

## 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. Herzl, Mr. Franklin, Mr. Neiman, Mrs. Koutsouris, Mr. Schmuckler, Mr. Percal

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in. Michael Elward Esq. was sitting in for John Jackson, Esq. the planning board attorney.

## 4. WAIVER REQUEST

1. SP # 1914 (Variance Requested)  
Applicant: Joseph Rabinowicz/Farm Fresh  
Location: 357 Squankum Road @ intersection of Carey Street  
Block 169 Lot 21  
Preliminary & Final Major Site Plan for 2 story addition to an existing store

Waiver request from checklist items:

B2/B4 – topography and contours within 200 feet of site

Mr. Vogt said he has looked at the plans and they are showing contours within 200 ft. on the south side of the road which is where they are going to be working and there is also topo on the right hand side of the road frontage and he has no problem with the plans as done.

Motion was made by Mr. Akerman, seconded by Mrs. Koutsouris, to follow the recommendations of the planning board engineer and grant the waivers. Mr. Akerman arrived.

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

## 5. PLAN REVIEW ITEMS

Items #1 & #2 were heard after item #5 in the Plan Review Items section of the agenda

1. SP # 1915 (Variance Requested)  
Applicant: Bnos Orchos Chaim  
Location: 388 Chestnut Street, west of New Hampshire Avenue  
Block 1087 Lot 15  
Amended Preliminary and Final Site Plan for addition to existing school

Mr. Vogt prepared a letter dated February 26, 2009 and is entered in its entirety. The applicant is seeking Amended Preliminary and Final Site Plan and Variance approval. The applicant proposes to construct an 8,375 square foot one-story addition to an existing 6,983.5 square foot one-story school building. The proposed addition will contain seven (7) classrooms, three (3) tutor rooms, and one (1) office resulting in what we believe to be a total of fourteen (14) classrooms, five (5) offices, three (3) tutor rooms, and one (1) library for the complex. An existing one-way through parking lot is proposed to be modified to contain twenty-five (25) parking spaces, two (2) being handicapped accessible, and a school bus drop-off/pick-up area. Access to the site is provided from Chestnut Street, a county road. The tract consists of one (1) lot that totals 1.408 acres in area. The site contains an existing one-story school with parking lot, playground areas, pool, shed, and classroom trailer. The existing shed, pool, and classroom trailer would be removed to allow for the addition. Site improvement modifications are proposed to accommodate the addition. The property is located in the southern portion of the Township on the south side of Chestnut Street, west of the Route 70 and New Hampshire Avenue interchange. Vacant land borders the site to the west. An existing dwelling is across the street to the north and there is an existing dwelling east of the site. A Bank of America is located to the south with its neighboring access drive immediately to the east of the tract. Waivers. The following waivers have been requested from the Land Development Checklist: B2 - Topography within 200 feet thereof. B4 - Contours of the area within 200 feet of the site boundaries. C13 - Environmental Impact Statement. C14 - Tree Protection Management Plan. The indicated reason for waiver requests on B2 and B4 is that access to neighboring properties has been denied. A waiver has been requested for an EIS because of the developed nature of the site. *Per Section 18-820 of the UDO, and EIS is only required for major site plans including 5,000 square feet or more of commercial space, and may not be necessary.* A waiver has been requested from a Tree Protection Plan since no trees of significance exist on the site. *Per our interpretation of the UDO, a Tree Protection plan is only required for major site plans if 3 specimen trees or ten (10) 12" or greater caliper trees are present. Similarly, a plan may not be necessary.* In any event, we support the requested waivers as required. Zoning. The site is situated within the B-5, Highway Development Zone. Per Section 18-903 E. 1. j., of the UDO, under "permitted uses" in the B-5 Zone cites "Private Schools" as a permitted use in accordance with the requirements of

**Section 18-906 and the bulk standards of Section 18-903 E. 3. According to Section 18-903 E. 3. a., the required minimum lot area is 2 acres. The subject site contains 1.408 acres. The lot area is an existing nonconformance. According to Section 18-903 E. 3. d., a rear yard setback of 50 feet is required. The proposed rear yard setback is incorrectly listed as seventy-eight feet (78'). The proposed rear yard setback must be corrected, but it appears the building addition will comply with the requirement and no variance will be necessary. According to Section 18-903 E. 3. e., a side yard setback of 50 feet is required. The proposed side yard setback for the addition is approximately twenty feet (20') and a variance has been requested. Maximum Lot Coverage shall be added to the zoning schedule of the bulk requirements. It appears the site will comply with the ordinance since the allowable coverage is 90%. Buffer requirements shall be addressed in accordance with Section 18-906 A. Variances or waivers may be necessary. The parking requirements shall be corrected. Our calculations indicate that twenty-three (23) parking spaces are required, one (1) space for each classroom, tutor room, library, meeting room, and office. Twenty-five (25) parking spaces are proposed. Review Comments. Site Plan/Circulation/Parking. Dimensions to the hundredth of a foot shall be provided to the proposed corners of the building addition. Per our 2/25/09 site inspection of the property, a number of existing site improvements (i.e., lighting, fencing, paving, etc.) appear to be in need of repair. Testimony should be provided regarding proposed repairs (if any). Virtually the entire existing sidewalk along the parking lot has settled and dropped below the existing top of curb elevation. This sidewalk appears to be in need of replacement. The proposed improvements and existing improvements to remain need to be better depicted on the revised plans. A circulation plan is required for review. Testimony shall be provided regarding the adequacy of the existing trash enclosure with respect to the proposed building addition. Curb exists along the entire frontage of the property. Sidewalk does not exist across the frontage of the property and is being proposed as part of this amended site plan application. The general notes reference that outbound survey information has been taken from a 1996 property survey. No information has been provided with regard to how topographic information was obtained. Testimony should be provided by the Applicant's professionals. Architectural. An architectural plan was submitted for review. Per review of submitted plan, the building addition will be far less than the allowable height and will match the height of the existing school building. The architectural plans show only a front elevation view. All four (4) views should be provided. The floor plan implies there may be a basement associated with the addition since stairs are shown adjacent to the vestibule. Information on the existing building to remain must be supplied in order to properly evaluate the parking needs for the site. Information should be provided for utility connections. Location of air conditioning equipment should be shown. Said equipment should be adequately screened. Grading. We have concerns with respect to the grading for the handicapped parking spaces. We wish to review this matter with the applicant's engineer. The site plan indicates exterior stairs behind the building, yet the architectural plans and grading plans show an at grade building access. Clarification is required. Stormwater Management. Testimony should be provided regarding proposed stormwater management provisions. A storm sewer system already exists on-site and it is not clear what upgrades are proposed in conjunction with the amended site plan. Landscaping. It appears the existing landscaping in the front yard of the project is being replaced. Testimony should be provided on the proposed landscaping amendments. Except for a proposed row of white pines in the rear of the site, no other screening is provided. Additional screening may be warranted. The overall landscape design is subject to review and approval by the Board. The applicant has not provided a six (6) foot shade tree and utility easement along the property frontage, or any sight triangle easements for the proposed project. The applicant must show the easements and should provide legal descriptions and easement language for review. The easements shall be filed as a condition of approval. Lighting. Testimony should be provided on how the existing site lighting will be altered with the amended site plan. Utilities. Public water and sewer services will be provided by the Lakewood Township Municipal Utilities**

**Authority. New services are proposed for the addition. 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. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Existing traffic signage requires relocation/replacement in conjunction with the amended site plan improvements. Environmental Site Description. Per review of the site plans, aerial photography and a site inspection of the property, the site is developed. Per our 2/25/09 inspection of the site, the lot contains an existing one-story school building with associated improvements. The school fronts Chestnut Street and has a one-way through circulation system for access and parking. Environmental Impact Statement. The applicant has requested a waiver from submission of an Environmental Impact Statement; contingent upon comments (if any) received from the Environmental and Shade Tree Commissions. 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); Threatened and endangered species habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland areas. Per NJDEP mapping, there were no environmental issues found to be associated with this developed property. Tree Management Plan. A waiver from submission of a Tree Management Plan has been requested; contingent upon comments (if any) received from the Environmental and Shade Tree Commissions. It should be noted that there are no trees of significance existing on-site. The applicant must also comply with the requirements for tree protection and removal (if any) as applicable on the site. Construction Details. Construction details are provided on Sheet 9 of the plans. Details include both county and site improvements. 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. Proposed fence details are shown on the plans, but the location of proposed fencing is unclear. Proposed playground details are indicated on the plans. The location of proposed playground equipment shall be addressed. Acceptable safety surface for the existing and proposed playground areas is required. In addition, playground accessibility must be addressed along with any associated details. All play equipment shall meet all required safety standards. The plans shall be amended to include handicapped ramp details from sheet 37 of the 2001 NJDOT Standard Details to account for the multiple types of ramps on the project with truncated domes. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside Agency Approvals. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Service (LTMUA); Ocean County Soil Conservation District; and All other required outside agency approvals. A meeting between the professionals is recommended prior to providing a revised submission addressing the above-referenced comments.**

**Mr. Penzer Esq. appeared on behalf of the applicant and said they would like to change the application from 1 story to 2 story and they would re-advertise. He said it would not increase the parking or any other problems there are now. He is submitted tonight another set of architectural with the second story. Mr. Rosati is the engineer for the applicant and said there is nothing that they cannot meet between now and the public meeting and there is one comment**

about the stormwater management and he thinks they can work it out between now and the next meeting.

Mr. Neiman wanted to discuss the bus drop off area and circulation and Mr. Rosati said they propose to remove some of the existing parking striping and making that a bus drop off; one way in and one way out. Mr. Rosati said there will be sufficient area for stacking of 2 full size buses and more if they are smaller. Mr. Neiman asked him to show the board where the parking will be and how many spaces they will have. Mr. Rosati said the parking will be along the north side of the parking lot and some additional parking with the handicapped parking being near existing phase 1 so there will be a total of 25 parking spots. There is an outdoor playground area now. Mr. Neiman asked where the overflow parking will be for special events and Mr. Schmuckler said the Bank of America is next door and Mr. Penzer said the restaurant next door has a parking lot that they have been using and Mr. Neiman asked them to bring that testimony with them to the public meeting. Mr. Neiman asked if they are going to comply with the comments that the engineer recommended and Mr. Penzer said yes.

Motion was made by Mr. Miller, seconded by Mr. Schmuckler, to advance to the meeting of March 17, 2009

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

2. SP # 1913 (Variance Requested)  
Applicant: Congregation Tefreth Menachem  
Location: 23 High Street, east of Route 9  
Block 782 Lot 17  
Minor Site Plan for synagogue with mikvah

Mr. Vogt prepared a letter dated February 26, 2009 and is entered in its entirety. The applicant is seeking Minor Site Plan and variance approvals. The applicant proposes to construct a two (2) bedroom dwelling with a synagogue and mikvah at the above-referenced location. The tract consists of a 50'X140' lot that totals 7,000 SF (0.16 acres) in area. The property contained a two-story frame house (#23) with a frame garage in the rear. The existing buildings have been demolished. The property is located in the central portion of the Township on the north side of High Street, east of Route 9, and south of the Bais Rivka Rochel property. The majority of the adjacent and surrounding property is developed and consists of residential uses. The adjoining lots to the east and west are single-family residential dwellings. A new residential development to the south is on the opposite side of High Street. The Bais Rivka Rochel property borders the site to the north. The property is located in the R-10 Zone District. Single-family detached housing and places of worship including parish house and classrooms are permitted uses. Zoning. The site is situated within the R-10, Single-Family Residential Zone. Per Section 18-902 F. 1. c., of the UDO, "Places of worship including parish house and classrooms." is listed as a permitted use, subject to the provisions of Section 18-905 in addition to 18-902 F. 5. According to Section 18-902 F. 5. a. The required minimum lot area is 10,000 square feet. The subject site contains 7,000 square feet. A variance has been requested for this existing nonconformance. According to Section 18-902 F. 5. b. The required minimum lot width is 75 feet. The property is 50 feet wide and a variance has been requested for this existing nonconformance. According to Section 18-902 F. 5. e. A side yard setback of 10 feet with an aggregate of 25 feet is required. The proposed side yard setback on the east side of the building is 6.67', which is the distance from

the side lot line to the proposed deck accessing the first floor. The proposed side yard setback on the west side of the building is 7.17', which is the distance from the side lot line to the proposed handicapped ramp access to the first floor of the building. Therefore, the proposed aggregate of the side yards is 13.84'. Variances must be requested and the bulk requirements corrected in the zoning schedule on the plans. According to Section 18-902 F. 5. f. The maximum allowable building coverage is 25%. A variance is being requested to allow a building coverage of 28.7%. This figure should be verified since there are discrepancies between the site plan and architectural plans. According to Section 18-905 B. 1. Perimeter Buffer: For properties adjacent to residential properties, if the site leaves a twenty (20) foot undisturbed area then there is no requirements for buffering. If the twenty (20) foot buffer is invaded or disturbed than requirements indicated in 18-905 B. 3 shall be put in place along the invaded area. A variance has been requested from the twenty foot (20') buffer requirement. According to Section 18-905 B. 2. No parking area shall be located closer than five (5) feet to any side property line adjacent to residential zoned properties. Board on board fence six (6) feet high plus shrubs with a four (4) foot arbor vitae every four (4) feet will be required to hide all parking adjacent to residential properties, unless there is a buffer of greater then twenty (20) feet in which case it shall not require screening. The plans indicate that an existing gravel driveway with an approximate width of ten feet (10') is to remain. The driveway is long enough to allow for the parking of two (2) vehicles in a stacked arrangement. The distance from the driveway to the property line is not indicated, so ordinance compliance cannot be determined. From scaling of the drawing it appears the driveway is too close to the property line. Furthermore, no screening has been proposed. The applicant shall address these issues or request the appropriate variances. According to Section 18-905 C. Other Site Standards: The front yard, exclusive of walkways, pavilion areas, or driveways, shall be landscaped with grass, trees, shrubs, groundcover, flowers, existing vegetation, or any suitable combination thereof. The applicant shall address this matter since no landscaping is proposed. A waiver may be necessary. Review Comments. Site Plan/Circulation/Parking. The proposed two (2) bedroom dwelling requires 1.5 off-street parking spaces. The proposed place of worship contains less than eight hundred square feet (800 SF) and the proposed mikvah has less than five (5) changing rooms. Therefore, according to Section 18-905 A. Parking Regulations, no additional off-street parking spaces are required. The proposed project proposes two (2) off-street parking spaces stacked in an existing driveway. Testimony is required regarding refuse removal. Curb exists along the entire frontage of the property. A note has been added to the plan indicating that any damaged or deteriorated curb will be replaced as directed by the Township Engineer. The existing curb cut is too close to the property line and the limits of curb replacement to relocate the curb cut must be added to the plans. Sidewalk is being proposed across the front of the project. Various layout discrepancies between the site plans and architectural plans must be rectified. Architectural. The architect shall dimension the building to demonstrate the overall height. The current plans exceed the allowable building height. The proposed elevations do not show all the proposed building access points in all views. This must be corrected. We recommend that location of air conditioning equipment should be shown. Said equipment should be adequately screened. The plans show the proposed mikvah pool in the basement "by others". Information on the pool must be provided. Grading. The grading is incomplete. The current plans indicate runoff being directed onto adjoining property to the northeast. This matter must be addressed and the provisions of Section 18-822 Soil Removal and Grading complied with. Stormwater Management. The disposition of stormwater runoff must be addressed. The elevation in the rear of the site is lower than the road. Currently runoff is being directed onto adjoining property to the northeast. The architectural plans propose a drain for the basement access landing. No sizing or outlet information is shown for this proposed drain. The site plan lists an estimated seasonal high water table elevation of 83.5. The basis for this estimation needs to be provided. Landscaping. No landscaping or screening has been proposed for the project. At the discretion

of the board, buffering should be considered along the side yard property lines. A six foot (6') wide shade tree and utility easement along with two (2) shade trees has been proposed. The applicant must provide a legal description and easement language for review. The easement shall be filed as a condition of approval. Utilities. The plans indicate the site will be served by public water and sewer. If possible, the existing connections will be used. The existing water shutoff valve and existing sanitary sewer cleanout are located just behind the curb. Construction Details. Curb and depressed curb details are required for the associated curb replacement along High Street. Pavement repair details shall also be included to account for curb and possible utility connection replacement. Dimensioning must be included on the Concrete Driveway apron/Sidewalk Detail to assure the proposed sidewalk is constructed in the correct location. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside Agency Approvals. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Service (NJAW) prior to occupancy; Ocean County Soil Conservation District (disturbance exceeds 5,000 SF); and All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Penzer Esq. appeared on behalf of the applicant. He said originally Mr. Mack signed off on this because the sanctuary is 800 sf and they knocked down the building. The next month Mr. Mack left and the new inspector said he did not have to listen to Mr. Mack so they would have to come to the Planning Board. There is a case that Judge Klein gave, about stopple where you knock down a building in reliance and in addition it is only 800 sf and they have 6 parking spaces, they have an agreement next door with Rabbi Kanarek for unlimited parking spaces and a 20 year lease. He can submit the parking lot lease with Rabbi Kanarek and Mr. Neiman said for the regular meeting he would like that submitted into evidence. Mr. Penzer said the other issue is when they knocked down the building they ended up with 2 problems because of it; one is they wanted to maximize the building and so they put the staircase and deck into the side yard so they need a variance for that but it is the deck that is encroaching which is causing them to need a variance. The other variance is that squaring off the building; the original building was 28.7% they are now 28.6% and the lot coverage is 25%. Other than that, they agree to all the comments that the professional put in the report. Mr. Neiman asked them to show him where Rabbi Kanarek's building and parking is because you need 10 for a minion and there is only parking for 6. Mr. Penzer said they have a lease for 25 parking spaces. Mr. Miller said they need to see the lease.

Mr. Banas said if he recalls they were struggling for space at this school that Rabbi Kanarek's school and Mr. Miller said these are 2 separate schools; one is 285 River and this one is further down. Mr. Neiman said this is the nursing home next to Jersey Mike's. Mr. Banas said they were struggling to find spaces for parking when that school was before them several years ago and Mr. Miller said they have extended a parking lot further east and now have additional parking spaces. Mr. Banas suggested that not only do they have a contract from Rabbi Kanarek, but that he identifies specifically what and where those spaces will be and Mr. Penzer agreed.

Motion was made by Mr. Herzl, seconded by Mr. Miller, to advance to the meeting of March 17, 2009

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

3. SD # 1663 (Variance Requested)  
Applicant: Aaron Bauman  
Location: 929 Woodland Drive, between Hillridge Pl. & Carasaljo Ct.  
Block 12.05 Lot 9.01  
Minor Subdivision to create 2 Lots

Mr. Vogt prepared a letter dated January 28, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide Block 150, Lot 1, into two undersized residential lots. An existing dwelling is currently situated on-site which will be removed as a part of this project. No construction is proposed under this application. Proposed Lots 9.03 and 9.04 have frontage along Woodland Drive. 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: Zoning. The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use in the zone. Per review of the Subdivision Map and the zone requirements, two variances are requested for each lot in this application: A variance for minimum lot area, proposing 9,070 and 8,198 square feet for proposed Lots 9.03 and 9.04 respectively, where the zoning requires 12,000 square feet. A variance is required for each proposed lot. A variance for lot width proposing 75 feet on each lot where 90 feet is required. A variance is required for each proposed lot. The applicant must address the positive and negative criteria in support of the requested variances. Review Comments. The plans state that the lots will be residential. The applicant should verify proposed Lots 9.03 and 9.04 will be for single-family dwellings and not for duplexes or two-family dwellings. The plans include a note "proposed dwellings as shown are for illustrative purposes only". A representative calculation of square footage for the proposed structures must be provided to facilitate verification of compliance for maximum building coverage. All existing and proposed utilities should be indicated. While proposed water and sewer are depicted for the two proposed dwellings on the proposed lots, no information is provided on the utility services for the existing dwelling. Locations of existing wells and septic systems (if any) on properties adjacent to the site must be provided. The plans show the existing dwelling and driveway are to be removed, the applicant shall confirm if all existing site improvements are to be removed. It appears that Soil Conservation District approval will likely be required. If so, the plans should be revised accordingly. The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. Compliance with the Map Filing Law is required. Road widening easements (if necessary) should be provided to the Township. An existing shade tree easement is depicted on the plan along the property frontage. The applicant shall provide summary testimony in regards to the previously approved shade trees and sidewalk listed on the plans as "under separate application". The applicant should be aware that NJDEP GIS data appears to indicate the presence of a Known Contaminated Site within the Woodland Drive frontage in front of the property. Outside Agency Approvals. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Board of Health (wells, septic); Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Doyle Esq. appeared on behalf of the applicant and said with respect to the review comments they stated the homes are meant to be single family dwellings, not duplexes or 2

family. They will indicate that the proposed dwellings are located so no other bulk variances are requested. Sewer and water will be public and all existing site improvements will be removed to provide clear land for the homes to be located and they agree to comply with the remaining comments. With respect to the variances, as a single lot it is 50% larger than what is required and greater than most any lot in the area and they believe that the lots would meet the positive and negative criteria and they would produce the planner at the public hearing to reflect that.

Motion was made by Mr. Akerman, seconded by Mr. Herzl, to advance to the meeting of April 21, 2009.

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

4. SD # 1664 (No variance Requested)  
Applicant: Benjamin Kaufman  
Location: northwest corner of Central Avenue & St. Nicholas Avenue  
Block 12.04 Lots 42, 42.01, 43  
Minor Subdivision to realign lot lines

Mr. Vogt prepared a letter dated February 24, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to relocate the lot lines between Lots 42, 42.01 and 43 in Block 12.04, resulting in three residential lots, proposed Lots 43.01, 43.02, and 43.03. An existing dwelling is currently situated on proposed Lot 43.01 and a garage is located on proposed Lot 42.02. The dwelling is to remain and the garage is to be removed. No construction is proposed at this time on proposed Lots 42.02 and 42.03. Proposed Lot 43.01 has frontage along St. Nicholas Avenue at its intersection with Central Avenue. Proposed Lots 42.02 and 42.03 have frontage along St. Nicholas Avenue. All three 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: Zoning. The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use. Per review of the Subdivision Map and the zone requirements, no variances are required for this application. Review Comments. The NJ R.S.I.S. requires 2.5 spaces for a single-family dwelling when the number of bedrooms is not specified. No specific data for two of the proposed lots is provided. No parking is shown on proposed Lots 42.02 or 42.03, and the parking requirements portion of the zoning requirements does not appear to line up properly. The zoning table must be revised. The existing dwelling is not marked with a number of bedrooms or a square footage calculation. Therefore 2.5 spaces are required per NJ R.S.I.S. for proposed Lot 42.01, where none are shown, not even existing spaces. The plan shall be revised to show the parking conditions for the existing dwelling that will remain after the proposed subdivision. Depending on the location of the existing parking for the existing dwelling on proposed Lot 42.01, the proposed sight triangle to be dedicated to the County may be impacted. The applicant shall provide testimony. The plan should be revised to clarify where new concrete curb and sidewalk is proposed. Due to no construction of new dwellings being proposed on proposed Lots 42.02 and 42.03, the Board may wish to require the cost of the curb and sidewalk improvements along St. Nicholas Avenue to be bonded or placed in escrow to avoid replacing them at the time new curb cuts and driveway aprons are installed. Alternately, the plans can be revised to locate the future curb cuts, allowing the installation of depressed curb and driveway apron at that time. Per review of the plan, public water and sewer appear available within St. Nicholas Avenue and the applicant proposes connections to both. Locations of existing wells and septic systems (if any) on properties adjacent to the site must be provided, or a note added to the plan indicating

none are present. Per a note on the plan the proposed lot numbers have been approved by the Lakewood Tax Assessor's office. A shade tree easement is depicted on the plan along the property frontage along both streets, with seven Armstrong Maples proposed within it. Compliance with the Map Filing Law is required. Road widening easements (if necessary) should be provided to the Township. Outside Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and sewer service (LTMUA/NJAW/other); Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mrs. Weinstein Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer for the applicant. With respect to the bonding for the curb cuts and sidewalks, she would like to request that that bond be posted prior to the pulling of the first permit, not necessarily before the filing of the map. Mr. Kielt said they would talk about that at the public hearing but typically that is not done that way. Mr. Carpenter addressed the parking issue and said the 2 lots are undeveloped at this time, the parking will be shown on the plot plan when they are submitted for permits; the existing parking for the existing house is actually on one of the proposed lots, Lot 43.02 and there is a garage which is the parking for the existing residence on the property and they will show how there will be 3 parking spaces on the lot as it is proposed now. The other 2 lots are not being developed at this time and they will have 3 parking spaces when the plot plans are submitted for approval. They agree to the remaining comments.

Mr. Schmuckler asked how many parking spaces and Mr. Carpenter said 3 and Mr. Schmuckler asked if there were going to be basements and Mr. Carpenter said probably and Mr. Schmuckler asked if they could squeeze in a 4<sup>th</sup> one on the lots and Mr. Carpenter said he could probably fit 4 on the 2 proposed lots but on the existing one 3 parking spaces would be the maximum unless he puts a curb cut on Central Avenue and he does not like that.

Motion was made by Mr. Schmuckler, seconded by Herzl, to advance to the meeting of April 21, 2009.

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

5. SP # 1778A (Variance Requested)  
Applicant: Woodhaven Lumber  
Location: James Street, west of Sunset Road  
Block 345 Lot 11  
Preliminary & Final Site Plan for proposed service garage

Mr. Vogt prepared a letter dated February 26, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval to construct an 8,100 SF service garage at the above-referenced location. The existing tract covers 34.6 acres, containing an existing 10,083 SF one story masonry office building with seventy-six (76) delineated spaces attached, a one story masonry garage of 2,417 SF, a one story masonry warehouse of 173,919 SF and a one story masonry garage of 9,596 SF. The tract also includes undelineated gravel parking areas throughout, an aboveground fuel tank, several stockpiles of building materials, and a side track for delivery of building materials by rail. The property is located in the western portion of the Township bordered by James Street to the north, and the New Jersey Southern Branch Main

Line to the south. The area directly across James Street to the north is a residential zone, containing primarily residential uses. The uses to the east, south, and west of the site are industrial uses and/or zoned industrial. The applicant has previously sought and received several completeness waivers at the Plan Review Meeting of February 3, 2009. We have the following comments and recommendations per review of the current application and comments from the February 3, 2008 Plan Review Meeting: Zoning. The site is situated within the M-1, Industrial Zone. The existing uses (lumber yard, office building, and garages) and the proposed garage are all permitted uses within the M-1 zone. Per review of the site plans and application, the applicant has requested a variance for parking, providing seventy-six parking spaces where the ordinance calls for one hundred and thirty (130) spaces. The calculation of 130 spaces is based upon the calculation of one space per employee (110 employees) plus twenty spaces for executives listed for industrial buildings greater than 50,000 square feet. Our office notes that Section 18-903 M. 6. g. calls for the number of spaces to be as calculated or one space per 400 square feet of floor area, whichever is greater. One space per 400 square feet with the total area of 204,115 SF yields a parking requirement of 510 space. We recognize that the bulk of the parking area is undelineated gravel that currently exists and per submitted documents provides sufficient parking in the existing condition. The applicant's professionals shall provide testimony addressing the positive and negative criteria of the requested variance. According to Section 18-903 M. 6. c., the required minimum front yard setback is 50 or 100 feet. The existing condition for the frontage along Evelyn Avenue is 40.9 feet. This is a pre-existing non-conformity. Review Comments. Site Plan/Circulation/Parking. No handicapped spaces are depicted on the plans. The applicant should address ADA barrier-free requirements for handicapped parking, including van accessible parking, or seek the appropriate waiver. Details should be added to the plans as necessary. No trash or refuse enclosures are depicted on the plans for the existing buildings or the proposed building. Testimony must be provided as to existing and proposed refuse handling and disposal, and appropriate details added to the plans. The applicant shall provide testimony as to whether the proposed garage area is meant to be accessed by the public, such as outside contractors. Truck circulation has been demonstrated in the area of the proposed project. However, we recommend that testimony be provided in regards to pedestrian circulation to and from the portion of the site being redeveloped. The Board may wish to require warning signage be installed to mitigate hazards where trucks and pedestrians will both be traveling throughout the site. We defer to the Fire Official in regards to the adequacy of emergency access and fire suppression capability. Testimony should be provided as to whether the proposed garage is to be equipped with sprinklers or not. The applicant shall provide testimony in regards to the proposed garage compared to the two other garage structures existing on the site, such as what tasks are performed at the existing garages compared to what tasks will be performed at the proposed garage. The applicant shall provide testimony as to the proposed washing equipment or activities to be performed in the proposed new garage, in regards to potential environmental concerns posed by the used wash water. The applicant shall provide testimony as to the storage, handling and disposal of any potential hazardous materials associated with the maintenance activities proposed for the garage, such as handling and disposal of used oil. Architectural. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. Grading. The proposed grading appears sufficient to accomplish positive drainage of the site. Stormwater Management. The submitted drainage statement notes that, according to the NJDEP's Frequently Asked Questions website, the existing gravel area can be recognized by NJDEP as impervious surface if it can be demonstrated that it behaves as such. Due to the storage of bulk materials and truck traffic, the gravel surface is compacted and behaves as an impervious surface, to the point that the applicant was forced to install storm inlets and piping to convey stormwater from the site because it was not infiltrating through the gravel layer. Since the applicant considers the existing gravel to be impervious, the proposed garage will not

increase impervious coverage and the disturbance is less than one (1) acre. Therefore the applicant contends that the project is not subject to water quality, groundwater recharge, or runoff reduction requirements listed in NJAC 7:8. Our office has no objection to this conclusion. The applicant shall provide testimony as to locations of roof drains on the proposed garage building and include them on the architectural. Splash blocks or similar structures should be added or specified. Landscaping. No landscaping buffer screening is provided at the east property line, where the UDO calls for a twenty-five foot buffer from the property line to the proposed use. Our offices notes that the circulation plan depicts a truck passing through portions of the marked landscaping buffer, so plantings are not proposed. A waiver is required. The overall landscape design is subject to review and approval by the Board. The applicant has proposed to supply eleven (11) Douglas fir trees to replace trees that will be removed in the course of installing the proposed underground utility connections out to James Street. Lighting. No lighting data for the existing or proposed condition has been provided. Details should be added to the plans depicting existing and proposed lighting, lighting levels, and hours of operation and methods of control of the lights. Utilities. Projected sewer flow calculations must be provided, and availability of sufficient capacity confirmed. The proposed sanitary sewer connection is not depicted according to the utility legend supplied on the plans. A number of the depicted utilities on Sheet #5 do not match the utility legend. The plans must be revised to clarify the existing and proposed utilities. Signage. No signage information is provided. A full signage package for free-standing and building-mounted signs both existing and proposed must be provided for review and approval as part of the site plan application. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Environmental. Site Description. Per review of the site plans, aerial photography and a site inspection of the property, the site and surrounding areas are predominantly developed with the exception of wooded portions in the northwestern corner of the property, as well as wooded buffer areas along the northern and southern property lines. Environmental Impact Statement. An Environmental Impact Statement (EIS) has been submitted for review. The EIS is generally well-prepared. No significant environmental impacts are anticipated from the proposed development. Phase I/AOC's. If existing, a Phase I study should be provided to address potential areas of environmental concern (AOC's), if any within the site. At a minimum, we recommend that all existing debris and construction materials from redevelopment activities be removed and/or remediated in accordance with State and local standards. Construction Details. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside Agency Approvals. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer service (NJAW); Ocean County Soil Conservation District; NJDOT (access permit and stormwater management review); and All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. San Filippo Esq. appeared on behalf of the applicant with Mr. Palus as the engineer for the applicant. The variance requested is for parking for the facility, there are 76 delineated parking spaces and they have calculated 110 spaces and Mr. Vogt there should be 510 spaces. They have a warehouse facility and they don't believe that they need that many spaces are necessary for this type of facility. Mr. Neiman said the variance is for parking and Mr. San Filippo said yes, they took the position that in view of the fact that they have over 50,000 sf of total area among the various buildings on the site that that requirement would result in 110 spaces being required for the use; there are 76 spaces there now primarily around the existing administrative building and there is a significant amount of gravel area where contractors park when then come to get materials and goods and their feeling is based upon the uniqueness of the use and the way it

operates, that to create 510 spaces would be silly. Mr. Neiman asked how far the building was from the street and Mr. Palus said the proposed garage is 138 ft. from the frontage. Mr. San Filippo said the only issue with the comments from the engineer is with the phase 1; he said there is nothing on the site that would give rise to it and Mr. Palus said there is nothing available and they do not have one. They are also not planning any new signage so there is none proposed and no details.

Mr. Akerman wanted to know that they were just building that one garage and Mr. Palus said yes. Mr. Akerman said he did not see the need for mot parking either, he has been to the site many times and there is many unpaved areas that the contractors use if there is a need so he is in agreement.

Mr. Percal asked if this situation is going to cause any kind of discomfort to the residents on James Street and Mr. San Filippo said he did not think so, the hours of operation of the service building will be similar to the lumber facility which is 7am to 5pm Mon-Fri and 7am to 1pm on Sat. Mr. Percal said the lumber facility is much further inside the property and this is closer to James. Mr. Palus said there is no clearing involved, they are taking a portion of the lumber yard out to put this facility in so the buffer located along James Street will remain intact except for a couple of areas where there is a cut through for the utilities and they are going to replant that with trees to enhance the buffer. The service garage is going to be strictly for the fleet vehicles it is not for outside vehicles.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to advance to the meeting of April 21, 2009.

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

The next items heard were the items under New Business

6. SD # 1665 (Variance Requested)  
Applicant: Solomon Wanouno  
Location: East Second Street, east of railroad  
Block 248.01 Lot 63.02  
Preliminary & Final Major Subdivision for 10 two family townhouses

Mr. Vogt prepared a letter dated February 25, 2009 and is entered in its entirety. The owner and applicant is Solomon & Chava Wanouno of 1758 East 18<sup>th</sup> Street, Brooklyn, New York 11229. The applicant is seeking preliminary and final major site plan and subdivision approval. The applicant proposes to construct ten (10) four-bedroom townhouses with unfinished basements on fee simple lots. A common space lot is also proposed on which the site utilities and improvements are contained. Forty-five (45) parking spaces are proposed. Thirty-nine (39) spaces are located within an off-street parking lot and the other six (6) spaces are satellite spaces along the frontage of the property perpendicular to East Second Street. The tract totals 1.27 acres in area and is vacant. Associated site improvements are proposed for the new use. These improvements include proposed sewer, water, and drainage; paved parking areas with curb, sidewalk, landscaping, and lighting. The property is located in the northern portion of the Township on the south side of East Second Street just east of the Conrail Railroad. Zoning. The site is situated within the B-4, Wholesale Service Zone. Per Section 18-903 D. 2. b., of the UDO, "townhouses" is listed as a conditional use. Therefore, the provisions of Section 18-1010 apply.

Ocean Avenue (Route 88) is the closest State Highway to the project. The required distance and actual distance of the tract from Route 88 shall be added to the Zoning Requirements Schedule. The Lot Width definition states "The mean horizontal distance between the side lot lines measured at right angles to its depth. Required lot width shall be measure at the most forward allowable building line or setback line; however, the mean width shall not be less than the required lot width". While the required minimum tract width of 125' is met at the front setback, almost the entire lot is narrower than the required width. This is an existing nonconforming condition. No front yard setback is shown from the common area lot which contains site access and parking. The front setback of the units from the common area is 1.00', where 25' is required. Therefore, a front yard setback variance is required. The minimum side yard setback (for end units) is 12'. The final plat shall be corrected to show the proper side yards. It should be noted the project is currently conforming. According to Section 18-1010 B. 5. A structure shall not have more than two (2) connected townhouse units on one facade without providing a variation in setback of at least two (2) feet. The facade does not vary on the units proposed. According to Section 18-1010 B. 6. Each unit shall have an area designated for the storage of trash and recycling containers. A trash and recycling enclosure is proposed within the common area. The location of HVAC equipment has not been addressed for zoning compliance. According to Section 18-1010 B. 9. All areas put into common ownership for common use by all residents shall be owned by a non-profit homeowners association in accordance with the requirements of the Department of Community Affairs and deed restrictions, covenants, and documents as stipulated in Subsections (a-g) of this portion of the Code. The applicant should provide testimony that they will comply with the above referenced requirements. We defer to the Board Attorney for further comment. Review Comments. Site Plan Circulation/Parking. We are concerned with the six (6) proposed parking spaces along the East Second Street property frontage. We recommend the distance between the buildings be increased by moving the front building closer to East Second Street, thereby allowing parking to be designed and installed between the buildings. This design revision would not only move these parking spaces to a better location, but will improve site accessibility for emergency vehicles by providing space for a turn-around area. Accessibility to the proposed trash and recycling enclosure as proposed is limited. At a minimum we recommend the enclosure be angled to allow front access to the dumpster. The property owners within 200' shown on the Title Sheet do not include all the lots shown on the area map within 200'. A new list is required to insure proper notification. The general notes state that the applicant proposes nine (9) two-family townhouses and two (2) single-family townhouses. This is in conflict with the site plans and architectural plans. The general notes state that the site will be constructed in compliance with American with Disabilities Act. None of the units are handicapped accessible and no handicapped parking has been provided. Testimony should be provided to address this issue. Proposed lot lines must be added to the Layout Plan. Overwrites must be corrected for plan clarity, particularly on the Grading, Drainage & Utility Plan. A signed and sealed copy of the survey referenced on the site plan must be submitted. The approval signature block shall conform to Section 18-604 B. 2 of the UDO. The plan has not provided any sight triangle easements for the proposed project. The applicant must show the easements or provide testimony as to why they are not required. The limits of the existing chain link fence to be removed which crosses the property should be indicated. Architectural. Two (2) sets of architectural plans are provided, one for each townhouse building complex. We recommend that a color rendering(s) be provided for the Board's review at the time of Public Hearing. We recommend that location of air conditioning equipment should be shown. Said equipment should be adequately screened. Grading. Runoff is directed to the curb line farthest from the units. The low point should be designed along this curb line. A low point is being created between the 57.75 spot elevations shown between the buildings. An inlet and appropriate storm drainage should be added. Some proposed grading either has slopes of less than one percent (1%), or is directing runoff to adjacent properties,

additional low points and storm drainage should be considered. There are proposed contour discrepancies on the plans, most likely from revising a previous design, which must be addressed. Proposed spot elevations should be added to the landings for the exterior stairs.

**Stormwater Management.** What appears to be an unidentified utility line conflicts with proposed E inlet #4. This issue must be addressed in the revised design. The proposed recharge system should be relocated under the parking as it conflicts with the proposed lighting and landscaping. The applicant shall clarify the Stormwater Drainage Plan to include any and all proposed roof drains, cleanouts and other stormwater collection and conveyance piping and how it connects into the system already shown on the plans. No soil borings, estimation of seasonal high water table, or permeability testing has been completed on this project. Furthermore, the Stormwater Management Report assumes a best case scenario with respect to infiltration. This work is required in order to properly review the recharge system. The Stormwater Management Report will be reviewed in detail at a future time after the required revisions are submitted. A stormwater maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards.

**Landscaping.** As noted on the Lighting and Landscaping Plan, Red Maples are proposed along the property frontage and along the westerly property line. Norway Spruces are proposed around the trash enclosure. As depicted on the "Typical Building Landscaping" plan detail, additional perimeter plantings are proposed around the buildings and decks. At the discretion of the Board, additional visual screening may be advisable along the northerly property boundary. The overall landscape design is subject to review and approval by the Board. The planting notes reference irrigation. Testimony shall be provided regarding proposed method(s) of irrigation. There are discrepancies on the planting notes which require correction. The applicant's engineer should contact our office for clarification. Dimensioning shall be added to the deciduous tree planting detail, similar to that shown on the conifer tree planting detail.

**Lighting.** The lighting notes are not consistent with the plan. They also note the fixtures are to be supplied by JCP&L. Being that all the lighting is proposed within the project common area, this issue must be addressed. Shielding must be provided to reduce minor spillover to adjacent Lot 77. Testimony shall be provided on the adequacy of site lighting. It does not appear the east side of the parking area is properly illuminated.

**Utilities.** Potable water and sanitary sewer will be provided by New Jersey American Water Company. The existing water main terminating in front of the site should be extended to the property line to allow for future extension. A steeper slope is recommended for the sanitary sewer line since there are no cover issues. The numbers and locations of the individual utility connections must be corrected.

**Signage.** No signage information is provided within the current design submission. A full signage package for any signage requiring relief by the Board must be provided for review and approval as part of the application. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance.

**Environmental. Site Description.** Per review of the site plans, aerial photography and a site inspection of the property, the site is predominantly cleared and has no appreciable mature vegetation, habitat, or significant environmental value.

**Environmental Impact Statement.** An Environmental Impact Statement (EIS) report was prepared and submitted for the project, and addresses environmental concerns as applicable. In addition, 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. No known environmental constraints exist within or adjacent to this site per

**NJDEP mapping. Tree Management Plan. A Tree Management Plan is provided as part of the design plans. However, as noted previously, there is no known mature vegetation present within the property. Additionally, the Tree Management Plan contains a note that no specimen trees or trees of 10 inches diameter or greater exist on site. The applicant must comply with the requirements for tree protection and removal as applicable for this site. Construction Details. Construction details are provided on Sheet 7 of the plans. 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. The plans shall be amended to include handicapped ramp details from sheet 37 of the 2001 NJDOT Standard Details to account for the correct types of ramps on the project with truncated domes. Additional information is required for the trash enclosure detail. The footing is not deep enough and shows no reinforcement. The concrete slab has no reinforcement. No information is provided for the decorative wood gates. The detail for "Typical Section – Roadway Improvements" does not match the site plan. The trench restoration detail is not in accordance with Township standards. A pavement restoration detail is required in conjunction with the new curb installation along East Second Street. The concrete driveway apron details are not applicable to this project. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Final Plat. The symbolism and legend for markers must be clarified. In addition, the corner marker information shown on the final plat does not match the site plan information. The certifications shall be in accordance with Section 18-604 B. 3 of the UDO and be signed by both Solomon and Chava Wanouno. Dedication of the easement areas must be indicated. The final plat does not show a six (6) foot shade tree and utility easement along the property frontage, or any sight triangle easements for the proposed project. Regulatory Agency Approvals. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Service (NJAW) prior to occupancy; Ocean County Soil Conservation District; and All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions. In addition, we recommend a meeting with our office prior to undertaking the project revisions.**

**Mr. Penzer Esq. appeared on behalf of the applicant and said the application calls for 10 two family townhouses because there are unfinished basements.**

**Mr. Vogt said they met with the applicant's attorney and they have recommended one design change; moving a building which will let them have all the parking spaces on the property and also allow a better turn around. Mr. Carpenter said they will try to put the parking in between the buildings but he did not feel it was a very pretty lay out but he will give Mr. Vogt the benefit and design it that way. Mr. Vogt said what they are trying to do is get all the parking off the road and Mr. Neiman said that is what the board wants: for a project this size, they would like to see at least 39 off street parking and they are working to get the other 6 off site as well.**

**Mr. Banas asked how many bedrooms are in each one of the units and was told 4 bedroom townhouses with unfinished basements. Mr. Franklin said the basements can legally be finished. Mr. Banas said when he sees that unfinished basement it tells him it becomes a residence and that would be about 6 bedrooms and Mr. Penzer said they have 4 ½ spaces per unit and Mr. Banas said they were under the impression they were using 5 parking spaces other than 4 ½ and Mr. Penzer said no they never did that and they are small units; only 1200 sf per floor.**

Motion was made by Mr. Herzl, seconded by Mr. Schmuckler, to advance to the meeting of April 21, 2009

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

## 6. NEW BUSINESS

1. SP# 1801A (No variance requested)  
Applicant: Yeshivat Keter Torah  
Location: Apollo Road, west of Squankum Road  
Block 104 Lots 57 & 60  
Amended Site Plan for proposed school

Mr. Vogt prepared a letter dated February 11, 2009 and is entered in its entirety. The applicant is seeking amended site plan approval to construct a school complex for a boys' elementary school. The proposed elementary school is a two-story building that will include a glass atrium and a gymnasium. The applicant notes that the proposed elementary school will be constructed in three phases. The first phase includes construction of the eastern portion of the school building, placement of stormwater and drainage for Phase I, a construction access drive, and a temporary chain link fence. Phase II includes the construction of the additional school wing and the gymnasium. Lastly, Phase III includes construction of the glass atrium. The proposed plan also notes that the complex will include a future high school and dormitory. Currently, there is a one-story structure and ten (10) temporary school trailers on the site. The plan also shows an existing paved parking area and a basketball court. The site is located at the end of the cul-de-sac on Apollo Road and is 5.06 acres in area. Preliminary and Final Site Plan was granted by the Planning Board by a resolution memorialized on May 17, 2005. The Board approved the construction of the gymnasium as part of the initial phase. In this application, the gymnasium is proposed to be constructed in Phase II. The site is located at the northern border of the Township, west of Squankum Road. The following comments in (bold) indicate the current submission's compliance with previous planning and engineering review comments: Planning Review Comments (T&M letter dated December 30, 2008) Zoning. Educational uses and related accessory uses are permitted in the R-12 District. **Fact.** No variances are requested; however, it appears that a variance is required from the buffer requirement. Please refer to Item C.1. **Fact.** Prior Variances The applicant was previously granted a variance for maximum building coverage and the proposed sign setback as follows: Maximum building coverage. The applicant is permitted a maximum building coverage of 25 percent. In the prior site plan, the applicant received a variance for building coverage as they had proposed a building coverage of 31.7 percent. The applicant has removed this variance condition for this application and has proposed a building coverage of 16.5 percent. The applicant should specify whether the building coverage provided includes the future high school and dormitory. **Fact.** Sign setback. Lakewood Township Code requires a setback of 34 feet where 15.5 feet is proposed. The proposed sign is at the entrance of the driveway. **Fact.** Review Comments. Conditions of Site Plan Approval (May 17, 2005). Access Easement. As in the prior approval, the applicant has proposed to access the property for construction for Phase I via Lot 53.17. The applicant must submit a copy of the access easement agreement from the adjoining landowner as part of this approval. **Our office has no information in regards to the required access easement.** Apollo Road. The prior approval was expressly contingent upon Apollo Road being approved by the Lakewood Township Committee and constructed in accordance with the plans. The applicant should provide an updated status report to the Planning Board concerning the approvals/

authorizations and construction schedule of Apollo Road. *Testimony must be provided.* Safety Fence. The applicant was required to provide a safety fence around the construction site during construction. The applicant has proposed a six-foot high temporary chain link fence on the site plan. *This item has been addressed.* Buffer. A twenty-foot (20') vegetative buffer is required for properties that are located within a residential district (Section 18-906). In the prior approval, buffer landscaping was a condition of approval by the Board. The applicant has proposed a ten-foot buffer along the western edge of the school which appears to adjoin a buffer on the abutting property. Buffering, consisting of vegetation and fencing, is now proposed on the eastern edge of the property. An additional requirement of the Township buffer requirements is that parking not be permitted in the buffer. The applicant has proposed parking and the driveway in the buffer area. The applicant shall provide testimony regarding compliance with Township buffer requirements. In regards to buffer landscaping, the applicant should consider providing additional variety of vegetative species for the site. *Testimony must be provided.* Parking. In the prior site plan, the applicant was required to discuss compliance with the ordinance parking requirements for the school for all phases. On the site plan, the applicant has indicated parking requirements for the two phases of the project. Based on the site plan, the applicant is providing 54 parking spaces. Based on our computations, 36 spaces are required. The applicant should confirm that adequate parking will be provided. In addition, the applicant shall specify parking needs for the intended future use of the site. As there are no standards provided for gymnasiums and dormitories, the applicant should specify how they intend to provide sufficient parking for these uses. *The applicant must provide the requested information and testimony.* Site Plan Checklist. The Board discussed the following waiver requests in August: Environmental. The applicant requested that an Environmental Impact Statement be waived. The Board requested a copy of the NJDEP Letter of Interpretation (LOI). The applicant submitted a copy of the LOI obtained for Lots 55 & 57. The intermediate resource wetland is delineated on the lot directly to the north of the site. A NJDEP LOI jurisdiction determination is valid for five years from the date of the letter. On the site plan, the applicant notes that freshwater wetlands/water boundary line is pending. The copy provided to the Board is dated August 5, 2005. The applicant shall indicate the correct date to the Board and on the site plan. Compliance with all NJDEP Freshwater wetlands is required. The applicant has proposed to locate the gymnasium partially in the wetland area. The applicant should consider placing the delineated wetland areas within a conservation easement. As applicable, the applicant must comply with all applicable Surface Water Quality Standards for Category One waterways. *The applicant must provide updates and testimony in regards to the above listed environmental items.* Tree Protection Plan. The applicant requested that a Tree Protection Plan be waived. The Board previously granted this waiver. *Fact.* Recreation Areas. There are provisions for an outside recreation area on the east side of the school site. The applicant should provide further information concerning fields or play areas. *No further information has been provided. This item remains outstanding.* Bus Loading/Unloading. The applicant indicates that all students will be bussed and that no student shall be permitted to drive to and from school. The pick up and drop off times proposed are between 8:30 and 5:30 pm. *Fact.* Lakewood Loading/Unloading. The applicant indicates that all students will be bussed and that no student shall be permitted to drive to and from school. The pick up and drop off times proposed are between 8:30 and 5:30 pm. *Fact.* Architectural Plans. The applicant should provide architectural renderings for the proposed gymnasium for Board review. *As noted above, our office has received architectural plans with most recent revision of July 17, 2008.* Sequencing. The applicant should provide testimony addressing the sufficient and appropriate site improvements for each phase. The time frame for the use of the temporary trailers gym and the demolition of the existing structure should be clearly specified. The applicant also should specify when the intended high school and dormitory is proposed. Occupancy of each wing of the school should be linked to improved access and sufficient parking. *Testimony must be provided. Our office notes that construction*

*notes that appear to address sequencing have been added to the Improvement Plan sheets for Phases I and II. We have the following comments in regards to the sequences and Phase plans: The notes for the Phase II construction mention that a 4" fire suppression line and a 2" water supply line will be the permanent connections for the building. Per review the proposed water main is a 6" line that splits to two separate unlabeled lines. The lines should be fully labeled and line weights demonstrating that the line is proposed should be used. Both Phases include construction of base course paving in the construction sequence. Surface course paving should be added to one or both sets of notes. Utilities. The applicant should specify how water and sewer will be provided. The plans indicate how water and sewer connections will be accomplished, including the sequencing associated with the two phases. We have the following comments regarding utilities: The existing sanitary sewer is depicted with no existing terminal point. Testimony or clarification should be provided. The proposed permanent water line crosses the underground recharge system in front of the building. The water line should be shown on the profile of the drainage system to demonstrate there will be no conflicts. The same information must be provided for the sanitary sewer line, the gas line, and the temporary water lines, where they cross both recharge systems. The underground recharge system appears to be divided into Phases I and II like the rest of the project. The applicant shall provide confirming testimony, including the method of connecting the two phases of recharge, and if the Phase I portion of the recharge system is sufficient to handle the runoff generated by the Phase I construction. The 290 linear foot recharge line along the eastern property line is depicted as existing and proposed in different places. The applicant shall provide clarifying testimony and revise the plans accordingly. An unlabeled proposed storm sewer appears to be depicted in the center of Apollo Road. The applicant shall provide clarifying testimony and revise the plans accordingly. Our office has concerns about access to the underground recharge system for maintenance purposes. Manholes or vaults should be added to the design to allow access. Since electrical service is also likely to cross the recharge facility below grade, a proposed routing for electrical service should be added to the plans. Lighting. The applicant's lighting plan is subject to review by the Board Engineer. We have the following comments on the submitted lighting plan: No lighting is proposed for the temporary cul-de-sac that will be used after Phase I has been completed but before Phase II is completed. Lighting should be added to the area, even if it is only proposed to be temporary. There is a darkened area directly in front of the school in the permanent cul-de-sac. The lighting should be adjusted to provide more light to this area. No building mounted lighting is shown on the plans. The applicant shall provide testimony and revise the plans if necessary to reflect any such lighting. No lighting is shown in the rear of the property. Our office would recommend the applicant consider adding motion-activated security lighting or the like at the rear of the building. Trash/Refuse. The applicant should specify whether the proposed solid waste management facility is sufficient for all the proposed uses on the site. A circulation plan demonstrating sufficient access to the refuse enclosure should be provided, especially for the case where Phase I has been completed but Phase II has not. Site plan approval will be required for the future buildings. Fact. The site plan should be revised to substitute "Building Coverage" for "Lot Coverage" in the Zoning Chart. The appropriate data should be provided. This item remains unchanged. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Fact. Lot Consolidation. The subject lots should be consolidated by deed. Fact. Agency Approvals. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; (per revised plans, obtained) Sewer and water utilities, prior to construction permits; NJDEP; and, (per revised plans, pending) All other required Outside Agency approvals. The applicant must provide copies of any approvals obtained from outside agencies. Engineering Review Comments (T&M letter dated November 24, 2008) General Lakewood Loading/Unloading. The applicant indicates that all students will be bussed and that no student shall be permitted to drive to and from school. The pick up and drop*

off times proposed are between 8:30 and 5:30 pm. *Fact.* The applicant is seeking amended Final Site Plan approval for a previously approved school building and its associate site improvements on Lots 57 and 60 of Block 104. The property has frontage along Apollo Road Extension. The site is situated within the R-12 Zone. The applicant has revised the plans to clarify the phasing of the project. A 6 foot high chain link fence will separate the active school from the construction area. *Fact* The applicant was previously granted a variance for minimum sign setback; 15.5 FT is proposed, where 34 FT is the minimum required. *Fact.* The applicant has indicated on the plans that the building height of the proposed school will be 35 FT, which conforms to the requirements for the R-12 zoning district, as listed in the Lakewood UDO. The submitted architectural plans had shown a proposed building height of 38 FT. The applicant shall provide testimony to address this issue. *Testimony must be provided.* Outside agency approvals from the Ocean County Planning Board, Ocean County Soil Conservation District will be required. Evidence of the approval shall be made a condition of the final Planning Board approval. *As noted above, the applicant must provide copies of all approvals obtained from outside agencies.* The submitted NJDEP wetland letter of interpretation has been expired. In addition, the applicant shows on the plans changes in the wetland fill areas have been made. A new NJDEP wetland permit and letter of interpretation will be required. These approvals will be made a condition of the final Planning Board approval. *No change.* The project is proposed to be built in two phases, between the two phases, 33 parking spaces are required; the applicant has proposed 54 parking spaces. The Board should determine if the proposed number of parking spaces will be adequate. *Per code requirements for classrooms and offices, the parking is in compliance; however the applicant must provide testimony to the projected parking needs for the gymnasium, atrium, and any other structures and uses not already accounted for.* The applicant shall provide testimony on status of the wetland buffer markers at the rear of the property. The applicant shows on the revised plans the markers are to be set. It has been three years since the site plan was originally approved, requiring the markers be set along the buffer. *Testimony must be provided.* The applicant indicates on the revised plans extension of Apollo Road and a stormwater discharge pipe are to be done by others. The applicant shall provide update on the status of the construction of the roadway and the will perform the construction. *Testimony must be provided.* The applicant shows on the Improvement Plan (Phase I) the site will be accessed from the adjacent lot, Lots 61(existing) and 53.17 (proposed), during phase I of the construction. The applicant will require a temporary easement to access the neighboring lots. The applicant shall provide those easement agreements to the Board for review prior to the Final Site Plan Approval. *No change.* The stormwater management report states the proposed inlets will be fitted with stormwater filters to remove oil and sediment from the stormwater runoff prior to discharge to the infiltration system. The filters shall be noted on the plans and added to the inlet details. *Our office has not received a copy of the stormwater management report at this time, though the detail and plan sheet notes the Inceptor pre-treatment devices will be installed on all Type "B" inlets.* The applicant shall provide testimony on where classes will be held during phases I and II of the construction. *Testimony must be provided.* *Additional comment/recommendation (RVV) Our office has concerns about the retaining wall proposed at the rear of the property, adjacent the proposed gymnasium. With the proximity of the gym, this wall will be a structural wall. Design calculations must be submitted prior to issuance of any building permit. The proposed landscaping does not appear to match the planting schedule. The plans must be revised. Our office has concerns about the eighteen Leyland Cyprus proposed to be planted directly above the 290 LF perforated pipe along the eastern property line. The proposed landscaping could pose problems for maintenance and clogging or blocking the line. There are numerous doors at the rear of the building that are not equipped with any concrete pad or sidewalk. The applicant should provide testimony as to any proposed concrete work at the rear of the building. The plans include a total of fifty-four (54) proposed parking spaces. The appropriate number of handicapped parking spaces for that amount of parking is*

*three, where the plans propose only two. Another handicapped parking space should be added to the plans.*

Mr. Kelly Esq. appeared on behalf of the applicant with Mr. Surmonte as the engineer for the applicant. They have reviewed the letter from the board professional and have a few things they were asked to address. One of them is drop off and pick ups and how that will work with the new site plan and Mr. Neiman said the board wanted to make sure that during all phases there is an area fenced off and it is delineated and the kids do not have any way to get to that area and Mr. Surmonte showed the board on phase 1 a cul de sac is proposed on Apollo Road with a drop off area at the west side of that cul de sac and walkways coming off that drop off area to serve each of the trailers. He was referring to pages 4 and 5 of the plans. Mr. Surmonte said in phase 2 they will move the educational element to the constructed phase 1 which includes the gymnasium and the drop off area will remain the same and the safety fence will then move around the limits around phase 2 and the trailers will be gone sometime very soon after that. There will be no students in the trailers once they take occupancy of the building. Phase 2 will include the construction of Apollo Road if it is not done by the applicant up the street. Mr. Kelly said there is another subdivision which contemplates the improvements of Apollo Road into a cul de sac and a 16 lot subdivision and they are testifying that they have discussed with the adjoiner and they have a cross access easements with his development but if that is not in place at the time, then they will improve Apollo Road up to their driveway. There is no phase 3 to this project and Mr. Vogt felt from what he is hearing it sounds irrational and what he would want them to do if the board acts favorably tonight is this really should be spelled out in writing on the plans and also in the Site Plan Resolution that very specifically says what was discussed and agreed upon in phase 1, and in phase 2, and needs to be documented. Mr. Miller said on that.

Mr. Neiman asked about garbage pick up and Mr. Surmonte said they are proposing under phase 1 is to relocate the refuse area to an area where those 3 parking spaces are shown (pointed to the map) and said once they take occupancy of phase 1 those parking spaces will no longer be needed. Mr. Surmonte said once the entire project is built out, the refuse areas at each end will be accessible. Mr. Franklin said he had no problem. Mr. Neiman said they gave testimony at the tech meeting about cleaning up the site and Mr. Kelly said he knows the school undertook efforts to clean up and between the October meeting and January Rabbi Dabbah had instructed others within the school to go out and clean up the yard and there was a site visit by members of the board and Mr. Neiman said when they did the site visit it was still a mess. Mr. Kelly said he will again communicate that message and they will make that a condition of the resolution as well. Mr. Neiman also re-iterated the importance of following the resolution and doing exactly what the resolution says as opposed to just not following it and he knows what they are talking about. Mr. Kelly said he understood.

Mr. Surmonte said there were some items that needed the board's consideration and Mr. Neiman asked if there was sufficient parking once phase 1 and phase 2 were constructed and Mr. Vogt said his comments were based on previous review comments from T&M which said the applicant has provided 54 and based on the computation per code they only needed 36 but said the report asked for them to discuss if there is enough for the needs for the intended future use of the site as there are no standards provided for gymnasiums or dormitories the applicant should specify how they intend to provide sufficient parking for those uses. Mr. Surmonte said the use of the gymnasium will be strictly an accessory use of the school and they don't expect it to generate any additional parking above and beyond what the school will generate. The future dormitories, should they ever get to that day, they will be coming back to the board for site plan approval and if at that time the adequacy of existing parking or the need for additional parking

for the dormitories they would address it at that time. They are going to consult with a structural engineer for the retaining wall behind the gym to make sure it is adequately designed but he pointed out they will probably be eliminating one parking space because of the requirement to have 3 handicapped spaces instead of the 2 that they are showing now. The landscaping issue is the 20 ft. strip that runs along the east side of the property line that they are required to have a landscaped buffer. Under the application for the subdivision to the west, the drainage for Apollo Road which is constructed, there is a 36 in. drainage line that runs within that 20 ft. buffer area and it is about 3-5 ft. below the surface so it might cause a situation where it would be inappropriate to run a buffer planting over that pipe. They are proposing a fence along that property line and said perhaps a narrow row cypress against that fence within the 7 ft. between the pipe system and the fence if the board would feel that is more appropriate for a buffer. Mr. Vogt said a lot of the comments are technical and engineering comments and they have to work out conflicts in terms of piping and utilities in that area, etc. and asked if they could work with something outside of that area, maybe the 7 ft. strip that they were mentioning. Mr. Neiman suggested they work together on getting some type of landscaping buffer.

Mr. Schmuckler asked about the 2 sides of the main driveway, there are 2 open boxes, and he asked what that is for (page 2a under phase 2) and Mr. Kelly said those are the proposed future dormitories that would be in front of the board on a site plan approval at a later date.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Mr. Akerman asked where the children are going to play during the construction and Mr. Surmonte said they have a play area now that they have been utilizing now and he showed them on the plans.

Mr. Vogt wanted a few things on the record. Under recreation, he said they had asked about the proposed recreation and Mr. Surmonte said for now the Rabbi is proposing to leave it as an open field, the gymnasium will be utilized for more structured recreation. Mr. Vogt asked if the open field is going to be seeded, stabilized and there is no debris in there and the applicant agreed. Mr. Vogt asked about the remainder of the comments in his letter and asked if they can meet them and Mr. Surmonte said no, they brought out some good points. The drainage system in phase 1 is going to have to be upgraded because it wouldn't stand alone as designed now and everything else he does not have any problem complying with.

Mr. Neiman reminded them if they do make a motion to approve this application, they want to make very clear about the fencing during the phase 1 and phase 2 and besides being shown on the map on the plan there should be some type of verbiage regarding the fencing during different phasing. Mr. Vogt said it should be both in the actual approval resolution as well as indicated on the plans so someone who is in the field who will not know about what happened here has something they can follow on the plans.

Mr. Franklin asked if there will be a fence and a concrete pad for the temporary garbage because the wind out there blows like the devil and there is garbage all over the place. The applicant agreed. Mr. Neiman said that will be in the resolution as well.

Motion was made by Mr. Akerman, seconded by Mr. Herzl. to approve this application with everything discussed including putting the fencing and everything for the different phases into the plans and into the resolution and all the comments in the report.

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

2. SD # 1649 (No variance Requested)  
Applicant: Lakewood Realty Assoc./EZ Storage  
Location: New Hampshire Avenue, north of Route 70  
Block 1160.03 Lot 44  
Minor Subdivision – two lots

Mr. Peters prepared a letter dated December 30, 2008 and is entered in its entirety. The applicant is seeking a Minor Subdivision Approval to subdivide one lot into two new lots, to be known as Lots 44.01 and 44.02. The site contains an existing self storage facility on proposed Lot 44.02; proposed lot 44.01 is mostly unimproved only containing an access drive to the self storage facility. No new construction is proposed under this application. The property has frontage along New Hampshire Avenue, Salem Street, and State Highway Route 70. The site is situated within the M-1 zoning district. No variances are required for the subdivision. Outside agency approval from Ocean County Planning Board is required. Evidence of the approval shall be provided prior to signature of the Final Plat. Concrete curb and sidewalk are existing along the site's frontage on New Hampshire Avenue. No curbs or sidewalks existing along the property frontage of Salem Street and Route 70. A 6' utility and shade tree easement along the property frontage are usually required to be dedicated to the township. The Board should determine if such easements will be required. An access easement through proposed Lot 44.01 near the southern property line of the lot is proposed to give access from Lot 44.02 to New Hampshire Avenue. The easement agreement shall be submitted to the township engineer, and solicitor for review. A dashed line is located 30 feet from the property line along New Hampshire Avenue, running parallel to the property line. The line shall be identified on the plan or removed. The applicant shall remove the site plan approval signature blocks from the Cover Sheet and revise the signature block on the Subdivision Plan to call out Subdivision Approval rather than Site Plan Approval. The applicant shall transfer the Key Map and the general information block containing zoning schedule to the Minor Subdivision Plan, since the subdivision plan is the document to be filed. Map Filing Law. All outbound corner monuments shall be set prior to signature of the surveyor's certificate, as the certificate states in the Map Filing Law. The applicant shall set all the outbound corner markers and revise the Minor Subdivision Plan to show the corner markers have been set.

Mr. Slachetka prepared a letter dated December 30, 2008 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide Lot 44 into two oversized lots. The site currently has frontage on three streets: Route 70, New Hampshire Avenue and Salem Street. New lot 44.02 will be 9.5 acres in area and have frontage on Route 70 and Salem Street. New Lot 44.01 will have an area of 7.3 acres and will have frontage on New Hampshire Avenue and Salem Street. New Lot 44.01 is a vacant wooded parcel and new lot 44.02 contains self storage buildings. The access to the self storage facility will continue to be from New Hampshire Avenue; however, an access easement is necessary. The property is 16.87 acres in area in the southern sector of the Township. The surrounding land uses are a mixture of commercial and light industry. No construction is proposed at this time and any future development of the lot will require site plan approval by the Planning Board. This application previously received subdivision and site plan approval by the Planning Board. However, the lots were merged by the Tax Assessor because the access easement was not filed. Zoning and Variances. The project site is located in the M-1 Industrial Zone. No variances are requested. A front yard

setback of 50 feet is shown. Evidence of approval of the Industrial Commission is required. Review Comments. The applicant proposes an access easement for the driveway. The appropriate easement documents should be submitted to the Board Attorney for review and filed with the County Clerk's office. The plat should be revised to show the correct side yard setback of 30 feet on one side and a total of 70 feet. The proposed lot numbers on the plat should reflect the numbers assigned by the Lakewood Tax Assessor. Compliance with the Map Filing Law is required. Ocean County Planning Board approval is required. A copy of the proposed subdivision plat should be filed with the NJDOT. The Planning Board should decide if a conservation easement on the wetlands area is appropriate on the proposed lots.

Mr. Doyle Esq. appeared on behalf of the applicant with Mr. Taifel who is the applicant. Mr. Doyle said this application was approved by the board before and the plan they have in front of them is the approved plans and was constructed. The reason they are back is because there are 2 lots shown, and part of the approval was that there would be an access easement from New Hampshire to the self storage units and that was built; unfortunately, part of the resolution said there should be an access easement and for whatever reason that did not get filed, and the then engineer, in his compliance report said everything complied and a building permit was issued so the following year, the Tax Assessor looked at it, saw no easement and wiped out the lot line. All this application is about is putting the lot line back on the map and submit the access easement for the engineer and attorney's approval.

Mr. Vogt asked if he has copies of the letters from T&M and Mr. Doyle said Steve Atkins is here. Mr. Doyle said no variances are requested, other statements are factual, the structure is already built and they will file with whomever they have to file, but he said that the conservation easement has already been approved for construction and whatever had to be done was done (on Mr. Slachetka's report) and on Mr. Peters report he repeated the nature of the application and points out there are no curbs and sidewalks and Mr. Doyle pointed out that the board originally said they did not want sidewalks on Route 70 and the engineer noted at the time there were no sidewalks on New Hampshire and the board should make a decision and the board made the decision that they shouldn't be on New Hampshire either and pointed out the approval of another project much larger than this and sidewalks were not required; there would be topographic issues as well as pedestrian safety issues and the balance of the comments they would comply with. In terms of the utility and shade tree easements the site is already developed so he would ask that it be accepted. Mr. Miller said he understands this is because of the doctrine of merger and therefore the lot line would still be there and Mr. Doyle said there is a doctrine of merger and is in a sense what the Tax Assessor did but usually that is done when there are 2 undersized lots and here these lots all conform and there was a lot with improvement that did not have street frontage so the only way to get street frontage was to erase the line and they want to put it back

Mr. Neiman noted that Mr. Banas arrived.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Miller, seconded by Mr. Herzl, to approve the application without the conservation easement

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

3. SD # 1656 (Variance Requested)  
Applicant: Stanislaw Rybska  
Location: 768 Albert Avenue, north of Salem Street  
Block 1159 Lot 61  
Minor Subdivision – two lots (1 flag lot)

Mr. Vogt prepared a letter dated February 6, 2009 and is entered in its entirety. The applicant seeks a Minor Subdivision Approval to subdivide one lot into two new lots to be known as Lots 61.01 and 61.02. An existing 2 story dwelling on Lot 61.01 will remain. A 2-story dwelling is to be constructed on Lot 61.02, a flag lot. An existing above ground pool and three metal sheds are to be removed. The property has frontage along Albert Avenue. The site is situated within the R-20 zoning district. The following comments in (bold) indicate the current submission's compliance with previous planning and engineering review comments: Planning Review Comments (T&M letter dated December 24, 2008) Zoning and Variance. The lot is located in the R-20 Residential Zone District and single-family residences are a permitted use. **Fact. No additional information needed.** The following variances are requested: Lot Area. The proposed lot area of new Lot 61.01, the lot in the front, is 19,986 square feet. A minimum of 20,000 square feet is required for this zone. **Fact. Lot Width.** The width of new Lot 61.01 is 95 feet and a minimum of 100 feet is required. **Fact. Accessory building setback.** The side setback of a frame shed on new Lot 61.01 is 9.8 feet and a minimum of 10 feet is required. This is an existing condition. The rear setback of the shed is 9.4 feet and a minimum of 10 feet is required. This is a variance created by the new lot line. **Fact. Side Setback of Lot 61.02.** The proposed side yard setback of the new dwelling is 11 feet and a minimum of 20 feet is required. **Fact.** The applicant should address the positive and negative criteria for the required variances. **Testimony to be provided at public hearing.** Review Comments. The applicant should address the following Ordinance requirements in testimony: Flag lots shall be created only in conjunction with an overall development plan. **Testimony to be provided at public hearing.** The applicant shall demonstrate a need, consistent with good planning principals, for the creation of a flag lot. **Testimony to be provided at public hearing.** The applicant should demonstrate that normal subdivision techniques are not practical, because of topography, lot or land configurations, or other physical characteristics or constraints of the land. **Testimony to be provided at public hearing.** Sidewalk is proposed along the site frontage. **Fact.** The existing and the new dwelling will be served by private well and septic system. The applicant should provide testimony as to the location of the nearest public sewer and water lines. The sufficiency of the proposed lots to allow such facilities should be addressed. **Information is still necessary regarding the near public sewer and water lines. Existing and proposed well and septic fields on adjacent Lot 62 is indicated on the plan. The proposed septic field for new lot 61.02 is depicted as 50 feet from the nearest (proposed) field on Lot 62, but should be dimensioned accordingly on the final subdivision plat. Testimony should be provided to confirm that no other septic fields or wells exist on adjacent lots (other than those shown on Lot 62).** The architectural plans indicate that the proposed dwelling will have four (4) bedrooms; therefore, three (3) parking spaces are required. **Fact.** The plat should be revised to indicate the correct required side yard setback of 20 feet along the north and south property lines of new Lot 61.02. **The revised plat depicts the correct 20 foot setback.** The proposed lot numbers should be submitted to the Lakewood Tax Assessor for approval. Evidence of the approval should be provided to the Planning Board. **Fact.** Compliance with Map Filing Law is required. **Fact.** The required outside agency approvals may include, but are not limited to: Ocean County Planning Board. **Fact.** Board of Health

approval is necessary for the water well and septic system prior to issuance of construction permits. *Fact.* Engineering Review Comments (T&M letter dated December 1, 2008) The applicant is requesting the following variances: Minimum lot area for Lot 61.01; 20,000 SF is required, where 19,986 SF are provided. *Fact.* Minimum lot width for Lot 61.01; 100 FT is required, where 95 FT are provided. *Fact.* Minimum side yard setback for an accessory structure on Lot 61.01; 10 FT is required, where 9.8 FT are provided. This is an existing condition. *Fact.* Minimum rear yard setback for the same accessory structure; 10 FT is required, where 9.4 are provided. *Fact.* Minimum side yard setback for Lot 61.02; 20 FT is required for a flag lot, where 11 FT are provided. *Fact.* Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. *Fact.* The applicant states on the plan 2.5 parking spaces are required and 3 parking spaces are provided. The applicant stated on the plan dwellings on Lots 61.01 and 61.02 have unknown numbers of bedrooms; however, the applicant shows on the architectural plans the proposed dwelling on Lot 61.02 will have four bedrooms and a basement. The applicant shall revise the subdivision plan to show four bedrooms are proposed for the dwelling on Lot 61.02. In accordance with the New Jersey RSIS standards, 2.5 parking spaces are required for single dwelling with four bedrooms and single dwelling with unknown number of bedrooms. The applicant shall provide testimony on use of the proposed basement. The Board should determine if the parking spaces provided for each lot will be adequate. As shown on the plan, both lots are able to provide a minimum of four parking spaces at the proposed driveways. *Parking must be provided to the satisfaction of the Board (minimum four spaces for proposed Lot 61.02 recommended).* The applicant shows on the plan curb and sidewalk are proposed along Albert Avenue at the property frontage. Prior to signature of the final plat the applicant will be required to post a bond for the construction of the sidewalk in front of Lot 61.01. *Fact.* A 6' utility and shade tree easement along the property frontage is proposed to be dedicated to the Township. *Fact.* The existing above ground pool that spans between the two lots shall be removed prior to signature of the subdivision plan or a bond posted to ensure the prompt removal of the structure. *The revised plat appears to show the pool to be removed. Confirming testimony required from the applicant.* The property will be served by individual wells and septic systems. The applicant shows on the plan a proposed disposal field on neighboring Lot 62 is located 25 FT away from the proposed disposal field on Lot 61.02. In accordance with the N.J.A.C. regulations, a 50 FT separation is required between individual disposal fields and a 100 FT separation is required between a disposal field and a well. The application shall address this issue. Furthermore, if the neighboring lot, Lot 60 is served by individual well and septic system, locations of the disposal field and well shall be shown on the plan to show the required separations will be provided. *Proposed well and septic systems are depicted on the revised plans. See previous comments about existing, proposed septic systems.* The applicant shows on the plan existing fences located within the footprint of the proposed dwelling on Lot 61.02. The applicant shall revise the plan to label these fences as to be removed. *The revised plat depicts existing fences to be removed. This is satisfactory.* The side yard setback lines for the flag lot, Lot 61.02 shall be revised to be 20 feet as required. *The revised plat depicts the correct 20 foot setback.* An arrow that appears to be a dimension line is shown in front of the dwelling on Lot 61.01. This arrow shall be removed or its purpose clarified. Map Filing Law comments will be provided prior to public hearing. *Testimony required from applicant's professional that final plat will comply.* Additional comment (RVV) *The revised subdivision plat includes supplemental landscape buffering along the southerly property line of proposed Lot 61.02, including eleven (11) Green Giant arborvitae and eight (8) Leland Cypresses. The adequacy of this buffer should be reviewed by the Board.*

Mr. Rosati appeared on behalf of the applicant as the engineer. Mr. Rosati said Lot 61 has an existing 2 story dwelling that will remain and they are proposing to construct another 2 story

dwelling on the flag portion of the proposed subdivision. The applicant will be building the house in the rear for him to live there, he is not going to be selling it. The lot area variance requested is for the front lot; 19,986sf is provided where 20,000sf is required and the lot width is 95 ft. where 100 ft. is required but in the Ordinance, Section 18-805G3 it allows flag lots to be created with the flag staff portion to be an easement or in fee and it is their experience that the board desires to have it in fee and it is better for the applicant, so the application could be in conformance with that if they did it in fee. There are 2 other variances relative to the accessory building; there is an existing shed on the lot where the side setback and the rear setback is 10 ft. required and the side setback is 9.8 ft. the rear is 9.4 ft. and in his opinion it is a diminimus variance but the applicant said if the board feels it is important, the applicant can move the shed to make it conforming but he would only have to move it a few inches. Mr. Rosati said they also need a variance for a side yard setback for the new structure where 20 ft. is required for the flag portion and they have 11 ft. on the south side. Mr. Rosati said they have a condition where the house has a side entry garage and in order to get the side entry garage on the north side they have to be 33 ft. from the property line and the house that he desires to build is a little bit bigger than where he is currently living and it the geometry pushes it a little bit closer. They have offered additional landscaping on the south side of the property and if you looked at the condition from the street, your sight line would be interrupted by the existing shed that is there in addition by the buffer plantings that they are proposing; they are proposing more buffer plantings than what is required by ordinance.

Mr. Rosati said they have adequate area for conventional 2 lot minor subdivision however they would need variances for lot width and it would necessitate the removal of the existing home. Additionally there are several flag lots up and down the neighborhood. Mr. Neiman said the only problem the board has is they don't like to grant any variances with the flag lots, especially side yard setbacks. Mr. Rosati said he spoke to the applicant and said what they could do is instead of having a side entry garage they could have a front entry garage and that would eliminate the need for that variance. Mr. Neiman asked if it was going to be septic and Mr. Rosati said yes. Mr. Neiman said they like to see the surrounding lots and who is going to be affected and asked about Lot 14 and Mr. Rosati said that is a township lot which is a part of the NJ Hand project and to the north is his neighbor who just got a flag lot approved and the south has an existing residential home. The septic will be in conformance with the regulations as far as setbacks, existing septics, existing wells, and they understand they need approval from the Board of Health.

Mr. Schmuckler agreed with Mr. Neiman as far as the variance and said he is okay with the variances for the shed. As far as the back row of bushes, he would like to see something there as well and Mr. Rosati agreed.

Mr. Banas said he does not agree with Mr. Schmuckler totally and said the only thing in the past that they have granted variances for on a flag lot was in the case of a non conforming front yard setback where they asked to have a variance for the pole portion; other than that, everything was clean; no variance was granted in the past. He would suggest that if there is a variance for the shed and the applicant is willing to move it then let's clean that variance up as well.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Mr. Vogt wanted some items on the record and asked about there is no offsite septic in the area and Mr. Rosati said there is none that they are aware of. Mr. Vogt continued and said they

recommended at least 4 parking spaces on lot 61.02 and Mr. Rosati agreed. Mr. Vogt also mentioned the pole that existed between the two lots and it appears that is going to be taken out and it was in the previous comments and Mr. Rosati agreed.

Motion was made by Mr. Schmuckler, seconded by Mr. Banas, to approve the application, with the applicant moving the shed over, no side variances at all, so the applicant will re-conform the house so it won't encroach on the side and they will have the row of bushes in the back.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

## 7. PUBLIC PORTION

- No one at this time

## 8. CORRESPONDENCE

- None at this time

## 9. APPROVAL OF MINUTES

- Minutes from February 17, 2009 Planning Board Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

## 10. APPROVAL OF BILLS

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

## 11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

**PLANNING BOARD MEETING  
MARCH 3, 2009**

**TOWNSHIP OF LAKEWOOD  
PLAN REVIEW & REGULAR MEETING**

**submitted  
Johnson  
Board Recording Secretary**

**Respectfully**

**Chris  
Planning**