

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Percal, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. PLAN REVIEW ITEMS

- SD 1824** (Variance Requested)
Applicant: Naftuli Falk
Location: Read Place, east of Albert Avenue
Block 855.02 Lot 27
Minor Subdivision & variance to create two (2) lots

Project Description

The applicant proposes to subdivide the existing 150' X 300' tract into two (2) equal separate lots. Existing Lot 27 in Block 855.02, containing forty-five thousand square feet (45,000 SF), would be subdivided into proposed Lots 27.01 and 27.02 as designated on the subdivision plan. There is an existing dwelling on the property, which will be removed. Public water and sewer is not available. The site is situated in the south central portion of the Township on the north side of Read Place, east of its intersection with Albert Avenue. The surrounding area is predominantly single-family residential, with some vacant land. Read Place is a narrow paved road in fair condition that has an existing right-of-way width of fifty feet (50'). Curbing and sidewalk does not exist along the property frontage, but is proposed. Road widening is proposed since the existing pavement width is narrow. The existing forty-five thousand square foot (45,000 SF) property which would be subdivided into twenty-two thousand five hundred square foot (22,500 SF) lots falls within the R-20 Single Family Residential Zone. Lot width variances are requested to create this

subdivision. We have the following comments and recommendations: I. 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. 2. The applicant has requested bulk variances for lot width on proposed Lots 27.01 and 27.02. Lot widths of seventy-five feet (75') are proposed where the ordinance requires a minimum of one hundred feet (100'). 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. The Survey Certification indicates that a Survey of Lot 27 was prepared by Harry W. Mager, Jr., P.L.S., dated 8/3/11. A copy of this survey should be provided. 2. The General Notes indicate vertical elevations are based on an assumed datum. A bench mark must be provided. 3. The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The zoning schedule indicates that four (4) off-street parking spaces are required and will be provided for the proposed future dwellings. The applicant should provide testimony detailing the number of bedrooms proposed for the future dwellings. Parking must be provided to the satisfaction of the Board. 4. Testimony should be provided whether basements will be proposed for the future dwellings on proposed Lots 27.01 and 27.02. If basements are proposed, a minimum of four (4) off-street parking spaces would be required to comply with the Township Parking Ordinance. 5. If basements are proposed, seasonal high water table information will be required. The Notes on the Improvement Plan indicate seasonal high water table information will be provided with plot plan submissions. 6. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office on August 5, 2011. If approved, the map shall be signed by the tax assessor. 7. The Notes on the Improvement Plan should be labeled. 8. The Improvement Plan includes a note that private well and septic are to be provided and approved by the Ocean County Board of Health. Furthermore, proposed well and septic locations will be shown when plot plans are submitted. 9. Six foot (6') wide shade tree and utility easements dedicated to the Township are proposed along the property frontages of new Lots 27.01 and 27.02. The proposed easement areas are shown on an individual lot basis. 10. Four (4) October Glory Maple street trees are proposed along the property frontage of Lots 27.01 and 27.02. The proposed quantity in Tree List shall be corrected from three (3) to four (4). 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 9/23/11 indicates the rear of the property to be wooded. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 27.01 and 27.02 11. The applicant proposes to construct road widening, with curb, sidewalk, and driveway aprons along the property frontage of new Lots 27.01 and 27.02. The proposed sidewalk will be five feet (5') wide and setback two feet (2') behind the back of curb. The proposed half pavement width shall be increased to at least fifteen feet (15') and pavement widening construction details provided. 12. Existing topography and proposed curb grades will be required for the improvements along Read Place. 13. Note #4 on the Concrete Curb Detail shall be eliminated since it does not apply to curb being constructed with road widening. The pavement repair strip on the detail shall be replaced with road widening specifications. 14. Testimony is required on the disposition of storm water from the development of proposed Lots 27.01 and 27.02. The

property slopes northward away from Read Place. The Notes on the Improvement Plan state that storm water management shall be provided when plot plans are submitted. 15. Testimony should be provided on proposed site grading. No proposed grading is indicated on the plan. The Notes on the Improvement Plan indicate that proposed grading will be included on the plot plan submittals. 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. 17. Compliance with the Map Filing Law is required. 18. Final review of construction details will be conducted during compliance if approval is given. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health (well and septic system approvals); and e. All other required outside agency approvals.

Mr. Vogt stated that a variance has been requested for lot width.

Mr. Neiman asked Mr. Brown if he had any questions concerning Terry's report.

Mr. Brown stated he did not.

Motion moved and seconded to advance this application to the November 15, 2011 meeting.

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

Mr. Jackson stated the application will be advanced to the November 15, 2011 meeting. No further notices are required.

- 2. SD 1825** (No Variance Requested)
Applicant: Yedidah Perr
Location: Fern Street, west of Warren Avenue
Block 768 Lot 77
Minor Subdivision to create two (2) lots

Project Description

The applicant proposes to subdivide the existing 100' X 150' tract into two (2) equal separate lots. Existing Lot 77 in Block 768, containing fifteen thousand square feet (15,000 SF), would be subdivided into proposed Lots 77.01 and 77.02 as designated on the subdivision plan. The property was previously cleared and is currently vacant. Public water and sewer is available. The site is situated in the central portion of the Township at the end of a tangent side cul-de-sac bulb on the north side of Fern Street, west of its intersection with Warren Avenue. The surrounding area is predominantly single-family residential, with vacant land immediately to the west. Fern Street is a new cul-de-sac that has not received top course pavement. Sidewalk does not exist along the property frontage, but is proposed. Concrete curb, potable water, sanitary sewer, and storm drainage all exist within the cul-de-

sac. The existing fifteen thousand square foot (15,000 SF) property which would be subdivided into seven thousand five hundred square foot (7,500 SF) lots falls within the R-7.5 Single Family Residential Zone. No variances are requested to create this subdivision. We have the following comments and recommendations: I. Zoning 1. The property is located within the R-7.5 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. 2. No variances have been requested or appear to be required for this subdivision. II. Review Comments 1. A Boundary and Topographic Survey has been submitted for review. The survey must be revised to add potable water, sanitary sewer, and storm drainage to the cul-de-sac since the information is needed for the Improvement Plan and future plot plans. An existing utility pole on the south side of Fern Street is incorrectly shown on Lot 43.04. 2. The Survey Certification indicates the survey date to be 8/23/11. This date must be corrected. 3. The General Notes indicate vertical elevations are based on an assumed datum. The bench mark used for the survey must be provided on the Minor Subdivision. 4. The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The zoning schedule indicates that four (4) off-street parking spaces are required and will be provided for the proposed future dwellings. The applicant should provide testimony detailing the number of bedrooms proposed for the future dwellings. Parking must be provided to the satisfaction of the Board. 5. Testimony should be provided whether basements will be proposed for the future dwellings on proposed Lots 77.01 and 77.02. If basements are proposed, a minimum of four (4) off-street parking spaces would be required to comply with the Township Parking Ordinance. 6. If basements are proposed, seasonal high water table information will be required. The Notes on the Improvement Plan indicate seasonal high water table information will be provided with plot plan submissions. 7. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. 8. The Notes on the Improvement Plan should be labeled. 9. The Improvement Plan includes a note that new lots are to be serviced by public water and sewer. The project will be serviced by New Jersey American Water Company since it is located within their franchise area. 10. Six foot (6') wide shade tree and utility easements dedicated to the Township are proposed along the property frontages of new Lots 77.01 and 77.02. The proposed easement areas are shown on an individual lot basis. 11. Three (3) October Glory Maple street trees are proposed along the property frontage of Lots 77.01 and 77.02. 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 9/23/11 indicates the property was previously cleared and few trees exist on-site. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 77.01 and 77.02. 12. The applicant proposes to construct sidewalk and driveway aprons along the property frontage of new Lots 77.01 and 77.02. The proposed sidewalk will be five feet (5') wide and setback two feet (2') behind the back of existing curb. 13. A Note states that damaged curb to be replaced at the direction of the Township Engineer. 14. Testimony is required on the disposition of storm water from the development of proposed Lots 77.01 and 77.02. The property slopes westward toward undeveloped land. The Notes on the Improvement Plan state that storm water management shall be provided when plot plans are submitted. 15. Testimony should be provided on proposed site grading. No proposed grading is indicated on the plan. The Notes on the Improvement Plan indicate that proposed grading will be

included on the plot plan submittals. 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. 17. Compliance with the Map Filing Law is required. 18. Final review of construction details will be conducted during compliance if approval is given. 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; and d. All other required outside agency approvals. New Jersey American Water Company will be responsible for water and sewer service.

Seeing no questions from the Board members a motion was made and seconded to advance this application to the November 15, 2011 meeting.

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

Mr. Jackson stated the application will be advanced to the November 15, 2011 meeting. No further notices are required.

- 3. SP 1954** (No Variance Requested)
Applicant: Harley Davidson of Ocean County
Location: Route 70, east of Vermont Avenue
Block 1086 Lot 16
Amended Site Plan for proposed additional parking

Project Description

The applicant's engineer's transmittal letter indicates they are submitting revised site plans. The revised plans show a proposed paved parking area which is smaller than the previously submitted plans for a paved parking area. The applicant is seeking Amended Site Plan approval for the construction of a 128' X 216' paved parking area with storm water management system located behind the existing motorcycle dealership building. The site is in the southern portion of the Township and fronts on Route 70 and Locust Street, east of Vermont Avenue. Access to the site is afforded from the Route 70 frontage, Route 70 is a State Highway. No access is provided along the Locust Street side of the site, Locust Street is a County Road. The property contains 4.701 acres. A one-story building exists on-site with associated parking and site improvements. A total of one hundred forty-six (146) off-street parking spaces are proposed for the project. The existing eight-three (83) spaces in the front of the building will be reduced to eight-two (82) spaces with the creation of five (5) handicapped spaces. Sixty-four (64) spaces are proposed for the new parking area behind the building. According to the parking tabulation, sixty-five (65) off-street parking spaces are required. This is based on three (3) criteria. One (1) space is required for every two hundred square feet (200 SF) of showroom. Since the showroom is eight thousand square feet (8,000 SF), forty (40) spaces are required. One (1) space is required for every four (4) seats of the existing café/snack bar. Since the seating totals forty (40) seats, ten (10) spaces are required. One (1) space is required for each employee. A total of fifteen (15)

employees have been estimated, thereby requiring fifteen (15) spaces. Some of the wooded area existing on the site will be removed for the proposed parking area. The property gently slopes from west to east. Additional storm water management facilities have been designed to incorporate the additional impervious area proposed for the site. Except for the adjacent site to the west, the surrounding lands and roadways are all improved. Sidewalk does not exist along the frontages because of the nature of the use which does not lend to pedestrian traffic. The site is located in the B-5A Highway Development Zone. New motor vehicle salesrooms are a permitted use in the zone. I. Waivers A. The following waiver has been requested from the Land Development Checklist: 1. Submission Waiver from Checklist Requirement #21, Architectural Drawings. We support the requested waiver. There are no buildings or building additions proposed as part of this application. II. Zoning 1. The site is situated within the B-5A, Highway Development Zone. New motor vehicle salesrooms are a permitted use in the zone. 2. A wing of the existing building which is dedicated to retail sales encroaches into the required fifty foot (50') side yard setback. Therefore, the Zoning Requirements shall be revised to show both the existing and provided Side Yard Setback of 31.3 feet as an existing nonconforming setback. The Aggregate Side Yard Setbacks are also nonconforming and the Zoning Requirements shall be amended to show both existing and provided aggregate side yard setback of 82.2 feet (31.3 feet + 50.9 feet). 3. An existing tent, which is defined as a Temporary Accessory Structure covers an outdoor patio area with seating. This structure encroaches into the required thirty foot (30') side yard setback. Therefore, the Zoning Requirements shall be revised to show both the existing and provided Side Yard Setbacks of 17.7 feet as nonconforming. 4. No variances have been requested. Per review of the Site Plan and the zone requirements, it appears no "new" variances are required for the proposed project. A setback variance was previously granted for the free standing sign. The existing nonconforming aspects of the site plan have been mentioned above. 5. Per review of the site plans and application, the following design waivers are required: a. No curb and sidewalk has been proposed along any of the site frontages. b. No shade tree and utility easements have been provided along any of the site frontages. c. No shade trees have been provided along any of the site frontages. d. Any and all other design waivers deemed necessary by the Board. III. Review Comments A. Site Plan/Circulation/Parking 1. General Note #4 references various documents used for preparing the plans. A copy of the latest Survey completed by DW Smith Associates, LLC, used for preparing the plans has been provided. The survey was last revised in 2004 and does not show the current existing building configuration. An updated survey is required to accurately map the existing nonconformities. It should be noted the 2002 Site Plan Resolution did not grant any side yard setback variances for a building addition or temporary accessory structure. The applicant shall provide evidence that setback variances were previously granted for the nonconforming side yard and aggregate side yard setbacks. 2. General Note #4 on the Tree Protection Management Plan refers to a Motorcycle training range. Testimony must be provided as to whether the proposed parking area will also be used for a motorcycle training range. 3. Access to the proposed paved parking area is being controlled by a chain link fence with a double leaf twenty-four foot (24') wide gate to be constructed at the southwest corner of the building. 4. General Note #13 lists a Parking Tabulation based on ordinance requirements. Testimony must be provided on the increase in the number of proposed parking spaces for the site since no alterations are proposed to the existing sales and repair facility. The number of off-street parking spaces is being

increased by sixty-three (63) from eighty-three (83) to one hundred forty-six (146). 5. Testimony must be provided on additional anticipated site traffic from the increase in the number of parking spaces. A summary traffic report may be necessary. 6. Our review indicates that of the one hundred forty-six (146) proposed parking spaces on-site, five (5) will be handicapped spaces. All five (5) spaces are proposed to be van accessible and signage will be designated for the appropriate spaces. 7. Testimony should be provided by the applicant's professionals as to existing and proposed site operations. General Note #14 lists the existing dealership's hours of operation. 8. The project has dual road frontage. Therefore, there is no rear yard. All existing/proposed setback dimensions have been provided on the Site Plan to confirm the values shown in the Zoning Requirements. 9. The site plan shows existing dumpsters to be relocated. The dumpsters will be enclosed by a six foot (6') masonry block wall to match the building and a self closing chain link gate. Unless waived by the Board, all relocated dumpsters shall be landscaped screened and designed in accordance with Section 18-809.E., of the UDO. Construction details have been provided. 10. The site plan shows three (3) existing equipment containers to remain and one (1) relocated equipment container. The applicant's professionals indicate the equipment containers are utilized by the owner for storage purposes including snow clearing equipment, special events equipment, and promotional items. Furthermore, one (1) of the containers on-site is used for charitable blood donation drives. Testimony should be provided at the public hearing on the use of the containers. Screening of the containers should be considered. 11. A storm water management recharge system is proposed to the east of the proposed paved parking area. B. Architectural 1. No architectural drawings have been provided since the project does not involve any buildings. C. Grading 1. Per review of the proposed grading plan, the design concept is feasible. Final grading can be addressed during compliance review if/when approval is granted. 2. Per review of the existing elevations and per review of site conditions during our 8/19/11 site inspection, on-site grades generally slope to the east. D. Storm Water Management 1. A proposed storm water management system has been designed utilizing a combination of sheet flow, a stone swale, and drains, to convey storm water runoff into a proposed underground recharge system. The proposed underground recharge system is located to the east of the proposed paved parking area. The proposed recharge system consists of twin thirty-six inch (36") perforated polyethylene (P.E.) pipes in a rectangular stone bed. As indicated in the Storm Water Management Narrative, impervious area will be increased by more than 0.25 acres thereby classifying the project as major development. Storm water calculations have been submitted to demonstrate that the proposed storm water management system is adequately-sized to meet the required quantity reductions and water quality requirements. 2. A two foot (2') vertical separation between the proposed bottom of the storm water management system and the seasonal high water table has been demonstrated. Permeability test results have been provided to justify the recharge calculations used for the project. 3. An emergency spillway has been designed to allow runoff to flow to Locust Street should there be a failure of the proposed recharge system. The project is within the Lake Waddill drainage basin which flows into Kettle Creek. 4. A Storm Water Management Facilities Maintenance Plan must be provided. Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. E. Landscaping 1. A Landscaping Plan has not been provided and is required unless a waiver is granted by the Board. 2. We recommend

landscape islands be proposed in the paved parking area to breakup the expanse of asphalt, protect site lighting poles, and improve aesthetics. 3. Landscape screening is required around the proposed dumpster enclosure and recommended around the equipment containers. F. Lighting 1. A supplemental lighting plan has been provided. Three (3) proposed lighting fixtures are shown within the paved parking area and another proposed lighting fixture shown in the vicinity of the dumpster. Lighting information includes a point to point diagram to evaluate the proposed site lighting. Details are required to complete the lighting plan which must be added to the set of drawings. 2. The overall lighting design is subject to review and approval by the Board. G. Utilities 1. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. The site plan shows existing public water and sewer services. Testimony should be provided that no further extension of the existing water and sewer services are required for this project. H. Signage 1. No proposed signage information is provided. However, the site previously received a setback variance for the existing free standing sign. A full signage package for any new free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. 2. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. I. Environmental 1. No Environmental Impact Statement (EIS) was prepared for this project since it is a developed site with a little more than an acre of additional disturbance proposed for the tract. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using New Jersey Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. Data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmentally-sensitive areas exist on-site per available mapping. 2. A Tree Protection Management Plan has been provided. Revisions to the plan are necessary which we can review with the applicant's engineer. Since the project is commercial, it is our interpretation based on the current plan that the applicant shall either pay a fee of \$1,572.00 based on 0.786 acres of clearing, or plant four (4) replacement trees of two inch (2") diameter or greater based on four (4) trees per acre. J. Construction Details 1. 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. 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. New Jersey Department of Transportation (if applicable); and f. All other required outside agency approvals.

Mr. Edward Liston, Esq. on behalf of the applicant stated there are no variances and we are looking for more parking which will be in the rear of the building. We have found as our business has grown that the parking we have is inadequate and some may know we have involved ourselves in charitable events and when we have one of these gatherings we don't

have room. In addition, we are hopeful if we have that extra parking we can put our customers in the back and leave the front for sales.

Mr. Timothy Lurie, P.E. stated that in the rear of the building we are proposing 64 parking spaces.

Mr. Neiman asked why so many people are interested in this application.

Mr. Liston said he had no idea. He said when they first filed the application they were looking to have a training ground for people learning to ride motorcycles in the back. I think that got people upset and particularly living in the condominiums surrounding us. As a result of hearing their comments we decided we are not doing that. That is off the table but because of the rallies we have occasionally as well as sales which have increased so we need more parking and that is all we are here for.

A member asked as far as the back of the building, the only thing you would like to be approved is the parking.

Mr. Liston stated that was correct.

Mr. Micholini, Esq. represents Harrogate which is located at 400 Locust Street directly behind the premises. It is a senior life care community. Our concern is that this is not simply a pretext for a motorcycle sales center and when the applicant saw the number of people that were opposing this they pulled back and do something that is a parking lot but on the side we can use it for a motorcycle training area. If this were to be approved we would be requesting all kinds of conditions related to that. Because of the fundamental nature of this application has changed I think it should be re-noticed. This was first noticed April of this year for a May hearing.

Mr. Liston stated he will re-notice.

Spokesperson for the Lafayette Greens subdivision stated they would like to begin by asking the ownership and management of Harley Davidson of Ocean County to respectfully withdraw its application for the amendment or revision of its site plan to construct a 64 space parking lot behind the existing facility. If approved it will significantly and adversely impact the quality of life and not to mention the negative effect the property values for everyone that now resides in Lafayette Green. It already exceeds the excessable noise level as stated in Lakewood Township ordinance 3-22.1 which states "it shall be unlawful for a person to make, continue or cause to be made or continued any loud, unnecessary, offensive or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others." It goes on to define the definition of noise that is clearly audible 50 ft from the building, structure or vehicle in which it is located shall be evidence of a violation of this section. I think it goes on record that the health department has been out and they are in violation already of that ordinance. At present the dealership modifies standard exhaust systems to increase performance levels on motorcycles by removing stock exhaust systems, installing free flow tuned exhaust

increasing the horse power which also causes significant, unmuffled noise. We understand that a significant portion of this business is motorcycle repair and modification. We do not however appreciate the testing of these modifications outside of their building. Patrons or employees of the dealership saw no regard for the surrounding neighborhood by revving their engines to high decibel levels in addition to frequent screaming of obscenities which can be heard hundreds of feet away. As the Board may or may not be aware, the Harley dealership hosts many events through the warmer months at which many cyclists attend, increasing the number of motorcycles on the site. This may or may not be considered outside their permitted use. What would preclude these activities which include bands, cookouts etc. from expanding the front, where they are held now, to the new parking area behind the dealership and adjacent to our properties. Any complaints that have been voiced by our residents in the past have gone unanswered. As Lakewood Township property owners and tax payers, we are also concerned over the lighting. This will be using commercial grade materials and lighting specifications that will clearly impact the quality of lives in Lafayette Green not to mention impacting the values of our homes. Lights would be shining on to our homes all night that are significantly brighter than a street light. We implore the Board to stand in our shoes and look at this issue as a back door opening for the original track that is so lucrative to Harley Davidson. We are all aware that the original plan was for adding a training track on the same area of the property but was withdrawn before being heard by the Board. The question has to be asked was it withdrawn because it would not have been as simple as a change of use issue but rather a zoning one. If the dealership is allowed to pave this area as a parking lot what would keep them from putting up cones and using it as a training track anyway. Who would police their activity. Their website shows there would multiple cycles on a training course at one time which would only have a 50 ft buffer and it also states that it offers a course for experienced drivers to enhance their ability to stop, swerve and corner. All of these activities will translate into squealing tires and rapid acceleration and deceleration therefore noise. This course allows drivers to use their motorcycles which may or may not be modified for the free flow exhaust. The residents have been told by Harley that they would be using quiet, lower powered cycles which is contrary to what they are saying on the website. Currently the dealership operates a training course at an offsite facility which does not adversely affect any Township resident. We then ask the question why not continue to offer that training offsite. It also bears mentioning that the Harley Davidson dealership operates seven days a week, fifty two weeks a year with a very substantial schedule for training and is also evidence by their website. In summation, we respectfully request the Lakewood Township Planning Board to reject this application on the following basis: Lakewood Township residents will not have any direct benefit from the use, the overwhelming predominance of clients will be from outside the area. This activity is already being accomplished at a remote site that does not negatively impact anyone. The current facility already regularly violates the Lakewood Township prohibition codes. The current facility continues to exceed the NJDEP noise pollution guidelines at 65 decibels at the property edge. This addition will significantly impact property values and the quality of life issues. We thank you for your time.

Mr. Liston stated he did not see any false implications that were brought up be unanswered tonight. He stated that this is a permitted use in a commercial zone. This application is an "as of right" application. You can not turn it down because we do not seek a variance. We

comply with each and every possible application of your ordinance. Beyond that, you have the right to put conditions on the property. She is concerned about the lighting. We do not want lighting back there. We are asking for a waiver from lighting. The only lighting will be lighting that is already on our building for security purposes.

Mr. Neiman stated that the biggest concern is the noise levels. If you could come up with documentation on the noise levels showing that it did fail at one point.

Mr. Follman arrived at the meeting.

Mr. Liston stated that if there had been violations and if there had been summons issued he would like to see them. If they are going to hire private noise people and put noise sensors at their common border with us at their expense we would like to see it. But so far I have never been contacted about any noise violations by Lakewood or my client. Whether they exist or not, at this point, are mere baseless allegations and I wanted to make that point clear.

Spokesperson for the Lafayette Greens subdivision stated they will be contacting the health department that was out and did find that they were in violation and we will get those records.

Mr. Fink stated that the dealership and the residents should get together and maybe discuss a buffer that could be utilized to help with the noise level.

Mr. Liston stated he would be happy to talk to the representing attorneys about that issue but he pointed out that the issue of noise is not an issue for this Board. It is an enforcement issue. You can put into your resolution that we must comply with all applicable noise ordinances and noise statutes at the municipal, county and state level.

Seeing no questions from the Board members a motion was made and seconded to advance this application to the November 15, 2011 meeting.

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

Abstained: Mr. Follman

Mr. Jackson stated the application will be advanced to the November 15, 2011 meeting. A re-notice is required.

- 4. SP 1929A** (Variance Requested)
Applicant: Bais Rivka Rochele
Location: Southeast corner of Fourth Street & Monmouth Avenue
Block 160 Lot 1, 3, 5, 6, 13, 14 & 15
Final Site Plan for proposed retail & office

Project Description

The applicant is seeking Final Major Site Plan approvals for two (2) proposed projects. Project 1 would permit the construction of a retail/office development on new Lot 1.01 and Project 2 proposes approval for an existing two-story stucco building on proposed new Lot 1.02. The overall area presently contains a fixed trailer building, two (2) one-story masonry buildings, and a two-story stucco building. All improvements are proposed to be removed except for the two-story stucco building which would remain on new Lot 1.02. The creation of proposed new Lots 1.01 and 1.02 is from a separate Minor Subdivision application SD#1753 which was approved at the same time as the Preliminary Major Site Plan. The original property which consisted of multiple lots totaling 1.29 acres was granted subdivision approval with the preliminary major site plan approval. The initial tract had existing frontages on three (3) municipal streets. Monmouth Avenue which has an eighty foot (80') right-of-way is located to the west, Fourth Street with a sixty foot (60') right-of-way is located to the north, and Steckler Street having a fifty foot (50') right-of-way is located to the east. The applicant proposes to request the Lakewood Township Committee to vacate a portion of Steckler Street. A building complex with a parking lot is proposed for Project 1. The proposed new building has frontage on Fourth Street. According to the site plan, this building proposes ground floor retail use and second floor office use. The proposed ground floor retail use will be 29,250 square feet while the second floor office use will be 16,670 square feet. A proposed ground level walkway separates the ground floor retail uses. The proposed Project 1 design is based on Steckler Street being vacated. The half right-of-way width of twenty-five feet (25') would be added to the property's three hundred foot (300') frontage along Steckler Street. Township Committee approval would be required for the street vacation. Subdivision approval was granted from this Board for the conveyance of part of old Lot 13. A total of forty-eight (48) parking spaces are proposed for Project 1. Based on the proposed breakdown of retail and office use shown on the site plan, two hundred three (203) parking spaces are required. The proposed parking lot is located at the northwest corner of the site with access from Monmouth Avenue. The proposed parking lot will have twenty-four foot (24') wide access drive and aisle widths. The proposed parking lot will have two (2) van accessible handicap spaces. The existing two-story stucco building fronting Monmouth Avenue is proposed to be the subject of Project 2. It is not clear how the floor areas of the existing two-story stucco building will be utilized for Project 2. No parking is proposed for Project 2. The sites are in a developed section of the Township. The surrounding area contains a mixture of various uses. We offer the following comments and recommendations: 1. Zoning 1. The two (2) projects are located in the B-4 Wholesale Service Zone. Retail activities and service activities are permitted in the Zone. Testimony shall be provided by the applicant's professionals regarding the proposed uses to confirm compliance with the UDO for this Zone. The Preliminary Resolution of approval requires a final site plan depicting the following: a. The proposed use for each of the buildings including the retail, office, and tenant space. b. No supermarket use. c. No medical tenants. According to the site plans, Project 1 consists of ground floor retail use and second floor office use. According to the architectural plans, Project 1 consists of ground floor retail and supermarket use, with second floor office use. The proposed use for Project 2, which is the existing two-story stucco building to remain, has not been indicated. 2. A minimum lot area variance was granted by the Board for new Lot 1.02. A twenty thousand square foot (20,000 SF) lot area is required. The proposed square footage of the approved undersized

55.56' X 94.33' Lot 1.02 shall be corrected on the plans. 3. A minimum lot width variance was granted by the Board for new Lot 1.02. A one hundred foot (100') lot width is required, whereas 55.56 feet was approved. 4. A front yard setback variance was granted by the Board for new Lot 1.02. A twenty-five foot (25') front yard setback is required, whereas 7.48 feet was approved. 5. A rear yard setback variance was granted by the Board for new Lot 1.02. The Zoning requires a rear yard setback of thirty feet (30'), whereas a zero foot (0') setback was approved. 6. A side yard setback variance was granted by the Board for new Lot 1.02. A ten foot (10') side yard setback is required, whereas a zero foot (0') setback was approved. 7. An aggregate side yard setback variance was granted by the Board for new Lot 1.02. A twenty foot (20') aggregate side yard setback is required, whereas 0.25 feet was approved. 8. On the Phase 2 project, no off-street parking is proposed. The uses for the existing building have not been defined and no off-street parking calculations have been provided. Information on the proposed uses and floor areas is required in order for the Board to determine the extent of the parking variance that will be required. The Preliminary Resolution of approval requires the applicant to address parking for the building on new Lot 1.02. 9. A waiver from the provision of a shade tree and utility easement was granted by the Board for new Lot 1.02. 10. A front yard setback variance is required for new Lot 1.01. A twenty-five foot (25') front yard setback is required. A zero foot (0') front yard setback is proposed on Project 1 for the portion of the proposed building fronting Fourth Street. 11. A rear yard setback variance is required for new Lot 1.01. A thirty foot (30') rear yard setback is required. A one foot (1') rear yard setback is proposed on Project 1 for the portion of the proposed building opposite the Fourth Street frontage. 12. A side yard setback variance is required for new Lot 1.01. A ten foot (10') side yard setback is required. A zero foot (0') side yard setback is proposed for Project 1 where the 16,335 square foot retail portion of the building abuts the neighboring existing two-story stucco building that is to remain on new Lot 1.02. 13. An aggregate side yard setback variance is required for new Lot 1.01. A twenty foot (20') aggregate side yard setback is required. A 15.66 foot aggregate side yard setback is proposed for Project 1. This occurs where the proposed portion of the building abuts the neighboring existing two-story stucco building that is to remain and the opposite side is set 15.66 feet from the property line to be formed by the vacation of Steckler Street. 14. A variance was granted by the Board for the proposed number of parking spaces on new Lot 1.01. On Project 1, the proposed retail use of 29,250 square feet requires one hundred forty-seven (147) parking spaces. The proposed office use of 16,670 square feet requires fifty-six (56) parking spaces. A total of two hundred three (203) spaces are required. Forty-eight (48) off-street spaces are proposed. 15. The proposed configuration of Project 1 does not provide ample space for a shade tree and utility easement. The Board should consider granting a waiver from this provision for new Lot 1.01. 16. The applicant must address the positive and negative criteria in support of the required outstanding 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. General Note #1 states that engineering documents for the vacation of Steckler Street were being developed by the Lakewood Township Engineering Department. However, the Preliminary Resolution of approval requires that the applicant propose to request the Lakewood Township Committee to vacate a portion of Steckler Street. The applicant shall have final approval from the

Lakewood Township Committee for the vacation of Steckler Street before the Board will grant final site plan approval for the proposed developments of the subject sites. 2. The proposed parking lot for Project 1 is situated at the edge of the Fourth Street right-of-way line and 2.34 feet from the Monmouth Avenue right-of-way line. 3. The proposed uses, areas, and dimensions of the building complex for Project 1 do not correlate between the site plans and architectural plans, corrections are required. 4. As depicted on the current design for Project 1, a twenty-four foot (24') wide access is proposed for Steckler Street (assumed to be vacated for design purposes). A six foot (6') width of the access is proposed west of the centerline and an eighteen foot (18') width of the access is proposed east of the centerline. An additional six foot (6') wide loading area is proposed on the west side in front of building section closest to Fourth Street. This leaves a proposed sidewalk width of less than four feet (4') in front of most of the retail units. Testimony should be provided about the adequacy of this proposed pedestrian circulation. 5. A loading area for Project 1 is proposed in the southeast corner of the site. The loading area will accommodate three (3) trucks and a trash compactor. As required by the Preliminary Resolution of approval, testimony shall be provided on appropriate and reasonable loading to accommodate the proposed building complex. Vehicular circulation plans must be provided to confirm accessibility for the loading areas, delivery, emergency, and trash pickup vehicles that will need to access the site. The applicant should address whether what appear to be bollards are being proposed across from the loading area to protect vehicles in the future municipal parking lot. Testimony shall also be provided regarding loading, delivery, and trash pickup on Project 2 for the existing two-story stucco building to remain since no facilities are proposed. 6. For Project 1, the proposed pavement tie-in location at the southeast corner of the site does not match existing conditions. The proposed disposition of Steckler Street south of the site, if any, should also be discussed. The applicant's professionals have indicated the proposed vacation of Steckler Street will be discussed with the Lakewood Development Corporation. 7. The plans for Project 1 indicate a slight encroachment of the existing parking lot on Lot 11 owned by the Lakewood Development Corporation onto the applicant's new Lot 1.01. Since the property line is on a skew and the approved Minor Subdivision Map has not been filed, we recommend a squaring off of the property line to correct the encroachment. The applicant's professionals have indicated that testimony will be provided to address the property line encroachment along Lot 11. 8. The Demolition Plans indicate off-site items to be removed and/or relocated. An existing tree and part of an existing fence are shown to be removed from Lot 11 owned by the Lakewood Development Corporation. An existing fence on the east side of Steckler Street is shown to be relocated five feet (5') by others. Testimony shall be provided to address these issues. 9. The plans are proposing sidewalk to be constructed adjacent the existing parking lot curb on part of Lot 11 owned by the Lakewood Development Corporation. The applicant's professionals have indicated that testimony will be provided to address the proposed sidewalk on Lot 11. 10. The plans for Project 1 attempt to retain the bulk of existing curb and sidewalk on the Monmouth Avenue and Fourth Street frontages. Accordingly, the following note has been added to Sheet C-03: "Curb and sidewalk along the property frontage shall be replaced to the satisfaction of the Township Engineer." However, the Preliminary Resolution of approval requires sidewalks along Fourth Street to be eleven feet (11') wide. Additional proposed sidewalk must be indicated. 11. On Project 1, the existing curb radius at the intersection of Monmouth Avenue

and Fourth Street will constrict pedestrian flow at the intersection. A proper curb radius of twenty-five feet (25') has been proposed along with the correct handicapped ramp. The existing handicapped ramps surrounding the site are being upgraded to current codes. 12. At a minimum, utility and driveway paving restorations will be required as a condition of approval for Project 1, if and when forthcoming. Locations of pavement repair and replacement have been added to Sheet C-02, the Demolition Plan. 13. Proposed floor area calculations must be confirmed for Project 1. Dimensions for the proposed building on Project 1 must be to the hundredth of a foot. There are building dimension discrepancies between the site plans and architectural plans for Project 1. The proposed floor area calculations and dimensions for the existing two-story stucco building to remain on Project 2 must be addressed. 14. The following conditions of the Preliminary Resolution of approval must also be addressed: a. Provision of adequate traffic circulation on the site. b. No parking on Steckler Street. c. No parking on Monmouth Avenue. d. The municipal parking lot shall be complete and in operation prior to the applicant receiving final site plan approval for the proposed developments of the subject sites. B. Architectural 1. New Architectural Plans for Project 1 were submitted for review. It is our understanding the proposed building complex for Project 1 will be thirty-one feet three inches (31'-3") in height. The existing two-story stucco building to remain for Project 2 will be twenty-six feet six inches (26'-6") in height. The new architectural plans for Project 1 show stairs and openings to basement areas. However, no basement floor plans have been provided. The applicant's professionals have indicated that testimony will be provided to address the basement. 2. The applicant's professionals have indicated that testimony will be provided regarding the proposed building façade and treatments for both site plan projects. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. 3. The applicant's professionals have indicated that testimony will be provided as to whether any roof-mounted HVAC equipment is proposed for the building complex of Project 1 or the existing two-story stucco building to remain on Project 2. If so, said equipment should be adequately screened. 4. The proposed building shape and dimensions for Project 1 are not consistent between the architectural plans and the site plan. In addition, access points do not match. The building dimensions and access points for the existing two-story stucco building to remain for Project 2 must also be provided. 5. The applicant's professionals indicate that testimony will be provided to address the existing building for Project 2. C. Grading 1. Sheet C-04 is a detailed Grading, Drainage, & Utility Plan of the plan set. The proposed grading concept is to direct runoff into an underground infiltration system. Per review of the plan, the overall grading design is feasible as proposed. The proposed grading will take place on the Project 1 portion of the site plan. Virtually no proposed grading will take place on Project 2 since it involves just the existing two-story stucco building to remain. 2. The parking lot has been graded to low points within the lot where catch basins would be installed to pipe runoff to a pretreatment device before it enters the underground recharge system. A high point will be created in the access driveway to keep runoff from escaping the site which would be contrary to the proposed design concept. 3. The proposed grading and limits of improvements to the Steckler Street portion of the project, which is shown to be vacated, have been designed. Coordination with the Lakewood Development Corporation's parking lot project will be required during compliance review should final site plan approval be granted. 4. A final grading review will be conducted during compliance should final site plan approval be granted. D. Storm Water

Management 1. A proposed storm water management system has been designed for Project 1. The construction of an underground infiltration system is proposed to handle the increased runoff which will be generated by the project. Storm water management for Project 2 is not required since no change in impervious coverage is proposed. 2. The proposed underground recharge facilities for Project 1 will have a Contech Stormfilter pretreatment device. 3. Testimony is required confirming private maintenance of the storm water management system for the site. The Storm Water Maintenance Manual, which was provided during the preliminary approval stage, must be revised to account for the final site plan design. Revisions should also be included to the "Corrective Response to Emergency Conditions" section. 4. The proposed project will reduce storm water discharge to the surrounding streets. The design of the storm sewer system in the proposed parking lot captures the storm water runoff from the site. 5. According to the "Report" and the test pits, the average elevation of seasonal high groundwater is 54.96. The infiltration system for the proposed project indicates the bottom elevation of the underground recharge area to be 57.00. 6. An excerpt from the Geotechnical Investigation has been included in the Appendix of the Storm Water Management Report for the proposed project. The infiltration rates used for design are acceptable. 7. The design for the loading area drainage and the pedestrian corridor drainage of the proposed project will be completed just prior to construction when existing storm sewer elevations in Monmouth Avenue are field verified. 8. New storm sewer profiles should be provided for the proposed site. These profiles will be reviewed in detail during compliance should final site plan approval be granted. E. Landscaping 1. A landscaping plan for the proposed Project 1 site plan has been provided for review. Red Maples are proposed in the parking lot corners. A row of English Yews are proposed within the right-of-way in front of the building fronting Fourth Street. Nine (9) English Yews are proposed in front of the retail portion of the site facing eastward. No landscaping is proposed for Project 2 involving the existing two-story stucco building to remain. 2. Final landscape design for both projects is subject to Board approval. F. Lighting 1. A detailed revised lighting design for the proposed site plan including a point to point diagram has been provided. The comprehensive lighting plan proposes five (5) low pole mounted fixtures and twenty (20) wall mounted fixtures. A table indicating the number of each type fixture and their respective wattage is required. The lighting proposed is inadequate in some locations and must be revised as a condition of approval. 2. The lighting design for the proposed site has pole mounted fixtures located within right-of-ways. Relocation of these fixtures is recommended. Potential alternate locations could be on the proposed landscape islands of the parking area. G. Utilities 1. The projects are located in the New Jersey American Water Company franchise area. Public water and sewer service will be constructed by NJAWC for the proposed Project 1 site plan. No existing or proposed water and sewer service is shown on the Project 2 site plan where the existing two-story stucco building will remain. 2. A fire suppression system is proposed for the Project 1 building. Separate connections are proposed for potable water and fire protection measures. The water connections are being made on the Fourth Street side of the project. Testimony must be provided on whether there is an existing or proposed fire suppression system for the Project 2 site plan where the existing two-story stucco building will remain. 3. No additional fire hydrants are being proposed for either project site. However, Fire District approval has been obtained. 4. Proposed sanitary sewer for the Project 1 site plan is being connected to the existing system in Fourth Street. No existing or proposed sanitary sewer connections

are shown for the Project 2 site plan where the existing two-story stucco building will remain. 5. Gas and electric service to the proposed building complex for the Project 1 site plan will be provided from the Fourth Street side of the project. No information has been provided for gas and electric service to the existing building on the Project 2 site plan. H. Signage 1. The Project 1 Site Plan proposes wall signs, but no freestanding signage. Wall signs will be limited to sixty square feet (60 SF) which is the maximum area allowed for a building having more than sixty feet (60') of length. The architectural plans indicate proposed wall sign locations over the front and rear access points of the large store which is permitted. No dimensions or details have been provided to confirm that the signs comply with the area requirements. No signage information has been provided for the Project 2 site plan where the existing two-story stucco building will remain. 2. All signage proposed for either Project that is not reviewed and approved as part of these site plan applications, if any, shall comply with the Township Ordinance. I. Environmental 1. Site Description Per review of the site plans, aerial photography, and a site investigation of the properties, the project site consists of a 1.29 acre tract. The site is currently developed as a mix of uses including auto service, retail, office, and vacant lots near the intersection of Monmouth Avenue and Fourth Street. The site is bordered on the north by Fourth Street with residential uses on the opposite side. Steckler Street is located on the east side. A school is located to the south. Monmouth Avenue is a wide collector street located to the west. A two-story existing stucco building to remain fronts Monmouth Avenue just north of an existing parking lot on Lot 11. Except for the existing two-story stucco building, virtually the entire site will be renovated. 2. Environmental Impact Statement During the preliminary approval process, the applicant submitted an Environmental Impact Statement which covered the entire site. The document had been prepared by L2A Land Design, LLC to comply with Section 18-820 of the UDO. The report was dated February 9, 2010. To assess the site for environmental concerns, natural resources search of the properties and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following highlights some of the documents and field inventories which were reviewed to evaluate potential environmental issues associated with development of these properties: • Known Contaminated sites (including deed notices of contaminated areas); • Wood Turtle and Urban Peregrine habitat areas; and • NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. The author of the Environmental Impact Statement concludes given the few potential adverse impacts and the mitigation of these impacts as proposed by the developments, the construction of the proposed projects will be an improvement to the parcels and the surrounding areas. We agree with this conclusion. 3. Tree Management Plan A Tree Management Plan has been submitted for review. All of the existing trees will be removed. Four (4) shade trees and twenty-eight (28) shrubs are proposed to replace the existing vegetation. J. Traffic 1. A Traffic Impact Assessment for the proposed projects has not been submitted for review, and has been required by the Board as a condition of approval. The proposed development site plan will bring additional vehicular traffic to the site. The Environmental Impact Statement and Parking Assessment submitted during the preliminary approval stage, recognizes the proposed projects will depend on the construction of a new municipal parking lot to assist in providing the shortfall of off-street parking proposed. 2.

Testimony should be provided by the applicant's traffic expert as to whether any improvements are warranted for safety purposes due to the developments of the projects. Testimony will be necessary for the public hearing, at a minimum. K. Construction Details 1. Construction details are provided with the current design submission. We recommend that final construction details be revised as necessary during compliance review, if/when these projects are approved by the Board. III. Regulatory Agency Approvals Outside agency approvals for these projects may include, but are not limited to the following: a. Township Committee (Street Vacation for Project 1); b. Ocean County Planning Board; c. Ocean County Soil Conservation District (Project 1); and d. All other required outside agency approvals. New Jersey American Water Company will be responsible for the construction of sanitary sewer and potable water service for the proposed projects.

Mr. Steven Pfeffer, Esq. on behalf of the applicant. At the preliminary there was a discussion with Rabbi Kanerek in terms of what is going to be there, who the tenants are going to be and at that time he did not know. He wanted to get preliminary approval, rent it out and then come back for final approval. Mr. Pfeffer stated the retail is two thirds rented out and now we are looking to go to the next step and let you know who the tenants are, what uses they are going to have which are questions that the Board wanted to know but last time we could not answer it. The only thing we are seeking extra which is a deviation from the prior resolution. There was a prohibition on medical offices and we have been approached by some medical people and we would like to discuss that because the second floor is office use. In our opinion it will gentrify that area. There are all kinds of residential units that have been built and people may want to take their kids to a medical provider without a car. Besides that and some minor shifting to accommodate the tenants it is everything you approved last time. We have no problem with the report and we will answer all questioned raised.

Mr. Neiman stated that the main thing we will be talking about at the public hearing is the amount of parking in that area. That will help us make that decision if medical can or cannot be there. If the Board feels that there is ample parking there, as you know downtown parking is a premium, the design and the structure is nice and that is why we approved it preliminarily but we want to make sure that there is suffice parking.

Mr. Pfeffer stated there have been many new residential units built on 4th Street and people may want to walk to a medical provider.

Mr. Neiman stated the parking was not clear in the preliminary approval and that is why it was not approved for medical. If we can see where the spots are in the plan it would be easier to make that decision.

Mr. Fink asked how many doctors would be in that office.

Mr. Pfeffer stated that it has not gotten to that point yet. A physical therapist has made an inquiry and we are not sure how many doctors would be there.

Mr. Schmuckler asked that when they come to public hearing they bring an overview of the entire lot including when Steckler Street will be vacated so we can have an idea.

Mr. Dipple said they can provide that.

Mr. Schmuckler also asked that they discuss the traffic movement at the public hearing as well.

Motion moved and seconded to advance this application to the November 15, 2011 meeting.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Follman, Mr. Percal, Mr. Schmuckler

Mr. Jackson stated the application will be advanced to the November 15, 2011 meeting. No further notices are required.

- 5. SP 1964** (Variance Requested)
Applicant: Sprint Spectrum
Location: Northwest corner of Airport Road & Oak Street
Block 1160 Lot 269.01
Preliminary & Final Site Plan for proposed wireless telecom facility mounted on existing water tower

Project Description

The applicant is Sprint Spectrum, L.P., with mailing address of 1 International Boulevard, Suite #800, Mahwah, New Jersey 07495. The applicant proposes to install twelve (12); four foot (4') tall wireless telecommunications antennas mounted on the side of a new water tank at a maximum height of one hundred thirty-three feet (133') above grade level. The new water tower is almost one hundred fifty feet (150') tall and is owned by the Lakewood Township Municipal Utilities Authority. In addition, approval for the placement of related equipment cabinets in a 20' X 30' lease area at the base of the tank is also required. The tract consists of 0.48 acres in area, and contains a new water tank. The new tank facility has recently been constructed and is located on the north side of Oak Street, west of Airport Road within the Lakewood Industrial Park. Oak Street is an improved forty foot (40') wide road with a sixty foot (60') right-of-way. Sidewalk does not exist across the frontage of the property. Access to the site is afforded from a paved maintenance driveway. The construction of this wireless communications facility is to support mobile phone services. The proposed wireless communications facility is not intended for human occupancy and will be visited once every four (4) to six (6) weeks for routine maintenance. Therefore, the communications facility does not require any parking for employees. In addition, the wireless facility does not require potable water and will not produce sewage. Furthermore, the nature of the wireless facility requires specialized trained technicians and is exempt from ADA compliance. An existing water tank site on the corner of Oak Street and Airport Road borders the project to the east. This old existing water tank is scheduled for removal. Oak Street borders the site to the south. The immediately surrounding lands to the north and west are vacant. Otherwise, the area is improved with large commercial and industrial

land uses. The site is located in the M-1 Industrial Zone. I. Zoning 1. The site is situated within the M-1, Industrial Zone. Wireless Telecommunications Towers and Antennas shall be permitted subject to meeting the conditions of Section 18-1012 of the UDO. Testimony shall be provided on the meeting of these conditions. 2. A side yard setback variance has been requested for the project. A minimum side yard setback of thirty feet (30') is required. A side yard setback of 27'-1" is proposed to the compound. 3. Per review of the site plans and application, the following design waivers are required: • Providing a Landscape Plan (Section 18-803). • Providing Storm Water Management (Section 18-815). • Providing sidewalk along the site frontage (Subsection 18-814.M.). • Providing a shade tree and utility easement along the site frontage. • Providing shade trees along the site frontage. • Any and all other design waivers deemed necessary by the Board. The applicant shall provide testimony on the required design waivers, particularly with regard to storm water management since the site plan proposes additional site access to proposed and future facilities. 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 survey and base map used for the project was undertaken prior to completion of construction on the new tank site, as evidenced by the noted dirt stockpile. Therefore, the existing conditions are not properly shown and affect the proposed design submitted. An updated survey and base map is required. Based on our site investigation conducted on 9/21/11, the tank site is complete, but has yet to receive final stabilization. Accordingly, the following corrections are warranted: a. New perimeter fencing with a swing gate shall be added. b. New site access shall be added including on-site asphalt driveways with concrete apron. c. Hydrants, water valves, and electrical facilities shall be added. d. New topography is required. The bulk of the site slopes toward the existing woods located off-site to the west. 2. The application proposes the construction of a wireless communications facility to support the mobile phone services provided by Sprint. The proposed location of the compound and equipment cabinets for the carrier at the base of the structure is depicted. The locations of the equipment areas for three (3) other future carriers are also depicted. The applicant's engineer should provide testimony on the facilities being constructed for this application. The plans depict all fencing and access to be constructed, but must be revised since new perimeter fencing has been constructed at the site. 3. Similar to the previous comment, the applicant's engineer should provide testimony regarding any existing subsurface utilities in the area, such as those serving the other wireless carriers. Any potential conflicts with the proposed subsurface electric and Telco must be addressed. In addition, recently constructed water and electric lines associated with the new tank must be added. 4. A separation distance of ninety feet (90') is shown to the existing water tank scheduled to be removed from adjoining Lot 267. It should be noted the distance is shown from the column of the new structure and not the elevated tank portion. 5. Names of all property owners within two hundred feet (200') of the subject site are shown on Sheet Z2. The overlay of the site boundary must be corrected to assure the notification radius is accurate. 6. Our office has reviewed the provided Antenna Site FCC RF Compliance Assessment and Report provided by Pinnacle Telecom Group. Our office has no objection to the report's conclusion that the proposed installation is in compliance with the Maximum Permissible Exposure

(MPE) limits of both the FCC and the State of New Jersey. 7. The proposed rear yard distances to the compound and equipment are reversed and should be corrected. 8. An undefined temporary construction easement area is shown in a wooded area west of the site. Testimony should be provided on the disposition of this easement since it may impact the site plan approval and required regulatory approvals. 9. A note indicated that Lakewood Township will have access to the main wireless communication compound gate should be clarified. Sprint is the lessee to the Lakewood Township Municipal Utilities Authority. 10. The symbols in the Legend are not consistent with the Site Plan. B. Grading 1. A grading plan is provided. However, the proposed grading plan requires revision since it is based on an out of date topography. Final grading can be addressed during compliance review, if/when approval is granted. C. Storm Water Management 1. A waiver has been requested from providing Storm Water Management Facilities. However, additional impervious coverage is proposed for the site development. D. Landscaping 1. No landscaping work is proposed and a waiver has been requested from providing a Landscape Plan. The Board may waive landscaping requirements at their discretion. The applicant's professionals should provide testimony regarding whether or not landscaping is appropriate. E. Lighting 1. We note two (2) proposed floodlights atop the PPC. No other proposed lighting has been observed. Testimony on the adequacy of the lighting should be demonstrated. F. Utilities 1. The applicant's professionals should provide brief testimony regarding the routing of utilities to the proposed installation and the potential for conflict with existing improvements. G. Signage 1. An emergency sign with an "800" contact number is proposed to be mounted on the exterior side of the chain link fence. No other signage information is provided. H. Environmental 1. No environmental impacts are expected or proposed beyond the de minimus impact of radiofrequency (RF) levels addressed in the Compliance Assessment and Report. I. Construction Details 1. Construction details are provided on Sheets Z5 - Z7 of the plans. 2. The Gravel Access Drive Detail shall have processed quarry gravel over dense graded aggregate base "course". 3. The Asphalt Pavement Detail should include a Bituminous Stabilized Base Course layer. The Dense Graded Aggregate Base Course thickness may be reduced with the addition of a Bituminous Stabilized Base Course layer. 4. The Depressed Concrete Curb Detail must be corrected. A view showing the method of depression should be added. 5. Construction details of full height Concrete Vertical Curb must be added. 6. Final review of construction details can take place during compliance should site plan approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Lakewood Township Industrial Commission; b. Lakewood Township Municipal Utilities Authority (lessor); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; and e. All other required outside agency approvals.

The applicant's engineer stated there were minimum changes to the plans and asked if they could submit as-builts.

Mr. Vogt asked him to contact his office and they can work something out.

Motion moved and seconded to advance this application to the November 15, 2011 meeting.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Follman, Mr. Percal, Mr. Schmuckler

Mr. Jackson stated the application will be advanced to the November 15, 2011 meeting. No further notices are required.

- 6. SP 1966** (No Variance Requested)
Applicant: Malcom Smith
Location: Chambers Bridge Rd, South of Ocean Ave (Rte 88)
Block 669 Lots 90 & 101
Preliminary & Final Site Plan for proposed used car dealer & warehouse

Project Description

The applicant is seeking Preliminary and Final Major Site Plan approval. The subject property is known and designated as Lots 90 and 101 in Block 669. As calculated by the most recent survey of the property, the area equals 3.06 acres. Lot 90 is mostly wooded and vacant with some freshwater wetlands. Lot 101 is currently developed with a 2,409 square foot office building and parking lot. It is intended to maintain the existing building for use as a used car lot sales office on Lot 101 and construct a six thousand square foot (6,000 SF) warehouse on Lot 90 at the rear of the existing parking lot on Lot 101. The applicant has indicated a transfer permit was received from the Township to convert the existing building, which was a bank, to an office for used car sales. Therefore, the subject of this application is mainly the construction of the warehouse and its associated increase in impervious area. Accordingly, a recharge basin has been designed to mitigate the increase in storm water flows. The site is located in the eastern portion of the Township, on the west side of Chambers Bridge Road, approximately three hundred forty feet (340') south of Route 88. The property has nearly three hundred feet (300') of frontage on Chambers Bridge Road, which is a County Highway. The tract is border to the north by a florist and gas station, to the west by undeveloped land, to the south by freshwater wetlands and a commercial site, and to the east by Chambers Bridge Road. The existing topography of the site generally flows from the north to the south. The minimum and maximum existing elevations on the property range from just above elevation five (5) to just above elevation sixteen (16), as related to NAVD 88. The majority of the vertical relief occurs at the southern end of the tract with associated freshwater wetlands accounting for the lower elevations of the site. As designed, the project requires a freshwater wetlands transition area waiver from the New Jersey Department of Environmental Protection. The site is located in the B-4 Wholesale Service Zone. Wholesale, storage, and warehousing facilities, as well as new or used car lots are a permitted uses in the zone. I. Waivers A. The following waivers have been requested or are required 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. C13 – Environmental Impact Statement. 5. C14 – Tree Protection Management Plan. The Site Plan does not show topography within two hundred feet (200') of the site. The indicated reason for a waiver request on “B-Site Features” is that it would not impact the design. Waivers have been requested from the Environmental Impact Statement and a Tree Protection

Management Plan. We support the "B-Site Features" requested waivers. However, a summary EIS should be provided addressing Groundwater Contamination Areas which are mapped for the site, as well as wetlands and transition area impacts on the proposed site design. 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 as a condition of approval. II. Zoning 1. The site is situated within the B-4, Wholesale Service Zone. Per Section 18-903D.1.c. & e., of the UDO, under "permitted uses" in the B-4 zone cites wholesale, storage, and warehousing facilities, as well as new or used car lots. 2. No variances have been requested. Per review of the Site Plan and the zone requirements, it appears no variances are required for the proposed project. 3. Per review of the site plans and application, the following design waivers appear to be required:

- A design waiver is required to permit the proposed gravel vehicle area with timber curb. Asphalt and concrete curb are required per Township Ordinance.
- A design waiver has been requested from providing a fence around the recharge basin. Fencing is required for Township maintained basins. The applicant's professionals shall provide testimony on the proposed basin ownership.
- A design waiver has been requested to delay the performance of soil test pits and permeability tests for storm water management.
- Providing shade trees along the project frontage. An existing ten foot (10') wide shade tree easement is shown along the project frontage. An existing twenty foot (20') wide sanitary sewer easement along the project frontage overlaps the shade tree easement. Therefore, shade trees may not be planted within the easement because of the sanitary sewer.
- Any and all other design waivers deemed necessary by the Board.

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. III. Review Comments A. Site Plan/Circulation/Parking 1. The proposed side yard setback should be corrected to 11.00 feet in the Schedule of Area Requirements. Also, the proposed aggregate side yard setback should be corrected to 134.48 feet. 2. We recommend the consolidation of existing Lots 90 and 101 be made a condition of site plan approval. 3. The General Notes indicate that the base map is based on a plan prepared by Bernard M. Collins Surveying, Inc., entitled "Map of Survey", dated February 9, 2011. A copy of this survey shall be submitted. 4. A freshwater wetlands delineation line shows on the site plan which was field delineated on February 24, 2011. The line has yet to be verified by the New Jersey Department of Environmental Protection. A fifty foot (50') wetlands transition area has also been indicated. The proposed site plan relies on transition area reduction and compensation for approval of the current layout. Survey information must be added to the site plan for the proposed regulatory restriction lines. 5. A substantial portion of the proposed recharge basin is located within an Ocean County Utilities Authority easement. Accordingly, approval will be required from the Ocean County Utilities Authority. 6. Testimony should be provided on loading/unloading of vehicles and the use of the proposed gravel vehicle area and warehouse. 7. The existing one-way circulation pattern through the site will be maintained. The one-way drive aisle behind the existing building is proposed to be widened to a width of eighteen feet (18') to allow for proper circulation of trucks and emergency vehicles. 8. A 10' X 15' refuse area is proposed on-site. Construction details with dimensions have been provided. Testimony is required regarding the adequacy of the refuse area. Should Township collection be proposed,

approval will be required from the Department of Public Works. The refuse area should be designed in accordance with Section 18-809.E., of the UDO. 9. An existing Sight Right Easement is shown at the exit drive intersecting Chambers Bridge Road. 10. Chambers Bridge Road is improved with utilities, sidewalk, curbing, and pavement. No changes to the existing improvements are proposed along the site frontage or driveway access points. 11. The Parking Requirements indicate that eighteen (18) off-street parking spaces are required for the site. Eighteen (18) off-street parking spaces are proposed, two (2) of which are van accessible handicapped parking spaces. B. Architectural 1. A preliminary architectural elevation for the proposed warehouse was submitted for review. Per review of the submitted plan, the buildings will be far less than the forty-five foot (45') allowable height. A maximum height of twenty and a half feet (20.5') is proposed for the warehouse. The existing building on-site is only one-story. 2. The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. 3. Testimony should be provided as to whether any utilities are proposed for the warehouse. The elevation notes a clear span interior. C. Grading 1. A detailed grading plan is provided on Sheet 4. Any proposed grading takes place in the rear of the property. 2. The proposed bottom grade of the recharge basin should be corrected to elevation 11.50. We recommend the proposed curb be set with no reveal where runoff is to enter the recharge basin at the stabilized basin access. 3. Per review of the proposed grading plan, the design concept is feasible. Final grading can be addressed during compliance review if/when approval is granted. D. Storm Water Management 1. An existing Type "B" Inlet frame and grate will be replaced with a proposed Type "E" Inlet frame and grate where the existing curb will be removed to access the proposed warehouse building in the rear of the site. The existing fifteen inch reinforced concrete pipe (15" RCP) for drainage will remain intact. The existing twenty foot (20') wide drainage easement across Lot 90 can be abandoned with a Lot Consolidation for the project. 2. A proposed storm water management system has been designed for the proposed increase in runoff utilizing a recharge basin. Impervious area will not be increased by more than 0.25 acres and disturbance will be less than one (1) acre, thereby classifying the project as minor development. Storm water calculations have been submitted to demonstrate that the proposed storm water management system is adequately-sized to reduce storm water flows to less than predevelopment conditions. 3. Soil test pits are required to demonstrate that a two foot (2') vertical separation between the proposed bottom of the storm water management basin and the seasonal high water table is maintained. Permeability test results are required to justify the recharge calculations used for the project. 4. Since the project is not classified as major development, a Storm Water Management Operations & Maintenance Manual is not required. Testimony should be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. E. Landscaping 1. A Landscape Plan has been provided on Sheet 6 for review. Proposed landscape planting for the site consists of six (6) Upright Japanese Yews, three (3) Globe Arborvitaes, and two (2) Emerald Green Arborvitaes. 2. The applicant has not provided shade trees along the property frontage. A waiver has been requested from this requirement. 3. Proposed utilities should be added to the plan to eliminate planting conflicts. 4. The overall landscape design is subject to review and approval by the Board. F. Lighting 1. The project contains existing site lighting. It is not clear what alterations to the existing

site lighting are proposed. Testimony should be provided on the adequacy of existing site lighting. 2. A wall mounted light fixture is proposed over the man door of the warehouse, presumably for security purposes. No other lighting is proposed for the warehouse portion of the site plan. Testimony should be provided on proposed site lighting. G. Utilities 1. Public water and sewer approvals are required from the Lakewood Township Municipal Utilities Authority since the project is within their franchise area. 2. An existing twelve inch (12") water main is being extended across the frontage of the proposed project from an existing main terminating in front of Lot 100 which is immediately to the north of the site. A water service line is proposed for the existing building and a proposed stub for a future connection. Testimony should be provided as to whether the proposed stub will service the warehouse at some future time. 3. A sewer service line is proposed for the existing building which will connect into the existing main crossing the front of the site. 4. Testimony should be provided as to whether any existing wells or septic systems will be abandoned on the site. If so, approval will be required by the Ocean County Board of Health. 5. Electric service is available from Jersey Central Power & Light Company. Gas service is available from New Jersey Natural Gas Company. H. Signage 1. No signage information has been provided for the project. A full signage package for any free-standing and/or building-mounted signage identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. 2. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. I. Environmental 1. Site Description Per review of NJDEP Geographic Information System (NJDEP-GIS) mapping, the property is situated within a mapped groundwater Classification Exception Area (CEA). A CEA is an institutional control that identifies environmental requirements that must be adhered to in developing and occupying known contaminated areas. We recommend that the a copy of the CEA be obtained and provided for review as a condition of Planning Board approval, if/when forthcoming, to ensure that the proposed improvements are performed in accordance with CEA requirements. 2. Environmental Impact Statement No Environmental Impact Statement (EIS) was submitted for the project and a waiver has been requested. At a minimum, we recommend the applicant's professionals provide a summary EIS addressing Groundwater Contamination Areas which are mapped for the site, as well as wetlands and transition area impacts on the proposed site design. 3. Tree Protection Management Plan A waiver is required from the submission of a Tree Protection Management Plan. The existing property is partially wooded. We can support the granting of the requested waiver only from a site plan completion standpoint. A Tree Protection Management Plan must be provided as a condition of approval to comply with the Township's Tree Ordinance. 4. Phase I/AOC's If existing, a Phase I study should be provided to address potential areas of environmental concern (AOC's), if any within the site. J. Construction Details 1. Construction details are provided on Sheets 8 and 9 of the plans. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is approved. 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. Lakewood Fire District; d. Lakewood Township Municipal Utilities Authority

(water and sewer); e. Ocean County Utilities Authority; f. Ocean County Board of Health (for well and septic removal, if applicable); g. Ocean County Planning Board; h. Ocean County Soil Conservation District; i. NJDEP (Freshwater Wetlands); j. NJDEP (Transition Area Waiver); and k. All other required outside agency approvals.

Mr. Novak, Esq. on behalf of the applicant. This is an application to have the site complied with the barest of the minimum that the NJ Motor Vehicle Commission requires for a used car dealership. However, I will represent to this Board, he is a classic car and speedboat collector. He is liquidating several of his properties on Route 88 and consolidating them onto this site. The showing of any cars or boats is by private showing only.

Mr. Vogt stated they are requested several waivers. Topography as well as contours within 200 ft, man-made features, EIS and tree protection management. As indicated in the comments, we have no problems with most of the waivers with two exceptions. One, the area, at least based on State mapping, maps to be widened to be known as a classification exception area where there is documentation of some form of groundwater contamination. We do not know based on the maps what it is, how deep it is, how bad. We will have to work with the engineers during the review and if it is approved during construction to make sure that is addressed. We recommended in lieu of a full blown EIS to give us something dealing with the issues.

Mr. Novak stated that they do have that. When this was prepared they were seeking a waiver but a somewhat watered down EIS which will be submitted for your review. Lastly, the contamination was at the gas station and the next property south of there got a clean bill of health.

Mr. Vogt stated they had no problem with the tree protection waiver with the understanding that they are going to enforce the Tree Protection Ordinance if you get through Board approval. We are recommending waivers B-2, B-4, B-10, a summary EIS under C-13 and we are deferring C-14 which is tree protection until compliance.

A motion was made and seconded to approve waivers B-2, B-4, B-10, C-14 and a partial waiver of C-13.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Follman, Mr. Percal, Mr. Schmuckler

A motion was made and seconded to advance the application to the November 15, 2011 meeting.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Follman, Mr. Percal, Mr. Schmuckler

Mr. Jackson stated the application will be advanced to the November 15, 2011 meeting. No further notices are required.

7. **SP 1967** (Variance Requested)
Applicant: New Hampshire Ave., LLC (Pine Belt Chrysler)
Location: Northeast corner of New Hampshire Ave & Ocean Ave (Rte 88)
Block 189.03 Lot 91.01
Preliminary & Final Site Plan for proposed automobile dealership

Project Description

The applicant is seeking Preliminary and Final Major Site Plan approval. The applicant proposes to construct a forty-six thousand square foot (46,000 SF) automobile dealership building surrounded by two hundred thirty (230) off-street parking spaces and a storm water management system consisting of underground recharge. The site is located in the northeastern portion of the Township, at the northeast corner of the intersection of Route 88 and New Hampshire Avenue. Route 88 is a State Highway and New Hampshire Avenue is a County Road. Highway access to the site is to be provided at three (3) points. A right turns "in", right turns "out" driveway is proposed in the southeast corner of the site along Route 88. Another right turns "in", right turns "out" driveway is proposed for the approximate center of the project frontage along New Hampshire Avenue. A two-way driveway is proposed in the northwest corner of the tract along New Hampshire Avenue. A vehicular connection is also proposed with the Pine Belt Chevrolet site to the east, which will eliminate parking spaces on the neighboring site. The tract consists of 4.877 acres in area, and is mostly wooded with the exception of two (2) existing single family dwellings located along the Route 88 frontage. The site is bounded to the east by the Pine Belt Chevrolet Service and Parts Center. Pinehurst Drive, a private access road to a residential condominium community borders the property to the north. The site also fronts New Hampshire Avenue which is to the west and Route 88 which is to the south. The roads are all fully improved, including utilities. Except for the residential community on the north side of the tract, surrounding lands are all improved with large commercial land uses. The site is located in the B-4 Wholesale Service Zone. New car dealerships are a permitted use in the zone. 1. Zoning 1. The site is situated within the B-4, Wholesale Service Zone. Per Section 18-903D.1.e., of the UDO, under "permitted uses" in the B-4 zone cites new or used car lots. 2. The following free-standing sign variances are requested: • Number of Signs – maximum of one (1) permitted, two (2) proposed. • Area of Each Sign Face – maximum of fifty square feet (50 SF) allowed, 50.7 square feet proposed. 3. The architectural plans indicate wall mounted signage on the proposed building. Testimony is required on the compliance of the proposed wall mounted signage. Variances may be necessary. 4. Per review of the site plans and application, the following design waivers appear to be required: • Providing parking facilities closer than twenty feet (20') from the street line (Subsection 18-807.C.6.). The nearest proposed parking facility to the street line is ten feet (10'). • Providing concrete sidewalk along the project frontage (Subsection 18-814.M.). It should be noted there is no existing concrete sidewalk along the frontages of the adjoining sites to connect to. • Providing a shade tree and utility easement along the project frontage. Shade trees are proposed along the project frontage within what is usually the area for the easement. • Any and all other design waivers deemed necessary by the Board. 5. The applicant must address the positive and negative criteria in support of the required variances and design waivers. 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 B-4 Zone Requirements shown on the Cover Sheet must be corrected. Our review of the project to the correct design regulations indicates no setback variances will be required. 2. The proposed building square footage must be provided to verify the Parking Requirements. 3. Our review indicates there are two hundred thirty (230) proposed parking spaces on-site, four (4) of which are van accessible handicapped spaces. The proposed number of handicapped spaces must be increased. Many of the proposed parking rows have the wrong space count, which must be corrected. 4. A vehicular access connection is proposed to the neighboring Pine Belt Chevrolet site to the east. The associated off-site construction work will eliminate a number of existing off-street parking spaces from the Pine Belt Chevrolet site. No information has been provided on how the space reduction would impact the adjoining project. At a minimum, testimony will be required from the applicant's professionals. 5. A waste oil/fluids enclosure is proposed at the northeast corner of the building on the architectural plans, which is not shown on the site plan. There is also a building jog on the west side of the proposed building which is indicated on the architectural plans, but not the site plans. Drawing coordination is required. 6. Testimony should be provided by the applicant's professionals as to proposed site operations. 7. The project is a corner lot and has two (2) road frontages. Therefore, there is one (1) side yard and one (1) rear yard. Proposed setback lines should be added to the drawing accordingly. The Zoning Requirements also list "Accessory Building". This section should be eliminated from the Zoning Requirements since it is not applicable. 8. The site plan shows proposed enclosed trash and recycling dumpsters conforming to Section 18-809.E., of the UDO. Testimony is required regarding collection and adequacy of the enclosure area. Should Township collection be proposed, approval will be required from the Department of Public Works. 9. Proposed vehicular circulation aisle widths are a minimum of twenty-four feet (24') wide, with a minimum parking space size of 9' X 18'. A Circulation Plan should be provided to demonstrate that trash collection and delivery trucks, as well as emergency vehicles can properly access the site. 10. Testimony should be provided on loading/unloading of vehicles and service products. No loading/unloading zones are indicated. 11. Sight triangles associated with the proposed vehicular access points have been indicated. 12. Route 88 and New Hampshire Avenue are improved with utilities, curbing, and pavement. Minor changes are proposed along the site frontage of Route 88 associated with the proposed access driveway. New Jersey Department of Transportation approval has been obtained for this work. Some road widening is proposed along the New Hampshire Avenue frontage to attain a consistent pavement width. County Road Plans have been prepared for New Hampshire Avenue. No sidewalk exists within the rights-of-ways and none is proposed. The adjoining sites do not have sidewalk within the rights-of-ways. 13. Some additional dimensions and radii are required in a few spots on the drawings. Otherwise, the layout is very comprehensive. 14. Underground storm water management recharge systems are proposed for the project, including the off-site improvements for New Hampshire Avenue. B. Architectural 1. Architectural floor plans and elevations were submitted for review. Per review of the submitted plans, the building will be far less than the forty-five foot (45') allowable height. A maximum height of thirty-six feet six inches (36'-6") is proposed. 2. The proposed partial second floor for the building is for parts and storage. 3. Proposed building

mounted signage information must be completed with respect to zoning requirements. 4. Proposed building dimensions must be added. As previously noted, there are discrepancies with respect to the proposed building between the architectural plans and site plans. 5. The applicant's professionals should provide testimony regarding the proposed building facade, and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. 6. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. 7. ADA accessibility to the proposed building should be addressed. C. Grading 1. Detailed grading is provided on Sheet 4. The site will be filled with the construction of the building. Accordingly, some Keystone retaining walls are proposed on the site in order to limit disturbance and tree clearing. 2. As indicated on the plans, site grading is proposed. Since fill is to be imported, we recommend that the applicant perform analytical testing, in accordance with N.J.A.C. 7:26E-6.4(b)2.iii through iv, N.J.A.C. 7:26E-6.4(b)3, (d) and (e), on the fill at a frequency suitable to demonstrate that contaminants are not present within the fill soil at concentrations above the relevant NJDEP Soil Cleanup Criteria. 3. Proposed spot grades should be added in the proposed handicapped parking areas to insure proposed slopes of two percent (2%) are not exceeded. 4. Per review of the proposed grading plan, the design concept is feasible. Final grading can be addressed during compliance review if/when approval is granted. 5. Test pit locations are indicated on the drawings. The test pit results can be found in the "Subsurface Investigation", prepared by Melick-Tully and Associates, dated February 12, 2007. The Subsurface Investigation is included in the CAFRA Compliance Statement. Shallow seasonal high water table has required that the site be filled to accommodate the storm water recharge system. D. Storm Water Management 1. A proposed storm water management system has been designed utilizing a combination of sheet flow and drains to convey storm water runoff into proposed underground recharge systems. Three (3) proposed underground recharge systems are located on and off site. The proposed recharge systems consist of Stormtech chambers in stone beds. Impervious area will be increased by more than 0.25 acres and disturbance will exceed one (1) acre, thereby classifying the project as major development. Storm water calculations have been submitted to demonstrate that the proposed storm water management system is adequately-sized to meet the required quantity reductions and water quality requirements. 2. A two foot (2') vertical separation between the proposed bottom of the storm water management system and the seasonal high water table has required the filling of the site. Permeability test results have been provided in the "Subsurface Investigation" prepared by Melick-Tully and Associates to justify the recharge calculations used for the project. 3. A CAFRA Individual Permit has been obtained for the project. The proposed storm water management design meets the requirements for providing the proper reductions in storm water quantity. The proposed storm water management design exceeds the requirements for providing water quality. The proposed pretreatment devices in series with the recharge systems provide a total suspended solids removal rate of ninety-six percent (96%). Accordingly, we have no further recommendations with respect to the storm water management design. 4. Proposed recharge system overflow connections are being made to the adjoining Pine Belt Chevrolet site to the east. Accordingly, Drainage Easements have been provided to allow the proposed connections to be constructed. 5. A Storm Water Management Operations & Maintenance Manual has been provided in an Appendix of the

Storm Water Management Report. The Manual indicates that the operation and maintenance of the proposed storm water management system will be the responsibility of Pine Belt Enterprises. A review of the manual will be conducted during compliance should site plan approval be granted. E. Landscaping 1. A comprehensive Landscaping Plan has been provided on Sheet 7 for review. A 0.49 acre Tree Preservation Area required by CAFRA is proposed across the north edge of the site. 2. The applicant has provided shade trees, but not a shade tree and utility easement along the property frontage. 3. Existing and proposed utilities should be added to the plan to eliminate proposed planting conflicts. 4. Existing and proposed easements should be added to the plan to eliminate proposed planting conflicts. 5. The landscape design is subject to review and approval by the Board. 6. Final review of the landscaping design can take place during compliance should site plan approval be granted. F. Lighting 1. A Lighting Plan with a point to point diagram has been provided on Sheet 8 for review. Four (4) different types of pole and wall mounted fixtures are proposed for the site. Thirty-two (32) of the fixtures will be pole mounted lights and six (6) of the fixtures will be wall mounted lights. 2. Details, which shall include mounting heights, are required for the different types of lights proposed. 3. The lighting design is subject to review and approval by the Board. 4. Final review of the lighting design can take place during compliance should site plan approval be granted. G. Utilities 1. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. The site plan shows new public water and sewer services proposed for the building on Off Site Utilities Plan Sheet 6. 2. Sanitary sewer service is to connect to an existing system in the northeast corner of the adjoining Pine Belt Chevrolet site. 3. A fourteen inch ductile iron pipe (14" DIP) water main is proposed to be constructed along the north side of Route 88, from the existing fourteen inch (14") water main in New Hampshire Avenue, to an existing eight inch (8") water main crossing Route 88 at the east edge of the Pine Belt Chevrolet site. The proposed service line will connect to the new main. 4. Electric service is available from Jersey Central Power & Light. Gas service is available from New Jersey Natural Gas Company. H. Signage 1. Variances have been requested for the proposed free standing signs. However, sign details have not been provided for review and are required. Building mounted signage has been schematically shown on the preliminary architectural drawings. A full signage package for any new free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. 2. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. I. Environmental 1. Environmental Impact Statement A Compliance Statement was prepared for a CAFRA Individual Permit and was submitted for the project. The report addresses environmental concerns as applicable. The report summarizes the steps to be taken to avoid or minimize adverse environmental impacts. The author of the CAFRA Compliance Statement concludes the proposed project will comply with NJDEP policies including forest preservation, impervious coverage limits, water quality, and storm water management. Our office agrees with the author's findings. 2. Tree Management A Tree Location Plan has been provided. The plan indicates four hundred sixteen (416) existing trees having a diameter greater than six inches (6") were located. The existing trees having a diameter of ten inches (10") or more have been inventoried. Ten percent (10%) of the total tract area, 0.49 acres, has been proposed for a Tree Save Area. J. Construction Details 1. Construction details are provided on Sheets 11 and 12 of the plans. 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. 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. Lakewood Fire District; d. Lakewood Township Municipal Utilities Authority (water and sewer); e. Ocean County Planning Board; f. Ocean County Soil Conservation District; g. NJDEP Authorization to Discharge; h. NJDOT Access Permit; i. NJDEP CAFRA Individual Permit; and j. All other required outside agency approvals. The Lakewood Fire District approved the project on September 13, 2011. The Ocean County Planning Board granted final approval with contingencies on September 7, 2011. The Ocean County Soil Conservation District certified the project on January 18, 2011. A New Jersey Department of Environmental Protection Authorization to Discharge Permit was granted on January 28, 2011. A New Jersey Department of Transportation Access Permit was granted on March 25, 2011. A New Jersey Department of Environmental Protection CAFRA Individual Permit was granted on March 10, 2010.

Mr. Vogt stated that there are no variances for the site plan portion of the project, however, there are variances requested for free standing signs. Under item 4 there are several design waivers.

Mr. Steven Pfeffer, Esq. on behalf of the applicant. We have reviewed Terry's report and we have no changes whatsoever except for two sign variances.

A motion was made and seconded to advance the application to the November 15, 2011 meeting.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Follman, Mr. Percal, Mr. Schmuckler

Mr. Jackson stated the application will be advanced to the November 15, 2011 meeting. No further notices are required.

5. CORRESPONDENCE

6. PUBLIC PORTION

7. APPROVAL OF MINUTES

A motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Rennert, Mr. Banas, Mr. Neiman, Mr. Fink, Mr. Follman, Mr. Percal, Mr. Schmuckler

8. APPROVAL OF BILLS

A motion was made and seconded to approve.

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

Abstained: Mr. Follman

9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary