

**1. 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 Meeting 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 the 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 criteria of the Open Public Meetings Act.”

**2. ROLL CALL**

Roll Call Mr. Herzl, Mr. Franklin, Mrs. Koutsouris, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Percal, Mr. Schmuckler

**3. SWEARING IN OF PROFESSIONALS**

Mr. Vogt was sworn in.

**4. MEMORIALIZATION OF RESOLUTIONS**

1. **SP 1957** (No Variance Requested)  
Applicant: Beth Medrash Govoha  
Location: Square block bordered by Forest Avenue, Madison Avenue,  
Carey Street & Eleventh Street  
Block 63 Lots 1 & 4  
Preliminary & Final Site Plan proposed addition to existing library, proposed dormitory & associated site improvements

Moved by Mr. Schmuckler. Seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, , yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

2. **SD 1803** (Variance Requested)  
Applicant: Eliezer Tress  
Location: High Street, east of Route 9  
Block 782 Lot 21  
Minor Subdivision to create two (2) lots

Moved by Mr. Schmuckler. Seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, , yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

3. **SD 1801** (Variance Requested)  
Applicant: MCEF Construction  
Location: Corner of East County Line Road, Shafto Avenue & Fourteenth Street  
Block 143 Lot 3.01  
Minor Subdivision to create two (2) lots

Moved by Mr. Schmuckler. Seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, , yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

4. **SP 1955** (No Variance Requested)  
Applicant: Nitto Denko Automotive NJ, Inc.  
Location: Rutgers University Boulevard, east of Swarthmore Avenue  
Block 1607 Lot 7  
Amended Site Plan for proposed additional parking

Moved by Mr. Schmuckler. Seconded by Mr. Herzl.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, , yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

5. **NEW BUSINESS**

1. **DISCUSSION** - Review/Recommendation of proposed amendment to Section 18-903 G HD-6 Highway Development Zone

Parking Lot to be listed as a permitted use in the HD-6 zone, similar to what was done in the B-2 zone. It is construed as a permitted use where as now it is not a permitted use by itself.

Mr. Schmuckler moved to recommend it, seconded by Mr. Percal.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, , yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

2. **SP 1958** (No Variance Requested)  
Applicant: Yeshiva Toras Menachem  
Location: Swarthmore Avenue, west of Rutgers University Boulevard  
Block 1606 Lot 16  
Conceptual change of use Site Plan to change existing industrial building to a proposed school

### Project Description

The applicant is seeking Change of Use approval for the use of an existing 19,672 sf metal building as a school for grades 6, 7 and 8 per Section 18-906.B of the UDO. The following site improvements, at a minimum, are proposed per review of the submitted "Change of Use" site plan: (1) The applicant proposes to expand the existing entrance drive off of Swarthmore Avenue to provide a "U-shaped" access drive for buses (including a bus drop off area). Curbing (and a driveway apron) appear proposed for the new entrance drive as well. (2) Interior striping of existing parking areas is proposed to delineate twenty-seven (27) spaces within the property (one (1) space being handicap accessible). (3) An existing concrete loading ramp located on the south side of the building is being fenced. (4) A "Proposed Play Area" is located next to the loading ramp, within the existing paved parking area between the south side of the building and extending towards two (2) existing curb cuts and an existing access drive onto Swarthmore Avenue. **Note: Per the revised plan, the proposed play area has been relocated to what is depicted as a lawn area adjacent to the north side of the building.** The site is located in the Industrial Park on the north side of Swarthmore Avenue, south of its intersection with Rutgers University Boulevard. The tract is irregular in shape, and is 3.57 acres in area (exceeding the 3.0 acre M-1 zone minimum). Varied commercial and other industrial park tenants exist east of the property. **We offer the following comments per review of the revised submission, the June 22, 2011 memo from the Lakewood Industrial Commission and our June 26, 2011 review letter:** (I) **Zoning** (1) The property is located in the M-1 Residential District. Schools are a permitted use in the zone, subject to the requirements of Section 18-906 of the UDO. **Fact.** (2) Per review of the Site Plan and the zone requirements, the existing and proposed layout complies with the Bulk requirements of the M-1 zone. **Fact.** (3) As noted in the application, no bulk variances are necessary for the change of use request. **Fact.** (II) **Review Comments** Per review of the Change of Use plan and available information on the property, the site (and building) appear to be suitable for conversion to a school as proposed. The property and existing building meet M-1 bulk requirements. Further, including at least part of the existing parking (paved) area to remain south of the building and proposed 'play area', there appear to be some additional parking spaces to remain, above those identified on the change of use plan to meet UDO parking requirements. As indicated in our initial review letter, a significant number of site improvements are proposed as part of the use conversion as identified above. **We have the following comments with respect to the applicant's revisions per initial concerns (below) from our June 26, 2011 letter:** (1) Internal pedestrian circulation to and from the southerly parking area and proposed play area. **Per the applicant's engineer's cover letter and revised site plan, doors are proposed as depicted on all four (4) sides of the building, excluding the existing "main entrance" access. If approved by the Board, landings appear necessary for the new door locations, at a minimum, and could be provided on the plans as a condition of Board approval, if/when forthcoming.** (2) Design information on the proposed play area, and how it will be separated from the remaining (existing) southerly paved area and access drive. **As**

*referenced on the revised site plans and in the applicant's engineer's response letter, the play area has been relocated to an existing grassed area on the north side of the building. Testimony should be provided by the applicant's engineer as to whether any other improvements are proposed for the play area.* (3) Proposed landscaping and lighting as may be necessary (to the satisfaction of the Board). **Fact. Testimony is required to demonstrate adequacy of existing landscaping and lighting for the proposed change of use.** (4) Design and vehicular circulation plan for the proposed extension of the southerly access drive on Swarthmore Avenue, as well as the proposed Bus drop off area, including existing and proposed grades, geometry, apron and curb and pavement restoration as necessary. **Construction details and additional spot elevations have been provided on the revised site plan. Per the applicant's engineer's cover letter, the proposed access drive will be used only for buses at the time of drop off and pickups. Testimony should be provided at time of public hearing, as well as confirmation that the proposed drive geometry is adequate for bus ingress and egress. Final design details could be provided on the plans as a condition of Board approval, if/when forthcoming.** (5) Proposed trash storage area (to be stored "on the side of the building") per Note 9 on the Change of Use Plan. **Per the engineer's response letter and as depicted on the revised site plan, the existing dumpster enclosure on the southwest side of the building will continue to be used for trash and recycling pickups.** (6) Construction details for all proposed site improvements in accordance with Township standards. **Details have been provided and will be reviewed during compliance as a condition of Board approval, if/when forthcoming.** (7) Architectural information on necessary revisions to the building for the proposed school use, including but not limited to ADA accessibility and Fire Code compliance. **Per the engineer's response letter, the existing building has a fire suppression system and is handicap accessible.** (8) Information and/or testimony that existing utilities serving the building are adequate for the proposed school use. **Per the engineer's response letter, utility demands for the proposed school will be lower than the prior use, and therefore existing utilities are adequate.** (9) Any information necessary to document compliance with Section 18-906, "Public and Private Schools" of the UDO. **Fact.** (10) Given the property's location in the Industrial Park, and within the Airport Hazard Zone, the proposed change of use request should be reviewed by the Lakewood Industrial Corporation. **As referenced above, the Industrial Commission issued a June 22, 2011 memo (attached) regarding the proposed change of use as depicted per the initial submission. The Commission's remaining comment is with respect to the proposed access and bus staging area, and that the final access design "...provide for an off-road bus lane that would accommodate all of the buses servicing the school, thus reducing the incidence of a traffic/safety issue on Swarthmore Avenue".**

**Although no dimensions or turning movements are delineated on the revised plan, it appears to depict that space is proposed for off-road parking of up to four (4) buses at one time. Testimony must be provided by the applicant and professionals as to how many buses are proposed to service the school, and**

***whether adequate off-road room for buses is provided on the proposed access drive.*** (11) Given the proposed change in use and parking and circulation revisions, the Change of Use plans should be reviewed by Township Fire Officials to confirm the adequacy of the existing Fire Zone lane designations near the building. ***Fact. We recommend that Fire Official review be a condition of approval if forthcoming.***

Mr. Abraham Penzer on behalf of the applicant stated on the only two items that really merit discussion is the issue about the busses, which are not a problem, there will never be more than four busses at one time and regard to the garbage situation, we are already utilizing the building and the garbage is taken by Public Works and other that that everything else is fine.

Moved by Mr. Percal and seconded by Mr. Follman

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, , yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Committeeman Akerman has arrived to the meeting.

3. **SD 1808** (Variance Requested)  
Applicant: SS&R Realty, LLC  
Location: Northwest corner of Lanes Mill Road & Alvarado Avenue  
Block 187.12 Lot 11  
Minor Subdivision to create three (3) lots

### **Project Description**

The applicant seeks minor subdivision approval to subdivide an existing corner property totaling 1.061 acres in area known as Lot 11 in Block 187.12 into three (3) new residential lots, designated as proposed Lots 11.01 - 11.03 on the subdivision plan. The site contains an existing one-story frame dwelling and a one and a half-story masonry building. The masonry building will be removed and the dwelling will remain on proposed Lot 11.01. A portion of the existing dirt driveway which encircles the dwelling will be removed as part of the subdivision. Proposed Lots 11.02 and 11.03 will become new residential building lots. Public water and sewer is available. The surrounding area is predominantly residential. Lot width variances will be required to create this subdivision. The lots are situated within the R-15 Single Family Residential Zone. ***We have the following comments and recommendations per testimony provided at the 6/14/11 Planning Board Plan Review Meeting and comments from our initial review letter dated June 2, 2011:*** (l) **Zoning** (1) The parcels are located in the R-15 Single-Family Residential Zone District. Single-family detached dwellings are 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: (a) Minimum Lot Width (proposed Lots 11.01 - 11.03, 81.08 feet, 88.80 feet, and 96.20 feet respectively, 100 feet required) – proposed condition. ***The Board shall take action on the required lot width***

**variances.** (3) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) Since the existing dwelling is to remain on proposed Lot 11.01 the actual yard setbacks in the Zone Requirements Table must be provided. **The actual yard setbacks and coverage for proposed Lot 11.01 have been provided in the Schedule of Bulk Requirements. The combined side yard setback shall be corrected to 36.1 feet.** (2) Concrete sidewalk and curb exist along the Alvarado Avenue side of the site. Concrete sidewalk will be extended along the entire frontage of Lanes Mill Road beginning just past the existing handicapped ramp at the intersection. Proposed concrete curb will be extended along the entire frontage of Lanes Mill Road beginning at the existing curb return. **Statements of fact.** (3) Since a portion of the dirt driveway encircling the existing dwelling will be removed as part of this subdivision, the plans should show how four (4) off-street parking spaces will be provided as stipulated in the Zone Requirements Table. **Four (4) parking spaces from a new driveway have been proposed on Lot 11.01. The entire dirt driveway encircling the existing dwelling should be removed.** (4) Testimony should be provided as to whether basements are proposed for the future dwellings on Lots 11.02 and 11.03, if so seasonal high water table information will be required. The Survey of Property shows soil boring locations on the map. **The applicant's professionals indicate that testimony on prospective basements will be provided at the public hearing.** (5) Proposed road widening and grading is required along Lanes Mill Road. A pavement widening transition should be included. **The applicant's professionals indicate that proposed road widening and grading can be provided as a condition of approval as directed by the County Planning Board.** (6) Proposed lot numbers must be approved by the tax assessor's office. **The proposed lot numbers have been approved. The map shall be signed by the tax assessor.** (7) Shade trees shall be provided within the shade tree and utility easement for the project. 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. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. **Four (4) Green Mountain Silver Linden shade trees are proposed along Lanes Mill Road and four (4) Magnifica Hackberry shade trees are proposed along Alvarado Avenue.** (8) Testimony is required on the disposition of storm water from development of proposed Lots 11.02 and 11.03. **The applicant's professionals indicate that testimony on storm water management will be provided at the public hearing.** (9) The monument certification has been signed but the monuments have yet to be set. **Statement of fact.** (10) Compliance with the Map Filing Law is required. **Statement of fact.** (11) Construction details will be reviewed in detail during compliance if approval is given. We note that only four foot (4') wide sidewalk is proposed in plan view. **Statements of fact.** (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 (if necessary); and (d) All other required outside agency approvals.

Mr. Samuel Brown appearing on behalf of the applicant marked into evidence as A1 a rendition of the site plan. The purpose of the variance is such that we can move the two lots onto the side street rather than the main street. Move it off Lanes Mills Road onto Alvarado Ave. and thus create a safer and better lot. There are no bulk variance in the sense that the lots do have the requires 15,000 sq feet it is just a question of the lot width, other than that this is a minor subdivision.

Mr. Brian Flannery, PE was sworn in stating that application as indicated we are meeting all of the setbacks , the variance is limited to lot width on all of the three lots, one of the lots is 96.2 where 100 is required so it is as close to diminimus as you can get, the other lot is 88.8 where 100 is required, and the third is 81.08 where 100 is required, we have an exhibit marked as A-2 which shows a half a dozen other lots in the area with lot width as the same variance. We comply with the 15,000 sq feet and also the front, side and rear setbacks. With respect to the report item #8 asks for testimony on disposition of the Storm Water and we would provide dry-wells for the roof run off similar to what we have done in the past, the variance that are required are simple C variance and they can fall under either a C-1 or a C-2 due to the nature of the property it requires sub-division in this fashion to make the most sense, additionally under a C-2 the benefits certainly outweigh the detriment we have three very nice lots that provided housing opportunities with no adverse impact in my professional opinion. The applicant will put curbing and sidewalk and we have agreed to the comments in Mr. Vogt's letter. Mr. Schmuckler asked if there will be four off street parking spaces per lot. Mr. Flannery stated yes.

A motion to approve was made by Mr. Herzl and seconded by Mr. Follman.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes, Committeeman Akerman, yes.

- 4. SD 1809** (Variance Requested)  
Applicant: Schlomo Wilner  
Location: Albert Avenue, south of Oak Street  
Block 1159 Lot 74  
Minor Subdivision to create two (2) lots

### **Project Description**

The applicant proposes to subdivide the existing tract into two (2) separate lots. There is an existing two-story dwelling on the existing lot, which will remain on proposed Lot 74.01 as a fully compliant lot fronting on Albert Avenue. Proposed Lot 74.02 is to be subdivided from the rear (western) portion of the property, which lot will have limited frontage on Frederic Avenue, an unimproved street. Public water and sewer is not available. The existing 44,448.22 square foot property falls within the R-20 Single Family

Residential Zone. A variance is requested due to proposed Lot 74.02 not having frontage on an improved street. **We have the following comments and recommendations per testimony provided at the 6/14/11 Planning Board Plan Review Meeting and comments from our initial review letter dated June 9, 2011:** (I) **Waivers** (1) The applicant has requested waivers from providing topography, contours, and wooded areas for completeness purposes. **Our office has no objection to the granting of these waiver requests. The Board shall take action on the waiver requests.** (2) The applicant has requested a waiver from depicting the location of existing and proposed wells and septic systems. **In light of the existing well shown onsite, and the proposed lots being serviced by wells and conventional septic systems, our office can only support this request for completeness purposes. The information should be provided during compliance if/when Board approval is granted. The Board shall take action on the waiver request.** (II) **Zoning** (1) The property is located within the R-20 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. **Statements of fact.** (2) Proposed Lot 74.02 is to be subdivided from the rear (western) portion of the property, this lot will have limited frontage on the terminus of Frederic Avenue, which is an unimproved street. All lots must have frontage on an improved street. A variance has been requested. Per a note on the subdivision plans, proposed Lot 74.02 is to be developed after Frederic Avenue is improved. **Action shall be taken by the Board.** (3) The applicant has requested a bulk variance for lot size for Lot 74.02, proposing 18,688.25 square feet where the ordinance requires a minimum of 20,000 square feet. **The Board shall take action on the minimum lot area variance requested.** (4) The existing shed on proposed Lot 74.01 is 1.0 feet from the side property line, where the zoning ordinance requires a minimum ten foot (10') setback for an accessory structure. A bulk variance is required unless one has previously been granted for this existing nonconformance. **The applicant requests a variance for the existing nonconforming accessory structure side yard setback. The Board shall take action on the variance requested.** (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.** (III) **Review Comments** (1) The applicant must demonstrate that the proposed Lot 74.02 can be serviceable by emergency and public vehicles such as garbage trucks. There does not appear to be adequate room available at the terminus of Frederic Avenue for installation of a cul-de-sac bulb or turnaround. **The applicant's professionals indicate that access will be addressed when a plot plan is submitted for the future dwelling.** (2) The zoning schedule indicates that four (4) off-street parking spaces are required for the existing and proposed future dwellings. The schedule also notes eight (8) spaces will be provided for Lot 74.01 (which fit within the large existing asphalt driveway) and four (4) spaces for Lot 74.02. The applicant should provide testimony detailing the number of bedrooms in the existing dwelling as well as the number proposed to be built eventually on Lot 74.02 to have the parking requirement on the record. Parking must be provided to the satisfaction of the Board. **The applicant's professionals indicate that parking for proposed Lot 74.02 will be addressed when a plot plan is submitted for the future dwelling.** (3) Testimony should be provided whether a basement will be proposed for the future dwelling on proposed Lot 74.02. If a basement is proposed, seasonal high water table information will be required. **The applicant's professionals suggest a basement will be proposed for the future dwelling on Lot 74.02, since they indicate that seasonal high groundwater information will be submitted with a future plot plan.** (4) The portion of proposed

Lot 74.02 that fronts on Frederic Avenue should be dimensioned to demonstrate that access to the property can be achieved when Frederic Avenue is improved. **The frontage of twenty-five feet (25') has been dimensioned on Frederic Avenue.** (5) The subdivision plan includes a note that private well and septic are to be provided. The applicant's engineer should provide clarifying testimony as to whether this applies to both proposed lots or only to proposed Lot 74.02. In either case, the location of existing or proposed future septic facilities should be shown on the subdivision plan. **The approximate locations of the existing septic on Lot 74.01 and the proposed septic on Lot 74.02 have been added. The existing well on Lot 74.02 will service Lot 74.01 until a new dwelling is constructed on Lot 74.02, at which time a new well will be constructed on Lot 74.01.** (6) A proposed 15' X 20' Cross Access Easement is shown for the existing well located on Lot 74.02 which serves Lot 74.01. The easement shall be shown in favor of Lot 74.01 and must be approved by the Ocean County Board of Health. **The applicant's professionals indicate an easement document will be prepared in favor of Lot 74.01 for the existing well.** (7) A fence encroachment from adjoining Lot 73.02 must be addressed. **The applicant's professionals indicate the owner has no objection to the fence encroachment. Therefore, an easement for the fence shall be granted to Lot 73.02.** (8) A portion of existing fence encroaching onto Lot 74.02 from Lot 74.01 should be labeled "to be removed". **The revised plan indicates the fence is to be removed to the property line. However, in practicality it should be removed to the intersecting chain link fence a foot past the property line.** (9) A Legend is required on the plans. **A Legend has been added to the Lines Engineering, LLC plan and must be added to the DSV & Associates plan.** (10) Three (3) October Glory Maple street trees are proposed along the property frontage of Lot 74.01. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation on 6/3/11 indicates there are few existing large trees on the property. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lot 74.02. **The Board should provide landscaping comments, if any.** (11) The applicant proposes to install curb, sidewalk, and a driveway apron along the property frontage of Lot 74.01. The proposed curb and sidewalk will connect to the existing curb and sidewalk immediately to the south. The proposed sidewalk shall be five feet (5') wide, the same width as the connecting existing walkway. The construction detail shall be modified accordingly. **The sidewalk detail has been corrected to a width of five feet (5') since the adjacent sidewalk is more than four feet (4') wide.** (12) Existing topography and proposed curb grades will be required for the improvements along Albert Avenue. **Based on the existing topography provided along Albert Avenue on the revised plans, the proposed curb grade design is approved. A proposed twenty-one (21) contour shall connect the end of curb on the north side of the property with the existing twenty-one (21) contour at the right-of-way line just north of the site.** (13) The construction details need to be clarified. It is not clear whether the final bituminous base course thickness will be five inches (5"), or three inches (3") after constructing five inches (5") and milling off two inches (2"). **The pavement repair detail has been clarified to show a final stabilized base course thickness of three inches (3"). The pavement replacement on the concrete curb detail shall be modified to match the pavement repair detail.** (14) Testimony is required on the disposition of storm water from the development of proposed Lot 74.02. **The applicant's professionals indicate that storm water from proposed Lot 74.02 will be addressed when a plot plan is submitted for the future dwelling.** (15) Proposed lot numbers must be assigned by the tax assessor's office. **Proposed lot numbers have been approved and the map shall**

**be signed by the tax assessor.** (16) Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. **The applicant's professionals indicate that proposed curb and sidewalk will be constructed when the map is filed.** (17) Compliance with the Map Filing Law is required. **Statement of fact.** (18) A depressed curb detail should be added. **A depressed curb detail has been added. The base width shall be revised to match the full height curb detail. The reveal shall be six inches (6") with a four and a half inch (4-1/2") depression.** (19) Final review of construction details will be conducted during compliance if approval is given. **Statement of fact.** (IV) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Township Tree Ordinance (as applicable); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District; (d) Ocean County Board of Health (well and septic system approvals); and (e) All other required outside agency approvals.

Mr. Abraham Penzer, Esq. on behalf of the applicant, the applicant does not intend to do any building or permits until lot 74.02 has frontage on an approved road, it is not approved as of right now. All this is we are getting the approval when that happens when the road is improved then everything will kick into effect. Until that time we have no problem with you restricting us from doing anything until Fredrick Ave. becomes an approved road. The other thing that we are here for is if you feel you want us to move the shed we will move it but we think once the road is there it won't be necessary. Mr. Neiman asked Mr. Vogt if there were waivers granted at the Tech meeting. Mr. Vogt stated that they were but they were not noted in this new letter.

Mr. Glen Lines was sworn in stating they are sub-dividing off the back piece of the property they need the one variance for area, there is a lot area of 18,688 sq feet were 20,000 is required. The reason why they are requesting a variance is basically to cut the lots in half just behind the existing pool and the existing paved basketball court, rather than remove the basketball court and go around the pool we could have made a 20,000 and a 24,000, because they are very large lots we don't have a problem with an 18,000 sq foot lot to get well and septic and reasonable size house in the future. Mr. Penzer stated you will note under paragraph 2 and 3 we have a note on the plan that lot 74 is to be developed after, so it is clearly on the plan filed so it is protected, this Board that it is a matter of public record when the map is recorded that it is restricted to that. Mr. Neiman stated that he would like to see also on the plan is curbs and sidewalks on the back lot when Fredrick Ave. does come in. Mr. Lines stated that all of that development would take place when they submit it for a grading plan to the Township Engineer, they will require curb and sidewalk, tree locations, topography, they will have us adjust storm water at some point in the future when we can get access to a paved road. Mr. Penzer stated the next item that is an issue is #7 about a fence, it is a neighbors fence, our position is we don't mind them encroaching on our property but if the fence falls down we do not want to have to replace it. The fence at #8 will be removed at the property line and the sidewalk detail is as Mr. Vogt requested he wanted five feet, the adjacent is four so we will be putting a five foot sidewalk there. The contour will connect and everything else is minor in nature. Mr. Banas asked why they are allowing a fence to remain on their property. Mr. Lines stated that it is only a few inches over the property line and

when it was first put up it was woven through the trees. Mr. Banas stated that many things are forgotten and many things are not really clearly delineated, we are at that point now where it can be cleared up, if you are comfortable with that and you don't see any possible repercussion I am ok with it. Mr. Schmuckler asked who is approving Fredrick Ave, is it Township. Mr. Lines stated that it is an area that was affordable housing and I think it is Lakewood Housing that got the property in that area, it will be public roads.

A motion to approve was made by Mr. Herzl and seconded by Mr. Percal.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

5. **SD 1810** (Variance Requested)  
Applicant: Jonathan Rubin  
Location: Ocean Avenue (Route 88) East of Clover Street  
Block 244 Lots 11, 12, 13, 14 & 15  
Preliminary & Final Major Subdivision for ten (10) zero lot line lots (5 duplexes)

### Project Description

The applicant is seeking a Zero Lot Line Major Subdivision approval with variances in accordance with Section 18-902G.4.e of the UDO. The applicant proposes the subdivision of five (5) existing residential lots to create ten (10) proposed lots with five (5) duplex structures. The existing five (5) lots known as Lots 11 - 15 in Block 244 are proposed to be subdivided into ten (10) zero lot line lots shown as proposed Lots 11.01 and 11.02, 12.01 and 12.02, 13.01 and 13.02, 14.01 and 14.02, 15.01 and 15.02 on the Major Subdivision Plan. Four (4) parking spaces are proposed for each zero lot line lot. The off-street parking spaces for the proposed lots are located in front yards with circular driveways accessing Ocean Avenue (Route 88). Ocean Avenue has an existing pavement width of approximately twenty-four feet (24'), with a fifty foot (50') width right-of-way across the frontage of the property. Therefore, no right-of-way dedication is proposed. The subject site is located within the R-7.5 Single Family Residential Zone District. Duplex housing is a permitted use in the zone district. The site is situated within a predominantly residential area. ***We have the following comments and recommendations per testimony provided at the 6/14/11 Planning Board Plan Review Meeting and comments from our initial review letter dated June 2, 2011:*** (1) **Zoning** (1) The site is situated within the R-7.5, Single-Family Residential Zone District. Per Section 18-902 G. 1. b., of the UDO, "Two Family and Duplex Housing, with a minimum lot size of 10,000 square feet" is listed as a permitted use. Zero lot line subdivisions for duplexes are permitted in the R-7.5 Zone. **Statements of fact.** (2) The Major Subdivision proposes irregular lots to meet minimum lot area requirements. **Statement of fact.** (3) According to our review of the Major Subdivision Plan and the

zone requirements, the following variances are required for the zero lot line subdivision approval requested: (a) Minimum Side Yard – Proposed side yards for all lots are five feet (5'). The minimum required side yard is seven feet (7'). (b) Maximum Building Coverage – Proposed building coverage for proposed Lots 11.01 and 15.02 are 32.9% and 33.6% respectively. The maximum allowable building coverage is thirty percent (30%). ***The Board shall take action on the proposed Minimum Side Yard variances for all lots and the Maximum Building Coverage variance for Lots 11.01 and 15.02. It should be noted the combined building coverage for proposed Lots 11.01 and 11.02, as well as proposed Lots 15.01 and 15.02, is under thirty percent (30%).*** (4) 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** (A) **General/Layout/Parking** (1) The Major Subdivision Certifications refer to a Survey. A copy of the outbound and topographic survey must be submitted. ***The only existing conditions shown on the plans are a partial topography on the Improvement Plan. Final review of the project will require the submission of a current outbound and topographic survey.*** (2) Off-street parking: According to the plans provided, each duplex unit will have a basement and no garage. The zero lot line ordinances require parking for each duplex unit as if each unit was a single-family dwelling. The applicant is proposing four (4) off-street parking spaces per unit which is in compliance with the RSIS standards of three (3) off-street parking spaces for unspecified number of bedroom units. The project shall also comply with parking ordinance 2010-62. ***The applicant's attorney testified that the units will contain five (5) bedrooms and exterior access to the basements.*** (3) The proposed off-street parking consists of a minimum of 9' X 18' parking spaces. The proposed parking configuration for each pair of duplex units will have a circular driveway in front of the parking spaces. We recommend access easements be proposed to allow the circular driveways to be used for turnaround purposes. ***Access easement documentation shall be prepared by the applicant and reviewed by the Board's Attorney and Engineer.*** (4) Each unit shall have an area designated for the storage of trash and recycling containers. This matter is not addressed on the site plans and architectural plans have not been submitted. Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. ***The applicant's professionals indicate that testimony will be provided at the public hearing.*** (5) Proposed building dimensions are required on the plans to confirm zoning compliance. Proposed dimensions and radii are required on the plans for all improvements, such as the driveways. ***Proposed building dimensions have been added and confirm the setbacks. Additional proposed dimensions and radii have been added, and the applicant's engineer indicates more information will be added during resolution compliance should approval be granted.*** (6) The plans state existing curb and sidewalk to be replaced along the entire property frontage. Also, roadway restoration will be necessary because of the numerous underground utility connections required. Approvals will be required from the New Jersey Department of Transportation and

construction details for work within the right-of-way must be approved by the State. **Statements of fact.** (7) The width of the existing sidewalk in front of the site scales at five feet (5') from the plans. The construction details for the sidewalk replacement shall be amended accordingly. **The applicant's engineer has agreed to revise the construction details.** (8) The General Notes indicate vertical elevations are based on an assumed datum, a benchmark shall be indicated. **The General Notes have been revised to indicate the vertical datum is USGS 1929. A benchmark is still required.** (9) The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of two (2) basic house designs are required for developments consisting of between four (4) and six (6) homes. **The applicant's professional indicate the building footprints are for illustration purposes only. Final house plans will be submitted during resolution compliance should approval be granted.** (10) 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. **The agreement may be a condition of approval.** (B) **Architectural** (1) Architectural plans have not been provided. We recommend that renderings be provided for the Board's review at the time of Public Hearing. **The applicant's professional indicate a typical rendering will be provided at the public hearing.** (2) We recommend that location of air conditioning equipment be shown. Said equipment should be adequately screened. **The applicant's professionals indicate that locations of air conditioning equipment are not known at this time.** (3) Coordination will required between the architectural plans and site plans with respect to decks, dimensions, and access. Basement access is proposed on the fronts of the duplex units. Confirmation is required that no additional variances are required. Full size architectural plans should accompany any resubmission. **The applicant's professionals indicate that no architectural plans are available at this time. Therefore, only the variances listed are being requested.** (C) **Grading** (1) Proposed spot grades are required at the driveway corners and property corners on the Improvement Plan to allow for proper review. **Additional existing and proposed spot grades will be required for grading review during compliance, should approval be granted.** (2) Proposed grading shall be revised to direct more runoff to the street frontage. Too much runoff is being directed around and behind the units to adjacent properties. Runoff is being trapped in the rear yards and no drainage has been proposed. **Proposed grading has been revised to direct more runoff to the street. However, runoff is still being trapped onsite and drainage must be proposed.** (3) Proposed basement elevations are shown on the plans. Soil borings must be provided to determine whether a two foot (2') separation from the seasonal high water table is maintained. **Seasonal high water table information must be submitted no later than compliance review, since proposed basement elevations will impact the overall grading scheme of the site.** (D) **Storm Water Management** (1) Storm Water Management has not been addressed at this time. **Project disturbance exceeds one**

**(1) acre and impervious surfaces appear to be increased by more than a quarter (0.25) acre. Therefore, the project would be "major development". The applicant shall agree to comply with water quality standards and runoff rate reductions as a condition of approval. A waiver has not been requested from storm water management.** (D) **Landscaping** (1) Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. **The Board should provide landscaping recommendations, if any.** (E) **Lighting** (1) Testimony shall be provided on the adequacy of street lighting. No lighting information has been provided. **Testimony should be provided on lighting.** (F) **Utilities** (1) Testimony should be provided regarding other proposed utilities. Additional underground connections will be required if gas is proposed. **Testimony should be provided on utilities.** (G) **Environmental (1) Tree Management** The applicant must comply with the requirements for tree protection and removal as applicable for this site. The property contains some large trees, most of which will be removed. Four (4) existing trees in the rear yards and one (1) existing tree in the front yard are being salvaged. Compensatory planting must be addressed. **The applicant's professionals indicate that compensatory plantings will be provided.** (H) **Construction Details** (1) Limited construction details are provided on Sheet 2 of the plans. **Complete construction details are required and should be made a condition of approval.** (2) All proposed construction details must be prepared 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. **Construction details can be reviewed during resolution compliance, should subdivision approval be granted.** (I) **Final Plat (Major Subdivision)** (1) The Surveyor's Certification has not been signed since the monuments are not in place. **Statement of fact.** (2) Proposed lot numbers have been assigned by the Tax Assessor and the plat must be signed by the Tax Assessor. **The Tax Assessor's signature is required prior to filing the Final Plat.** (3) Compliance with the Map Filing Law is required. **Statement of fact.** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Developers Agreement at the discretion of the Township; (b) Township Tree Ordinance (as applicable); (c) Ocean County Planning Board; (d) Ocean County Soil Conservation District; (e) New Jersey Department of Transportation; and (f) All other required outside agency approvals. Water and sewer service will be constructed by New Jersey American Water.

Mrs. Miriam Weinstein, Esq. on behalf of the applicant stated that that application is for sub-division of five existing lots into 10 lots upon which five duplexes will be built, the property is located in the R75 zone along Ocean Ave. in an area that is in some need of rehabilitation. Duplexes are permitted as of right on lot sizes of 10,000 sq feet or greater, we are proposing a very simple application the lot sizes are conforming, the only variances we are seeking are for side yard setbacks of 5 feet each when 7 feet is required. Additionally on two of the lots we are requesting lot coverage variances since when the duplex lots are divided into two individual lots these variances are necessary

but when considering each duplex unit on a combined lot these lot coverage variances would not be necessary. One thing we did discuss at the technical meeting that was left as an open issue to be discussed was the straightening out of the lot lines to make the lots more conforming.

Mr. Glen Lines was sworn in stating they are requesting side yard setback variances the lots meet the minimum requirement of 60 feet and then each duplex lot ends up being 30 feet. We requested five yard setback variances so we can have a reasonable width unit at 25 feet, a lot of the lots in the area along Ocean Ave. specifically the lots to our side that have five foot or less setbacks, the houses used to be all the way to one side very close to the property line so that they could put their driveway in on the other side, so five foot setbacks are not uncommon in this and several of the other blocks along Ocean Ave. with the older homes. We will have all of our parking in the front but the 5 foot side yard setback it gives us a reasonable width duplex. The way we have set this up we have set the units back 65 feet from the front property line and what we have done is we have a "U" shaped driveway with four parking spaces. So you can back out of the parking space and then go forward over the common property line and exit out onto Route 88 forward. There will have to be an easement on these driveways they are a shared driveway so you can go in one way and come out the other way. Mr. Schmuckler asked what kind of landscaping will be put in front of the duplexes. Mrs. Weinstein stated that the applicant will put greenery in the "U" shaped area as well as shrubbery in front of the units. Mr. Schmuckler asked about irrigation for the area. Mrs. Weinstein stated that they will come up with a way to water the area. The question for the Board members is the way that the applicant is building it now the lot sizes are fully conforming with the ordinance, we can straighten out the lot line but the lot sizes will not be conforming if we do that. Mr. Banas stated to leave it the way it is. Mr. Lines stated that the second variance that is needed is a lot coverage variance on the two end lots, because of the irregular lot shape, the lots end up being a little bit smaller so lot coverage while it is 30% for the entire lot we do go over on lot coverage on 11.01, that ends up being 32.9% and on the other end 15.02 that lot coverage is 33.6% but again on the whole the duplex is on a 10,000 sq foot lot and they have the 30% combined lot coverage, it is a function of the shape of the property, which is a hardship. Br. Banas stated that it may be a hardship for you but it isn't for me, convince me because I don't know of any place that the Board has ever granted to a domestic home a reason to go over the coverage. Mr. Lines stated that it happens very often on a corner lot with a duplex, where the lot coverage on the smaller lot because of the front setback of a duplex. Mr. Banas asked where? Mrs. Weinstein stated let me clarify for you if you take the whole lot as a whole, there is no variance required it is conforming if you take the whole lot as a whole, it only requires a variance when you divide it up into two because of the unique shape that this lot is in, that you require a lot coverage variance on one of the two lots. Mr. Banas stated he would agree with them whole heartedly, if you can do that do it without any variances. Mrs. Weinstein stated that the entire duplex structure on that lot fully complies with the lot coverage of 30% on either end are 10,000 sq foot lot, but when you divide it up between the two lots because of the way the lot line is drawn there is a variance required

on each of the end lots. Mr. Banas stated that he very honestly not convinced. Mr. Lines stated that a sub-division that he did was a six lot major sub-division with six duplexes on the corner of Somerset and Ridge, the corner duplexes where split down the middle and we ended up with 32% on one lot and 28% on the other again from a total of 80%, and the ordinance allows you to have irregular or un-matching lot sizes if it is a corner or an irregularly shaped lot. To eliminate the variance we already have a lot line that is squared to get us the lot area, we could have done the same thing and wrapped the lot line around the back and had two 5,000 sq foot lots and we would have been at exactly 30% lot coverage, we would have had more irregularly shaped lots, which is not good planning, so we ended up with a rectangular lot and the other lot which has a usable piece of backyard. Mrs. Weinstein stated that they would be worse than irregular shaped they would actually be jagged, so it doesn't make much sense. Mr. Banas asked Mr. Vogt how he felt about changing the lots. Mr. Vogt stated that he doesn't feel for it frankly, his understanding is you can straighten out lot lines but you may be creating other bulk variances. Mrs. Weinstein stated that what Mr. Lines had indicated is that they could create lots that would be 5,000 sq feet in nature by adding on from another lot but they would end up being jagged shaped lots, it is absurd to do that it is poor planning. Mr. Vogt stated he would agree with that, and what they were saying before is in the zero lot line ordinance, you can have an irregularly shaped property and due to the orientation of the building one lot will have a larger area one lot will have a smaller area, as long as the cumulative unit fits that aggregate lot it is allowed. Mr. Banas stated is it possible that the unit is too large. Mrs. Weinstein stated that the cumulative unit fits and it does not exceed the lot coverage. Mr. Vogt stated if you were looking at the property with out the zero lot line, and you were looking at both units together, that coverage within the overall lot is with in the standard that is allowed. It may turn out because of the shape of the lot one lot is smaller, the impervious coverage may be 35% but on the other lot it is 25% it balances out. Mrs. Koutsouris asked wasn't the zero lot ordinance created essentially for financing purposes were you have this duplex and people were unable to get financing because it was one lot with two units, essentially this is a lot line but it is not really a lot line, it is for financing purposes. Mrs. Weinstein stated that is correct. Mr. Schmuckler asked about the bottom part of the house, what will it be covered with. Mr. Lines stated that the design is not complete but they will cover the front of the units to the ground.

This portion of the meeting was opened to the public.

Paul Novak, Real Estate Agent with Coldwell Banker representing the owner of lot 10 which is 433 Ocean Ave. and he is objections to the proposed variances on these lots. There are two objections one is to the lowering the side lines to 5 feet, the owner is afraid that this is not customary on that street, it might have an effect on the property that he is trying to sell. The second concern is the parking lot 11 is much smaller than 12, 13 and 14 it is very difficult to get onto Route 88 right now if you add another 5 duplexes with no parking on the street at all, how that is going to work is a concern.

Mr. Vogt stated that the applicant is meeting his requirement as per the UDO as to the number of off street parking spaces. It is not creating a conflict in terms of movement, if they didn't have enough parking spaces per the RSIS or the UDO that would be an issue but that is not the case.

Mr. Neiman asked Mr. Weinstein if at lot 11.01 there could be a 7 foot side yard setback and not ask for a variance.

Mrs. Weinstein stated that the applicant agrees and they will go to 7 feet for a side yard setback for lot 11.01

Mr. Lines stated that there was a concern by Mr. Vogt as to the amount of run-off in the rear yards that would be going onto the adjacent properties, we can provide recharge systems for the back half of the houses, basically everything from the back of the proposed duplexes grades out to the street. Mr. Vogt stated that the applicant is going to have to meet the Storm Water rule; you have to provide calculations proving they are less than 10,000 sq feet of impervious.

Mrs. Weinstein stated that everything else in the report can be complied with.

Mr. Banas asked how close is the problem of water that we have been exposed to in this area, Mr. Franklin has mentioned the problem we had several residents talk about a water problem out there. Mr. Franklin stated that the problem area is across the street not on this side.

Mr. Percal made a motion to approve this application with the side yard setback on lot 11.01 at 7 feet. Mr. Schmuckler seconded the motion adding that the shrubbery and bushes be set up and an irrigation system be set up, in the areas in the front of the houses and that the area to the foundation of the building be covered with brick, stone or vinyl.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, no, Committeeman Akerman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

- 6. SD 1811** (Variance Requested)  
Applicant: Arm Realty & Construction Co.  
Location: Whitmore Street, North of East 7<sup>th</sup> Street  
Block 231 Lot 27  
Minor Subdivision to create two (2) zero lot line lots (1 duplex)

### **Project Description**

As discussed at the Plan Review Meeting the applicant has amended the plan and provided architectural floor plans to meet the UDO definition of a "duplex". The architectural plans not only revise the footprint of the initial submission, but have added

decks to the rear of the units, and access decks/landings to the front of the units. The proposed decks and landings are outside the building footprint shown on the Minor Subdivision Plan. Therefore, the setback and coverage information for variances are not in accordance with that requested on the plan. The applicant seeks minor subdivision approval to subdivide an existing "L-shaped" property totaling 11,050 square feet (0.254 acres) in area known as Lot 27 in Block 231 into two (2) new residential lots, designated as proposed Lots 27.01 and 27.02 on the subdivision plan. The site contains existing structures, which will be removed to construct a zero lot line duplex. Public water and sewer is available. Proposed Lot 27.01 will be irregular and contain six thousand nine hundred square feet (6,900 SF). Proposed Lot 27.02 will be 50' X 83' and contain four thousand one hundred fifty square foot (4,150 SF). The lots are situated within the R-7.5 Single Family Residential Zone. ***We have the following comments and recommendations per testimony provided at the 6/14/11 Planning Board Plan Review Meeting and comments from our initial review letter dated June 6, 2011:*** (I) **Zoning** (1) The parcels are located in the R-7.5 Single-Family Residential Zone District. Zero lot line duplex dwellings are a permitted use in the zone. **Statements of fact.** (2) The proposed project does not meet the definition for "Duplex" as stipulated by Ordinance 2010-11. The Ordinance definition for Duplex states the following: A building on a single lot containing two (2) side-by-side only dwelling units with fronts staggered by not more than three feet (3'), each of which is totally separated from the other by a solid wall extending from ground to roof with both dwelling units having separate private entrances to each dwelling unit. The entrances for both dwelling units must face a public street. Front-to-back dwelling units are not considered to be a Duplex. **Architectural floor plans have been submitted revising the offset between the units to three feet (3'). Architectural elevations should be provided to confirm the "Duplex" definition is met and no variance is required.** (3) Per review of the Subdivision Map and the zone requirements, the following variances are required: (a) Minimum Front Yard (proposed Lot 27.02, 10 feet, 25 feet required) – proposed condition. (b) Maximum Building Coverage (proposed Lot 27.02, 36.1 percent, 30 percent allowed) – proposed condition. **Based on our review of the revised Subdivision Map, the Architectural Floor Plans provided, and the zone requirements, the following variances are required:** (a) **Minimum Front Yard (proposed Lots 27.01 and 27.02, 13 feet and 4.83 feet respectively, 25 feet required) – proposed condition.** (b) **Minimum Rear Yard (proposed Lot 27.02, 5.92 feet, 15 feet required) – proposed condition.** (c) **Maximum Building Coverage (overall and proposed Lot 27.02, 31.9 percent and 39.9 percent respectively, 30 percent allowed) – proposed condition.** (4) 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.** (II) **Review Comments** (1) The General Notes indicate the coordinates and vertical datum are assumed. A bench mark should be provided. **The applicant's professionals indicate a bench mark will be provided on the final plans.** (2) Not all existing improvements on Lot 27 are shown, which include a dwelling, garage, and shed.

Based on our site investigation on 5/27/11, we are also concerned about possible encroachments. A signed and sealed copy of the Survey should be provided. ***The applicant's professionals indicate additional survey information will be obtained prior to the public hearing.*** (3) Corrections are required to the Zoning Data Table which we can review with the applicant's professionals. ***In addition to the variance information listed in the above Zoning Section, the following corrections are required to the Zoning Data Table: (a) Initial Lot Width, 73.67 feet (average width). (b) Minimum Rear Yard for Proposed Lot 27.01, 55 feet. (c) Maximum Building Coverage for Proposed Lot 27.01, 27.1 %. (d) The fifty percent (50%) requirement note should be removed from the Maximum Building Coverage.*** (4) The portion of existing curb along the Whitmore Street frontage of the project has no reveal. Therefore, the existing walk and curb is to be replaced along the entire project frontage. A pavement replacement detail is required for these improvements along the eastern side of Whitmore Street. ***The pavement replacement should be added to the concrete curb detail since it will differ from the pavement repair detail provided which addresses utility connection trenches. The proposed gutter slope shall be consistent across the front of the site since the slope is slight.*** (5) The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements is requiring and providing four (4) off-street parking spaces per dwelling. The proposed driveways for Lots 27.01 and 27.02 are large enough to accommodate the four (4) off-street parking spaces proposed. ***Proposed parking on the revised plans abuts the units and adjoining property lines in order to provide the required off-street parking spaces.*** (6) Testimony should be provided as to whether basements are proposed for the future dwellings on Lots 27.01 and 27.02. If basements are proposed, we recommend a minimum of four (4) spaces be provided. Parking shall be provided to the satisfaction of the Board. ***The revised submission indicates that basements are proposed.*** (7) If basements are proposed for Lots 27.01 and 27.02, seasonal high water table information is required. General Note #11 indicates that seasonal high water table information will be provided at time of plot plan submittal. ***Statements of fact.*** (8) Proposed lot numbers have been assigned by the tax assessor's office. The tax assessor's signature is required. ***The map must be signed by the Tax Assessor prior to filing should subdivision approval be granted.*** (9) Three (3) October Glory Maple shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. ***The Board should provide landscaping recommendations, if any.*** (10) The Plan does not indicate any existing trees on the site. Our site investigation observed the presence of some large trees. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plan for proposed Lots 27.01 and 27.02 submitted for Township review should include tree protective measures to save mature vegetation where practicable. ***The applicant's***

**professionals indicate the existing trees will be located and compensatory plantings provided when a plot plan is submitted for the duplex.** (11) Testimony should be provided on proposed storm water management. The Improvement Plan notes roof leaders to be directed to the street, but no measures for the increase in runoff has been proposed. **The applicant's engineer indicates that testimony will be provided on storm water management. Storm water collection and recharge must be provided for the proposed driveways since they are pitched towards adjacent properties.** (12) Grading revisions are required to the Improvement Plan. The proposed curb ending at the north property line will be depressed. Proposed contour lines should be corrected accordingly. **Proposed grading has been revised. Final adjustments will be required during resolution compliance to protect adjacent properties, should approval be granted.** (13) Due to no construction of the new dwellings on proposed Lots 27.01 and 27.02 at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. **The applicant's professionals note that improvements will be made prior to issuance of certificates of occupancy.** (14) Compliance with the Map Filing Law is required. **Statement of fact.** (15) The limits of the eighteen inch (18") dimension shall be corrected on the depressed curb detail. Also, the contraction joints should be expansion joints. **The depressed curb detail has been replaced. The base width shall be revised to match the full height curb detail. The reveal shall be six inches (6") with a four and a half inch (4-1/2") depression.** (16) **Proposed building dimensions must be coordinated between the subdivision and architectural plans.** (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 (if necessary); and (d) All other required outside agency approvals.

Mrs. Miriam Weinstein Esq. for the applicant. This application is for a sub-division of an "L" shaped and hence uniquely shaped parcel in the R75 zone containing 11,050 sq feet. Duplexes are permitted as of right on lot sizes of 10,000 sq feet or greater in the R75 zone, as a result of the feedback provided at the technical hearing the applicant redesigned the units such that the structure comports with the definition of a duplex in the UDO, as the fronts of the buildings are now staggered by no more than three feet, if you will recall from the technical meeting the initial submission showed one duplex further back than that and the applicant actually went to the trouble of trying to design a nice unit and making sure that it comports with the definition of a duplex.

Mr. Glen Lines was sworn in stating because of the unique shape of the lot we are requesting a front yard setback of 10 feet where 25 is required on the south side and because of the modification made to the unit we now have a 13 foot setback for the unit on the north side, other than that all of the remainder of the property meets the side setbacks, rear setbacks, proper amount of parking. The one element that I show on the plan which Mr. Vogt pointed out we needed a 4.83 foot front setback to the front porch, if approved we will keep the front porch back into the front of the building so that the entire face of the building would be at the ten foot line. Due to the unique shape of the lot we

felt it was best to meet the rear setbacks we do have the side setback where we can put parking on that lot and we are at 10 feet. In the neighborhood the way Whitmore Street is there are three lots on our side on Whitmore that face Whitmore. The houses on the opposite side they all front on Park Ave. and the other house across the street is a corner lot which fronts on East 7<sup>th</sup>. Our neighbor to the south on our side of Whitmore also faces E. 7<sup>th</sup> and then the lot 25 next door to us they have an 8 foot front setback to E. 5<sup>th</sup> street and then there is a variety of setbacks between 12 and 15 feet on our block on E. 7<sup>th</sup> and the opposite side of E. 7<sup>th</sup> street a lot of the houses have sub-standard front setbacks, so in the neighborhood it is not uncommon for the houses to have insufficient front setbacks.

Mr. Neiman asked if they looked at the rest of the report from Mr. Vogt.

Mr. Lines stated yes and based on the rest of the report they can address all of the comments. They are providing 4 parking spaces; they can landscape the front of the house. Mr. Schmuckler asked where the parking spots are going to be. Mr. Lines stated that the spots will be on the side of the units and there will be landscaping between the spaces and the basement steps. Mr. Schmuckler suggested they move the basement stairs back a little bit. Mrs. Weinstein stated that they would.

Mr. Banas stated they are asking for coverage to exceed the 30%. Mr. Lines stated that they have 25.7 on the northerly lot and 36.1% on the other lot. Mrs. Weinstein stated that the applicant agrees that the combined unit will not exceed 30% lot coverage, one of the individual unit may be over and the other unit will be under. Mr. Banas stated that he is under the impression that a duplex would be two units connected together but the units would share a wall and that wall would be a long wall. Mrs. Weinstein stated the definition of a duplex is a building on a single lot containing two side by side only dwelling units with fronts staggered by not more than three feet, each of which is totally separated from the other by an un-pierced wall extending from ground to roof with both dwelling units and having separate private entrances to each dwelling units. The entrances for both dwelling units much face a public street front to back dwelling units are not considered to be a duplex. This unit does comply with that definition of a duplex.

Mr. Jackson stated how this is better than having just a house on this lot, you are asking for variances for a duplex, why should the Board grant this request how is it better for the Town.

Mr. Lines stated that under the Municipal Land Use Law they are increasing the number of housing units, they are getting more units of varying types, this is probably going to be a more affordable unit because of the limited front yard setback and the smaller lot. It is improving the neighborhood, the house that is there and the garage that is there is definitely something that is in need of replacing, it is providing a variety of housing units within the Municipality.

This portion of the meeting is opened to the public.

Mr. Isaac Lieberman, 779 Whitmore Street stated he lives down the block and he thinks it would be very nice for the block, it is an old house with no sidewalk and this would be an improvement.

Mrs. Koutsouris stated that she is still struggling with the side by side portion of the UDO, they should be next to each other in the same arrangement and because of the shape of the property she feels like they are playing with the word duplex but she is not comfortable with coming to a conclusion that these buildings are actually side by side, they are minimally connected for the purpose of working around an ordinance. She is not convinced by the testimony that the buildings are side by side.

Mrs. Koutsouris made a motion to deny this application based on the definition of a duplex in the UDO.

Mr. Banas seconded the motion.

Roll Call Mr. Herzl, no, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, no, Mr. Percal, yes, Mr. Schmuckler, no

Application denied.

**7. SD 1812** (No Variance Requested)

Applicant: Jacob Lipschitz

Location: Vine Avenue, north of Elm Street  
Block 763 Lot 4

Preliminary & Final Major Subdivision for six (6) zero lot line lots (3 duplexes)

**Project Description**

The applicant proposes to subdivide an existing 126.06' X 250' property consisting of two (2) lots containing 31,515 square feet (approximately 0.72 acres), into six (6) proposed lots with three (3) duplexes. Existing Lot 4 contains an existing dwelling which would be removed and existing Lot 5 is vacant. The proposed subdivision would create new Lots 4.01 – 4.06 as shown on the Major Subdivision Plan. The subject property is located on the westerly side of Vine Avenue, north of Elm Street, in the central portion of the Township. Vine Avenue is an unimproved street and connects to the right-of-ways of Elm Street and Cedar Bridge Avenue. The right-of-way width of Vine Avenue is sixty-six feet (66') wide. Roadway improvements are proposed from the Elm Street intersection to provide access to the project. The subject site is located within the R-7.5 Single Family Residential Zone District. Duplex housing is a permitted use in the zone district. The site is bordered by residential land to the west and vacant land on the east side of Vine Avenue. ***We have the following comments and recommendations per testimony provided at the 6/14/11 Planning Board Plan Review Meeting and comments from our initial review letter dated June 8, 2011: (I) Waivers (A) The following waivers have been requested from the Land Development Checklist: (1) B2 - Topography***

within 200 feet thereof. (2) B4 -Contours of the area within 200 feet of the site boundaries. (3) B10 - Man-made features within 200 feet thereof. (4) C14 -Tree Protection Management Plan. Based on our 5/27/11 site investigation, we note Vine Avenue is an unimproved street and must be constructed to connect with Elm Street. We can support the requested waivers from B2, B4, and B10, provided the applicant's professionals agree to submit enough off-site topography to review a design for the improvement of Vine Avenue from the project site to the intersection with Elm Street. The existing property is partially wooded. We can support the granting of the requested waiver from C14, provided there is an agreement to comply with the Township's Tree Ordinance. ***The Board granted the waivers from the Land Development Checklist provided the applicant complies with the Township's Tree Ordinance.*** (II) **Zoning** (1) The site is situated within the R-7.5, Single-Family Residential Zone District. Per Section 18-902 G. 1. b., of the UDO, "Two Family and Duplex Housing, with a minimum lot size of 10,000 square feet" is listed as a permitted use. Zero lot line subdivisions for duplexes are permitted in the R-7.5 Zone. ***Statements of fact.*** (2) No variances have been requested for this subdivision application. ***Statement of fact.*** (III) **Review Comments** (A) **General** (1) The Final Plat Certifications reference a Land Survey. An Outbound and Topographic Survey must be submitted with enough off-site topography provided to review a design for the improvement of Vine Avenue from the project site to the intersection with Elm Street. ***The applicant's professionals indicate that an updated survey is being prepared with enough off-site topography to design the improvement of Vine Street to the intersection of Elm Street. The survey and design can be a condition of subdivision approval.*** (2) In addition to the twenty foot (20') half paving width, an additional six foot (6') of pavement is proposed on the opposite side of the centerline to provide a twenty-six foot (26') wide access road to the end of the site. A temporary paved turnaround must be added at the terminus. ***The revised plans provide a temporary twenty foot (20') by twenty foot (20') K-type turnaround which is acceptable.***

(3) Roadway Improvement Plans must be prepared for Vine Avenue complete with profile design and construction details to assure the road will be constructed to not only serve the site on a temporary basis, but also the area on a future permanent basis. ***The applicant's engineer indicates a design for Vine Avenue will be prepared between Elm Street and Cedar Bridge Avenue. The applicant will only be responsible for the half width, plus six feet (6') with temporary turnaround portion of the construction between Elm Street and the northern edge of the site. Based on the Vine Avenue Improvement Plan already approved south of the Elm Street intersection with a forty foot (40') pavement width in a sixty-six foot (66') right-of-way, the applicant's engineer shall use the Major Collector criteria in the RSIS Standards for design. Stop sign control shall be used at the Cedar Bridge Avenue intersection since any future signalization will be under the jurisdiction of the County. The off-site roadway improvements shall be a condition of approval and be reviewed with Township personnel.*** (4) Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. This matter is not

addressed on the subdivision plans, but it appears the Township will provide solid waste and recycling collection. **The applicant's engineer confirms trash and recyclables will be collected by the Township. As such, each unit shall have an area designated for the storage of trash and recycling containers.** (5) Based on the 5/11/11 date in the signature block, we believe the proposed lot numbers have been assigned by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. **The applicant's professionals confirm the proposed lot numbers have been assigned. The Tax Assessor's signature is required prior to filing the Final Plat.** (6) Elevations are based on an assumed datum, a benchmark shall be indicated. **The applicant's professionals indicate the elevation of the existing manhole rim at the intersection of Elm Street and Vine Avenue will probably be designated as the benchmark.** (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. **The agreement may be a condition of approval.** (B) **Architectural** (1) Architectural plans have not been provided. We recommend that renderings be provided for the Board's review at the time of Public Hearing. **The applicant's professionals indicate that typical duplex configurations are shown on the plans and no architectural plans are available. The applicant plans to sell the lots.** (2) We recommend that location of air conditioning equipment be shown. Said equipment should be adequately screened. **Since no architectural plans have been prepared, air conditioning equipment locations are not known at this time.** (3) Coordination will required between the architectural plans and site plans with respect to decks, dimensions, and access. Basement access is proposed on the fronts of the duplex units. Confirmation is required that no variances are required. Full size architectural plans should accompany any resubmission. **As indicated previously, no architectural plans are available. Variances are not being requested.** (C) **Grading** (1) Grading is provided on an Improvement Plan which is Sheet 2 of 3. No storm sewer collection system is proposed to collect runoff and dispose of it. **Storm water recharge systems have been added in the rear yards of each unit for roof leaders. However, storm sewer collection for the development and road improvements has not been addressed.** (2) Proposed grading shall be revised; we recommend more runoff be directed toward the street frontage. Runoff is being directed across rear yards and to adjacent properties. No drainage has been proposed. **Grading has been revised to direct more runoff to the street. However, a significant amount of runoff is still being directed across rear yards and to adjacent properties. Drainage will be required.** (3) Proposed basement elevations are shown on the plans. Soil borings must be provided to determine whether a two foot (2') separation from the seasonal high water table is maintained. **Seasonal high water table information must be submitted no later than compliance review, since proposed basement elevations will impact the overall grading scheme of the site.** (4) A profile must be provided for Vine Avenue. **A profile for Vine Avenue must be part of the required Roadway**

**Improvement Plans.** (5) A detailed review of the grading can be completed during compliance review, if/when approved. **Statement of fact.** (D) **Storm Water Management** (1) Storm Water Management has not been addressed at this time. **The combination of project development and Vine Avenue construction will increase impervious surfaces by more than a quarter (0.25) acre and exceed one (1) acre of disturbance. Therefore, the project would be "major development". The applicant shall agree to comply with water quality standards and runoff rate reductions as a condition of approval. A waiver has not been requested from storm water management.** (E) **Landscaping** (1) Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. **The Board should provide landscaping recommendations, if any.** (F) **Lighting** (1) Testimony shall be provided on the adequacy of street lighting. No lighting information has been provided. **Testimony should be provided on street lighting.** (G) **Utilities** (1) A Utility Plan must be designed for the project. Based on our 5/27/11 site investigation, we observed a well in the front yard for the dwelling on existing Lot 4. No fire hydrants exist along Vine Avenue on Block 763. By review of the R.C. Associates Roadway Improvement Plan, it appears potable water terminates at the Elm Street intersection with Vine Avenue. Also, we believe the terminal sanitary sewer manhole on Vine Avenue is in front of existing Lot 11. No additional manholes were observed between this manhole and Cedar Bridge Avenue. **The project revisions indicate the proposed structures will connect to the sanitary sewer and water will be provided with private wells. Testimony should be provided as to why potable water is not being extended with the construction of Vine Avenue, especially since potable water exists at the intersection of Vine Avenue and Elm Street.** (2) Ocean County Board of Health approval will be required for the abandonment of any potable wells and septic systems. **Ocean County Board of Health approval will also be required for any proposed potable wells.** (H) **Environmental** (1) **Tree Management** The applicant must comply with the requirements for tree protection and removal as applicable for this site. A waiver was requested from a Tree Protection and Management Plan, even though the existing property is partially wooded. **The Board only granted the waiver from the Land Development Checklist. The applicant must still comply with the Township's Tree Ordinance as a condition of approval.** (I) **Construction Details** (1) Limited construction details are provided on Sheet 2 of the plans. **Complete construction details are required and should be made a condition of approval.** (2) All proposed construction details must be prepared 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. **Construction details can be reviewed during resolution compliance, should subdivision approval be granted.** (J) **Final Plat (Major Subdivision)** (1) The Surveyor's Certification has not been signed since the monuments are not in place. **Statement of fact.** (2) Another significant figure should be added to the proposed lot widths. The addition of all the proposed lot widths is short of the overall dimension of the original tract. **The applicant's professionals have agreed to make the corrections during resolution compliance.** (3) The areas for the proposed Shade Tree and Utility

Easements on new Lots 4.01 – 4.06 shall be corrected to two hundred fifty square feet (250 SF). ***The applicant's professionals have agreed to make the corrections during resolution compliance.*** (4) Compliance with the Map Filing Law is required. ***Statement of fact.*** (IV) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Developers Agreement at the discretion of the Township; (b) Township Tree Ordinance (as applicable); (c) Ocean County Planning Board; (d) Ocean County Soil Conservation District; (e) Ocean County Board of Health; and (f) All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing sanitary sewer facilities.

Mr. Jacob Lipschitz 188 Haddassah Lane and Mr. Glen Lines, PE were sworn in. Mr. Lines stated that they are proposing to sub-divide two existing lots on Vine Ave. between Cedarbridge and Elm Street. We are proposing to subdivide into six zero lot line lots for three duplexes. There are no variances required for any of the lots as part of the application. As Mr. Vogt indicated the waivers were granted. What we are proposing is to improve Vine Ave. as part of the sub-division starting at Elm Street and going across the full frontage of the property, at the tech meeting Mr. Franklin requested that there be some way for garbage trucks, Emergency vehicles and the like to turn around, I have added a 20 by 20 foot paved area approximately 50 feet in from the end of our paved road so that garbage trucks can come down turn around or back up, kind of a hammer head arrangement. The remainder of Vine Ave from our property out to Cedarbridge is a gravel roadway that people use to access the lot next door and the structure that is on our current lot, it isn't that there won't be any additional access out to Cedarbridge it is just we are only improving the piece in from of our property. Vine is 60 foot right of way, we are going to provide 28 feet of pavement which is a few feet pasted the center line and we are going to provide the turn around. As to Mr. Vogts comments there is no problem with #1 or #2 under general review comments, one of the things we were asked to do when we do our final design for the road if we are approved is to provide a center line grade all the way out to Cedarbridge which we will do as part of resolution compliance, we will have testimony as far as trash and recycling will be curb side along Vine Ave by the Township, we haven't done architectural plans yet but we will be providing air conditioner units along the side or the rear trash will be stored on the side or the rear of the house, as far as grading we made some revisions to the grading basically everything from the side yard out grades out to Vine Ave and the remainder of the property grades through the backyard as it does now, we are providing recharge for the roof areas in the back yard so as far as the increase of the impervious from the houses that will be taken care of through recharge. The rest of the comments were minor and we can take care of them. Currently we are proposing connecting the duplexes to the existing sewer system on Vine Ave. Since there is no water on Vine, we will provide wells or extend the water main depending on how expensive it is to do that with NJAWC. Mr. Franklin stated in the regular parking lot there are 18 foot deep stalls and behind that you would have 24 foot for a car to back out and turn out, how are you going to turn a garbage truck around in 40 foot. Mr. Flannery stated that he can make it

longer and wider to the opposite right of way line, the turn area will be 30 foot wide by 26 foot deep. Mr. Vogt asked if Mr. Lines can submit revised plans for review by Public Works. Mr. Lines stated that he would. There will be curb and sidewalk provided along the fronts of the lots and extend curb and sidewalk down to the corner of Vine and Elm.

Mrs. Gwen Cofield, 105 Melville Ave. was sworn in stating she was here before about the ten duplexes proposed on Melville right next to her lot, there are on Vine Ave. are they part of that, what happened to the ten duplexes that are to go up next to her. The trees have been cleared and there is a sign there. Her concern is that she does not want garbage bins in her back yard. Mr. Lines stated that her concern is a different application not this application. Mr. Lines stated that the back of her property this application will only overlap about 20 feet and she will see the back deck. Mr. Neiman asked if there could be a fence along the overlap of her property. Mr. Lines stated that they will put a fence along the shared property line.

This portion was closed to the public

Mr. Schmuckler made a motion to approve the application with the updated turn around being reviewed by Public Works and the fence being put along the common property line between 4.01 and lot 16. Mr. Herzl seconded the motion.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

- 8. SD 1813** (Variance Requested)  
Applicant: Marcy Janora  
Location: East Fifth Street, between Negba Street & Manetta Avenue  
Block 236 Lots 44.01 & 44.02  
Minor Subdivision to create four (4) zero lot line lots (2 duplexes)

### **Project Description**

The applicant seeks minor subdivision approval to subdivide two (2) existing lots totaling 0.551 acres in area known as Lots 44.01 and 44.02 in Block 236 into four (4) new residential lots, designated as proposed Lots 44.03 - 44.06 on the subdivision plan. Proposed Lots 44.03 – 44.06 will contain zero lot line duplex units. The existing property, Lots 44.01 and 44.02 were created from a previous minor subdivision of Lot 44 under Application # SD-1462. Accordingly, some of the property was previously cleared. Public water and sewer is available. The surrounding area is predominantly residential. The lots are situated within the R-7.5 Single Family Residential Zone. ***We have the following comments and recommendations per testimony provided at the 6/14/11 Planning Board Plan Review Meeting and comments from our initial review letter dated June 8, 2011:*** (l) **Zoning** (1) The parcels are located in the R-7.5 Single-Family Residential Zone District. Duplex zero lot line dwellings are a permitted use in the zone.

**Statements of fact.** (2) Per review of the Subdivision Map and the zone requirements, and communications with the applicant's professionals, the applicant is requesting Board approval using a minimum front yard setback of 42.52 feet, at which the minimum lot width would be provided as defined in the UDO. As such, no bulk variances are necessary for the application. **Statements of fact.** (II) **Review Comments** (1) An Outbound Survey of the property with no topography has been provided. The survey does not show the driveway encroachment from adjoining Lot 21 to the east, which extends more than ten feet (10') into the property. Also, the existing chain link fence along the western property line meanders between Lots 22 and 44.02. These encroachments must be addressed. **The applicant's professionals indicate the encroachments will be addressed during Resolution compliance.** (2) Since zero lot line residential development is proposed, the following corrections must be completed to the "Required" section of the Schedule of Bulk Requirements: (a) Minimum Lot Width shall be twenty-five feet (25'). (b) Minimum Front Setback shall be 42.52 feet (per comment 12 above). **The minimum lot width requirement has been revised to twenty-five feet (25') in the Schedule of Bulk Requirements. The proposed front setback shall be revised to 122.74 feet for all proposed lots in the Schedule of Bulk Requirements.** (3) Dwelling units of thirteen hundred square feet (1,300 SF) are proposed for all lots. The actual lot coverage percentages should be provided in the Schedule of Bulk Requirements. All proposed lots will comply with the allowable coverage. **Actual lot coverage percentages have been provided in the Schedule of Bulk Requirements. Each of the lots is less than the thirty percent (30%) maximum permitted coverage.** (4) Proposed side yard setbacks shall be provided to the hundredth of a foot to insure the minimum side yard setback of seven feet (7') for Lot 44.03 is maintained. **Proposed side yard setbacks have been provided to the hundredth of a foot and comply with the minimum requirements. The proposed combined side yard setback for Lot 44.06 shall be listed as 8.45 feet in the Schedule of Bulk Requirements.** (5) Testimony should be provided as to whether basements are proposed for the future dwellings on Lots 44.03 – 44.06, if so seasonal high water table information will be required. **Testimony on prospective basements should be provided at the public hearing.** (6) Concrete sidewalk and curb exist along the limited frontage of the site. The proposed driveways will disturb virtually the entire frontage, which will require the replacement of all concrete sidewalk and concrete curb. **Statements of fact.** (7) Proposed utility connections will disturb more than twenty percent (20%) of the limited road length in front of the site. An overlay would be required, and furthermore is needed because of the poor condition of the road. **A note has been added indicating half width pavement restoration shall be executed after utility installation at the direction of the Township Engineer.** (8) Proposed lot numbers must be approved by the tax assessor's office. **The applicant's professionals indicate the proposed lot numbers were approved on April 11, 2011. The map shall be signed by the tax assessor.** (9) An existing six foot (6') wide shade tree easement is shown on the subdivision plan but not the survey. The subdivision plan should be revised to show a proposed shade tree and utility easement along the property's frontage. Distances and easement areas for the proposed individual lots must be

completed. ***A detail should be provided for the new shade tree and utility easement which replaces the existing shade tree easement.*** (10) If possible, shade trees shall be provided within the shade tree and utility easement for the project. The site frontage is limited and the proposed driveways will occupy most of the area. 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. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. ***The applicant's professionals indicate that shade trees will be provided during Resolution compliance.*** (11) Testimony is required on the disposition of storm water from development of proposed Lots 44.03 – 44.06. ***Testimony on storm water management should be provided at the public hearing.*** (12) Topography has not been provided. Therefore, proposed grading has not been provided. ***The applicant's professionals indicate that proposed grading will be designed and provided during Resolution compliance.*** (13) The monument certification has been signed but the monuments have yet to be set. ***The applicant's professionals indicate that the monuments shall be set prior to the filing of the map or a bond will be posted and the note adjusted accordingly.*** (14) Compliance with the Map Filing Law is required. ***Statement of fact.*** (15) An Improvement Plan which includes grading, drainage, and construction details is required. This Improvement Plan may be provided during compliance if approval is given. ***The applicant's professionals indicate an Improvement Plan illustrating grading, drainage (including dry wells), and construction details will be provided during Resolution compliance.*** (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 (if necessary); and (d) All other required outside agency approvals.

Mr. Vogt explained that the applicant is volunteering to have the building set back further in the lot at which point the lot width will not need a variance.

Mr. Abraham Penzer for the applicant stated that they need no variances and they can meet all of the other concerns in Mr. Vogt's letter.

Mr. Brian Flannery was sworn in and stated as testified this is an application that has existing two 10,000 sq foot lots that duplexes can be built on they reconfigured them to make duplexes that are more consistent with the housing needs in Lakewood. In order to have it be a variance free application they voluntarily restricted the front setback to 42.5 feet at which point they have the requires width, they provided over four parking spaces each, they will comply with all the comments in Mr. Vogt's report as for #5 with respect to basements, there will be basements they will provide the soils information as part of the plot plan approval process. Mr. Vogt also asked for testimony on the Storm Water and they are providing dry wells for the roof run off consistent with what the Board and the Township does on other applications.

Mr. Donner from Deena Court was sworn in stating most of us here are neighbors from the back of the property on Deena Court, looking at the site plan the actual front is 80 feet when you have four driveways lined up going 125 feet into the property from that standpoint it gives the impression of the Atlantic City expressway, the four driveways with two way traffic, it does make it a little bit complicated without having a traffic light on the street. It definitely shows zero consideration for the neighbors in the back because it is sort of stuffing two duplexes all the way to the back of the property, I do understand that the front is narrow the 40 foot setback I am not familiar with it, my understanding and I have spoken to other professionals is that a minimum lot width, it could be it is up for discussion or debate, is either the front of the property or the 25 foot setback, you can't just throw a dart and see where it lands. The front of the property is either on the street or the 25 foot setback. With a 25 foot setback the property is approximately 93 feet wide does not meet the required width for two duplexes. I do have here a resolution from the Planning Board dated March 04 in which an application was submitted to the Planning Board on this property to create three single family lots, very similar to this idea of pushing them all the way to the back of the property, the attorney was Mr. Shea and this application was denied by the Planning Board and basically the wording states that the Board felt this application was a detriment to the plan and general neighborhood design. Mr. Jackson asked Mr. Flannery if he was familiar with this application. Mr. Flannery stated that he was. Mr. Jackson asked is this new plan that you are presenting materially different then the one that was previously denied. Mr. Flannery stated that yes it is. Mr. Donner stated the difference is that the old application was three families and this application is four families. We have no problem with duplexes in our neighborhood but this application is ridiculous, you have a lot 200 feet deep and you are stuffing to the back four houses with a minimal backyard, you are talking about a driveway of 125 feet, which a typical setback is 25 feet. In 06 this lot was divided into two lots for two single family homes now the applicant asking again. Mr. Penzer stated that the Zone did not allow duplexes back then but the zone has changed to allow duplexes now. He also stated that he sent notices to the neighbors and no one came to him to discuss this application before this. Mr. Jackson stated that anyone is allowed to voice their opinion at a public hearing. The applicant has come in with no variances therefore the applicant has effectively an entitlement to develop this property in accordance with the ordinances that exist today, unless there is some very specific rational reason with in the law for the Board to deny it. That is the context that the Board has to address this in, if they comply that is what they have to rule on, when the Board makes stuff up to deny and application it is arbitrary and capricious, that is not fair to the applicant and would get reversed by the court, so what you have to show the court is a reason, a rational basis why you don't think this should be approved under the existing ordinances. Mr. Donner stated how can they state where the lot width starts doesn't it have to be 25 feet back. Mr. Vogt stated what they are basically saying is they are showing an area in yard footprint on the sub-division plan where instead of taking the minimum 25 foot setback they are going back 42 feet, that is what they are calling the setback in reality when you look at the plan these buildings are setback much further than that, technically you can claim the building setback which is well over 100 feet that exceeds the bulk requirement of this zone which

is why it conforms. Mr. Donner stated that typically the lot width, the definition is the front of the lot. Mr. Vogt stated the lot is measured at the building setback, what is in the UDO is a minimum, you are allowed to exceed, they are exceeding the front yard setback. Mr. Jackson stated what Mr. Donner is bumping up against is the Lakewood has very generous ordinances to encourage development in the Township, sometimes the configuration may be something that a neighbor does not like but the Board is constrained to follow the law and when it is a conforming application, unless there is a safety issue or something like that the application is deemed correct. Mr. Donner stated that having four driveways side by side would be a safety issue, with cars coming in and out typically a regular set-up you have a space from driveway to driveway it gives a little clearance or sight distance. Mr. Flannery stated that there is a turn around for each driveway for safety reasons, each space a car can back up and then go out forward, as far as being concerned about kids walking, they will be walking on the sidewalk by the time these vehicles get there the vehicles are going forward and have a much better view. This as far as traffic safety is a much better situation. Mr. Schmuckler asked if the houses can be moved closer to the street. Mr. Flannery stated the only way to move them closer to the street and have the same typical size houses would be to get variances for the side setback but these are two 10,000 sq foot lots one is triangular in nature without this subdivision the applicant can get two duplexes, what you would have is the duplex on the triangular shaped lot is going to be back in the same situation we are he is going to comply with the rear setback but he will be on the depth of the lot. It is an unusual lot; in order to develop it in accordance with the ordinances what make sense is that it is back there. I understand the neighbors point they have had the benefit of a piece of property that has been vacant, that they have had a clear view. Someone else owns that property and they have the right to develop their property, they are not doing anything that exceeds the ordinances, and we are not doing anything that disregards the neighbors. Mr. Flannery stated that the applicant would do fencing or trees in the rear, six to eight foot green giant arborvitaes typically planted about 15 feet on center.

Mr. Mordechai Beer, was sworn in stating that his house is directly behind his house how high would the second floor be about 10 feet high, the second story windows would be overlooking his property at a very close proximity taking away all privacy.

Chairman Neiman stated that the neighbors should have spoken to Mr. Penzer when they were first notified and they may have come to an agreement. Once an applicant comes before the Board not requesting a variance the Board doesn't have any jurisdiction to deny a conforming application.

Mr. Banas made a motion to approve the application with fences and trees being planted. Mr. Herzl seconded it.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

9. **SD 1802** (Variance Requested)  
Applicant: 283 Ridge Avenue, LLC  
Location: Ridge Avenue between Nowlan Place & Westwood Avenue  
Block 235 Lot 16  
Minor Subdivision to create two (2) zero lot line lots & one (1) single family lot

### **Project Description**

The applicant seeks minor subdivision approval to subdivide an existing trapezoidal property totaling 16,529 square feet (0.38 acres) in area known as Lot 16 in Block 235 into three (3) new residential lots, designated as proposed Lots 16.01-16.03 on the subdivision plan. Proposed Lots 16.01 and 16.02 will contain a zero lot line duplex unit with five (5) bedrooms each. Proposed Lot 16.03 will contain a new single family residential home with five (5) bedrooms. Public water and sewer is available. Variances are required to create this subdivision. The lots are situated within the R-7.5 Single Family Residential Zone. ***We have the following comments and recommendations per testimony provided at the 5/3/11 Planning Board Plan Review Meeting and comments from our initial review letter dated April 26, 2011:*** (I) **Zoning** (1) The parcels are located in the R-7.5 Single-Family Residential Zone District. Single-family detached dwellings and duplex zero lot line dwellings are permitted uses in the zone. **Statements of fact.** (2) Per review of the Subdivision Map and the zone requirements, the following variances are requested: (a) Minimum Lot Area (proposed Lot 16.03, 6,529 SF, 7,500 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lot 16.03, 48.90 feet, 50 feet required) – proposed condition. ***The Lot Width at the front yard setback of proposed Lot 16.03 is 54.92 feet; however the ordinance states that the mean lot width (48.90 feet) shall not be less than the required lot width. The Board shall take action on the proposed variances requested.*** (3) Variances have been requested for the aggregate side yards of proposed Lot 16.01 and 16.02. Side yards of 13.95 feet have been proposed for these zero lot line properties. However, these lots are complying since the aggregate side yards for zero lot line properties are reduced to half the requirement, which for the R-7.5 Zone is 7.50 feet. ***The zoning table has been revised and no variances from this requirement will be necessary.*** (4) The Board should review whether a right-of-way dedication be considered for this project. A right-of-way dedication will impact the lot areas of all proposed lots and the variances required. ***The Board should grant a waiver if no right-of-way dedication is required.*** (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) The Minor Subdivision notes the field survey work was performed on 03/25/09. The existing dwellings indicated on neighboring Lot 15, one (1) of which is shown encroaching onto the proposed project, have since been removed. An updated survey is required along with the addressing of other existing encroachments previously

mapped. ***The applicant's surveyor has updated the survey. The old asphalt driveway on neighboring Lot 15 should also be removed. The fence encroachment from adjoining Lot 17 must still be addressed.*** (2) The NJ R.S.I.S. requires three (3) off-street parking spaces for five (5) bedroom units. The subdivision plan proposes new stamped concrete driveways capable of providing four (4) off-street parking spaces per unit. ***Statements of fact.*** (3) Testimony should be provided as to whether basements are proposed for the future dwellings on proposed Lots 16.01-16.03. If so, seasonal high water table information will be required. Based on the number of bedrooms proposed, the parking requirements of the ordinance would be met even if basements are proposed. ***The applicant's professionals indicate that testimony will be provided concerning basements.*** (4) Proposed lot and block numbers must be approved by the tax assessor's office. ***Proposed lot numbers have been approved; the map shall be signed by the tax assessor.*** Existing top of curb and gutter grades must be added to the plans to review proposed grading. A note should be added to the plans that existing curb and sidewalk damaged during construction shall be replaced. ***The applicant's professionals indicate that existing top of curb and gutter grades will be added to the plans should subdivision approval be granted. A note has been added stating that all existing curb and sidewalk damaged during construction shall be replaced.*** (6) Proposed shade tree easements are shown along the property's frontage. The easements shall be revised to shade tree and utility easements. Easement areas for the proposed individual lots must be completed. ***A distance of 57.66 feet must be added to the interior easement length for proposed Lot 16.03. The proposed easement areas for Lots 16.01 – 16.03 shall be 224.70 SF, 224.70 SF, and 348.54 SF respectively.*** (7) Twenty-six (26) Eastern Juniper, four (4) Red Maple, and five (5) Sweet Bay Magnolia are proposed for the project. However, no trees are proposed within the shade tree easement. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. ***The plans have been revised to propose only three (3) Red Maples by saving the largest existing tree on the site instead. Two (2) of these proposed shade trees have been shifted to be within the shade tree easement.*** (8) The plans indicate a number of existing large trees on the site, most of which the applicant is attempting to save. We recommend consideration be given to shifting the driveway on proposed Lot 16.03 in an attempt to save the forty-eight inch (48") diameter tree, the largest existing tree on the project. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. ***The proposed driveway has been shifted to allow the forty-eight inch (48") existing tree to remain.*** (9) The applicant is proposing subsurface infiltration basins under the driveways and drywells in the rear yards to account for the increased storm water runoff from development of proposed Lots 16.01-16.03. We recommend shifting the proposed location of Drywell #1 to the opposite side of the existing thirty-six inch (36") tree attempting to be saved to negate the need for an easement from the proposed adjoining property. ***Drywell #1 has been shifted to the opposite side of the existing thirty-six inch (36") tree to negate the need for a drainage easement.*** (10) A correction is required to the Surveyor's Certification. ***A typographical error shall be***

**corrected to "provisions"**. (11) Compliance with the Map Filing Law is required. **Statement of fact.** (12) Construction details will be reviewed in detail during compliance if approval is given. **Review of construction details may be a condition of approval.** (13) **The proposed building coverage for Lot 16.03 is only 24.35% and should be corrected in the zoning table.** (III) **Regulatory Agency Approval** Outside agency approvals for this project may include, but are not limited to the following: (a) Township Tree Ordinance (as applicable); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District; and (d) All other required outside agency approvals.

Mr. Moshe Klein Esq. for the applicant stated in 2006 this parcel was approved for two duplexes, subsequently it was discovered that the tax map had the wrong dimensions. We went back to try to work with this plan to try to fit it on the smaller lots, what you have before you is this new plan. We are asking for one duplex and a single family lot we condensed it to the point that we have the duplex on a fully conforming lot with no variances requested for the duplex. The single family lot requires two variances one for the lot width which is actually the mean lot width because at the front it is more than adequate, when you average it out you are off by a little over a foot and the lot area due to the fact that the right boundary line shifts inward as it goes to the back and therefore it cuts off. If you draw a line straight from the front to the back we would not need a variance.

Mr. Ron Gasiorowski Esq. opposing council representing a neighbor Yitschok Bacowski, stated that the duplex reflects a variance is required for the side yard setback, the plan says proposed 13.95 feet you need a variance for that.

Mr. Klein stated at the previous meeting Mr. Vogt pointed out that there are no side yard setbacks that are required we are fully conforming on the duplex lot.

Mr. Michael Dipple, PE was sworn in stating regarding the duplex with a zero lot line setback the aggregate of the two side yard setbacks becomes half of the requirement and we have footnoted that it is 7.5 per duplex lot so we are not requesting any side yard setback for this entire application. One the single family lot we are asking for variances for lot width and lot area. In terms of the lot width we have the proper lot with at the building setback, it is the mean lot width that we are missing on because of the angle of the lot, our mean lot width is 48.90 were 50 is required, so we are off by 1.1 feet on the mean but we are 54.92 at the building setback. We have come to some agreement with MR. Vogt on the drainage and landscaping. We are in total agreement with the other comments in Mr. Vogts letter. We shifted the driveway to save a large tree.

Mr. Nicholas Graviano, PP was sworn in he submitted a tax map as exhibit A-2. It is a tax map with photos of existing land uses in the study area with color coded labels indicating the various land uses in the vicinity of the parcel. You will see before you that the parcel in question is the yellow highlighted parcel adjacent to that which is blue/turquoise color are undersized single family detached dwellings, so these are single family homes that are located in the district that do not meet the 7,500 sq foot lot size,

you will see there is one directly to the south, there are a couple more in the vicinity specifically lots 38, 39, 40, 17 and block 235. Furthermore you will see these two lots directly in the rear of the parcel, lots 18.01 and 19.01, they are single family detached dwellings on lot sizes that are approx. 39.5 x 141, and you will see that depicted in the picture right here, these are a recent sub-division of single family detached dwellings on roughly 4,000 sq feet and change lots. Moving around the block there are some duplexes on the corner at Ridge and Ridge, this large purple mass are these townhouses that are depicted here. There are older homes along E. 7<sup>th</sup> Street the majority of these homes are older in nature and look consistent with that home in the top left corner; there are a decent amount of single undersized lots in the area. We touched on the irregular shape of the parcel, this is a C1 case by reason of extraordinary and exceptional situation affecting a specific piece of property strict adherence to the zoning ordinance would create an undo hardship upon the developer. With the C1 the negative criteria of no substantial detriment to the public or zone plan must be evidenced, the specific piece of property in this situation is lot 16, block 235. The extraordinary and exceptional situation effecting this parcel is that the parcel possesses 133.43 feet in the front and it pinches in the back to 114.19 feet so it is not a perfect rectangle, that is basically due to the presence of irregularly shaped and angles streets in the downtown Lakewood area, and this parcel in question is one of those irregularly shaped lots. If the property line continued at a traditional 90 degree angle the proposed single family detached dwelling would have a lot area of 7,769 sq feet. This proposal meets some of the purposes of zoning listed in the MLUL specifically criteria G to provide sufficient space and appropriate locations for a variety of residential uses to meet the needs of New Jersey citizens. The applicant proposes a fully conforming duplex unit and a single family detached unit that is slightly under sized it is not even 1,000 sq feet. The applicant possess 16,529 sq feet, by ordinance requirements the applicant would need 17,500 sq feet, so essentially the applicant here is deficient 5.55 % of what is required by ordinance, so when you put that in perspective it is very minimum the deficiency that the applicant possesses for this application. In terms of the appropriateness of the proposed use in this location the R75 district permits duplexes which is essentially a dwelling unit on 5,000 sq feet lot, in Lakewood the size of the duplex home and the size of a single family detached home really are typically the same a duplex is never a smaller dwelling so by that rational the Township has deemed it appropriate to have a dwelling on a 5,000 sq foot lot. The applicant is proposing a dwelling on a 6,529 sq foot lot. The predominance of duplex townhouses and undersized single family detached dwellings in this area show that this is an area that is appropriate for this proposal. This proposal exceeds many of the lot sizes in the existing area. We have all identified the need for housing uses within the municipality; page 10 of the Master Plan indicates that Lakewood Township is the fastest growing municipality in the state and that the Township has recognized that the populations will most likely increase by 80% by the year 2030 due to the demographic composition of the residents. This proposal meets the goals and objectives of the Master Plan including encouraging new development that is consistent with the scale of the established land uses while preserving the character of developed neighborhoods; it also encourages the development or re-development of

existing or vacant under utilized sites. The applicant is providing rear yards that are in excess of the ordinance requirements, the applicant is providing side yard setbacks to adjacent properties in excess of ordinance requirements furthermore when you are driving down the street even though this single family detached is undersized it has 58.52 feet of frontage where 50 feet is required. In conclusion considering that the applicant is only 5.55% short on this proposal in light of the fact that it is consistent and exceeds many of the established land uses in the area we find that this proposal is consistent with the zone plan and zoning ordinance and does not create any substantial detriment to the neighborhood or any other reasons for public health and safety.

Mr. Ron Gasiorowski stated that he has looked at the plan and I take it that the plan which has been marked as an exhibit basically replicates the plan which has been filed with the Board reflecting the property in question. My first question is with regard to Ridge Ave. do you know what the required right-of-way is in the Township of Lakewood for roads such as Ridge Ave, it is 50 feet is it not. Mr. Graviano stated there is varying street widths that can be developed on various parcels within the Township so there is no set standard on the required right of way, I am not sure of any specific requirement on Ridge Ave. Mr. Gasiorowski stated that the plan does not reflect any right of way expansion on your property. Mr. Graviano stated that the narrow street condition in down town Lakewood is actually safer than what you would typically find in the ordinary right of way requirements in the RSIS or any township ordinance, numerous studies have been conducted regarding narrower street widths and findings have shown that narrower streets for example a study was conducted based on 20,000 accidents reports in Colorado Municipalities that found an increase in the street width to 32 feet from 24 feet actually increased the likelihood of accidents by 400%. Mr. Gasiorowski asked if he was speaking of right of ways or highways. Chairman Neiman stated that there is no requirement for the applicant to widen the street. Mr. Gasiorowski stated if you had to widen the street or have the right of way as required they would not have a 10,000 sq foot plot. Chairman Neiman stated that would not be the applicant's problem. Mr. Gasiorowski stated with regard of the proposed sub-division what is the total square footage of the lot in question. Mr. Graviano stated that the lot in question is 16,529 sq feet. Mr. Gasiorowski stated under the zoning question the required size for a one family lot is 7,500 sq feet and if this applicant were to come before this Board with two one family lots he could in fact create fully conforming lots and not seek any variance what so ever and if he were to come before this Board and seek to build a single duplex house he could do so with out seeking any variance. Mr. Graviano stated that is correct. Mr. Jackson interjected and said that those are options. Mr. Gasiorowski stated that they spoke about the irregular shape of the lot to be utilized for the single family home; at one point and time that lot 16 block 235 is in fact immediately adjacent to lot 15, it would appear that by decreasing lot 16 that resulted in an increase of lot 16, so basically you had an irregularly shaped lot that benefited both of the users at that particular time. In the MLUL does this application meet the criteria of C1 or C2. Mr. Graviano stated that in his opinion the application meets both C1 and C2 criteria. Mr. Gasiorowski asked what hardship is the applicant suffering. Mr. Graviano stated that fact that this is an irregularly

shaped lot in a zone that does permit duplex dwellings and it rests among non-conforming properties in a dense region of the municipality. Mr. Gasiorowski asked how is that a hardship. Mr. Graviano stated the irregular shape of the parcel creates the hardship for the lot width variance the irregular shape creates a pinch point in the rear and while the applicant has 58.52 in the front he is unable to meet the strict definition of the zoning ordinance although if you drove down the street the applicant would appear to have a proper lot width. Mr. Gasiorowski asked if it is the plan of the Master Plan to have applicants put forth applications that meet the criteria and do not need variances. Mr. Graviano state that it is within this Boards power to grant variances in situations where they are rational and appropriate. Mr. Gasiorowski inquires if there will be basements in the duplex with separate entrances and is the applicant planning to utilize the basement as another living unit thereby putting five families on these lots instead of three families. Mr. Graviano stated that the applicant has no such plans at this time but would like to reserve the right to do so in the future. Chairman Neiman stated that is why the Board insists on four off street parking spaces, he also asked if there would be sidewalks in front of the units. Mr. Graviano stated there would be sidewalks. Mr. Gasiorowski asked if the applicant is willing to adhere to a deed restriction to not utilize the basement or even build a basement in these units. Mr. Klein stated that the applicant would do what is required by the law and nothing more or less. Mr. Gasiorowski asked where is it permitted under what ordinance to have a basement dwelling in a single family or a duplex in the R75 zone. Mr. Kielt stated that there is a basement ordinance that stated there can be basement dwellings in the R75 zone.

Mr. Gasiorowski called Victor Furmanec, PE, he was sworn in and stated that he feels there is no hardship because the applicant can utilize the property to build two single family homes and would not have to require any variances. The creation of non-conforming lots is not consistent with the Master Plan. The hardship would be if a variance is not granted you would not be able to use the property at all, in this case the applicant can utilize the property by subdividing and conforming with the ordinance. The Master plan states and the ordinance established that the 7.5 lot size is appropriate to this area and should be the minimum established for any new lots created in this area. There is a provision in the Master Plan that calls for applicants to leave room for street expansion through a right of way on narrow streets for future widening. There is a provision in the zoning ordinance that requires the measurement of any newly created lots to be taken from the new right of way established by any right of way dedication, the result of that would be reconfiguration of duplex lots to follow a lot line which would be 8.5 feet set further back from the existing right of way of Ridge Rd. Also the driveway on the single family lot would be directly situated in the intersection.

Mr. Vogt stated that the applicant is making a case that if the Planning Board were to take the necessary right of way dedication that it would make these lots undersized, Lakewood has a different way of doing that in terms of having dedication, it is not formal dedication where the property is taken away from the lot what we have seen in cases where the Board does want the right to have roads in the future in lieu of a dedication it is relatively common here that if there is an issue with the lot area they will seek an

easement which would allow for the installation of the road but not take away from the area of the lot. From a practical stand point looking at these properties if you even included that extra 8 feet where the homes are shown with the setbacks they would still meet the front yard setback requirement. Mr. Kielt stated that there are no requirements for the placement of the driveway in chapter 18 of the zoning ordinance that he knows of.

Mr. Gasiorowski stated just because something is done incorrectly for years does not mean that they have this opportunity to comply with your ordinance that you should not. The applicant purchased this property and knew what it would yield what he is doing is coming before you seeking some relief. He has no hardship he just has an undersized piece of property.

Mr. Yitschok Bucowski was sworn in stating that the neighborhood is crowded enough and they do not see the need for this additional housing on the block. There is a development down the block with several houses still for sale. Busses have a very hard time getting down the road, we need some room to breathe on this block and granting more than what the zoning guidelines are would be a hardship for the neighbors.

Mr. Israel Mermelstein 275 Ridge Ave. was sworn in stating there are several acres in Lakewood to develop I don't know why they want to put so many families in such a small space. I oppose this application.

Mr. Bill Hobday 30 Schoolhouse lane, was sworn in stating that it is ridiculous to go beyond zoning ordinance and allow non-conforming lots, the duty and responsibility of the planning board is to help to protect the neighborhood. Taking two conforming lots and trying to squeeze another lot out of it is not good for the neighborhood.

Mr. Klein stated that there he has a number of people approach him that they are waiting for this to be built, there is an interest in this neighborhood.

Mr. Percal made a motion to approve this application. Seconded by Mr. Follman.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

10. **SD 1804** (Variance Requested)  
Applicant: Tzvi Dessler  
Location: Carey Street, west of Lexington Avenue  
Block 111 Lot 11  
Minor Subdivision to create two (2) lots

### **Project Description**

***The applicant has revised the project based on comments received at the June 28, 2011 Planning Board Public Hearing Meeting.*** The applicant seeks minor subdivision

approval to subdivide an existing 110' X 150' property totaling sixteen thousand five hundred square feet (16,500 SF) or 0.38 acres in area known as Lot 11 in Block 111 into two (2) new residential lots, designated as proposed Lots 11.01 and 11.02 on the subdivision plan. The site contains an existing dwelling. All existing improvements on the property will be removed. Proposed Lots 11.01 and 11.02 will become new residential building lots. Public water and sewer is available. Variances will be required to create this subdivision. The lots are situated within the R-10 Single Family Residential Zone. **We have the following comments and recommendations per testimony provided at the 6/28/11 Planning Board Public Hearing Meeting and comments from our most recent review letter dated June 13, 2011: (I) Zoning (1)** The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. **Statements of fact. (2)** Per review of the Subdivision Map and the zone requirements, the following variances are requested: **(a)** Minimum Lot Area (proposed Lots 11.01 and 11.02, 7,500 SF and 9,000 SF respectively, 10,000 SF required) – proposed condition. **(b)** Minimum Lot Width (proposed Lots 11.01 and 11.02, 50 feet and 60 feet respectively, 75 feet required) – proposed condition. **(c)** Minimum Side Yard Setback (proposed Lots 11.01 and 11.02, 7.5 feet each, 10 feet required) – proposed condition. **(d)** Minimum Aggregate Side Yard Setback (proposed Lots 11.01 and 11.02, 15 feet each, 25 feet required) – proposed condition. **Per review of the revised Subdivision Map and the zone requirements, the following amended and additional variances are required: (a) Minimum Lot Area (proposed Lots 11.01 and 11.02, 9,000 SF and 7,500 SF respectively, 10,000 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lots 11.01 and 11.02, 60 feet and 50 feet respectively, 75 feet required) – proposed condition. (c) Minimum Side Yard Setback (proposed Lots 11.01 and 11.02, 7.5 feet each, 10 feet required) – proposed condition. (d) Minimum Aggregate Side Yard Setback (proposed Lots 11.01 and 11.02, 17.5 feet and 22.5 feet respectively, 25 feet required) – proposed condition. (e) Maximum Building Coverage (proposed Lots 11.01 and 11.02, 30% each, 25% allowed) – proposed condition. The Board shall take action on the proposed variances required. (3)** The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. (II) Review Comments (1)** General Note #2 states that the outbound and topographic survey was prepared by Charles Surmonte P.E. & P.L.S. A revised copy of this survey should be provided which includes the missing driveway apron and concrete walk to the curb we observed during our 4/20/11 site investigation. **The concrete service walk between the curb and sidewalk must be added to the base map. (2)** The Zone Requirements list four (4) off-street parking spaces per dwelling required and four (4) spaces per lot proposed. The subdivision improvement plan proposes new asphalt driveways capable of providing four (4) off-street parking spaces per lot. **The proposed driveways will double stack the vehicles and limit the driveway widths to eighteen feet (18') in order to preserve large existing trees on the project. Accordingly, the proposed**

***dwelling are setback forty-four feet (44') from the right-of-way on the Improvement Plan. The proposed front yard setbacks in the Zoning Table shall be revised to greater than thirty feet (30').*** (3) Testimony should be provided regarding whether basements are proposed for the future dwellings on proposed Lots 11.01 and 11.02. If basements are proposed, seasonal high water table information will be required. ***Testimony was provided that basements will be proposed. Accordingly, a note has been added to the Improvement Plan stating that soil borings shall be performed to determine the seasonal high water table prior to submitting for individual plot plans.*** (4) Testimony should be provided regarding the number of bedrooms proposed for the future dwellings on Lots 11.01 and 11.02. Parking shall be in compliance with NJ R.S.I.S. and Township parking requirements. Parking shall be provided to the satisfaction of the Board. ***Testimony was provided that five to six (5-6) bedroom units will be proposed for the future dwellings. The proposed number of bedrooms combined with basements could provide the equivalent of seven to eight (7-8) bedroom units according to ordinance 2010-62. The four (4) off-street parking spaces proposed, comply with the requirements for seven to eight (7-8) bedroom units.*** (5) Proposed lot and block numbers must be approved by the tax assessor's office. ***The map shall be signed by the tax assessor.*** (6) The design proposes to save three (3) large existing shade trees for the project which will be located within the proposed shade tree and utility easement. No additional trees are proposed. 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. The plans indicate a number of existing trees ten inch (10") diameter or greater within the site, some of which will be removed at time of construction. The design attempts to maximize the preservation of existing trees. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. ***The proposed units will be setback and the driveway widths minimized to maximize tree preservation.*** (7) Testimony is required on the disposition of storm water from development of proposed Lots 11.01 and 11.02. ***Testimony was provided that dry wells will be installed.*** (8) Due to no construction proposed at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. ***Statement of fact.*** (9) Compliance with the Map Filing Law is required. ***Statement of fact.*** (10) We recommend a stabilized base course layer be used for the driveways. The stone and surface course thicknesses may be reduced. ***The end location of the leader arrow for the surface course must be corrected.*** (11) The concrete sidewalk is five feet (5') wide and this shall be reflected in the construction details. ***A four inch (4") thick sidewalk detail shall be added for the replacement of damaged sidewalk areas.*** (12) Final review of construction details will be conducted during compliance if approval is given. ***Review of construction details may be a condition of approval.*** (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 (if necessary); and (d) All other required outside agency approvals.

Has been adjourned and will be heard at the 8/2/11 meeting 6:00 this meeting hall, no further notices required.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

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

### Project Description

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a two-story building addition with unfinished basement to the existing retail/office building for additional retail and office space. The site is located within the downtown section of the Township and fronts on the north side of Second Street, east of Clifton Avenue. The property contains just less than seven thousand square feet (7,000 SF) or 0.16 acres. A two-story building with a basement exists on-site with retail use on the first floor, office use on the second floor, and parking/delivery behind the building. The applicant is proposing 8,897 square feet of addition space among the unfinished basement and two (2) floors. The proposed area for the unfinished basement is 2,991 square feet. The proposed area for the first floor retail use is 2,991 square feet which is planned to be divided among three (3) tenants. The proposed area for the second floor office use is 2,915 square feet which is also indicated to be divided among three (3) tenants. The site is developed and existing utilities are available to the project. The surrounding lands and roadways are all improved with commercial development. Existing sidewalk and curb front the site, and are also located on the east side of the property which is an access driveway to municipal parking. The site is located in the B-2 Central Business Zone. Retail and office facilities are permitted uses in the zone. ***We have the following comments and recommendations per testimony provided at the 5/3/11 Planning Board Plan Review Meeting, and comments from our initial review letter dated March 23, 2011:*** (1) **Zoning** (1) The site is situated within the B-2, Central Business Zone. Retail and offices are permitted uses in the Zone. **Statements of fact.** (2) A seven foot (7') side yard setback with an aggregate of fifteen feet (15') is required. The ordinance indicates a side yard setback is not required between two (2) business uses. While a business use is located on the west side of the project, a municipal parking lot access driveway is located on the east side of the property. No side yard setbacks are proposed as the building addition intends to encompass the entire lot width. It is our opinion a side yard variance is required for the proposed zero foot (0') side yard setback from the east side of the project. Furthermore, it was observed during our 3/17/11 site investigation that the proposed building addition would cover existing doors and windows, and require the removal of roof drains and air conditioning units on the

neighboring building to the west of the site. The applicant may wish to contact construction personnel to confirm the proposed footprint is permissible. **As testified at the 5/3/11 meeting, the applicant intends to provide a four foot (4') setback on the side of the addition to the neighboring property for an access easement. Accordingly, a revised building addition footprint has been submitted which requires an additional variance for rear yard setback. A rear yard setback of 6.3 feet is proposed, where ten feet (10') is required. The Board shall take action on the required side yard and rear yard variances requested. Furthermore, the site plans and architectural plans must be further revised to provide proposed offsets to the hundredth of a foot. Since the property narrows in the rear, we calculate a proposed 3.41 foot side yard offset from the rear corner of the addition, which violates the four foot (4') easement agreed upon.**

(3) All non-residential uses in the B-2 Zone are exempt from parking requirements. **Statement of fact.**

(4) The applicant must address the positive and negative criteria in support of any required variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.**

(II) **Review Comments**

(A) **Site Plan/Circulation/Parking**

(1) The General Notes indicate the Boundary and Topography were taken from a survey prepared by DVS & Associates, dated 12-1-10. A copy of this survey must be provided since we note a number of discrepancies. Most importantly, the width of the proposed building addition will exceed the existing lot width near the rear of the tract where the property narrows. Other physical features require correction such as utilities, signs, curb, and drainage. **The requested survey has been provided. However, the survey is out of date and the applicant's professionals have indicated an updated survey is being prepared to allow site design to be properly addressed.**

(2) An existing building wall connecting the existing market façade to the adjoining building on the site to the west must be added to the plan. Therefore, the proposed addition will make the side yard area on the west side of the market with the existing compressors and air conditioning units inaccessible. **The existing building wall has been added to the plan and needs to be labeled. The proposed addition will no longer abut the adjacent building leaving access between the structures. However, the existing basement access to the building on neighboring Lot 24 is to be reconstructed within this space. Therefore, the existing compressors and air conditioning units on the west side of the market still appear inaccessible.**

(3) The proposed building addition will conflict with an existing basement access to the neighboring building on the west side of the project. Testimony is required as to how this conflict is being handled. **The applicant's professionals indicate the basement stairs will be reconstructed within the proposed alley.**

(4) No loading or delivery areas are proposed. The current delivery operations taking place behind the building will be eliminated by the proposed addition. Testimony is required regarding **future** site operations, particularly deliveries for the retail uses. **The applicant's professionals indicate that testimony will be provided.**

(5) Proposed building offsets must be clarified. The proposed side yard at the northeast corner of the addition is zero feet (0'), while the proposed side yard at the southeast

corner of the addition is 0.4 feet. ***The applicant's professionals correctly note the existing building and proposed addition are not square and the existing building wall is not parallel to the property line. Therefore, the offsets are not equal. All existing and proposed building offsets must be provided to the hundredth of a foot since setback variances are required. The Zone Requirements incorrectly list zero feet (0') as the provided combined side yard setback.*** (6) The existing adjoining lots must be correctly shown on the site plan since off-site improvements are being undertaken on the property immediately east of the site. ***The existing lot line between Lots 18 and 24 should be beyond the rear of the building.*** (7) The applicant proposes to replace the existing sidewalk which is in disrepair and partially located on the property, with new sidewalk adjacent the municipal parking lot driveway. Also, the depressed curb accessing the existing parking and delivery behind the current building will be replaced with full height curb. The new sidewalk will require the removal of existing trees and the relocation of existing signage, both of which are not shown on the site plan. ***Since an updated survey is required for design, the applicant's engineer has agreed to provide the revisions during resolution compliance should site plan approval be granted.*** (8) Existing and proposed building access points must be shown. The locations will impact the proposed sidewalk design. Sidewalk should be added behind the proposed addition since there will be building access points at the rear of the addition. ***Existing building access points to the ally from the neighboring building must be added. Sidewalk shall be added for the access on the east side of the existing on-site building. Sidewalk should also be added around the proposed addition for the access easement to be proposed for the neighboring property.*** (9) The General Notes indicate solid waste and recycling to be collected by the Township. ***Approval from the DPW Director is necessary.*** Testimony is required from the applicant's professionals addressing trash and recycling collection. No waste receptacle area is shown. ***The applicant's professionals indicate that solid waste will be collected from robo-cans as is the current means of collection. The General Notes indicate the robo-cans will be stored in the fenced area on the north side of the building. However, it appears access will be blocked because of the limited space.*** (10) A six foot (6') high stockade fence with a gate is proposed around the rear yard. Construction details are required. ***The fence has been changed to board on board and a detail added to the plans. It is not clear whether the four inch (4") dimension below the fence is a mow strip or sidewalk. The footings should be identified as square. A single gate detail must be added.*** (11) Minor corrections are required to the General Notes. ***General Note #9 should identify new impervious surface is less than one quarter acre.*** (B) Architectural (1) Architectural floor plans and elevations have been provided for the proposed building addition. The proposed building addition includes two-stories and an unfinished basement. The proposed building height is twenty-one feet six inches (21'-6"). The allowable building height is sixty-five feet (65'). ***Changes are still required to the revised architectural plans submitted such as dimensions and square footage. The existing dimension of sixty-seven feet, seven inches (67'-7") is in conflict with the existing building length on the site plan.*** (2) No restrooms are proposed in the building addition.

Restrooms must be added since the restrooms in the existing section of the building are not accessible by the future tenants of the addition. ***The applicant's professionals indicate restrooms will be provided based on tenant needs within the proposed addition.*** (3) The labeling of the Elevations need to be corrected. The Rear Elevation is the North Elevation. The North Side Elevation shall be revised to West Side Elevation. The South Side Elevation shall be revised to East Side Elevation. ***The applicant's professionals indicate the labels on the elevations will be corrected on the next revision.*** (4) The architect should provide testimony on handicapped accessibility. Testimony is required from the architect on the specific uses for the proposed individual floors, as well as the existing building. ***The applicant's professionals indicate that testimony will be provided on ADA accessibility and specific uses.*** (5) The applicant's professionals should provide testimony regarding the facades and treatments of the proposed new building addition. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. ***The applicant's professionals indicate that testimony and renderings will be provided.*** (6) We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. ***The revised site plans indicate air conditioning equipment will be located on the roof. Revisions are required to the architectural plans.*** (C) **Grading** (1) No proposed grading plan has been provided. Proposed elevations and contours are required to complete the project design. ***Proposed grading may be provided after the survey is updated, and will be reviewed during resolution compliance if/when site plan approval is granted by the Board.*** (D) **Storm Water Management** (1) No storm water management system has been shown or designed for the site. The property is virtually impervious and small, being less than seven thousand square feet (7,000 SF). Testimony should be provided on the existing storm water management conditions. ***The applicant's professionals indicate that testimony will be provided on existing storm water management conditions.*** (E) **Landscaping** (1) No landscaping has been provided for the project. The only areas available for landscaping are the proposed rear yard and a strip of land adjacent the existing building. ***Based on the submission of revised plans, the only area available for landscaping is a strip of land on the east side of the existing building.*** (2) Final landscape design (if any) is subject to Board approval and should conform to recommendations from the Township Shade Tree Commission as practicable. ***The Board should provide landscaping recommendations, if any.*** (F) **Lighting** (1) An existing light pole is shown along Second Street in front of the building. No proposed lighting is depicted on of the plans. Testimony on site lighting should be provided from the applicant's professionals. ***Additional existing light fixtures have been added to the plan. No new site lighting is proposed.*** (G) **Utilities** (1) The plans state that existing public water and sewer laterals to be reused. It appears new connections will be necessary unless major renovations are proposed to the plumbing of the existing building. Water and sewer approvals will be required from New Jersey American Water since the project is within their franchise area. ***New utility connections should be shown.*** (H) **Signage** (1) The Site Plan proposes no freestanding signage. The architectural plans indicate proposed wall sign locations on

the east side of the proposed addition. No dimensions or details have been provided to confirm that the signs comply with the ordinance requirements. ***The applicant's professionals indicate that all building mounted signage will comply with the Township Ordinance and final signage design will be based on tenant usage.***

**Construction Details** (2) All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is approved. ***Review of construction details may be a condition of approval.*** (III) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Developers Agreement at the discretion of the Township; (b) Township Tree Ordinance (as applicable); (c) Ocean County Planning Board; (d) Ocean County Soil Conservation District (if applicable); and (e) All other required outside agency approvals.

Has been adjourned and will be heard at the 8/2/11 meeting 6:00 this meeting hall, no further notices required.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

## 6. CORRESPONDENCE

1. **SD 1770** (No Variance Requested)  
Applicant: North Lake Realty  
Location: Frontage on Lafayette Boulevard, Thorndike Avenue & Cedar Drive  
Block 265 Lot 1  
Minor amendment to approved minor subdivision to reflect vacation of a portion of Lafayette Boulevard

### Project Description

The applicant seeks minor subdivision approval to subdivide an existing 37,124 square foot lot into three (3) proposed residential lots. The existing property, Lots a vacant, wooded tract created from the minor subdivision of Lot 1 under Application # SD-1694. The existing area was added onto by the partial street vacation of Lafayette Boulevard. The tract has frontages on two (2) streets. Cedar Drive is an unimproved street on the south side of the property and connects the right-of ways of Thorndike Avenue and Carlton Avenue South. Thorndike Avenue borders the site to the west, is unimproved, and connects to the right-of-way of Cedar Drive. Lafayette Boulevard is an unimproved,

variable width right-of-way on the north side of the project and connects the right-of-ways of Thorndike Avenue and Carlton Avenue South. The right-of-ways of Cedar Drive and Thorndike Avenue are sixty feet (60') wide. The applicant proposes to subdivide the property into three (3) residential lots. Proposed Lot 1.03 will be irregular, contain 13,124 square feet, and have frontage on Thorndike Avenue. Proposed Lot 1.04 will be 90' X 133.33', contain 12,000 square feet, and have frontages on Thorndike Avenue and Cedar Drive. Proposed Lot 1.05 will be irregular, contain 12,000 square feet, and have frontage on Cedar Drive. Roadway improvements are proposed for Thorndike Avenue and Cedar Drive. Water and sewer are available. ***We have the following comments and recommendations per testimony provided at the 11/30/10 Planning Board Plan Review and Public Agenda Meeting and comments from our most recent review letter dated January 6, 2011:***

**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. No variances are requested. 2. ***The applicant's professionals have revised the proposed lot width for Lot 1.03 to 90.20 feet due to the partial vacation of Lafayette Boulevard. Accordingly, the proposed area for Lot 1.03 should be revised to 13,124 square feet. Furthermore, General Note #4 should indicate an existing tract area of 37,124 square feet, which is 0.852 acres.***

**II. Minor Subdivision Review Comments** 1. The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. The Schedule proposes four (4) off-street parking spaces per dwelling unit. In order to comply, two-car garages are required since the proposed driveways only have enough room for two (2) vehicles. ***The asterisks have been removed from the proposed minimum parking requirements since variances are not required.*** 2. The Notes indicate basements are proposed for the new dwellings. Test pit logs provided on the Site Improvement Plans indicate the minimum two foot (2') separation from seasonal high water table has been maintained. Testimony should be provided on whether the basements will be unfinished. In any event, parking shall be provided in accordance with new parking ordinance 2010-62. ***Testimony is required on the finishing of the proposed basements.*** 3. No improvements are proposed for Lafayette Boulevard. On the south side of Lafayette Boulevard, proposed Lot 1.03 accesses Thorndike Avenue and existing Lot 4 accesses Carlton Avenue South. On the north side of Lafayette Boulevard, opposite this project, another Minor Subdivision Application (SD# 1687) was approved by the Board. Proposed Lot 4.01 accesses Thorndike Avenue and proposed Lot 4.02 accesses Carlton Avenue South. Being all proposed lots with frontage on Lafayette Boulevard will access other streets, we recommend Lafayette Boulevard be left unimproved. ***Lafayette Boulevard will be left unimproved and has been partially vacated by Ordinance 2011-33. An unimproved, variable width right-of-way of at least twenty feet (20') will remain for a pedestrian walkway and maintenance of drainage facilities.*** 4. Should Lafayette Boulevard be left unimproved, we recommend the applicant be required to extend the proposed curb and sidewalk ending at the edge of proposed Lot 1.03 to the centerline of Lafayette Boulevard. The proposed pavement should be transitioned back to the existing pavement at a 15:1 ratio. ***The proposed curb and sidewalk have been extended to the centerline of Lafayette Boulevard. A***

*note has been added that states "transition to existing pavement at 15:1 ratio to meet existing pavement". A proposed seventy-four (74) contour line shall be eliminated behind where the proposed curb has been extended. The proposed pavement transition line should be added. Revisions are required to the Site Improvement Plans to reflect the partial vacation of Lafayette Boulevard.*

5. Drywells are proposed for the roof leaders on the single-family residential lots to be created. Some of the proposed drywells abut the proposed property lines. We recommend a minimum distance of five foot (5') be provided between the proposed property lines and drywells. ***A proposed drywell for Lot 1.04 should be positioned in the rear of the proposed dwelling to provide the desired five foot (5') distance from the property line and a ten foot (10') distance from the building.***

6. Proposed lot grading should be revised to direct additional runoff to the proposed surrounding roads and minimize runoff directed towards adjoining properties. ***Proposed high points should be relocated where possible during plot plan submission to reduce proposed runoff being directed towards adjoining properties.***

7. The proposed construction details shall be removed from the Minor Subdivision Map since Site Improvement Plans for the roads with details have been approved. ***The proposed construction details have been removed from the Minor Subdivision Plan and added to the Site Improvement Plans. The details will be reviewed during Resolution Compliance should approval be granted.***

8. The lot numbers should be consistent with the numbers assigned by the Tax Assessor. ***The Tax Assessor approval box has been added to the Minor Subdivision Plan.***

9. Proposed six foot (6') wide shade tree and utility easements are shown along all the property frontages. Bearings, distances, and areas have been provided for the proposed easements on the individual proposed lots. No shade trees are shown within the proposed six foot (6') wide shade tree/utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board (or waiver sought). ***The applicant's engineer indicates that shade trees will be provided to the satisfaction of the Board.***

10. No sight triangle easements are indicated. The applicant's professionals shall provide testimony as to whether the easements are necessary. ***The applicant's engineer indicates that testimony will be provided that sight triangle easements are not necessary.***

11. Compliance with the Map Filing Law is required. ***Statement of fact. III. Regulatory Agency Approvals*** Outside agency approvals for this project may include, but are not limited to the following: a. Ocean County Planning Board; b. Ocean County Soil Conservation District; c. New Jersey American Water (sewer and water); and d. All other required outside agency approvals.

Mr. Flannery stated this is a 3 lot sub-division approved by the Board several months ago there was a right of way vacation on Lafayette Blvd. When we did the application a variance was needed for lot width, with the right of way vacation we picked up the area and no variances is required. So it is a conforming minor it was approved previously and we are back under correspondence because we want you to see the map that will be filed is different from the map approved but it is better.

Mr. Schmuckler made a motion to accept the new map. Mr. Percal seconded it.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

**7. PUBLIC PORTION**

**8. APPROVAL OF THE MINUTES**

Minutes from June 28, 2011 Planning Board Meeting

Minutes from July 5, 2011 Planning Board Meeting

Mr. Schmuckler made a motion to approve. Mr. Percal seconded it.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

**9. APPROVAL OF BILLS**

Mr. Schmuckler made a motion to accept the new map. Mr. Percal seconded it.

Roll Call Mr. Herzl, yes, Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Chairman Neiman thanked Mrs. Koutsouris for her service on the Board and wished her much luck in her new job.

**10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Margaret Stazko  
Planning Board Recording Secretary