-site underground recharge piping systems. Design and soil data are provided on the site plans and in the submitted stormwater management and stormwater maintenance plan reports. *Fact.* Per the proposed access easement referenced by note on Plan Sheet 3 (also on the Final Plat), an easement is proposed for site access purposes. Based on this information, it is our interpretation that the proposed stormwater management system(s) will be owned and maintained by a private entity. Confirming testimony is necessary from the applicant. Otherwise, DPW review and approval is necessary. *It is our understanding that the stormwater management system will be maintained by a Homeowner's Association. Confirming testimony is required.* Per the narrative provided in the stormwater management report, the systems were designed to attenuate (recharge) up to the 100-year storm in accordance with the NJ Stormwater Rule, using an infiltration rate "of 20 inches per hour with a factor of safety of two" (i.e., 10 inches per hour). *Fact.* Three (3) soil borings were taken at the site, and measured for permeability at 48" and 72" inch depths. Only soil boring SB-3 was taken near one of the proposed recharge areas, with no borings taken near recharge areas #2 and #3. The permeability rate at 72" for 11.6 in/hr. Based on available data, we recommend use of a permeability rate (including safety factor) less than ten inches per hour based on the field data. *No revisions have been made (yet) to the stormwater calculations. If approved by the Board, design revisions will be addressed during compliance review.* A detailed review of the final stormwater design will be performed during compliance if/when this project is approved by the

Board (at a minimum). Since the proposed system will be underground recharge, and there is no proposed relief discharge(s) should the systems back up over time, we recommend the engineer design the system(s) to allow for future access and maintenance of the proposed systems to continue their intended function in the long-term. We are available to review the design in further detail as necessary. *In response to our (and the DPW's) concerns regarding access for maintenance of the recharge system, the design was revised to incorporate cleanout risers at junctions in the recharge piping system. While these cleanouts will improve access to the recharge system and allow for "jetting" of the recharge pipes if clogged, they would not likely allow for cleaning on the stone recharge trenches if/when they become clogged with silt, either during construction or in the long-term. This is a concern since access to Lots 33.03 would be disrupted if the piping and stone had to be replaced (and the proposed recharge system has no outflow piping or hydraulic relief). If this project is approved by the Board, further revisions to the system appear necessary for maintenance purposes (and would be addressed during compliance review).* A stormwater maintenance manual was submitted in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Confirming testimony should be provided that the applicant will maintain the proposed stormwater management system. The manual will need to be revised based on the final design, and include measures for long-term maintenance of the system(s). *Fact. The manual will have to address in detail how the HOA (not the Township) will maintain the proposed system.* A detailed review of the final stormwater management plan will be performed during compliance if/when this project is approved by the Board (at a minimum). *Fact.* Landscaping- Proposed landscaping is illustrated on the Landscape and Lighting Plan (Sheet 6). As indicated on the plan, landscaping is proposed including seven (6) Red Maples, five (5) Flowering Dogwoods, twenty-two (22) Sargeant Junipers and various shrubs. *Additional landscaping has been provided on the revised plan. We commend the applicant for the proposed improvements.* Additional evergreen buffer and/or screening should be considered to prevent headlight glare onto residents of lots along the western property line. *Two (2) red maples have been added in response to our concern. We recommend an evergreen hedgerow (arborvitae, other), solid fence or other measure along the open portion of the westerly property line of proposed Lot 33.03 to prevent headlight glare onto adjacent homes within nearby Lots 31, 32 and 50.* The overall landscape design is subject to review and approval by the Board. *Fact.* The applicant should include the location of all proposed service laterals on the Landscape Plan to assure there are no conflicts with any of the proposed street trees. *This item has been addressed.* Although Sheet 2 references tree protection, a dedicated tree protection plan is not included in the submission. Tree protection measures and compensatory plantings (if any) should be provided per Township standards. *This item remains outstanding.* Lighting- Proposed landscaping is illustrated on the Landscape and Lighting Plan (Sheet 6). As noted, four (4) proposed 12-foot high lantern poles are provided along the proposed access drive. Per cursory review, the plan is adequate to illuminate the proposed access drive and off-street parking spaces. *Five (5) lanterns are now proposed.* Shielding is necessary to prevent spillover onto adjacent Lot 27. *This item has been addressed.* Final lighting design review will occur during compliance if/when this project is approved by the Board. *Fact.* Utilities- Utility information (other than lighting) is provided on Sheet 5. Per review of the plan notes, it is our understanding that public water and sewerage are being provided by New Jersey American Water Compliant (NJAWC). *Fact.* All proposed utilities must be installed in accordance with Township requirements. *Fact.* Final utility design review will occur during compliance if/when this project is approved by the Board. *Fact.* Environmental-Site Description- Per review of the site plans, aerial photography, and a site inspection of the property, the site is partially disturbed and surrounded by existing residential development. Mature trees exist within the eastern portion of the property. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP)

Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, grassland and wood turtle habitat areas. Per NJDEP mapping, no recorded areas of environmental concern (AOCs) were identified in the proposed project area. *Fact.* Construction Details- Construction details (except for landscaping) are provided on Sheets 9-11 of the site plans. *Fact.* All proposed construction details must be revised to 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 @ 4,500 psi. *This item has been addressed.* A final review of construction details will be performed during compliance, if/when this application is approved by the Board. *Fact.* Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. *Fact.* Final Plat- Compliance with the Map Filing Law is required. *Fact.* Proposed Lot numbers must be assigned by the Township Tax Assessor. *This item has been addressed.* Outside agency approvals for this project may include, but are not limited to the following (*fact*): Ocean County Planning Board; Ocean County Soil Conservation District; Water and Sewer service (NJAWC); and all other required outside agency approvals.

Mr. John Doyle Esq. appeared on behalf of the applicant. He said at the last meeting the board had some concerns about the maintenance of the various common elements and they have agreed that a homeowners association would be the better way to proceed. Mr. Flannery is the engineer for the applicant and Mr. Neiman said he did visit the site and it is a good plan but he needs to explain what is there now to let the board know exactly what they are doing. Mr. Flannery said what is there now is 2 dilapidated dwellings with dirt access and this project will be cleaning up the neighborhood. They have prepared an exhibit that shows what is around them and to the east is the townhouses, there are duplexes in the neighborhood and houses all around. This is like a donut hole that really needs redevelopment and the plan conforms and the variances that are listed-14.9 ft. combined where 15 ft. is required is diminimus and it is due to the width of the lot. They have complied with the boards engineer's suggestion that they push these units back and have 4 parking spaces in front of them. They have 4 designated parking spaces for all of them and the private street that gets them in there will have a homeowners association also provides access to all of them and in addition to 4 each, they have provide 4 additional spots for visitors. Mr. Neiman said there will not be any off site parking for the residents and Mr. Flannery said no. Mr. Flannery said the other variance listed is for no sidewalks- that was a drafting error and there are sidewalks proposed. Mr. Neiman asked if they will have to roll the garbage to the front of Ridge Avenue and Mr. Flannery said they met with Mr. Franklin and there will be a pad in front for the dumpster.

Mr. Flannery said with regard to the engineer's report, the road is RSIS compliant and Mr. Vogt asked him to explain why he feels that way and Mr. Flannery said it is less than 300 ft. so there is no cul de sac required and it is multi family which allows this type of access and it is a private access. Mr. Vogt asked about emergency access and Mr. Flannery said the RSIS established what made sense that is where the 300 ft. limit is and if a fire truck had to come here there is no reason for the fire truck to pull all the way to the back. There is plenty of room for ambulances and it provides the access needed as well as any other service that is required. Mr. Neiman said what would benefit here is no backing out onto Ridge-he does not know how they can enforce that but he thinks Ridge is so narrow there and Mr. Flannery said if anybody backs out once, they will never do it again. Mr. Schmuckler asked how wide the street is there and Mr. Flannery

said the paved width on Ridge Avenue is about 26 ft. and the street they are creating is 24 ft. wide. Mr. Flannery said the remainder of the comments can be complied with. Mr. Vogt asked about one of the driveways being shorter and Mr. Flannery said it was a drafting error and it will be 36 ft. to comply. Mr. Flannery said the question about the basements and attics on the architectural is because the developer is not finishing the attics but there is no restrictions on that- he is not putting steps up there and is building what is shown on the architectural plans and whether the people that buy it will finish the attic or basement is something they will find out in the future. The finish will be cultured stone with cedar shake vinyl siding and there will be no roof mounted HVAC equipment. The stormwater management system will be owned maintained by homeowners association and Mr. Neiman asked Mr. Vogt if the stormwater management system is ok and Mr. Vogt said it works as designed but they have concerns with the long term maintenance- those trenches are going to have to remain unclogged or it will not function. Mr. Vogt said there are 2 underground recharge systems, one under the parking near the main access drive and one where you have access to proposed Lots 33.03 and 33.04 and it is designed properly but his concern is that it is constructed properly and maintained properly. Mr. Flannery said the report requests maintenance manuals that they will prepare and said all the other comments will be addressed.

Mr. Franklin said the maintenance of the drainage system is very important and there should be some way that it is monitored by the Township Engineer either yearly or bi yearly where someone monitors it because a homeowner sees water disappear and they are happy but once that thing silts you are looking at a lot of money. Mr. Doyle said the first step is to build it well and that is not in the hands of the association and Mr. Franklin said that is only part of it and they need to make sure it does not fill up with silt during construction but it has to be monitored afterwards, starting at 2 years after it is installed because it will silt up and destroy itself in about 15 years. Mr. Doyle said that will be their responsibility under the association documents and Mr. Franklin said he would still like to see it monitored by the engineering department of the town and Mr. Vogt said the board can have the HOA hire someone who is a licensed professional to do an annual inspection and give an annual report to the township and Mr. Neiman agreed. Mr. Neiman said the stipulation should be included in the resolution.

Mr. Neiman opened the microphone to the public

Moses Steinwitz, 205 Ridge Avenue Lakewood. He said they have to think of the safety of the children and said this place is after 4 driveways and a turn it is a blind spot. All the children stop at the corner, crossing this driveway and it will pull out 20 cars and they have to think about the safety of their children and think if this is the proper way to do this. He said he represents other people and they feel the board should look into that. Mr. Neiman asked if he had any ideas or suggestions and Mr. Steinwitz said he is not an engineer but the way it is done right now, they don't feel it is safe enough. Now speaking for himself, since the last time they added a dumpster which will be located next to his home and he paid full price for his house and he feels that if there is any way to put the dumpster away from there. Mr. Neiman asked him to show the board where his home is located and he said he is Lot 27, right next to the driveway. Mr. Neiman asked Mr. Flannery what type of screening they have for the dumpster and Mr. Flannery said it is on a pad and currently it is fenced and landscaped and said they would be happy to increase the landscaping to further screen. Mr. Fink asked if it was a 6 ft. high wood fence and Mr. Flannery said yes and they could also do a vinyl fence and put landscaping on the outside. Mr. Steinwitz said now the entrance will be next to his house and he feels if it can be removed or something done about that or put a fence there as well. Mr. Flannery said it is fenced now and Mr. Steinwitz said he put it up and Mr. Flannery said the applicant will agree to provide a higher fence. Mr. Steinwitz also asked if the entrance can be moved and they pointed

to the exhibit and Mr. Doyle said the entrance will be on the other side of the gentleman's house and between them will be the 6ft. fence. Mr. Fink asked Mr. Flannery if there was space to put some arborvitae or trees and Mr. Flannery said yes and his recommendation would be 6 ft. arborvitae and within a couple of years they will grow a foot or 2 every year and he would plant them every 10 ft.

Bill Hobday, 30 Schoolhouse Lane Lakewood was sworn in. He said there was a lot of remarks about water and his question to the engineers is where is the closest stormwater run off system and asked if there were run off pipes somewhere by the other community where this water could be piped to instead of trying to perk it in clay and Mr. Flannery said why would they want to add water, it is costing the applicant more money to deal with it on site and that is the responsible way to do it. Mr. Neiman said what Mr. Hobday is saying is just in case something that is clogged, there is no place for that water to run and Mr. Flannery said it would bubble out at the lowest inlet which near Ridge Avenue and it would run along the gutter to the system down the street. Mr. Hobday asked if it will be pointed out in the HOA public offering statement that this is a potential hazard that has to be maintained and Mr. Neiman said they would include that in the resolution.

Daniel Maslow, 14 Negba Street Lakewood was sworn in. He said he represents the HOA on Pine Ridge Estates and is speaking as president and said he was made aware of this by the applicant to make sure the neighbors were ok with this and he appreciated the phone call. When he asked to see the plans he was told they couldn't give him the plans but wanted his ok without them. He said they also told him if he was going to fight it they would bring in lawyers and he won't stand a chance so don't bother fighting it. That was his welcoming to this application. There were other people at the other meeting that was pushed off and he said the problems he will mention are not small problems. He knows the board members have been there so they know what is going on but there are certain things they cannot know without living there with the problems going on at Ridge Avenue. They did bring up the drainage that comes off Ridge Avenue and said there is now storm drains on the entire Ridge Avenue and only one drain by Shoshana and Deena that is supposed to collect all the water from the rain and snow and if they come down now they will see what is going on- it goes half way into Ridge Avenue and adding more cars. Now you are putting 12 families where there were 2 houses originally and that will add more traffic into a congested area. The area used to have 8 houses (the properties next to this applicant) and now there are more than 50; 30 from his complex, 8 added from their complex that was built before and now you are adding 12. Ridge Avenue can only handle a certain amount of traffic and when it rains people are forced to walk into the street and cars can only get by going to the other side of the street. Directly outside where this application is proposed it comes right after a bend that you cannot know unless you live there. If a car is parked anywhere between the curve and the driveway you cannot see the car coming out of the driveway and to approve this application without studying traffic consequences is dangerous. There is no turnaround or cul de sac and any truck that goes in there would have to back out and the cars traveling on Ridge from 4th St. will not be able to see any truck pulling out. He doesn't understand this because it does not make any sense. There are kids living here and buses with kids waiting for the bus. He also said there are 2 dumpsters that are almost at the end of the site triangle. Mr. Maslow also said there is an issue that there is no buffer zone or fence except for a chain link that they are using as a buffer between their complex and his complex and he recommends that they put some other buffers such as trees, etc. Mr. Neiman asked him where he wants the buffer and Mr. Maslow showed him on the map. Mr. Flannery said they have proposed landscaping in that area and they would increase the landscaping and satisfy the engineer that they would enhance that buffer. Mr. Vogt said there were concerns about the site traffic and the site distance in the intersection and Mr. Flannery said he has not

looked at that and would be happy to include that as a condition that they provide adequate site distance. Right now there are 2 dwellings there and people back out but they are going to provide something that is 24 ft. wide and offsetting it in an easterly direction which would give the most site distance to the west but they would agree to satisfy the Planning Board engineer's office as far as the site distance. Mr. Vogt asked Mr. Maslow about the parking on the street and asked him if he ever requested the Township Committee to restrict parking and Mr. Maslow said he met with Chief Lawson and Menashe Miller about it and they were going to look into it but the houses situated there now have no parking. Mr. Fink asked when the school buses come to pick up the children on Lots 24.15-24.12 (Mr. Maslow's development) where do the buses stop and Mr. Maslow showed them where they stop on Ridge. Mr. Fink asked why they allow the buses to stop on Ridge and Mr. Maslow said they asked the same question. Mr. Fink asked if the occupants of the new development would back out and Mr. Vogt said they have an aisle so now they won't have to back out. Mr. Franklin said the only people that would back out would be few cars parked.... (too many people spoke) and Mr. Franklin said if they had it where they had to go down and turn around and face out they would never back out and he asked if that could be included where they could only park face out. There was much discussion on the backing out of trucks and garbage trucks but Mr. Neiman asked him to move on and Mr. Maslow said they are overcrowding Ridge Avenue.

Mr. Chaim Birnhack, 203 Ridge Avenue Lakewood was sworn in. He is concerned about the traffic safety on Ridge Avenue being that there are so many buses and the garbage truck and the safety of the children and said that avenue should really be a one way street of something else done with it.

Mr. Neiman told Mr. Flannery he will somehow, and it will be part of the resolution, there should be no backing out onto Ridge from this property and what Mr. Franklin said was a good idea, that those 4 cars have to park the opposite way and Mr. Flannery said that is the way it is set up that way when they made the revisions and they will put signs up and Mr. Doyle said they can get Title 39 jurisdiction. Mr. Neiman said something has to be done with Ridge Avenue, maybe one way, it should not be a 2 way street and there should be no parking on Ridge and Mr. Flannery said they would send a letter to the Township Committee saying they are doing this application and the Planning Board is recommending limiting the parking and make it a one way. Mr. Neiman said at the next Township Committee meeting the public should speak to the committee to do a traffic study to be done here.

Seeing no one else, this portion was closed to the public

Mr. Doyle asked the exhibits be marked and said the project at the top which is the project rendering plan will be marked A1 and the final plat showing the major subdivision be marked A2 and both marked with today's date. Mr. Doyle summarized and said they have had 3 meetings and worked with the board to meet every concern raised by the members and stated that notice was given and plans were available at town hall on November 18th, which was 3 months ago. They only come seeking one variance for one inch and the density is less than that of ... (unclear) and he said they are modernizing a site, improving downtown and providing housing opportunities and they are meeting the safety concerns addressed by the board. They can't fix the road pattern or the one way-two way nature, that is up to the Township Committee but they have done all that they can and hope the board will approve subject to the conditions they have agreed to. Mr. Neiman went through the conditions and said screening of the dumpster, sidewalks, letter to the Township Committee regarding parking on Ridge, no backing out onto Ridge, have an inspection every 2 years of the recharge system by an engineer hired by the

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MEETING

TOWNSHIP OF LAKEWOOD
REGULAR

HOA, landscaping along the back of the homes and Lot 27 and fencing along Lot 27 with arborvitaes.

Motion was made by Mr. Fink, seconded by Mrs. Koutsouris, to approve with all the conditions Mr. Neiman mentioned

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

6. SD # 1692 (Variance Requested)
Applicant: JG Ridge
Location: southeast corner of Leonard Street & Park Avenue
Block 228 Lot 2
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated January 13, 2010 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing L-shaped 12,346 square foot lot known as Lot 2 in Block 228 into two (2) proposed residential lots. All existing improvements on the property, including a two-story frame dwelling and an existing garage would be removed. *The proposed subdivision configuration has been revised in response to Planning Board comments received at the 11/17/09 public hearing regarding the originally proposed size of Lot 2.01. The lot line between the proposed Lots has been reconfigured to increase the proposed size of Lot 2.01. Additionally, the proposed dwelling unit configuration on Lot 2.01 has been revised to provide a compliant 10 foot side yard setback from existing (developed) Lot 16.01. Finally, the dwelling footprint location for proposed Lot 2.02 has been shifted approximately 20 feet further back from the property frontage.* Proposed Lot 2.01 is now proposed as a 5,546 square foot corner lot fronting on Park Avenue and Leonard Street. Proposed Lot 2.02 is now proposed as a 6,800 square foot lot with frontage on Leonard Street. The site is situated within a residential area. Curbing exists along the entire frontage of the property. Sidewalk exists on the Park Avenue frontage, but not the Leonard Street frontage. However, there is existing sidewalk across the adjoining property on Leonard Street and sidewalk is being proposed across the Leonard Street frontage of the site. *We have the following comments and recommendations per testimony provided at the 11/17/09 Planning Board public hearing, and comments from our previous review letter dated November, 2009. Previous revision comments (bold, italicized) have been modified based on the most recent revised subdivision plan:* Zoning- The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Area (proposed Lots 2.01 and 2.02, 5,546 SF and 6,800SF are respectively proposed, 10,000 SF is required) – proposed conditions. *Fact.* Minimum Lot Width (proposed Lots 2.01 and 2.02, 53.4 FT and 36 FT respectively proposed. 75 feet is required) – proposed condition. *Fact.* Minimum Front Yard Setback (proposed Lot 2.01, 15 feet is proposed from Leonard Street, 30 feet is required) – proposed condition. *Fact.* Minimum Side Yard Setback (proposed Lot 2.02, 7.5 feet and 7.5 feet (estimated) are respectively proposed, 10 feet is required) – proposed condition. *Fact.* *The easterly sideyard setback for proposed Lot 2.02 must be dimensioned on the revised plan, and testimony on this dimension for Board consideration of this variance at the forthcoming public hearing.* Minimum Aggregate Side Yard Setback (proposed Lot 2.02, 15 feet is proposed (estimated), 25 feet is required) – proposed condition. *Fact.* The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents may 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. *Fact.* Review Comments- Lot coverages for proposed Lots 2.01 and 2.02 were revised to 19.8% and 24.9%, respectively. *Both proposed lot coverages are within the 25% limit.* The proposed dwelling on proposed Lot 2.01 will be served by a new driveway from Park Avenue, which provides four (4) parking spaces. The proposed dwelling on proposed Lot 2.02 will be served by a new driveway from Leonard Street, which provides four (4) parking spaces. *Fact.* Testimony should be provided as to whether basements are proposed for either of the new dwellings. Parking shall be provided to the satisfaction of the Board. Per testimony at the 11/17/09 public hearing, basements are proposed. *Fact.* The plan depicts the existing curbing along the frontage of the entire site, and sidewalk along the Park Avenue frontage. Sidewalk is proposed along the Leonard Street frontage. An existing driveway serving the existing dwelling and garage will be removed along with those structures. Full height curb will replace the driveway cut to be removed and should be noted on the plan. Depressed curb and driveway aprons are proposed for the new driveways. The proposed aprons should extend to the back edge of the sidewalk to insure reinforced six inch (6") thick concrete is installed to the proper locations. The existing concrete is in fair condition and should be replaced at the direction of the Township Engineer. Accordingly, a note shall be added to the plan. *The plan has been revised as requested.* According to the plan, the proposed sidewalk along Leonard Street requires the removal of a large diameter tree. However, based our site investigation on 9/25/09, the existing tree appears to be much smaller than designated. The base map may require correction. Preservation of other large existing trees on the site should be addressed. *The plan has been revised to indicate that the proposed 24" diameter tree within the Leonard Avenue ROW to be removed, as well as all mature trees within proposed Lot 2.02 (with the exception of those along the rear property line).* Testimony should be provided by the applicant's professionals regarding the mature trees present along the easterly property line of Lot 2.02, and whether any of these trees can or should be preserved. Detectable warning surface must be added to the existing handicapped ramp at the intersection. The appropriate details shall be added to the plan. *A detail is provided on the revised plan.* Existing and proposed grades are provided on the subdivision plan. Additional spot elevations are necessary for the proposed driveways and off-street parking spaces for both lots. Additional grades were provided and are satisfactory for subdivision approval purposes. *The revised subdivision plan includes a proposed shallow retaining wall (2 foot maximum height) along a portion of the westerly side yard of Lot 2.02. A detail is provided on the revised plan. We recognize that final lot grading would likely be reviewed during submission of plot plans. However, the wall as proposed would likely require disturbance along the rear of Lot 16.01, and impact the existing chain link fence. Testimony is requested from the applicant's professional as to how these issues would be addressed.* The plan indicates proposed water and sewer connections for proposed Lot 2.02. The plan also indicates that proposed Lot 2.01 shall utilize the existing sewer lateral and water service from the dwelling being removed. Depending on the locations of the services, this may not be feasible since the proposed dwelling is in a different location. In any event, trenching and road repair construction details must be added to the plan. *A pavement restoration detail has been added to the plan.* Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. *An approval letter dated August 28 has been provided from the Township Tax Assessor.* A six foot (6') wide shade tree and utility easement has been provided on the plan for the property's frontage. Bearings, distances, and areas must be provided for the easement. Four (4) shade trees are being provided. *Fact.* A sight triangle easement is proposed for the intersecting streets. Testimony is required as to how the dimensions of the easement were determined. Survey information for the proposed easement must be completed. *Testimony is required at the public hearing.* Compliance with the Map Filing Law is required. *Fact.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals (if necessary);

Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals.

Mr. John Doyle Esq. appeared on behalf of the applicant. He said the last time they came in they were the second of 2 "L" shaped applications and because of the unusual configuration they have the ability to have each of the 2 lots proposed front a different street and provide separate access which will be appropriate and beneficial. The issue is that they had roughly 11-12,000 sf and they split it in a way that is roughly 4,500 and 7,000 sf which seems awkward and there was also a side line variance and they have since reconfigured the lot boundary so that the 2 lots will be more equal in size, roughly 5,000 something and said they could fix the 10 ft. side yard setback variance. Now the lot that would face Park Avenue would be consistent with the 2 lots immediately south and the other lot which is to front on Leonard and lived in by the applicant and is consistent. They feel that this uniquely shaped lot, based upon the changes they brought, makes sense.

Mr. Neiman asked if they were seeking any setback variances and Mr. Vogt said for front yard they are. Mr. Flannery was sworn in as engineer for the applicant and said they are requesting several bulk variance-lot width, front and side setback. What they brought up at the tech meeting is that this is an R10 zone and the Master Plan suggested making it an R7.5 zone and if you look at the area, they have an aerial, it shows that the area is pretty much developed. He said there are duplexes up and down 9th & 8th Streets, there townhouses on the corner of Rosebank and this is an area that is in the regional downtown center which is supposed to provide housing opportunities and this property could, by its size, have a duplex, so they are not looking for any density bonus but they are providing one lot that matches in size and configuration and the adjoining lot to the south along Park Avenue, and another lot that is consistent with the other lots in the neighborhood. Mr. Flannery said the density on that block is 7 dwelling units per acre and they are proposing 7 dwelling units per acre and they have provided 2 separate housing opportunities in this area and the variances they are asking for if this was changed to R7.5 they would be conforming as far as the side setbacks. The front setback along Leonard Street they are asking for 15 ft. where 30 ft. is required- it would only be 25 ft. if it were an R10 and consistent with other houses in the area. He said the density is consistent with the neighborhood. They are asking for 53.4 and 36 ft. minimum lot width and the R10 75 ft. is required but the R7.5 it is 50 ft. so those variances, because it is an R10 they look more aggressive than they are. The aggregate side yard setback, 15 ft. is proposed, which conforms to the R7.5 and 25 ft. is required. Mr. Flannery said they are looking for a C2 variance and they need to show it relates to a specific piece of property (L shaped) and it advances the purposes of the MLUL and the Master Plan by promoting a desirable visual environment and encourages development and redevelopment based on smart growth plan principles and Mr. Flannery's opinion is that it satisfies that as well. The newly adopted smart growth plan says the Lakewood downtown is the historic part of Lakewood surrounded by high density residential neighborhood so he said all the pieces fit into the puzzle. He said the variances can be granted without any substantial detriment to the public good and the benefits are providing the housing opportunities that are needed and the Master Plan suggested this area be zoned R7.5 and this is very close to an R7.5 so it is his opinion that the board can grant the variances.

Mr. Neiman said he looked at this one and it does fit in and it is an "L" shaped lot which makes it difficult. He would like to see, for the smaller lot, a smaller building footprint and said they would feel more comfortable if they adhere to the setbacks on that smaller lot. He also asked about off street parking and asked how much they had for that smaller lot and Mr. Flannery said 4. Mr. Neiman asked if they were going to back into Park Avenue and Mr. Flannery said they are set up to back in but they can increase the driveway area so they can be able to pull in and pull

out onto Leonard Street. Mr. Neiman said he liked that idea because Park Avenue is so congested and he would hate to see 4 cars backing onto Park Avenue. Mr. Flannery said they can do that but as far as conforming to the setbacks, they wouldn't have a buildable lot; the dwelling that they show is 25 ft. wide which would be a minimum width and the 44 dimension doesn't violate and Mr. Neiman said even if they stick with the R 7.5 setbacks and Mr. Flannery said the width that is there is a 25 wide house and he doesn't think it is for the future users to go smaller than 25- the setback on the side complies with the R7.5- and the front they provided 15 because they feel a 25 ft. wide house is the narrowest you want to go and they could make the 15, 17 ½ and push it closer to the other lot but he thinks the 15 is consistent with other development in the area and they have squeezed it to accommodate the existing lot but he thinks the 15 is consistent with other development in the area and thinks they have squeezed it to accommodate existing lot. Mr. Neiman asked about sidewalks and Mr. Flannery said they will have sidewalks along all frontages.

Mr. Schmuckler asked how were they going to landscape the lot along Leonard because they have 2 frontages and Mr. Flannery said they will landscape them as well with foundation plantings.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Schmuckler seconded by Mr. Akerman, to approve with the additional landscaping across Leonard as well and the modifications to the driveway

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

7. SD # 1700 (Variance Requested)
Applicant: Cedarwood Partners
Location: St. Nicholas Avenue, north of Berkeley Street
Block 278 Lot 5
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated February 10, 2010 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide existing Lot 5 in Block 278, a lot along the western side of St. Nicholas Avenue, north of Berkeley Street, into two (2) new lots to be known as Lots 5.01 and 5.02. The existing 150' X 150', (22,500 SF) property currently contains an existing dwelling which will be removed. Proposed single family dwellings will be situated on 75' X 150' proposed Lots 5.01 and 5.02 of 11,250 SF each. Public water is available in St. Nicholas Avenue; the nearest public sewer is indicated at the intersection of Berkeley Street and St. Nicholas Avenue. Therefore, the proposed dwellings for proposed Lots 5.01 and 5.02 will be serviced by individual septic systems. The proposed lots will have frontage along St. Nicholas Avenue. They are situated within the R-12 Single Family Residential Zone. Variances are required to create this subdivision. The surrounding land uses are predominantly residential. *We have the following comments and recommendations per testimony provided at the January 5, 2010 Planning Board workshop hearing and comments from our initial review letter dated November 24, 2009:* Zoning- The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use. *Fact.* Minimum lot area variances are requested for both proposed lots. Lot areas of 11,250 SF are proposed for each lot, where twelve

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thousand square feet (12,000 SF) is required. *Fact.* Minimum lot width variances are requested for both proposed lots. Lot widths of seventy-five feet (75') are proposed for each lot, where ninety feet (90') is required. *Fact.* The applicant should address the positive and negative criteria for the required variances. At the discretion of the Planning Board, supporting documents may be required at the time of Public Hearing, including but not limited to aeriels and/or tax maps of the project area and surroundings to identify the existing character of the area. *Fact.* Review Comments- The NJ R.S.I.S. requires 2.5 off-street parking spaces for four (4) bedroom single-family dwellings and when the number of bedrooms is not specified. The Schedule of Bulk Requirements indicates that both proposed lots will provide the three (3) required off-street parking spaces. No proposed driveways or garages are shown on the plan. *Fact.* The plan indicates that either basements or slabs may be proposed for the new dwellings. If basements are proposed, test pits should be provided to identify the local seasonal high water table. Parking shall be provided to the satisfaction of the Board. *Per testimony at the 1/5/10 hearing, the applicant committed to performing a test pit to evaluate local ground water conditions. Testimony regarding this issue should be provided at the Public hearing.* Proposed spot elevations and contours are required to evaluate any grading and improvements for the project. *This item remains outstanding.* The plans show existing curb and sidewalk within the right-of-way. The proposed depressed curb and driveway aprons along St. Nicholas Avenue are not located. Existing grades are indicated along the site frontage, but the text must be increased in size. *This item remains outstanding.* The Board may wish to require the cost of the improvements along the proposed lot frontages to be bonded or placed in escrow to avoid replacing them at the time of development. *Fact.* Per review of the plan, public water is available and public sewer does not appear available. The lots will be serviced by public water and individually owned septic systems. The sufficiency of the proposed lots to allow such facilities should be addressed. It should be noted that our office received a communication from an adjacent property owner regarding local ground water and surface water concerns. *Per testimony at the 1/5/10 hearing, the applicant committed to performing a test pit to evaluate local ground water conditions. Testimony regarding this issue should be provided at the Public hearing.* Locations of existing septic systems (if any) on properties adjacent to the site must be provided, or a note added to the plan indicating none are present. *This item remains outstanding.* The Schedule of Bulk Requirements shall be revised to indicate an aggregate total for the proposed side yards is twenty-five feet (25'). *This item remains outstanding.* General Note #4 regarding water and sewer shall be clarified. *This item remains outstanding.* The proposed joint filler between the curb and pavement on the concrete curb construction detail is not required since the pavement is asphalt. A road repair detail must be added to comply with applicable Township standards unless specific relief is requested in the current application (and justification for relief). *This item remains outstanding.* The proposed lot numbers must be approved by the Lakewood Tax Assessor's office and the plat signed by the Tax Assessor. *This item remains outstanding.* A proposed six foot (6') wide shade tree and utility easement is depicted on the plan along the property frontage of both lots. Areas of easement dedication for the individual proposed lots are required. Shade trees should be provided (unless waived by the Board). *This item remains outstanding.* Compliance with the Map Filing Law is required. At a minimum, monuments or pins are necessary for the proposed lot subdivision line. *Fact.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board *Fact*; Ocean County Board of Health (septic) *Fact*; Ocean County Soil Conservation District *Fact*; New Jersey American Water Company will construct water services *Fact*; an all other required outside agency approvals *Fact*

Mrs. Miriam Weinstein Esq. appeared on behalf of the applicant. Mr. Flannery was sworn in as engineer for the applicant. Mr. Flannery said when the application was submitted for the tech meeting a neighbor had indicated that they should check out some of the stormwater and

groundwater in the area and based on that they are now proposing sanitary sewer not septic. The sanitary sewer will be extended along St. Nicholas which will provide service for these properties and will be a benefit to the neighbors. The variances are for lot area where 12,000 is required and 11,250 is proposed for each of the 2 lots which is 94% of what is required. The minimum lot width is 90 ft. is required and 75 ft. is proposed which is 84% percent of what they need. It is a C2 variance and they need to show the benefits outweigh the detriments and the benefit is they will improve the stormwater drainage system in the area and improve the sanitary sewer and eliminating one septic and providing an opportunity for the neighbors to tie into sanitary sewer. It is his opinion the variances are minimal in nature and they are providing 4 parking spaces for each unit. Mr. Flannery said there are other undersized lots in this R12 zone and they exist along Central Avenue, along Columbus Avenue, on Monterey Circle and in this area of over 100 lots, 2 of them are 150 ft. wide and it is much too large for the area so based on that they are requesting the variances and said the Master Plan and MLUL provides for this.

With regard to the comments in the review letter, test pits are not needed because they are going with sanitary sewer and Mr. Vogt asked if they are doing basements and Mr. Flannery said they will probably do basements and the groundwater being close to 4 ft. deep would mean they would stay 2 ft. above that and the basement would only be 2 ft. into the ground and Mr. Vogt asked if they would agree to that and Mr. Flannery said yes, the basements will be 2 ft. above the seasonal high groundwater table. Mr. Flannery continued and said the grading that was requested they will provide at resolution compliance and meet those requirements. Mr. Flannery said they agree to comply with the remaining comments which are technical in nature. Mr. Fink asked if the basements will have plumbing and Mr. Flannery said they do not have plans yet. Mr. Flannery said there are sidewalks on St. Nicholas.

Mr. Akerman asked if there were getting rid of septic for both lots and Mr. Flannery said yes.

Mr. Arthur Steinberg was sworn in. He said he is the owner of the property at 115 Columbus Avenue South behind where they are planning to build the 2 houses. They have no objections regarding the plans but they would like to request that they should install an 8 ft. exclusively attractive long lasting vinyl fencing between the back yards in order to ensure privacy and enhance the attractiveness of both their and our backyards. Mr. Steinberg said he spoke to the applicant's attorney and they originally agreed to include the 8 ft. fence in their plans and he would appreciate a copy. Mr. Neiman asked if they needed a variance for an 8 ft. fence and Mr. Vogt said he thought so but Mr. Flannery said it is permitted in the rear property and Mrs. Weinstein said they agreed to give an attractive long lasting chain link fence with the slats in between, they did not agree to a vinyl fence because that is extremely expensive but Rabbi Steinberg said they determined the vinyl is expensive but he has a vinyl fence around his yards and he put it up because he had to replace the wooden fence twice in the 10 years he has been here. In the long run the vinyl fence, which cost twice as much as the wooden fences but he is very glad because these last longer and look better and if you put up chain link, with the grasses, he doesn't think it would be good.

Mr. Vogt said on parking, he noticed on the zoning schedule, they are showing 3 spaces per lot and asked if it is an error and Mr. Flannery said they are agreeing to 4. Mr. Neiman asked if the applicant wants to comment on the fence and Mrs. Weinstein agreed the wooden fence is not durable but they did suggest the chain link with the slats which she thinks would be a compromise between the 2 sides and would work. Mr. Fink said they are looking to beautify the area and personally he would also recommend they do the vinyl rather than the chain link-he thinks it is much more attractive. Mr. Schmuckler said in his area they have both, but instead of having the slats they have the green grass insert, and he said the problem with vinyl is if you

have winds of over 35 mph it cracks the vinyl and they have had to replace it 4-5 times. Mrs. Weinstein said that is what they had in mind. Mr. Vogt suggested plastic coating on the wiring on the chain link and Mrs. Weinstein said yes. Mr. Steinberg said in his experience, there is not much difference between the vinyl and chain link and Mr. Neiman said the applicant will make sure he is happy and they will work it out with him. Mr. Neiman said they will put in the resolution an 8 ft. high chain link fence with the plastic fence but they should work something out.

Mr. Neiman opened the microphone to the public

Seeing no one else, this portion was closed to the public

Motion was made by Mr. Schmuckler, seconded by Mr. Akerman, to approve with the 8 ft. high compromised fence and with public sewer.

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

Mr. Akerman left the meeting.

8. SD # 1708 (Variance Requested)
Applicant: S&H Builders/Mary Shannon
Location: Hope Chapel Road- west of Clear Stream
Block 2.01 Lot 25
Minor Subdivision to create 4 lots

Mr. Vogt prepared a letter dated February 9, 2010 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing lot totaling 79,159 square feet (1.82 acres) in area known as Lot 25 in Block 2.01 into four (4) new residential lots, designated as Lots 25.01-25.04 on the subdivision plan. The site contains an existing two-story dwelling which will be removed. Public water and sewer is not available. The site is situated in the western portion of the Township on the north side of Hope Chapel Road, a County Road, west of Clear Stream Road and Hope Hill Lane. Proposed Lots 25.01-25.04 will all have frontage along Hope Chapel Road. Hope Chapel Road will be widened across the frontage of the property as part of this application. The application proposes an easement to the County of Ocean for the road widening as opposed to a right-of-way dedication. Curb is proposed along the street frontage, but sidewalk is not. The lots are situated within the R-40 Single Family Residential Zone. Variances are required to create this subdivision. *We have the following comments and recommendations per testimony provided at the January 5, 2010 Planning Board workshop hearing and comments from our initial review letter dated December 22, 2009:* Zoning - parcels are located in the R-40 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. *Fact.* Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Area (proposed Lots 25.01, 25.02, 25.03, and 25.04, 18,930 SF, 19,602 SF, 20,379 SF, and 20,250 SF respectively, 40,000 SF required) – proposed conditions. It should be noted that the proposed areas are based on the County accepting a Road Widening Easement as opposed to a Right-of-Way Dedication. Should a dedication be required the proposed lot areas would be reduced to 17,308 SF, 18,090 SF, 18,941 SF, and 18,927 SF respectively. *Fact.* Minimum Lot Width (proposed Lots 25.01, 25.02, 25.03, and 25.04, 120.14 ft., 112.00 ft., 106.50 ft., and 98.00 ft. respectively, 150 ft. required) – proposed conditions. *Fact.* The applicant must address the positive and negative criteria in

support of the requested variances. At the discretion of the Planning Board, supporting documents may 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. *Fact.* Review Comments The applicant is proposing a 13.50' road widening easement to the County of Ocean on Hope Chapel Road. It appears the proposed curb associated with the road widening will be set twenty-five feet (25') from the centerline, this dimension must be confirmed on the plan. No sidewalk is proposed along Hope Chapel Road. Existing storm sewer is shown within Hope Chapel Road, but no improvements involving the widening have been proposed. *Sidewalk is now proposed along the frontage as requested by the Board. The applicant correctly notes that proposed roadway improvements are subject to Ocean County approval.* The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be provided for each unit. Proposed driveways must be dimensioned to confirm that the driveways are large enough to accommodate four (4) spaces. *"Typical" driveway dimensions are provided for proposed Lot 25.04, which can accommodate at least four (4) parking spaces per driveway. This item has been addressed.* Testimony should be provided as to whether basements are proposed for any of the proposed dwellings. Parking shall be provided to the satisfaction of the Board. *Testimony should be provided at the public hearing.* General Note 2 states that the outbound and topographic survey was prepared by Charles Surmonte, P.E. & P.L.S., based on an assumed datum. A copy of the survey must be provided along with a bench mark. *A copy of the survey has been provided. This is satisfactory.* General Note 8 states that the proposed lot and block numbers have been approved by the tax assessor's office. The map must be signed by the tax assessor. *Fact.* General Note 9 must be corrected to indicate that all future dwellings to be serviced by individual septic systems and wells. *This item has been addressed.* An overwrite needs to be corrected for the owners signature block giving consent to the subdivision. *This item has been addressed.* A legend is required on the Minor Subdivision Plan. An overwrite needs to be corrected for the owners signature block giving consent to the subdivision. *This item has been addressed.* Proposed dimensions and setbacks must be added for the proposed driveways, disposal fields, and wells. An overwrite needs to be corrected for the owners signature block giving consent to the subdivision. *This item has been addressed (spelling correction needed).* No shade tree and utility easement or shade trees are proposed along the property's frontage. Landscaping should be provided to the satisfaction of the Board. *An 8-foot wide shade tree easements and shade trees have been provided. This item has been addressed.* The Plan indicates a number of mature trees exist on the site. Many of these trees are unsalvageable if the lots are developed as proposed, but some of these trees appear salvageable. The proposed grading should be revised to better limit the area of disturbance. The proposed grading also encroaches onto the neighboring property to the east, this must be corrected. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, final plot plans submitted for Township review should include tree protective measures to save mature vegetation where practicable. *Fact.* If the Board requires a proposed shade tree and utility easement, the driveway turnarounds will have to be relocated further from the street. *The turnarounds are located outside of the easement. This item has been addressed.* Due to no construction of new dwellings at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. *Fact.* Compliance with the Map Filing Law is required. At a minimum, monuments or pins are necessary for the proposed lot subdivision lines, and at all property corners. *Fact.* Unless the requirement for sidewalk is waived the following construction details must be provided: Concrete sidewalk, Concrete aprons. *Details have been provided and are satisfactory.* Outside agency approvals for this project may include, but are

not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District (if necessary); Ocean County Board of Health (well & septic); and all other required outside agency approvals.

Mr. John Doyle Esq. appeared on behalf of the applicant. He suggested to the board that they will meet the bulk requirements. Mr. Flannery was sworn in as engineer for the applicant. Mr. Doyle said the map that shows the zoning map is marked exhibit A1 and the Minor Subdivision that has be colored in is marked A2. Mr. Flannery said the property is located along Hope Chapel Road west of Clearstream Road and is about 2 acres in size and close to the Jackson border. On exhibit A1 the property across the street is zoned R15 and the majority of the develop is R15 and the R40 zone incorporates a little corner that used to be the estate zone years ago which started with a few of the houses along Clearstream that requested some special zoning. The estate zone disappeared and was put into the next closest zone which is the R40 and most of that R40 zone encompasses the Lakewood Country Club. This property sits on a county road with a speed limit of about 45 mph. They are asking for 2 bulk variances, one for lot area and one for lot width. For lot width in the R40 150 wide is required and the Master Plan recommends on page 68 for the R40 zone of 100 ft. and even though the Township Committee has not adopted any of these recommendations at this time but when they do the will be looking at 100 ft. width and these lots are consistent with 100 ft. widths so he feels they are consistent with the Master Plan. The other variance they are asking for is area and with the 100 ft. width these lots do not have the depth to make the 40,000 sf. and they are asking for a C2 variance and said the property is certainly unique and is one of the few that has been in the state for many years and one of the last few in this area to be developed and it is his professional opinion that the lot areas they are showing, even though they are dropping down one zone from a R40 to an R20 they are consistent with other development in the area. Mr. Flannery said in the MLUL it says to encourage municipal action to guide appropriate use or development of all lands which will promote the health, safety, and general welfare and to provide sufficient space for a variety of uses and said on page 56 of the Master Plan it say to encourage growth and development consistent with established land uses and Mr. Flannery said this is consistent with the established land uses and said exhibit A1 shows other lots in this R40 that don't conform to the width and area and they are colored in blue & orange and there are several of them. He said the smart growth plan indicates on page 11 that it encourages new development along highway corridors and the thrust of the smart growth is providing housing opportunities without any environmental impacts and this property has no environmental impacts and it accomplishes that goal so the benefits are housing opportunities and in his opinion there are no detriments and the variances will not impair the intent purpose of the zone plan or zoning ordinance because the lot width is consistent with the Master Plan and the deficiency in area is something that nobody else will know, the only ones that are going to know are the future owners of the property and they are going to be on 20,000 sf lots which is a large lot in Lakewood. Mr. Doyle said the setbacks between these proposed houses and any of the existing houses will be as great as they would have been in the R40 zone.

Mr. Neiman asked if Hope Chapel Road can handle 4 driveways so close like that and Mr. Flannery said they need to get county approval and they usually do approve them providing they are have a turn around provision and a "T" type driveway is shown and will be required by the county and will be a condition of approval. Mr. Neiman asked if there was well and septic and Mr. Flannery said yes and the lot is big enough to accommodate the septics.

Mr. Fink said why not separate this into 2 parcels instead of 4 parcels and Mr. Flannery said it is his testimony that there is no adverse impact of the 4 and by dividing it into 4 you are providing additional housing opportunities and 2 additional very large lots in Lakewood. Mr. Fink said he

hasn't heard anything addressing the positive vs. negative criteria supporting the request for variance and Mr. Neiman said he mentioned the uniqueness and wants to know what that is and Mr. Flannery said it is unique by its' location- it is along a county road and trapezoidal in nature and in a small zone so both its' location and the roadway access and where it is located make it unique. Mrs. Koutsouris said how is being next to a county road warrant having 4 parcels as opposed to 2 and Mr. Flannery said it is the whole package and when we are looking at the C2 variance we are looking at the benefits vs. the detriments- the detriments you would look at is aesthetics and it is not going to look any different; stormwater management will be addressed, and Mrs. Koutsouris asked it is not going to look different from what and Mr. Flannery said the surrounding development or other lots if you look at the lots that exist in this R40 zone along Clearstream there is 3 or 4 of them that is same 100 ft. width and they have a house sitting on it and the only people that know that there isn't an acre are the owners because you don't know how deep the lots are driving on the road. Mrs. Koutsouris said looking at A1 and the orange being the non conforming lots and the blue is depth, this application has non conforming lot width and depth and asked if any of the parcels he highlighted have both also and Mr. Flannery said there are 2 of them and she said 2 of how many and Mr. Flannery there are 15-20 lots in the area. She asked him to point on the exhibit where this parcel is located and he said Hope Chapel Road is the dark line and on the southerly side is the R15 zone and the northerly side is this R40 and this line shouldn't be there separating the zone because the country club is also in the R40 zone. Mrs. Koutsouris asked if the 2 lots he was referring to also residential and Mr. Flannery said yes. Mr. Doyle asked if the developed lots in the R40 were all residential and Mr. Flannery said there used to be a farm stand there at one point and Mr. Fink said it was still there during the summer months but said he still wanted to address the positive vs. negative criteria and Mr. Flannery said the positive is additional housing opportunities and said if you look at the Master Plan and the smart growth plan the number of families that want to move in here and the housing opportunities in an R20 type lot are few and if you look at the zoning map of Lakewood there is a very small area that is bigger than that ½ acre and in a lot of towns 1 acres lots would be a large size and the ½ acre maybe smaller but for Lakewood this is a large lot and this would provide 2 extra large lots. Mr. Doyle asked if all of those 25 lots have houses on them now and Mr. Flannery said he believes they do and Mr. Doyle said in terms of uniqueness within that area this is the only vacant area and Mr. Flannery said this house also has a house on it so it is not really vacant and there are couple of others that are the older that clearly at some point in the future would be in for redevelopment and said most of the area has changed-10 years ago the majority of the houses were the older ones that needed to be replaced and in the 10 year period maybe ½ the lots in that area have built new homes on them. Mr. Doyle noted that there are several lots on Clearstream including the 4 that border them directly are all long narrow lots and while the make the lot size they too don't make the lot width and Mr. Flannery said that is correct and they would make the lot width of 100 ft. proposed by the Master Plan when that is adopted the same as the applicant's would and Mr. Doyle said they obtained the 40,000 sf that the applicant does not have not by being 200 x 200 but rather being 100 x 400 and to that degree they can put the houses in the same place the applicant would the only difference being they have 20,000 of backyard that nobody sees and Mr. Flannery said that is correct.

Mr. Jackson said Mr. Flannery said this would provide housing opportunities and asked if that was listed as a special reason under 40-55 D2 and Mr. Flannery said he read from 40-55 D2 the sections he felt pertained – under “a” it says encourage municipal action to guide the appropriate use and development of all lands that would promote health safety and morals and under “g” it says provide sufficient space in appropriate locations for a variety of uses and the particular use it would be providing for would be large residential lots that are needed in Lakewood. Mr. Jackson said paragraph “e” also say to promote the establishment of appropriate population densities and concentration that would contribute to well beings of

persons and neighborhoods so they are going on ½ the density here and just by his logic, everyone with a 40,000 sf lot should make it into 17, 18 & 20,000 sf lots and Mr. Flannery said not everybody with a 40,000 sf lot but in a unique situation and this is unique in that it is on the roadway in this area of town the appearance will be consistent with the appearance of other lots. Mr. Schmuckler said it is really not a unique lot, and the way he views it is that Shonny Court, which is across the street, is 12-15,000 sf lots and a beautiful neighborhood and is sought after so the 20,000 lots are not just big lots but it is bordering a development of 12,000-15,000 lots so they are almost adding on to an extension of that development but fitting in perfectly into that area and Mr. Flannery agreed and said it is also an area that in the Master Plan process wasn't focused on because it is an obscure area and he thinks if it was focused on that kind of logic would be extended where you have R15 lots and then transition to R20 and then have some R40 but in light of the fact that there only 2-3 lots in that area that haven't been developed, nobody is focusing on the area and it requires coming into the board and asking for relief. Mr. Doyle said of those 25 lots, 8 or 9 of them that are similar to the applicants in that they meet the square footage but they too have a narrower width and only get the square footage by the excessive backyard that the applicant does not have. Mr. Doyle asked if the houses that will be built any different than the kinds of sizes or quality of house that would be built on an R40 lot and Mr. Flannery said probably not and there are other permitted uses in this zone which would look like they stand out more (schools) and said because of the R15 across the street and because of the width of the other lots in the area that nobody from the public would even notice that these were variance lots.

Mr. Jackson had a question and asked why isn't this a density issue and since it is not, how does it help their case and Mr. Doyle said is a minor subdivision and they would rather not worry about density but rather make sure that the engineering issues are met and Mr. Flannery said doesn't the exception to the density in the Minor Subdivision allow this and Mr. Flannery said the MLUL permits minor subdivisions without that look on the density because it really doesn't change the overall nature of it. Mr. Doyle said if they came in in an R10 zone where they were required to have 10,000 sf lots and they had 10 acres and instead of doing R10 they did R5 and instead of having 40 lots they wanted 80 lots then density would be an issue but by separating the minor subdivision the expectation is that the numbers would be so minimal as to not be intrusive to the public interest and that is true here.

Mrs. Koutsouris asked Mr. Doyle about the road widening easement since we are going from an average of 19,000 sf to 17-18,000 sf and Mr. Flannery said they realize if the county doesn't accept the road widening easement they will have to come back to the board and they would address it at that time but he is confident that the county would accept the road widening in easement form so the property isn't penalized for giving additional property to the county to allow the roadway to be improved. She questioned the lot width again and said 150 ft. is required but on one lot they are only proposing 98 ft. and Mr. Flannery said the master plan suggests the minimum width for this zone be reduced to 100 ft. and Mrs. Koutsouris asked if the new master plan controls this or does the current master plan control it and he said if the proposed master plan controlled this they wouldn't be talking about it now but part of what they have to show is that the approval will not have an adverse impact on the master plan and they won't with the lot width because it is conforming to that. Mr. Doyle added that on Pamela Drive their street lots have frontages of 75, 68, and 85, all less than the applicants but they meet the square footage because of the depth.

Mr. Neiman asked if they were going to be backing out onto Hope and Mr. Flannery said no.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Mr. Doyle said the board heard 2 things today-the issues that they will meet the engineering and thought the positive outweighed the negative, the opportunity to provide 2 more housing opportunities and they also heard the silence from anybody within the 200 ft. radius and they have letters from neighbors that are in favor of it even though they can't enter them but the fact that no one is here shows there is no negative impact.

Motion was made by Mr. Schmuckler, seconded by Mr. Franklin, to approve

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; no, Mr. Fink; no, Mr. Neiman; yes, Mr. Schmuckler; yes

9. SD # 1709 (Variance Requested)
Applicant: S&H Builders/Emily Wooley
Location: corner of Clear Stream & Hope Chapel
Block 2.01 Lot 24
Minor Subdivision to create 3 lots

Mr. Vogt prepared a letter dated February 10, 2010 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing lot totaling 60,555 square feet (1.39 acres) in area known as Lot 24 in Block 2.01 into three (3) new residential lots, designated as Lots 24.01-24.03 on the subdivision plan. The site contains an existing two-story dwelling which will be removed. Public water and sewer is not available. The site is situated in the western portion of the Township on the northwest corner of the intersection of Hope Chapel Road (a County Road) with Clear Stream Road (a Township Road) across from Hope Hill Lane. Proposed Lot 24.01 will have frontage along Hope Chapel Road. Proposed Lot 24.02, a proposed corner lot, will have frontages on both Hope Chapel Road and Clear Stream Road. Proposed Lot 24.03 will have frontage on Clear Stream Road. Hope Chapel Road will be widened across the frontage of the property as part of this application. The proper right-of-way is in place except for a radial dedication which is required at the intersection with Clear Stream Road. A sight triangle easement will be dedicated to the County at the intersecting streets. Curb is proposed along the Hope Chapel Road street frontage and curb already exists along the Clear Stream Road street frontage. No sidewalk exists and is not proposed. The lots are situated within the R-40 Single Family Residential Zone. Variances are required to create this subdivision. *We have the following comments and recommendations per testimony provided at the January 5, 2010 Planning Board workshop hearing and comments from our initial review letter dated December 22, 2009:* Zoning- The parcels are located in the R-40 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. *Fact.* Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Area (proposed Lots 24.01, 24.02, and 24.03, 20,003 SF, 21,285 SF, and 19,260 SF respectively, 40,000 SF required) – proposed conditions. It should be noted that the proposed area of new Lot 24.02 will be slightly decreased once the radial Right-of-Way Dedication is added to the plan. *Fact.* Minimum Lot Width (proposed Lots 24.01, and 24.03, 121.66 ft., and 145.49 ft. respectively, 150 ft. required) – proposed conditions. *Fact.* The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents may 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. *Fact.* Sidewalk is not proposed;

therefore a design waiver appears necessary. *Sidewalk is now proposed along the frontage as requested by the Board.* The proper half right-of-way width of thirty feet (30') already exists on Hope Chapel Road. Only a radial dedication to the County of Ocean will be required at the intersection. A proposed Sight Triangle Easement will be dedicated to the County of Ocean which will be slightly reduced in area by the radial right-of-way dedication. The proposed curb associated with the road widening will be set twenty-five feet (25') from the centerline. No sidewalk is proposed along Hope Chapel Road. No roadway improvements involving the widening have been proposed and must be added. *Sidewalk is now proposed along the frontage as requested by the Board. The applicant correctly notes that proposed roadway improvements are subject to Ocean County approval.* The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be provided for each unit. Proposed driveways must be dimensioned to confirm that the driveways are large enough to accommodate four (4) spaces. *The driveway for proposed Lot 24.01 has been dimensioned and can provide four (4) off-street spaces. The driveways for Lot 24.02 and 24.03 can accommodate at least four (4) spaces each.* Testimony should be provided as to whether basements are proposed for any of the proposed dwellings. Parking shall be provided to the satisfaction of the Board. *Testimony should be provided at the public hearing.* The Schedule of Bulk Requirements shall be corrected to eliminate the rear yard setback from proposed Lot 24.03 since it will be a three (3) sided lot. *This item remains outstanding, and can be addressed during compliance if the application is approved.* General Note 2 states that the outbound and topographic survey was prepared by Charles Surmonte, P.E. & P.L.S., based on an assumed datum. A copy of the survey must be provided along with a bench mark. *A copy of the survey has been provided. This is satisfactory.* General Note 8 states that the proposed lot and block numbers have been approved by the tax assessor's office. The map must be signed by the tax assessor. *Fact.* General Note 9 must be corrected to indicate that all future dwellings to be serviced by individual septic systems and wells. *This item has been addressed.* A legend is required on the Minor Subdivision Plan. *This item has been addressed.* Proposed dimensions and setbacks must be added for the proposed driveways, disposal fields, and wells. A legend is required on the Minor Subdivision Plan. *This item has been addressed.* No shade tree and utility easement or shade trees are proposed along the property's frontages. Landscaping should be provided to the satisfaction of the Board. A legend is required on the Minor Subdivision Plan. *This item has been addressed.* The Plan indicates a number of mature trees exist on the site. Many of these trees are unsalvageable if the lots are developed as proposed, but some of these trees appear salvageable. The proposed grading should be revised to better limit the area of disturbance. The proposed driveway locations should be reviewed with respect to the possibility of saving existing trees. The proposed grading also encroaches onto the neighboring property to the west, this must be corrected. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, final plot plans submitted for Township review should include tree protective measures to save mature vegetation where practicable. *Fact.* Proposed grading should not only be revised in an attempt to save existing vegetation, but also to better direct proposed runoff to the roads as opposed to backyards and adjoining properties. *This item has been addressed. A note should be added to the final plan, indicating that roof leaders will be directed toward the streets.* If the Board requires a proposed shade tree and utility easement, the driveway turnaround for proposed Lot 24.01 will have to be relocated further from the street. *This item has been addressed.* Due to no construction of new dwellings being proposed at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. *Fact.* Compliance with the Map Filing Law is required. At a minimum, monuments or pins are necessary for the proposed

lot subdivision lines, and at all overall outbound property corners. *Fact.* Unless the requirement for sidewalk is waived the following construction details must be provided: Concrete sidewalk. Concrete aprons. Handicapped ramps. *This item has been addressed.* A Township pavement repair detail must be added for repairs associated with proposed driveway construction along Clear Stream Road. The spelling of Clear Stream Road must be corrected on the plan due to a typographical error. *This item has been addressed.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; *Fact.* Ocean County Soil Conservation District (if necessary); *Fact.* Ocean County Board of Health (well & septic) *Fact.*; and all other required outside agency approvals. *Fact.*

Could not hear Mr. Vogt give his comments.

Mr. John Doyle Esq. appeared on behalf of the applicant and said the testimony from Mr. Flannery would be consistent with the testimony given before except the lot frontage is greater and the fact that there isn't the extensive backyard that some of the neighbors have for lot area. Mr. Flannery was sworn in as engineer for the applicant and said this is a minor subdivision for 3 lots and again they are asking for bulk variances on minimum lot area and minimum lot width. He said the typical lot area is 20,000 sf where 40,000 sf is required and the minimum lot widths range from 121-145.49 ft. and said the lot widths are consistent with the other widths in the area and the recommendations of the master plan relative to lot widths in the R40 zone. It is a C2 variance that they are asking for and it is a unique piece of property on the corner of Hope Chapel Road and Clearstream. The purpose of the MLUL that will be advanced are providing additional housing in accordance with "g" and the smart growth plan and master plan indicate redevelopment to provide additional housing.

Mr. Doyle said they will meet the comments in Mr. Vogt's report and they have provided an appropriate site triangle at the corner and have frontages of 121, 122 on the yard front and the houses will meet all of the R40 standards and they will have 2 driveways as required and the houses will look like houses that would be built in the R40 zone. Mr. Flannery said there is one driveway on Hope Chapel and 2 driveways on Clearstream.

Mr. Fink asked Mr. Flannery to explain the positive and negative criteria on granting the variances and Mr. Flannery said his testimony is there is no negative- they are looking at a property where you can do 1 ½ if you go by the 40,000 sf. so they are getting 1 ½ house extra and he thinks that is a benefit because you are across the street from R15 and in an area where 20,000 sf lots are going to be considered large lots and as far as the negative impact, aesthically there is no negative impact, it will look like the other homes in the area, drainage wise there is no adverse impact and traffic wise they are providing the turnaround in the driveways and the lot widths are consistent with the master plan and he does not see any negative impacts.

Mr. Neiman asked what the differences are between this application and the other application. He said the first application they were on Hope facing the R15 zone and here they are facing the R40 so he said to convince him why he should vote yes on this one and Mr. Flannery said this one the lot widths are larger so as you look at this one from the road it is going to look like the lots are larger and the only people that are going to know are the people that are in the backyard because if they conform they would just have another 20,000 sf. Mr. Flannery said 2 of these lots are directly across from the R15 zone and the third is on a bend which provides a width that is almost conforming and the only thing lacking is the rear yard area. Mr. Flannery said the house that fronts on Clearstream is set back 15 ft. side yard setback and a combined of 40 ft. from the adjacent lot consistent with the R40.

Mr. Doyle said they noted the questioning from Mr. Neiman about the differences between the 2 applications and said the other application has more rectangular lots and the zoning across the street was R15 and there were no lots that were fronting just on Clearstream and here there is a lot fronting just on Clearstream and the triangularity of that lots means they just meet the setback requirements where the other application they more than exceed it and given the concerns that were raised the applicant has agreed to submit, subject to the boards approval, an appropriately lined subdivision into 2 lots not 3. They would not like to come back but would represent that they would meet all of the R40 standards and setbacks and coverage requirements and leave it to the engineer to design it. Mr. Neiman said he was fine with that. Mr. Vogt said he can handle that through compliance.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Schmuckler, seconded by Mr. Franklin, to approve 2 lots instead of 3

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; abstain, Mr. Fink; no, Mr. Neiman; yes, Mr. Schmuckler; yes

Mr. Jackson asked if Mrs. Koutsouris abstained for a conflict and she said no, it was an internal one. Mr. Jackson said you needed 5 for a quorum and an abstention makes it 4 so she voted no, so the motion carries 3-2.

10. SD # 1710 (Variance Requested)
Applicant: Moshe Sonnenschein
Location: Times Square Boulevard-north of Biltmore Avenue
Block 435 Lot 1
Minor Subdivision to create 3 lots

Mr. Vogt prepared a letter dated February 10, 2010 and is entered in its entirety. *It should be noted that the subdivision plan was revised subsequent to our 12/29/09 review, but not labeled as such under revisions. This item can be corrected under compliance review if approval is received from the Board.* The applicant seeks minor subdivision approval to subdivide an existing 200' X 220' lot totaling 44,000 square feet (1.01 acres) in area known as Lot 1 in Block 435 into three (3) new residential lots, designated as Lots 1.01-1.03 on the subdivision plan. The site contains an existing two-story dwelling which will remain on proposed Lot 1.01. However, many improvements associated with the dwelling will be removed to accommodate the proposed subdivision, such as the existing shed, pool, garage, and driveway. A new driveway is proposed on the opposite side of the lot to provide off-street parking. Public water and sewer is not available, all dwellings shall be serviced by individual well and septic. The site is situated in the southern portion of the Township with frontages on three (3) streets. Times Square borders the property on the east side and is an improved street in a sparsely developed residential neighborhood. Elmhurst Boulevard is an unimproved street on the north side of the site and Netherwood Drive is an unimproved street on the west side of the tract. The right-of-ways of all three (3) streets are fifty feet (50') wide. The applicant proposes to subdivide the property into three (3) residential lots. Proposed Lot 1.01, the southernmost lot with the existing dwelling will contain 14,042 square feet and have double frontage on Times Square and Netherwood Drive. Proposed Lot 1.02, the middle lot, will contain 14,000 square feet and also have double frontage on Times Square and Netherwood Drive. Proposed Lot 1.03, the northernmost lot, will contain

15,958 square feet and have frontages on Times Square, Elmhurst Boulevard, and Netherwood Drive. Variances for lot width will be required for all three (3) proposed lots. Road widening improvements are proposed for Times Square along the property frontage. No improvements are proposed for Elmhurst Boulevard and Netherwood Drive, the unimproved streets. The proposed lots are situated within the R-12 Single Family Residential Zone. Variances for lot width are required to create this subdivision. The surrounding land is predominantly vacant with some sparsely developed residential uses. Except for frontage improvements along Times Square and alterations to the existing improvements associated with the existing dwelling, no other construction is proposed. *We have the following comments and recommendations per testimony provided at the January 5, 2010 Planning Board workshop hearing and comments from our initial review letter dated December 29, 2009:* Zoning- The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. *Fact.* Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Width (proposed Lots 1.01, 1.02, and 1.03, 70.21 ft., 70.00 ft., and 79.79 ft. respectively, 90 ft. required) – proposed conditions. *Fact.* The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, including but not limited to aeriels and/or tax maps of the project area and surroundings to identify the existing character of the area. *Fact.* Review Comments-The proper right-of-way widths of fifty feet (50') already exist on the adjoining streets. Of these adjoining streets, improvements are only being proposed along Times Square. No improvements are proposed along Elmhurst Boulevard and Netherwood Drive which are currently unimproved. The Board should consider the limits of improvements to be required. The proposed curb associated with the road widening along Times Square will be fifteen feet (15') from the centerline. Sidewalk is proposed along Times Square and must be dimensioned within the right-of-way for its proposed location. Roadway widening plans are required and must be provided. At a minimum, we recommend transitioning the proposed edge of pavements from the proposed end of curbs to the existing edge of pavements at a 15:1 ratio. *As depicted on the revised plan and per communications with John Franklin, an increased (5:1) transition along Times Square has been provided, as well as a 15'x15' turnaround at the intersection of Elmhurst Boulevard. This item has been addressed.* The NJ R.S.I.S. requires three (3) off-street parking spaces for five (5) bedroom single-family dwellings. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces will be provided for each unit. Proposed driveways must be dimensioned to confirm that the driveways are large enough to accommodate four (4) spaces. *All proposed driveways have been dimensioned to verify that four (4) off-street spaces are provided per lot. This item has been addressed.* Basements are proposed for the new five (5) bedroom dwellings. Testimony should be provided regarding the number of bedrooms for the existing dwelling. Parking shall be provided to the satisfaction of the Board. *Fact.* General Note 2 states that the outbound and topographic survey was prepared by Charles Surmonte, P.E. & P.L.S., based on an assumed datum. A copy of the survey must be provided along with a bench mark. *A copy of the survey has been provided. This is satisfactory.* The Schedule of Bulk Requirements shall be corrected to eliminate the rear yard setback from the table since all proposed lots have at least double frontage. *This item has been addressed.* The Schedule of Bulk Requirements for proposed Lot 1.01 must be corrected to the conditions being proposed with respect to setbacks. Proposed setback dimensions being created must be to the hundredth of a foot to insure compliance since no setback variances are being sought. *This item has been addressed.* The aggregate side yard for proposed Lot 1.03 shall be removed from the Schedule of Bulk Requirements since it will have three (3) frontages. *This item has been addressed.* General Note 8 states that the proposed lot and block numbers have been approved by the tax assessor's office. The map must be signed by the tax assessor. *Fact.* A legend is required on the Minor Subdivision Plan. *This item has been addressed.* Proposed dimensions and setbacks must be added for the proposed driveways, disposal fields,

and wells. *This item has been addressed.* The proposed building setback line from Netherwood Drive must be corrected to thirty feet (30'). Proposed building setback lines must be added to new Lot 1.01. *Proposed building setback lines are still necessary for Lot 1.01.* The removals associated with the existing dwelling to remain must be better defined. Unlabelled improvements are shown on the plan with no information regarding their future status. *This item has been addressed.* An existing inlet is shown within the future road widening limits of Times Square. The future status of this inlet as well as existing and proposed drainage has not been addressed. Review of the proposed grading indicates that proposed runoff will be trapped on the proposed subdivision properties. A better scheme for proposed grading and drainage design must be incorporated. *Grading revisions were made, as well as the design accounting for adjustment and continued use of the existing inlet. This item has been addressed.* A note should be added to the final plan, indicating that roof leaders will be directed toward the streets. A six foot (6') wide shade tree and utility easement is shown along the Times Square and Elmhurst Boulevard frontages, but not along the Netherwood Drive frontage. No shade trees are proposed along the property's frontages. Landscaping should be provided to the satisfaction of the Board. *Landscaping has been provided.* The Plan indicates a number of mature trees exist on the site. Many of these trees are unsalvageable if the lots are developed as proposed, but some of these trees appear salvageable. The proposed grading plan attempts to save many existing trees. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, final plot plans submitted for Township review should include tree protective measures to save mature vegetation where practicable. *Fact.* No sight triangle easements are proposed. The Board should consider requiring the easements at the intersecting streets, even if the roads remain unimproved. *Site triangles have been provided. Dimensions and metes and bounds should be provided during compliance review if approval is received from the Board.* In addition to the proposed road widening, the Board may wish to require the cost of the other improvements to be bonded or placed in escrow to avoid replacing them in the future. *This item has been addressed via plan revisions.* Compliance with the Map Filing Law is required. At a minimum, monuments or pins are necessary for the proposed lot subdivision lines, and at all overall outbound property corners. *Fact.* If the subdivision is approved, construction details will be reviewed in depth at a future time since they will depend on the scope of improvements required by the Board. *Details were provided, and appear satisfactory.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; *Fact.* Ocean County Soil Conservation District; *Fact.* Ocean County Board of Health (well & septic); *Fact.* And all other required outside agency approvals. *Fact.*

Mrs. Miriam Weinstein Esq. appeared on behalf of the applicant and Mr. Flannery was sworn in as the engineer. Mr. Flannery said the only variance they are requesting is lot width- 90 ft. is required and they are proposing 70 and 79.79 on the corner and said these are 81% of the lot width and they are meeting all the bulk areas. He said the items in the report are minor in nature and they agree to satisfy them.

Mr. Neiman asked about sidewalks and Mr. Flannery said they were proposed across the frontage and they provided a road widening and a hammerhead in the middle of the street because there is a cul de sac further down in accordance with discussion with Mr. Franklin. Mr. Schmuckler asked how many parking spots were there and Mr. Flannery said 4 spaces per house.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Fink, seconded by Mr. Schmuckler, to approve

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Schmuckler; yes

6. CORRESPONDENCE

SP 1892A – Princeton One LLC –corner of Princeton Avenue & 4th Street-
Discussion on concept sketch relating to litigation of prior Planning Board denial

Mr. Doyle said the application was denied and they sued and prior to the suit being concluded the applicant and the plaintiff in the lawsuit has come up with a use that might find greater favor with the board and the objecting neighbors and that is for several multi family townhouses. Mr. Doyle said there is a procedure by which you can settle a case and the settlement can come back to the board on notice to all the property owners. The issue here is the use they suggest as a replacement use is not strictly permitted- it is a conditionally permitted use but they don't meet the terms of the conditions, so they are not a permitted use. The court can't grant the planning board jurisdiction over an application that the legislature did under the MLUL so they are still going to try to resolve the lawsuit by this proposed use which they would bring to the Zoning Board of Adjustment. Mr. Doyle said this board has all the experience, background, knowledge of the objectors, the site, etc. so he hope is the board could impart that experience and thoughts as to the appropriateness of the use they are suggest in whatever form that might take whether it is a resolution, letter, etc. –some positive way as to the proposed alternate use.

Mr. Neiman said townhouses wouldn't have been objected by the people but the only problem he sees with this is the 12 ft. setback from the back of the homes with the deck there and asked if there was a home behind there and Mr. Doyle said yes, it is a residential lot that he thinks is under common ownership or is owned by partners of that lot. Mr. Neiman said that is the only issue, the setbacks in the rear and side (5ft). Mr. Schmuckler said the rear yard leaves no room for kids to play and Mr. Franklin said they had another problem- they had a multi story building and no place to set up to build it (staging) and Mr. Doyle said that they are eliminating and they understand the concern and that was going to be a 5 story 65,000 sf building which they are replacing with 5 townhouses and Mr. Jackson said they are also in the context of an applicant that has been denied who is in court on a fully conforming application. Mr. Neiman said he only comment was the setbacks otherwise it is ok. Mr. Fink agreed. Mr. Doyle said maybe their recommendation would be limited to that the use is a more appropriate use. Mr. Franklin said he thinks they will have an awful time backing those cars out to Princeton Avenue and 4th St.

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to direct the attorney to do a letter for the Zoning Board of Adjustment

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Schmuckler; yes

7. PUBLIC PORTION

- none at this time

8. APPROVAL OF MINUTES

- Minutes from February 2, 2010 Plan Review Meeting

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to approve

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Schmuckler; yes

9. APPROVAL OF BILLS

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to approve

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Schmuckler; yes

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted
Johnson
Board Recording Secretary

Respectfully

Chris
Planning