

1. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Franklin, Mayor Ackerman, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Rennert

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

A motion was made to go into a closed session with the Township attorney.
All were in favor.

After a few minutes a motion was made to return to open session.
All were in favor.

John Jackson explained that the closed session was in reference to trying to speak one at a time through the chair as the court reporter has difficulty when several of the members speak at once.

1. **SD 1867** (Variance Requested)
Applicant: Olive Court, LLC
Location: Olive Court
Block 251 Lots 1.16 & 16
Minor Subdivision to create five lots (Withdrawn)

Mr. Penzer stated that he sent a letter in before the Board. One of the owners had previously asked to withdraw this application. The parties have worked things out and he would like to withdraw that.

Mr. Neiman would like him to be put on record.

The owner agreed that he would like to withdraw his previous statement and to go ahead with the application.

Mr. Jackson said there should have been notice to the public as they may believe this application is still withdrawn.

Mr. Penzer said that this agenda was posted and it stated withdrawal on that agenda. Anyone interested would have come to see that. The applicant is willing to take the risk.

Mr. Neiman is comfortable with that.

A motion was made by Mr. Follman, seconded by Mr. Schmuckler to approve the resolution.
Affirmative: Mr. Franklin, Mayor Ackerman, Mr. Banas, Mr. Neiman, Mr. Schmuckler
Abstained: Mr. Rennert

- 2. SD 1872** (Variance Requested)
Applicant: Tal Spruce, LLC
Location: Spruce Street
Block 782 Lots 5 & 6
Major Subdivision to create eight lots (Resolution to deny)

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Franklin, Mayor Ackerman, Mr. Banas, Mr. Neiman, Mr. Schmuckler
Abstained: Mr. Rennert

- 3. SP 1998** (No Variance Requested)
Applicant: Congregation Birchas Chaim
Location: Vine Street
Block 1130 & 1131 Lots 1 & 1
Major Site Plan for a new school

A motion was made and seconded to approve the resolution.
Affirmative: Mr. Franklin, Mayor Ackerman, Mr. Banas, Mr. Neiman, Mr. Schmuckler
Abstained: Mr. Rennert

5. PROPOSED ORDINANCE REVIEW

Mayor Ackerman stepped down.

- 1. Mixed Use Townhouse Development**

Mrs. Morris advised the members that the Township Planner, Stan Slachetka, wrote a review with proposed revisions which is including along with the members packets.

Mr. Jan Wouters, Township Attorney, explained that Stan has issued a letter which addresses the members questions. Also included is a marked up ordinance that reflects the changes in accordance with his recommendations. He further stated that the changes Mr. Slachetka has made would be acceptable to the Township. The new ordinance would be introduced for first reading at the next committee meeting.

Mr. Schmuckler asked if the setbacks would remain the same.

A member of the public objected to the ordinances being heard as they there were not copies made for the public.

Mrs. Morris explained that we usually do not have copies of the ordinances for the public readily available. They are given to us by the clerk's office and are available for review there. Further, the agenda is posted ahead of the time on the website and in the Township for review by the public.

Mr. Neiman overruled the objection. He asked if the minimum track size was always 15 acres.

Mr. Wouters stated it was always 15 acres.

Mr. Neiman asked if it includes wetlands.

Mr. Wouters said it is not including wetlands. The ordinance was changed from "including" to "excluding" wetlands.

Mr. Schmuckler is concerned and a little confused about the setback requirements.

Mr. Wouters said after talking to Stan Slachetka he does not think that these standards in this ordinance are out of line with what the customary standards for this type of development that we already have in the ordinance.

Mr. Vogt stated that there are going to be other elements that are going to be part of this plan besides the townhouses or apartments within the B-5 property. There could be single family, multi-family or businesses with multi-family. The uses are meant to be compatible with each other inside the development.

Mr. Banas feels that the new proposed ordinance really does what the board has asked to be done. He believes it is in line with the master plan. He would like to indicate that to the municipal government.

Mr. Franklin mentioned that the parking and traffic flow is an important part of this ordinance and should be looked at further because once this becomes an ordinance the board must approve it.

Mr. Schmuckler explained that the board does not have a problem with the intent of the ordinance but the bulk requirements and design setbacks should be looked at again.

Mr. Neiman said that they do want to recommend this mixed use zone but there are still a lot of loose ends including parking, setbacks, travel lane widths. A conceptual drawing is also recommended and where it is located in the Township.

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

2. B-6 Permitted Uses and Conditional Uses

Mr. Wouters explained that this is an amendment to the B-6 zone which is the corporate campus stadium zone to allow a residential use as per the uses permitted in the B-1 zone and those design standards. The intent is townhouses or duplexes. Also included will be service stations and convenience stores.

Mr. Wouters said this is the northeast corner of Cedarbridge Avenue and New Hampshire Avenue. The service station and convenience aspect is really for the northern side and the residential will be behind it or possibly across the street because it goes on both sides of the street.

Mr. Schmuckler asked about the type of buffering between the residential and commercial.

Mr. Flannery said it is similar to the B-2, 3, 4 zone which has stipulations for buffers between the uses which is 30 ft. This particular site will need a CAFRA approval which will require tree save so the buffers will be more substantial than are normally required. The buffer is not zone specific, it applies to all of the zones. This zone would allow 15 units per acre so duplexes or townhouses would be the best use for this.

The board is concerned about the multi-family aspect of the zone which goes along with the B-1.

Mr. Flannery said the Board may want to recommend that the residential included in the B-1 zone excluding multi-family.

A motion was made by Mr. Banas, seconded by Mr. Follman to recommend the ordinance with the exception that multi-family is excluded.

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

3. Paving Material, Walls and Fences

Mr. Wouters explained that this deals with corner lots and the provision was on a corner lot you could only have a chain link fence but it makes sense to have a solid fence in certain circumstances. This new provision basically prohibits anything from going in to the site triangle as determined by the engineer.

Mr. Franklin said he would like to see a gate in the fence when the rear of the house is facing a main street so the homeowners can easily access and mow the strip of grass there.

Mr. Wouters said he does not think it would go in this particular ordinance but it could definitely be reviewed by the committee. It is in the design standards of the UDO.

A motion was made by Mr. Franklin, seconded by Mr. Schmuckler to recommend to the Township Committee.

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

4. Residential Office Park Permitted Uses

Mr. Wouters said this would be amended to allow duplexes according to the design standards where you would need at least a 10,000 sq ft lot. The area is basically along Route 9 and Clifton Avenue.

Mr. Flannery said this is really a clarification more than anything.

Mr. Schmuckler said that the 15 ft backyards should be 20 ft as that is what the board usually approves.

Mr. Wouters said he will take that recommendation to the Committee.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to recommend to the Township Committee.

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

5. PUBLIC HEARING

- 1. **SD 1878** (Variance Requested)
Applicant: Tovia Halpern
Location: Squankum Road
Block 104 Lot 20
Minor Subdivision to create two lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing property totaling 25,216 square feet (0.58 acres) in area known as Lot 20 in Block 104 into two (2) single family residential lots, designated as proposed Lots 20.01 and 20.02 on the subdivision plan. The site contains a one-story dwelling which is to be removed. Public water is available, but public sewer is not. The site is situated in the north central portion of the Township on the northwest side of Squankum Road, northeast of Milton Street. Squankum Road is an improved County Road in poor condition without existing curb and sidewalk in front of the site. The survey shows the road has an existing half right-of-way width of sixteen and a half feet (16.5') in front of the site. A thirteen and a half foot (13.5') Road Widening Easement is proposed to Ocean County. The existing pavement width is about thirty-eight feet (38'). The County is requiring additional

right-of-way to thirty feet (30') from the centerline. The revised plans show road widening with the construction of curb and sidewalk is proposed with this application. Proposed Lot 20.01 would become an irregular lot and contain an area of 13,198 square feet based on a road widening easement. Proposed Lot 20.02 would become an irregular lot and contain an area of 12,017 square feet based on the road widening easement. The proposed lots would each have fifty feet (50') of frontage on Squankum Road. The lots are situated within the R-12 Single Family Residential Zone. As presently configured, lot width and side yard variances are being requested for proposed Lots 20.01 and 20.02. We have the following comments and recommendations per testimony provided at the 2/5/13 Planning Board Plan Review Meeting and comments from our initial review letter dated January 22, 2013: I. Zoning 1. The parcel is located in the R-12 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. Statements of fact. 2. Per review of the Subdivision Map and the zone requirements, the following variances are required: • Minimum Lot Width – Proposed Lots 20.01 and 20.02, fifty feet (50') proposed, ninety feet (90') required – proposed condition. • Minimum Side Yard Setback – Proposed Lots 20.01 and 20.02, seven and a half feet (7.5') proposed, ten feet (10') required – proposed condition. • Minimum Aggregate Side Yard Setback – Proposed Lots 20.01 and 20.02, fifteen feet (15') proposed, twenty-five feet (25') required – proposed condition. The Board shall take action on the required variances. 3. A thirteen and a half foot (13.5') Road Widening Easement is proposed to Ocean County. Should the County require a right-of-way dedication instead of accepting the easement, the site would not have enough area for both proposed lots to meet the twelve thousand square foot (12,000 SF) minimum lot area requirements. The County has approved the minor subdivision contingent upon the developer to provide an additional right-of-way to thirty feet (30') from centerline along Squankum Road to Ocean County, not a road easement as indicated on the plans (see attached minutes). The applicant may wish to amend the application and request a Minimum Lot Area variance for proposed Lot 20.02. As presently configured, the lot area of proposed Lot 20.02 would be reduced to 11,342 square feet, where twelve thousand square feet (12,000 SF) is required. 4. Curb and sidewalk will be required unless a waiver is granted by the Board. A waiver is no longer required since curb and sidewalk is proposed on the revised plans. A proposed sidewalk easement with areas shown on an individual lot basis shall be provided. 5. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. Any fence encroachments should be rectified as a condition of approval. This condition should be included in any Resolution of Approval. 2. The markers found and the bench mark shown on the survey should be provided on the Minor Subdivision and Improvement Plan. The markers found on the survey have been provided on the plans. The bench mark shall be shown on the Minor Subdivision Plan with resolution compliance submission, should approval be granted. 3. A Legend should be added. A Legend may be provided on the Minor Subdivision Plan with resolution compliance submission, should approval be granted. 4. The General Notes indicate that four (4) off-street parking spaces will be required for each unit and that four (4) off-street parking spaces will be provided for each unit. The Improvement Plan shows that the parking configuration will provide four (4) off-street parking spaces per unit. The proposed turnarounds for the parking spaces will be behind the rear of the spaces. Off-street parking shall be in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided. Off-street parking shall be provided to the satisfaction of the Board. 5. The Minor Subdivision Plan shows new lot

numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. The map shall be signed prior to filing, should approval be granted. 6. The Improvement Plan proposes two (2) "Green Vase Zelkova" street trees near the edges of the site. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation notes some existing trees on-site. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 20.01 and 20.02. The Board should provide landscaping recommendations, if any. 7. Testimony is required on the disposition of storm water from the development. The Improvement Plan proposes dry wells for the roof drainage of the future dwellings. However, calculations have not been provided to review the design. Revisions are required to reduce the amount of runoff being directed to neighboring Lot 33. The grading of the proposed driveways has been revised to direct runoff towards Squankum Road and reduces the amount of runoff being directed to neighboring Lot 33. 8. Testimony should be provided on proposed site grading. Proposed grading is indicated on the Improvement Plan and is generally well designed. Proposed first floor and basement floor elevations should be added. The applicant's engineer should contact our office to review proposed grading revisions. Proposed floor elevations have been provided. A correction to the proposed fifty-one (51) contour, along with adding proposed curb elevations, can be provided with resolution compliance submission, should approval be granted. 9. Water will be provided by New Jersey American Water Company since the project is within their franchise area. The existing water main on the northwest side of Squankum Road should be added to the Improvement Plan. The existing water main on the northwest side of Squankum Road has been marked out and should be added to the Improvement Plan. 10. Proposed outbound corner marker monuments should be added. Two (2) proposed outbound corner marker monuments should be added where the property meets Coleman Avenue. 11. Compliance with the Map Filing Law is required. Statement of fact. 12. Construction details should be added to the Improvement Plan. Construction details have been provided on the Improvement Plan. The applicant's engineer should contact our office for corrections prior to resolution compliance submission, should approval be granted. 13. The "call out" for the stakes on the Deciduous Tree Planting Detail needs to be corrected. Sizes are needed; only the length is called out. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health; and e. All other required outside agency approvals.

Mrs. Morris stated that variances are required for minimum lot width, side yard setback and aggregate side yard setback.

Mr. Doyle, Esq. on behalf of the applicant stated that this is a two lot minor subdivision in which the property in question is irregularly shaped and surrounded, for the most part, by institutional uses and multi-family. The lots conform with respect to size but would require minimal bulk variances.

Mr. Brian Flannery, P.E, P.P. was sworn in and basically reiterated what Mr. Doyle had previously stated. It is his professional opinion that the variances requested can be granted without any detriment to the zone. All comments by the engineer were minor and nature and can be satisfactorily addressed.

Mr. Schmuckler asked if they had a Percal map.

Mr. Flannery said he does not. Right across the street are townhouses where they were not permitted. Behind it is the condo development. He said this is a unique piece of property.

Mr. Neiman opened to the public.

Ms. Noreen Gill, 192 Coventry Drive, was sworn in. She stated that the other homes in this area, with the exception of Whispering Pines and Coventry Square are small ranches. She said it is pretty big to put in the middle of all this. She also stated that because of the school there is very busy foot traffic. If she lived next door she would object to this application.

Mr. Doyle stated that the people next door haven't objected. They do intend to provide sidewalk. An easement will also be requested from the County.

Mr. Neiman hopes that there is a turn around driveway so the residents do not have to back into Squankum Road.

Mr. Flannery stated that there is a k-turn for both of the lots. The County will have to approve that as well.

Mr. Vogt wanted to clarify that if the County asks for a dedication instead versus an easement, one of the lots would be slightly below the 12,000 sq ft and that the Board approve that if needed.

Mr. Jackson said it would be like granting an area provisional variance. He does not see a problem with that.

Mr. Vogt stated that the board would have to feel that the actual area afterwards is still adequate.

Mr. Flannery stated that in either case, a dedication or an easement, they are still giving the County the ability to widen the road. The County will decide where the sidewalks will go. There will still be a turn around.

Mr. Neiman closed to the public.

A motion was made by Mr. Franklin, seconded by Mr. Banas to approve the application.

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

Abstained: Mayor Ackerman

2. **SD 1879** (No Variance Requested)
Applicant: Coldstream Developments, LLC
Location: Gudz Road
Block 11.10 Lot 69
Minor Subdivision to create two lots

Project Description

The applicant is proposing to subdivide one (1) existing residential property into two (2) conforming single family lots. Existing Lot 69 in Block 11.10 would be subdivided into proposed Lots 69.02 and 69.03 as designated on the subdivision plan. Existing Lot 69 is a 200' X 300' rectangular tract containing sixty thousand square feet (60,000 SF), or 1.38 acres and has an existing two-story dwelling with a garage and shed. The subdivision would create two (2) new proposed rectangular building lots of 100' X 300' containing thirty thousand square feet (30,000 SF) or 0.69 acres. The existing dwelling and garage would be removed and the existing shed would remain on proposed Lot 69.03. The site is situated in the northwestern portion of the Township on the northwest side of Gudz Road, west of Miller Road. Most of the property has been cleared. Large coniferous trees exist in the front of the site and the rear of the land is wooded. The property slopes generally downward to the northwest, towards freshwater wetlands. A three hundred foot (300') riparian buffer is proposed from an off-site open water body. Gudz Road is an improved municipal road with a fifty foot (50') right-of-way. The street has been patched from trenching to install utilities. Curb in fair condition exists, but sidewalk does not. However, new sidewalk is proposed. Potable water and sanitary sewer are both available. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are residential. We have the following comments and recommendations per testimony provided at the 2/5/13 Planning Board Plan Review Meeting and comments from our initial review letter dated January 23, 2013: I. Zoning 1. The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Statements of fact. 2. No variances or waivers are requested for this proposed subdivision. Statement of fact. II. Review Comments 1. A bench mark must be provided. The Minor Subdivision indicates an assumed vertical datum. The bench mark provided can be included on the Minor Subdivision Plan with resolution compliance submission, should approval be granted. 2. Bearings and distances must be added to the proposed riparian buffer. Pins shall be set where the riparian buffer line intersects property lines and at any changes in direction of the buffer line. New Jersey Department of Environmental Protection should be added to the list of outside agency approvals in General Note #9. Proposed bearings, distances, and pins have been added to the riparian buffer line. General Note #10 should be revised to state the following: "The applicant shall apply for a Flood Hazard Permit from the New Jersey Department of Environmental Protection, should the riparian buffer be disturbed". The correction can be provided with resolution compliance submission, should approval be granted. 3. The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. The Zoning Data indicates that four (4) off-street parking spaces are required and being provided. The proposed asphalt driveways shown on the Improvement Plan are large enough to accommodate four (4) vehicles. Testimony should be provided on the number of bedrooms anticipated for the proposed dwellings on Lots 69.02 and 69.03. Testimony on off-street parking shall be provided. Off-street parking shall be provided to the satisfaction of the Board. 4. The Improvement Plan notes that seasonal high water table was encountered at 110" (elev. 89.8) as per soil boring performed on 11-16-12. The soil boring location and log must be provided. A minimum two foot (2') separation must be provided from seasonal high water table should basements be proposed for the new dwellings. Testimony should be provided on whether any basement proposed will be unfinished. The soil boring location has been provided. The log can be provided with resolution compliance submission, should approval be granted. 5. Proposed dimensions for size and location will be required for the construction of sidewalk on the Improvement Plan. The proposed sidewalk shall meet the

existing sidewalk to the southwest of the site. Proposed sidewalk shall be five feet (5') wide, unless pedestrian bypass areas are designed. A five foot (5') wide sidewalk has been proposed. Proposed dimensions for location can be provided with resolution compliance submission, should approval be granted. 6. The Improvement Plan proposes drywells for the roof drainage of the future dwellings. The plan notes that proposed drywells shall be sized at the time of plot plan submission. Testimony should be provided on the disposition of storm water management for the proposed development of Lots 69.02 and 69.03. We recommend the proposed driveways be sloped towards Gudz Road. The proposed grading can be provided with resolution compliance submission, should approval be granted. 7. Based on the existing topography, any proposed curb replacement along Gudz Road would require minor isolated reconstruction. Our site investigation indicates drainage will not be necessary along the existing curb line. The gutter reconstruction detail can be provided with resolution compliance submission, should approval be granted. 8. The Improvement Plan shows proposed site grading. The proposed lot grading is feasible and should maximize the direction of runoff to Gudz Road and minimize runoff directed towards adjoining properties. Proposed floor elevations, building corner elevations, and spot shots should be added. The applicant's engineer should contact our office to review proposed grading revisions prior to submitting for resolution compliance, should approval be granted. 9. The project is located within the New Jersey American Water Company franchise area. The future dwellings will be connected to the existing water main on the northwest side of Gudz Road shown on the Improvement Plan. The existing sanitary sewer in Gudz Road will be extended for the future dwellings. A construction detail for Trench Repair shall be provided for resolution compliance submission, should approval be granted. 10. New lot numbers should be assigned by the Tax Assessor. The map shall be signed by the Tax Assessor should approval be granted. The map shall be signed prior to filing, should approval be granted. 11. Four (4) Green Vase Zelkova shade trees are shown within the proposed six foot (6') wide shade tree and utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. The Board should provide landscaping recommendations, if any. 12. Compliance with the Map Filing Law is required. Statement of fact. 13. Construction details must be included on the Improvement Plan. Construction details will be reviewed after plan revisions are submitted. Construction details have been provided on the Improvement Plan. The applicant's engineer should contact our office for corrections prior to resolution compliance submission, should approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. New Jersey Department of Environmental Protection (if necessary); and e. All other required outside agency approvals.

Mrs. Morris stated that there are no variances requested.

Mr. Doyle, Esq. on behalf of the applicant stated this application perfectly conforms and we will do everything in the engineer's report.

Mr. Neiman opened to public, seeing no one he closed to the public.

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

Affirmative: Mr. Franklin, Mayor Ackerman, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Rennert

- 3. SD 1880** (No Variance Requested)
Applicant: Mordechai & Chanie Eichorn
Location: Coral Avenue
Block 1159.02 Lot 21
Minor Subdivision to create two lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 200' X 218' rectangular property totaling forty-three thousand six hundred square feet (43,600 SF) or 1.0 acres in area known as Lot 21 in Block 1159.02 into two (2) single family residential lots. The two (2) rectangular lots would be 100' X 218' twenty-one thousand eight hundred square foot (21,800 SF) properties designated as proposed Lots 21.01 and 21.02 on the subdivision plan. The proposed lots would each have one hundred feet (100') of frontage on Coral Avenue. The site contains a one-story dwelling which is to be removed. Public water and sewer is not available. The site is situated in the south central portion of the Township on the west side of Coral Avenue, north of Salem Street. Coral Avenue is a paved municipal road in fair to good condition without existing curb and sidewalk in front of the site. Construction of curb and sidewalk is proposed with this application. The survey shows the location of individual trees on the site. The topography indicates the property to be very flat with minimal slope. In addition to the dwelling, a shed and a well have been located. However, no existing septic system is shown, but is probably located on the southeast side of the existing dwelling, based on the individual tree locations. The proposed lots are situated within the R-20 Single Family Residential Zone. The surrounding uses are entirely residential. No waivers or variances are being requested for proposed Lots 21.01 and 21.02. We have the following comments and recommendations per testimony provided at the 2/5/13 Planning Board Plan Review Meeting and comments from our initial review letter dated January 23, 2013: I. Zoning 1. The parcel is located in the R-20 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. Statements of fact. 2. No waivers or variances have been requested for this subdivision. Statement of fact. II. Review Comments 1. The bench mark shown on the survey should be referenced on the Minor Subdivision Plan. The bench mark shown on the Improvement Plan can be referenced on the Minor Subdivision Plan with resolution compliance submission, should approval be granted. 2. The future status of the existing shed should be addressed. Testimony should be provided and the status can be shown with resolution compliance submission, should approval be granted. 3. A Legend should be added. A Legend may be provided on the Minor Subdivision Plan with resolution compliance submission, should approval be granted. 4. The General Notes indicate that four (4) off-street parking spaces will be required for each lot and that four (4) off-street parking spaces will be provided for each lot. The Improvement Plan shows that the parking configuration will provide at least four (4) off-street parking spaces per lot. The proposed driveways should be dimensioned. Off-street parking shall be in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided. The proposed driveways have been dimensioned. Off-street parking shall be provided to the satisfaction of the Board. 5. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. The map shall be signed prior to filing, should approval be granted. 6. The Improvement Plan proposes four (4)

street trees within the shade tree and utility easement. The types of proposed street trees should be identified. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation notes the larger existing trees on-site have been located on the survey. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 21.01 and 21.02. The plans have been revised to propose "Green Vase Zelkova" shade trees. The Board should provide landscaping recommendations, if any. 7. Four (4) soil profile locations have been shown on the Improvement Plan. However, no soil profile logs have been provided to justify the seasonal high water table information. The plan notes that seasonal high water table was encountered at 110" (elev. 42.4) as per soil investigation conducted on 11-29-12. Soil profile logs must be provided with resolution compliance submission, should approval be granted. 8. Testimony is required on the disposition of storm water from the development. We note that runoff will be trapped along the side property line with neighboring Lot 12. Drywells have been proposed to collect roof runoff. A note has been added to the Improvement Plan stating that proposed drywells shall be sized at the time of plot plan submission. However, we recommend that drainage also be proposed for new Lot 21.02. The proposed drainage design can also be provided at the time of plot plan submission. 9. Testimony should be provided on proposed site grading. Proposed grading is indicated on the Improvement Plan and must be revised. As noted previously, the site is very flat and runoff will accumulate on and off site. Proposed floor elevations, building corners, and spot shots should be added. The applicant's engineer should contact our office for proposed grading corrections prior to resolution compliance submission, should approval be granted. 10. Compliance with the Map Filing Law is required. Statement of fact. 11. The proposed concrete curb design along Coral Avenue will require minimal gutter reconstruction. However, plan view limits and a construction detail must be provided on the Improvement Plan. A Pavement Repair Detail has been provided on the Improvement Plan. Based on the proposed concrete curb design which is acceptable, the milling and overlay of the existing pavement in front of Lot 21.02 should be increased to six feet (6'). The revision can be provided with resolution compliance submission, should approval be granted. 12. Construction details should be added to the Improvement Plan for concrete sidewalk and asphalt driveways. Construction details have been added. We recommend a bituminous base course be added to the driveway detail. The surface course and stone base course thicknesses can be reduced accordingly. The revision can be provided with resolution compliance submission, should approval be granted. 13. The "call out" for the stakes on the Deciduous Tree Planting Detail needs to be corrected. Sizes are needed; only the length is called out. The revision can be provided with resolution compliance submission, should approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health; and e. All other required outside agency approvals.

Mrs. Morris stated that no variances are requested.

Mr. Charles Surmonte, P.E, P.L.S. was sworn in. He stated that they can agree on all the items in the engineer's report.

Mr. Neiman opened to public, seeing no one he closed to the public.

A motion was made by Mr. Franklin, seconded by Mr. Schmuckler to approve the application. Affirmative: Mr. Franklin, Mayor Ackerman, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Rennert

- 4. SD 1881** (Variance Requested)
Applicant: Barbara Flannery
Location: Massachusetts Avenue
Block 443 Lots 3, 4, 7, & 8
Major Subdivision to create twelve lots

Project Description

The applicant is seeking a Preliminary and Final Major Subdivision approval. The applicant proposes the subdivision of four (4) existing lots to create twelve (12) proposed lots. The twelve (12) proposed lots would be developed as zero lot line properties with six (6) duplex structures. The existing four (4) lots known as Lots 3, 4, 7, and 8 in Block 443 are proposed to be subdivided into proposed Lots 3.01 – 3.12 on the Major Subdivision Plan. The subdivision would create a cul-de-sac for the project, which is proposed to be called Kielt Way, upon which all residential lots would front. The subject property is located on the westerly side of Massachusetts Avenue, an improved County Road with a sixty-six foot (66') wide right-of-way, in the southwest portion of the Township across from Blue Jay Way. The existing 1.42 acre property has three hundred feet (300') of frontage on Massachusetts Avenue. Claremont Street, an unimproved municipal street with a fifty foot (50') wide right-of-way borders the tract to the south. The existing tract has two hundred feet (200') of frontage on Claremont Street. Bushwick Avenue, an unimproved municipal road with a fifty foot (50') wide right-of-way borders the site to the west. The proposed development is contingent upon a three hundred twenty foot (320') length of Bushwick Avenue being vacated across frontage of the property. This vacation would increase the proposed project area to seventy thousand square feet (70,000 SF) or 1.61 acres. There is no existing curb and sidewalk along any site frontage. Curb and sidewalk is proposed along Massachusetts Avenue and the new cul-de-sac with the development of the project. The site is currently wooded and vacant. A ridge runs through the property and approximately half the site slopes to the west and the other half to the east. Massachusetts Avenue slopes to the south across the frontage of the site. Proposed storm water management facilities and utilities are associated with this project. The proposed drainage system consists of a conventional storm sewer collection system that collects and directs runoff to underground recharge systems. Proposed sanitary sewer will connect to an existing system in Massachusetts Avenue. Proposed potable water for the subdivision will be extended from an existing main on the east side of Massachusetts Avenue. Four (4) off-street parking spaces are proposed for each unit. The preliminary architectural plans show five (5) bedroom units with basements. The project is also proposing curb and sidewalk for the proposed cul-de-sac. The subject site is located within the R-M Multi-Family Residential Zone District. Therefore, zero lot line duplex housing is a permitted use in the zone district. The lands on the east side of Massachusetts Avenue are predominately residential. Except for the school site under construction to the south, most of the area on the west side of Massachusetts Avenue is vacant. We have the following comments and recommendations per testimony provided at the 2/5/13 Planning Board Plan Review Meeting and comments from our initial review letter dated January 30, 2013: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours of the area within 200 feet of the

site boundaries. 3. C13 - Environmental Impact Statement. 4. C14 - Tree Protection Management Plan. Topographic features and contours are shown on the site and all adjoining right-of-ways. We support the granting of the requested B-Site Features waivers, the Environmental Impact Statement waiver, and the Tree Protection Management Plan waiver for completeness purposes. The survey work is more than adequate for final design. The site is lightly wooded uplands. A Tree Protection Management Plan should be required prior to any construction. The Board approved the submission waivers subject to a Tree Protection Management Plan being required prior to any construction. II. Zoning 1. The site is situated within the R-M, Multi-Family Zone District. Duplex Housing is a permitted use. Zero lot line subdivisions for duplexes are permitted in the Zone. Statements of fact. 2. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are requested for the subdivision approval: • Minimum Lot Area – The combination of proposed Lots 3.01/3.02, 3.03/3.04, 3.05/3.06, 3.09/3.10, and 3.11/3.12 are 9,576 SF, 8,656 SF, 9,551 SF, 9,536 SF, and 9,883 SF respectively; where ten thousand square feet (10,000 SF) is required. • Minimum Front Yard Setback to Massachusetts Avenue – Proposed setbacks from Massachusetts Avenue of corner Lots 3.01 and 3.12 are twenty feet (20'), where twenty-five feet (25') is required. • Minimum Front Yard Setback to Claremont Street – The proposed decks encroach into the front yard setback along Claremont Street for Lots 3.01 through 3.06. The proposed decks are setback fifteen feet (15') from Claremont Street, where a minimum front yard setback of twenty-five feet (25') is required. • Minimum Combined Side Yard Setback – The combined side yard setbacks for the combination of proposed Lots 3.05/3.06 and 3.07/3.08 are fourteen feet (14'), where fifteen feet (15') is required. • Minimum Rear Yard Setback – The proposed rear yard setback for the deck on Lot 3.10 is twelve feet (12'), where twenty feet (20') is required. • Maximum Building Coverage – The proposed building coverage of the combination of Lots 3.01/3.02, 3.03/3.04, 3.05/3.06, 3.09/3.10, and 3.11/3.12 are 33%, 37%, 33%, 33%, and 33% respectively; where thirty percent (30%) is permitted. The Board shall take action on the requested variances. 3. A waiver is required for non-radial lot lines. Most of the proposed lot lines are non-radial to the new cul-de-sac. However, all of these non-radial lines are either parallel or perpendicular to the tract boundaries. Therefore, we recommend approval of these non-radial lines for layout simplicity. The Board shall take action on the required waiver. 4. Waivers are required from the planting of shade trees and the providing of shade tree and utility easements along any unimproved frontages of Claremont Street and Bushwick Avenue. The Board shall take action on the required waivers. 5. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. The applicant's engineer indicates that testimony will be provided to support the variances. III. Review Comments A. General 1. As currently configured, Subdivision approval is contingent upon the vacation of a three hundred twenty foot (320') length of Bushwick Avenue. The applicant shall request the Lakewood Township Committee to vacate this portion of Bushwick Avenue north of Claremont Street. Subdivision approval must be conditioned upon the vacation of a three hundred twenty foot (320') length of Bushwick Avenue, north of Claremont Street, by the Township Committee. 2. Off-street parking: According to the plans provided, the applicant is proposing four (4) off-street parking spaces per unit which is enough to be in compliance with the RSIS and Township standards of four (4) off-street parking spaces required. Five (5) bedrooms per unit with a basement are proposed for this project which is in compliance with parking ordinance 2010-62. Off-street parking shall be provided to the satisfaction of the Board. 3. The applicant shall confirm that trash and recyclable collection is to

be provided by the Township of Lakewood. The applicant's engineer confirms that trash and recyclable collection will be provided by Lakewood Township. Accordingly, a General Note should be added to the plans for resolution compliance submission, should approval be granted.

4. A new road name, Kielt Way, has been proposed for the project. Approval of the proposed road name can be provided with resolution compliance submission, should approval be granted.

5. The proposed lot numbers shall be approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. The Lakewood Tax Assessor signature is required prior to map filing, should approval be granted.

5. The requirements in 18-821 (Building Uniformity in Residential Developments) are being addressed. A minimum of two (2) basic house designs are provided for this development consisting of between four (4) and six (6) homes. The architectural plans will need to be finalized prior to submitting for building permits, should approval be granted. However, the proposal of two (2) basic house designs satisfies the requirements.

7. Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required, including provisions to address items associated with the use, maintenance, and repair of common areas and facilities associated with the overall property. Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township. This agreement should be a condition of approval.

B. Plan Review

1. A Boundary and Topographic Survey was submitted. The bench mark referenced on the survey is not shown on the plan. The referenced bench mark may longer be in place due to recent construction. The bench mark shall either be shown or a new bench mark provided. A revised survey has been submitted providing a new bench mark. The Existing Conditions Plan showing this new bench mark can be revised for resolution compliance submission, should approval be granted.

2. We have reviewed the legal description for the outbound and believe Lot "4" listed in Courses "3 and 4", should be Lot "8". The survey shows the location of "former Tax Lot 4". The description should be revised to either "former Lot 4" or current Lot "8". The correction can be provided with resolution compliance submission, should approval be granted.

3. The Schedule of Bulk Requirements should be revised. The R-M Zone is Multi-Family Residential. Duplexes are a permitted use in accordance with Section "18-902H1b". The correction can be provided with resolution compliance submission, should approval be granted.

4. Proposed Sight Triangle Easements to the County of Ocean at the intersection of Kielt Way with Massachusetts Avenue are in accordance with AASHTO standards. The sight triangle easements are subject to approval by the County of Ocean. Statements of fact.

5.5. Four (4) Drainage Easements to the Township of Lakewood are proposed for the project. Department of Public Works approval will be required. Statements of fact.

6. The Site Development Plan should have typical dimensions and road stationing added. Dimensions have been added. Road stationing for Kielt Way and Massachusetts Avenue shall match the road profiles. These revisions can be made with resolution compliance submission, should approval be granted.

7. Curb and sidewalk is proposed throughout the development. Proposed sidewalk should be increased to a width of five feet (5') along Massachusetts Avenue. Proposed sidewalk width shall be dimensioned along with distances from face of curb and right-of-ways. The sidewalk along Massachusetts Avenue has been changed to five foot (5') wide. The proposed sidewalk within Kielt Way shall be dimensioned from the face of curb and right-of-way since the location is not consistent throughout. The proposed curb location for the cul-de-sac bulb needs to be corrected. These revisions can be provided with resolution compliance submission, should approval be granted.

8. Proposed curb ramps shall be added to the Site Development Plan at the intersection of Massachusetts Avenue and Kielt Way. Proposed curb ramps have been added and are subject to County approval since they are within the Massachusetts Avenue right-of-way.

9. All sheets

should be listed in the Sheet Index on the Title Sheet. These corrections can be provided with resolution compliance submission, should approval be granted. C. Grading 1. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved. We recommend the applicant's engineer contact our office for final grading suggestions prior to submitting for resolution compliance, should approval be granted. D. Storm Water Management 1. A proposed storm sewer collection system has been designed to convey storm water runoff into recharge systems. Three (3) proposed recharge systems have been designed, the largest located under the unimproved Claremont Street right-of-way. An overflow from the three (3) proposed recharge systems would connect to the existing County drainage located on the east side of Massachusetts Avenue. If approval is granted, a meeting with the Department of Public Works will be necessary during compliance to review proposed maintenance responsibilities. The meeting with the Department of Public Works should be scheduled prior to submitting for resolution compliance, should approval be granted. 2. The Storm Water Management Report and Design will be reviewed in detail during compliance, if/when approved. We recognize that the storm water management design could be impacted by the County's review. Therefore, final review of the Storm Water Management Report and Design will take place after resolution compliance submission, should approval be granted. E. Landscaping 1. Ten (10) Red Sunset Maple shade trees have been provided on Sheet 6 of 13. The proposed shade trees have been revised to six (6) Hedge Maples along Massachusetts Avenue and four (4) Willow Oaks along Kielt Way, in accordance with the Shade Tree Commission recommendations. 2. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. The entire site will be cleared for the construction of the project. Compensatory plantings shall be addressed with a Tree Protection Management Plan. The Shade Tree Commission suggests planting an evergreen buffer along the rear of the units, eight feet (8') on centers, at least 6-8' in height. 3. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted. Statement of fact. F. Lighting 1. Lighting has been provided for the proposed cul-de-sac on Sheet 6 of 13 and the title of the sheet should be revised to "Landscaping and Lighting Plan". The correction can be provided with resolution compliance submission, should approval be granted. 2. A point to point diagram must be provided to verify the adequacy of the proposed lighting. A point to point diagram has been provided and verifies the proposed lighting is adequate. 3. It is anticipated that all lighting will be owned and maintained by the Township after installation since all fixtures will be within public right-of-ways. Confirming testimony should be provided regarding street lighting ownership. The applicant's engineer indicates that testimony on proposed site lighting ownership will be provided. 4. Lighting shall be reviewed in detail after compliance submission should subdivision approval be granted. Statement of fact. G. Utilities 1. Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company. Statements of fact. H. Signage 1. Proposed regulatory signage has not been shown on the plans and should be added. Regulatory sign details have been provided. Regulatory signage has been provided. Final review of locations and details will be completed after resolution compliance submission, should approval be granted. I. Environmental 1. Tree Management Prior to construction, a Tree Protection Management Plan in accordance with the current ordinance shall be submitted. Providing a Tree Protection Management Plan shall be a condition of approval. J. Construction Details 1. Final review of construction details will take place after compliance submission, if/when this project is approved by the Board. Statement of fact. K. Final Plat (Major Subdivision) 1. The Schedule of Bulk Requirements should be corrected to indicate that the R-M

Zone is Multi-Family Residential. Duplexes are a permitted use in accordance with Section "18-902H1b". The correction can be provided with resolution compliance submission, should approval be granted. 2. Compliance with the Map Filing Law is required. Statement of fact. 3. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. The Final Plat will be reviewed in detail with resolution compliance submission, should approval be granted. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Committee (street vacation); b. Developers Agreement at the discretion of the Township; c. Township Tree Ordinance; d. Department of Public Works; e. Ocean County Planning Board; f. Ocean County Soil Conservation District; and g. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Rennert stepped down.

Mrs. Morris stated that several variances are requested for this application including minimum lot area, front yard and side yard setbacks.

Mr. Abraham Penzer, Esq. on behalf of the applicant.

Mr. Brian Flannery, P.E., P.P. was sworn in. The application is for 12 proposed lots including 6 duplex structures. He showed a rendering of the proposed development and a conforming townhouse plan. They could get a 13 townhouse development but they do have one less unit so there is less density. It also lines up with the adjoining street so there is less traffic conflicts, provides adequate open spaces, population density. This is a multi-family zone where they could have 15 units per acre where they only have 7.5 per acre. In order to accomplish the cul-de-sac and have a more desirable design, that takes some of the property away. They can take care of all of the comments in the engineer's report, with exception to the comment by the Shade Tree commission.

Mr. Banas asked what they propose to put in with respect to the landscaping.

Mr. Flannery stated that they need to prepare a plan which would be done during resolution compliance and the ordinance stipulates how many additional trees they need to plant. They would just like the flexibility to go over it with Terry's office and to put them in a spot that makes more sense.

Mr. Banas wants to make sure that the landscaping does act as a buffer.

Mr. Schmuckler asked if there is a Percal map.

Mr. Flannery said we do not. The only other development in the area is townhouses. He marked a rendered version of the plan as A-1 and the conforming townhouse plan is A-2.

Mr. Schmuckler has a problem giving variances in an area where they have not yet given variances for.

Mr. Franklin asked if there will be a homeowner's association.

Mr. Flannery stated no.

Mr. Flannery said you will have problems plowing the snow.

Mr. Flannery stated they will be meeting with public works for approval.

Mr. Neiman opened to the public.

Ms. Noreen Gill, 192 Coventry Drive, was sworn in. She is concerned about the traffic and school busses and that the board is setting a precedent.

Seeing no one further, Mr. Neiman closed to the public.

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

Affirmative: Mr. Franklin, Mayor Ackerman, Mr. Banas, Mr. Neiman, Mr. Schmuckler

Abstained: Mr. Rennert

6. CORRESPONDENCE

7. PUBLIC PORTION

8. APPROVAL OF MINUTES

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas, Mr. Follman, Mr. Rennert

9. APPROVAL OF BILLS

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas, Mr. Follman, Mr. Rennert

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary