

**LAKWOOD PLANNING BOARD  
MINUTES  
PLAN REVIEW MEETING: JUNE 5, 2007**

**I. CERTIFICATION OF COMPLIANCE**

Chairman Banas called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Mrs. Johnson 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 Ocean County Observer 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, The Ocean County Observer, or 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, Committeeman Miller, Mr. Neiman, Mr. Banas, Mr. Akerman, Mr. Fink

**3. SWEARING IN OF PROFESSIONALS**

Mr. Max Peters and Mr. Ronald Reinertsen were sworn in.

**Mr. Banas asked for a special public meeting to be held on June 26, 2007 and motion was made by Mr. Akerman, seconded by Mr. Miller**

**ROLL CALL:**

Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**4. WAIVER REQUEST ITEM**

- 1. SD # 1594 (VARIANCE REQUESTED)**  
**APPLICANT: DOV GLUCK**  
Location: Albion Street, west of Hearth Court  
Block 284.04 Lot 48  
Block 284.03 Lots 49-51  
Preliminary and Final Major Subdivision – 4 lots

Waiver request from checklist item:

- # B-2 – topography within 200 feet
- # B-7 – wooded areas
- # C-14 – tree protection plan
- # C-17 – drainage calculations

Mr. Peters recommended granting a partial waiver for item #B-2 and did not recommend granting the waivers for #B-7, C-14 or C-17.

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to go along with the recommendations of Mr. Peters.**

**ROLL CALL:**

Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**5. PLAN REVIEW ITEMS**

**1. SD # 1425B (VARIANCE REQUESTED)**

**APPLICANT: HERBERT HEYMAN**

Location: North Apple Street & Kennedy Boulevard East  
Block 172 Lot 16

Extension of a previously approved Preliminary and Final Major Subdivision – 2 lots

Mr. Peters stated this application is for an extension of Final Major Subdivision Approval for a time period of one year. We have reviewed the above referenced application and previous approval granted at the Lakewood Township Planning Board meeting held on July 20, 2004 and memorialized on August 17, 2004. The applicant was previously granted an extension on February 07, 2006. The applicant shall provide testimony as to the reason for the extension for the board's consideration. Based on the information provided, we have no basis to provide the Board with a recommendation on approval, positive or negative.

Mr. Reinertsen read from a letter dated May 16, 2007. The applicant is seeking an extension of final major subdivision approval to subdivide Lot 14.02 into two conforming lots. The parcel currently contains one single-family residence. The two lots will be served by private well and individual septic system. The total tract area is 0.387 acres. The property is located at the northeast corner of the intersection of North Apple Street and Kennedy Boulevard. This application has been classified as a major subdivision, due to the roadway improvements (temporary cul-de-sac) on Kennedy Boulevard. The site is located in the B-4 Zone. Single-family residences are a permitted use in the B-4 Zone. A variance was granted for the lot area of Lot 16.02 as part of the original approval. The Planning Board granted the applicant preliminary/final major subdivision and variance approvals by resolution memorialized August 17, 2004. A one (1) year extension was granted by the Board of February 7, 2006. The applicant is entitled to apply for an extension in accordance with Section 611.I of the UDO as outlined below:” Time Limit for Final Approval and Extensions. The Planning Board shall grant an extension of final

approval for a period determined by the Board but not exceeding one (1) year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the Board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in legally obtaining the required approvals from governmental agencies and the developer applied promptly and diligently pursued these approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of the final approval, or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.” All conditions of the prior approval shall continue.

Mr. Penzer, Esq. appeared on behalf of the applicant and Mr. Flannery is the engineer. He stated the applicant has since passed away but the application is on a county road with an adjoining project so they needed a lot of approvals. They anticipate within a couple of months to get the county approval and resolution of compliance. They probably only need a few months but are asking for a year which is what the MLUL provides. Mr. Jackson said they are entitled to 3 –one year extensions, and they are asking for their second, because they don’t have the outside county agency approval and it is a legally sufficient basis to him.

**Motion was made by Mr. Neiman, seconded by Mr. Miller, to grant the extension for one more year.**

**ROLL CALL:**

Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**2. SD # 1586 (NO VARIANCE REQUESTED)**

**APPLICANT: THOMPSON GROVE ASSOCIATES**

Location: Drake Road at intersection of Neiman Road  
Block 251.01 Lots 32 & 88

Conceptual Plan to subdivide existing property into 21 undersized lots

Mr. Peters stated the applicant is seeking Conceptual Plan Review for a Major Subdivision of Block 251.01 Lots 32 & 88. The applicant proposes to subdivide the two (2) existing lots into twenty one (21) new lots; nineteen (19) lots for single family use, one (1) lot for a stormwater management basin and one (1) lot for a community building. Lot 32 currently contains a single family dwelling that will remain. Existing Lot 88 contains two (2) existing dwellings and one (1) existing structure with unknown purpose. The inner dwelling will be removed and the existing structure will be served as community building. The applicant proposes constructing seventeen (17) new single family dwellings, a cul-de-sac, and a stormwater management basin. The site is located on Drake Road, in the R-40 Zoning District with a small piece of the parcel containing the stormwater management basin located in the Crystal Lake Preserve Zone. The application as currently designed would require the following variances: Lot Area: sixteen of the Lots are undersized. Fourteen of the lots range from 15,000 square feet to 22,320 square feet, one is 24,300 square feet, and another is 34,900 square feet where 40,000 square feet is required. 18 of the 19 residential lots need variance for Lot Width: 75 feet is proposed where 150 feet is

required. 18 of the 19 residential lots need variance for Front Setback: 30 feet is proposed where 50 feet is required. No bulk variances should be required for side yard setback, rear yard setback, and maximum building coverage. The applicant should revise the zoning schedule to remove the notation that variances are required. Although the applicant has indicated a variance is required for rear yard setbacks, it does not appear that this variance is necessary. The applicant shall provide testimony to the reason for requesting this variance. Ocean County Planning Board, Ocean County Soil Conservation District approvals, and NJDEP approval for wetlands disturbance will be required. Our research indicates that a stream intersecting the north edge of existing Lot 88 is a Category One Water. The wetlands in the project area may be hydraulically connected to this Category One Water and therefore also classified as category one, requiring a 300' buffer. The applicant should have the NJDEP classify the wetlands in the project area in order to determine the appropriate buffer. The applicant should be aware that sidewalk, curb, and shade tree easements are generally required along all property frontages. Three off street parking spaces are typically required for each dwelling. With the proposed 30 foot front setbacks it would not be possible to park two cars in a stacked manner unless the driveway extends along the side of the dwelling. Without using stacked parking, the driveway would either have to be a minimum 27 feet wide in order to provide three off street spaces. The applicant shall provide testimony on the proposed method of providing utilities, public or private. If public water and sewer are to be provided, permits will be required for TWA and water main extension.

Mr. Reinertsen read from a letter dated April 30, 2007. The applicant is seeking comment on a revised conceptual plan for a major subdivision to subdivide the tract into twenty (20) lots. Existing Lot 88 is 11.30 acres in size, with approximately 10 acres located within the R-40 Zone District with the remainder located in the CLP District. Lot 32 is 9.96 acres in size and is located entirely within the R-40 Zone District. Each lot contains a residence, which both the application and the Concept Plan indicate shall remain. The tract is 21.26 acres in size. Subsequent to the initial concept review at the March 6th meeting, the applicant has submitted amended plans revised through March 13, 2007. The initial concept plan indicated twenty—one (21) lots. Of the (20) lots, shown on the revised concept plan, nineteen (19) will contain residences, eighteen (18) front a proposed cul-de-sac that runs north from Drake Road, and sixteen (16) are under 40,000 square feet. The existing homes that are to remain are located on proposed Lots 2 and 10, which are approximately 42,470 and 56,100 square feet in size, respectively. A stormwater basin is located in the rear of the subdivision. The tract is located in the western part of the Township. Lot 32 is primarily wooded, while Lot 88 is less wooded and contains a pond. Land surrounding the tract is primarily undeveloped or low-density residential, with a ten (10) acre farm bordering existing Lot 32. The majority of the tract is located in the R-40 (Residential) Zone, with a small portion in the CLP (Crystal Lake Preserve) District. Single-family residences are a permitted use in both districts. The applicant has indicated that bulk variances will be required. At a minimum, the applicant will require lot area variances for the sixteen (16) lots that are less than 40,000 square feet, and which the concept plan indicated is in the R-40 zone. If this application proceeds, testimony would be required to address the extensive number of bulk variances. Consistency with the Master Plan may be an issue. The concept plan has been revised to indicate a 30-foot wide buffer on the west side of the tract (along Lot 31), a separate lot (No. 10) for the existing residence in the northwest portion of the tract, a community building with an

access easement, and a walking path from the cul-de-sac to the community building. The applicant should clarify the proposed ownership and improvements indicated for Lot 11 (access easement, community building and walking trail), as well as the cul-de-sac and basin lot areas. Consideration should be given to eliminating the split zone lot condition of the tract. A recommendation to the Township Committee would be appropriate if the application proceeds.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. They were in front of the board previously and have revised the plans based on the board's recommendations. Mr. Flannery said the number of lots were reduced, the lots were made a minimum of 15,000 sf and a buffer was added along the western boundary and they also put one along the front and eastern boundary. The aerial shows the Crystal Lake Preserve is surrounded by R-12 development and this project has R-12 adjacent to it. The Master Plan which has been adopted recommends clusters which extend public sewer and water which they are doing with this application. The existing building would be a clubhouse for the residents and the field will remain and will be done as the board wished (open space, passive recreation, etc.) They made the cul de sac bend so you don't look down the street and see all the houses, and of course there will be curb and sidewalk. Mr. Flannery's only comment was to Max's report in reference to side yard setbacks, and stated in the majority of lots they won't and they would only need it for a couple of lots. Mr. Banas asked him how many lots they were talking about and Mr. Flannery said 5 lots at the most. They will address the C-1 when they make a formal application. Mr. Banas asked how many bedrooms there would be and Mr. Flannery said they are 15,000 sf lots so they would be sizeable homes and Mr. Banas said they would want at least 4 parking spaces and Mr. Flannery said they would address that. Mr. Miller said he was pleased they made the revisions on the boards request and mentioned the next time they come in to show the curb and sidewalks on the plans.

Mr. Miller wanted to know if they would retain their same number when they come back again and said he would ask Mr. Kiert.

**3. SP # 1870 (NO VARIANCE REQUESTED)**

**APPLICANT: B & H LAKEWOOD 2007**

Location: Swarthmore Avenue  
Block 1609 Lot 7

Informal Review for outside storage to existing building

Mr. Peters stated he received correspondence from the applicant after he wrote the review letter. The applicant is seeking comment on a conceptual site plan. The project consists of constructing five (5) storage racks for the storage of lumber and installing a stone paving area around the new buildings. The total proposed floor area is approximately 9,800 SF. The site is also known as Block 1609 Lot 7, located along Swarthmore Avenue. As currently proposed the project will require variances for the following: 10 ft accessory building rear yard setbacks are required where 2 ft are provided. 10 ft accessory building side yard setbacks are required where 2 ft are provided. There is a 20 ft wide sanitary sewer easement shown on the plan. One of the storage buildings is situated partially within the easement. Approval from the easement holder will be required or the building relocated. Since impervious cover will be increased significantly after completion of the

project, stormwater analysis should be conducted to show the proposed condition will meet the Lakewood stormwater standards. Based on the comments above, we believe this project will require Site Plan approval from the Planning Board.

Mr. Reinertsen also stated receiving correspondence after his letter was drafted but read from a letter dated May 17, 2007. The applicant is seeking comment on a concept plan to construct outdoor storage areas to the rear and side yard areas of Block 1609, Lot 7. The applicant is proposing to utilize the property as a wholesale distribution facility, a change from the present manufacturing use. The applicant proposes to utilize the current one-story masonry and metal building and parking areas for its proposed use. The property is a three (3) acre parcel with frontage on Swarthmore Avenue, located in the northernmost section of the Lakewood Industrial Park. A 20-foot wide sanitary sewer easement runs through the property parallel to the eastern lot line of the site. The parcel is bordered by Lot 8, an approximate 2 <sup>3</sup>/<sub>4</sub>-acre site through the east side of the site, which is owned by Lakewood Township and contains a retention basin. The existing building and parking areas are located toward Swarthmore Avenue. Wooded vegetation exists along the side lot line bordering Lot 6 to the west, and in the rear of the property. The proposed use of wholesale distribution (bulk storage of building materials, plumbing and electric supplies or electric or home appliances) and accessory outdoor storage are permitted in the M-1 Zone. Types of manufacturing (the current use) are also a permitted use in the Zone. Based on the information provided, it is their opinion that Site Plan approval should be required. The applicant should clarify what type of wholesale distribution business is being proposed. Environmental issues, if any, arising due to placement of extended storage along Township-owned Lot 8, which contains a retention basin, should be discussed. Off-street parking: as indicated on the Concept Plan, the size of the existing building is approximately 20,601 square feet. The applicant should revise the plans to indicate both required and proposed parking computations. Based on existing spaces provided (23), the ratio is one space per 896 square feet ( $20601 \div 23 = 896$ ). The concept plan indicates 19 proposed spaces, less than the one per 1,000 square foot requirement for warehouses specified in Section 18-807 of the Lakewood UDO. The proposed plan will require a waiver for this item. The applicant should provide to the Board information on development restrictions, if any, for the 20-foot wide sanitary sewer easement area. We note that portions of the parking area and a small portion of a proposed storage area are located in the easement area. Section 18-803.E.2.a requires a twenty-five (25) foot wide landscape buffer for non-residential development; applicant has not indicated buffer areas on the concept plan. The buffer areas should be added to the plans. The plan as proposed will require a waiver for this item. Parking is allowed in any yard space in the M-1 Zone, but shall be no closer than twenty (20) feet from any street line unless this intrudes upon a more stringent buffer requirement. As indicated on the Concept Plan, parking areas do not appear to intrude upon the more stringent twenty five (25) foot buffer area. The proposed fencing for the site must comply with the design standards of Section 18-803.F. The proposed fence height of eight (8) feet for rear and side yard areas appear to be in compliance. Front yard fences are to be no greater than four (4) feet in height in the front yard, no closer than eight (8) feet away from Swarthmore Avenue. Applicant should verify the height of the front yard fence and add a notation to the plans. We recommend that a bulk chart be added to the concept plan. Future sidewalk improvements and right-of-way dedications (if any) are not indicated on the submitted Concept Plan. Copies of applications and pertinent materials should be supplied to the Lakewood Industrial Commission.

Committeeman Miller left for another function.

Mr. Gene Reynolds Esq. appeared on behalf of the applicant with the owner and Mr. Carpenter as the engineer. Mr. Reynolds wanted to address the concerns of the board to get up and running as soon as possible. The sanitary sewer easement has no restriction, and they have done a title search, so whatever is shown on the map can be moved. Mr. Jackson agreed. The plans show most of the items reflected on the plans are storage sheds, not accessory structures. One item, which is a storage rack is located along the side, and it is a metal rack to store lumber. The owner stated they planned on putting a roof hanging over the 4 ft arms but will have no sides and Mr. Carpenter stated if that is an issue with an accessory building and will hold up approval that night they will remove it. Mr. Banas said they would not get approval, as it is only an informal review of a conceptual plan to get the board's recommendations. Mr. Peters said what the applicant is asking the question of do they need planning board approval or do they just get a zoning permit to get a CO. Mr. Peters said the zoning officer did not feel comfortable making that decision and left that up to the applicant and his attorney to discuss. Mr. Reynolds stated if the roof on the storage shed would require planning board approval, they would remove it and deal with it with a formal application.

Mr. Banas asked if they were in for a conceptual hearing to look at this. The owner stated he spoke to Mr. Mack about this and he did not feel comfortable with this and giving them a permit to do what they want to do. Mr. Mack said make a conceptual plan, go to the Planning Board, ask if they are going to require site plan approval. That is the purpose of this application.

Mr. Banas asked why wouldn't they think they needed one. Mr. Carpenter stated he has gotten approvals in the past for minor modifications without coming to the board and Mr. Banas said it was his opinion it was not minor and asked how much of the total site are they adding. Mr. Carpenter said one acre and the total acreage is 3. Mr. Banas said that is 1/3 and seems pretty major. Mr. Neiman asked what type of structure this was and was told it was just to store lumber.

Mr. Jackson said what the applicant is asking for if a ruling to back up the zoning officer to say if you need approval and felt it was really the zoning officer's call. Mr. Carpenter said they were proposing a fence and there were no neighbors to complain about the storage. Mr. Jackson asked if there were any prior approvals prohibiting them from storing materials outside and Mr. Carpenter said not as far as he knew. Mr. Peters said based on what they say they are storing there, they do not require any variances. Mr. Banas asked the professionals if this required a Site Plan approval and Mr. Peters said no but he would like to see some sort of mechanism put in where someone would review the stormwater calculations to be sure that the stoned paving which is not totally impervious is ok. He thinks an infiltration trench would be fine and it could be reviewed and then administratively approved.

Mr. Carpenter said he spoke to the Lakewood Industrial Commission and they asked why he needed an application and Mr. Banas questioned why is the board wasting their time. Mr. Carpenter said this was at Mr. Mack's direction and Mr. Banas asked if there was any correspondence requesting the board to do this and was told no. He then asked about

how many parking spaces are provided and how many do they need, and Mr. Carpenter said they needed 21 parking spaces and now have 19, but they can add additional 2 parking spaces in the loading area to meet 21 parking spaces. Mr. Banas said he did not see any road on the plans that goes on from the gate to the back, that nothing is delineated. Mr. Jaeger showed Mr. Banas how the delivery of the lumber would work.

Mr. Reinertsen said their original recommendation was based on the original plans which showed accessory structures. Mr. Jackson said this is one of those judgment issues and felt it was Mr. Mack's call. Mr. Neiman asked if they came to the board from a change of use approval and was told none was needed. Mr. Neiman suggested making a motion and Mr. Banas said making a motion would be taking an action and eventually they could get into legal entanglements by approving something that is not clear. They need an answer but not by this board. Mr. Franklin said maybe because of regarding, but that is the only reason he can see. Mr. Jackson said he would talk to Mr. Mack and inform him of what happened at the meeting and let him make a decision. The owner said he would clear up the plans from the accessory structures.

- 4. SP # 1868 (NO VARIANCE REQUESTED)**  
**APPLICANT: TIFERES BAIS YAAKOV**  
Location: Oak Street, west of Albert Avenue  
Block 795 Lot 1.02  
Preliminary & Final Site Plan for proposed school

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval for Block 795, Lots 1.02. The applicant is proposing a new school building on a currently vacated area. The project consists of a two story school with a basement, stormwater management measures, new parking facilities, and a recreation area on the site, and improvements to Oak Street along the property frontage. The site is located between Oak Street and unimproved Bellinger Street, adjacent to unimproved South Lafayette Avenue, in the R-40/20 Zoning District. No variances have been requested for this project. Outside agency approvals will be required from the Ocean County Soil Conservation District and Ocean County Planning Board, and a TWA permit from the NJDEP. The applicant has provided 91 parking spaces where 45 are required by ordinance. The applicant has provided a 6' shade tree easement along the Bellinger Street. The applicant should show all easements on the plans. A 6' shade tree easement exists along the frontage of the property along Oak Street and a sight triangle easement at the corner of the Oak Street and Charity Tull Avenue to be dedicated to the township. The shade tree easement is only shown on the survey plan and should be shown on the Site Plan as well. The applicant shall provide testimony on the age of the students at the proposed school and the need for play equipment within the recreation area. Curb and sidewalk are proposed along the Oak Street frontage. No sidewalk is proposed along unimproved Bellinger Street. A safety fence is required on the top of the retaining wall proposed to the east of the proposed school. An easement will be required from the owner of Lot 1.01 for connection to the sanitary sewer. The legal description shall be provided to the planning Board Engineer for review and wording of the easement shall be provided to the Planning Board Solicitor for review. The easement agreement shall be finalized prior to signature of the final plan. We recommend the applicant to use curbed islands with landscaping, instead of shade paint in middle of the parking lot. The remaining comments are technical in nature.

Mr. Reinertsen read from a letter dated May 30, 2007. The applicant seeks preliminary and final major site plan approval to build a two (2) story private elementary and secondary school. The project also includes the extension and improvement of Oak Street from the point where current improvements end, west of the tract, so as to provide access to the school. Oak Street was recently extended by the Township. The related site improvements include parking, drainage, landscaping, and lighting. The tract is located in the southern part of the Township in the R40/20 Cluster Zone and, other than the Bais Tova School to the west, the property and much of the land surrounding it is currently undeveloped. The proposed Bnos Rivka School (Application SP-1865), approved at the May 15th meeting, is to be located west of the site on Block 795 Lot 1.01. Contiguous zoning is R-40/20, with properties to the south of Oak Street and east towards Albert Avenue zoned R-20 (Residential). Undeveloped parcels not owned by the applicant are situated between the property and residences along Albert Avenue. The tract was created via a subdivision approval memorialized on September 20, 2005 (Application SD-1494). Public and private schools are a permitted use in the R-40/20 Cluster Zone. The applicant did not request variances; design waivers are discussed in the Review Comments section. The front yard setback line around the stub street (extension of South Street) should be delineated. Vacation of the stub street should be considered. The applicant should delineate the ten (10) foot and the 20-foot buffer along all lot lines required for the entire site. Waivers should be clearly identified. The applicant should discuss if existing vegetation and/or proposed additional landscaping treatment as indicated on the Landscaping and Lighting Plan is sufficient for the site. We recommend adding more landscaping in the buffer areas, especially in those areas adjacent to parcels zoned residential. The applicant should clarify the off-site improvements contemplated, specifically all improvements in the Oak Street right-of-way and the manhole on the Bnos Rivka property that ties into applicant's stormwater drainage system. Applicant should verify if cross-lot or other easements will be required for its improvements.

Proposed sidewalks are indicated on the site plans; shade tree/utility easements and sight triangles are not provided. The Planning Board may wish to consider a condition, similar to the one required for the Bnos Rivka application, to require installation of sidewalks on adjoining streets, if such streets are improved. The applicant should address anticipated traffic flow to the site, in light of the fact that the exit from the parking lot and bus drop-off areas is only 45 feet away from the vehicle entrance to the Bnos Rivka School. The site plan indicates that the required off-street parking, based on the classrooms and other rooms, is 45 spaces. If three classrooms (for arts & crafts, computers, and a "club room") are included, required parking will increase to 48. The applicant should provide an explanation as to why 91 spaces (more than twice which is listed as required) are proposed for the site. An area reserved for recreation is indicated on the plans. The applicant should supply specifications of the recreation area equipment and design, and address if its proposal will adequately support the recreational needs of the students of the proposed school. The remaining comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. MacFarlane as the engineer. Mr. Banas said they should approach the Township to see if they would do the vacation of that property, and Mr. Penzer said they would love to have the stub of the street, but so far the Township Committee has not done it and he was hoping Mr. Miller was still here to ask

him. Mr. MacFarlane said the reason for the parking spaces is because of PTA meetings, and schools functions and also to provide overflow parking for Bnos Rivka if there are ever events on the same evening. The schools have worked closely together on their designs to handle the excess parking. Mr. Banas asked if it would be green parking like another school and was told it was not a school but another application. Mr. MacFarlane said the application does not have any variances but they are asking for a waiver request for a buffer that adjoins Lot 4 which they would increase the buffer in the landscaping to mitigate that. They agree to comply with every other comment in the professionals' letter except for additional curb in the parking lot, they do not want to incur the expense and it makes it more difficult to grade with the curb island in the middle. Mr. MacFarlane said they will have a fence around the basin and Max pointed out the need for a fence by the retaining wall on the east side of the school and they agree. They have separate dumpster areas for recyclables. Mr. Neiman said the grading by the recreation looks to be at too much of a slope and Mr. MacFarlane said it does need to be touched up.

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to move this application to the meeting of July 31, 2007.**

**ROLL CALL:**

Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**5. SP # 1863 (VARIANCE REQUESTED)**

**APPLICANT: MOUNTAINVIEW INVESTMENTS LLC**

Location: Kennedy Boulevard, former Shop-Rite  
Block 104 Lot 38

Minor Site Plan to construct canopy on existing building and reconfigure parking lot.

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval for Block 104, Lot 38. The site currently contains a retail building with a ground floor area of 52,539 square feet. The applicant proposes constructing a canopy, an addition to the building, and reconfiguring the parking lot. The site is located on Kennedy Boulevard and Clifton Avenue, in the B-4 Zoning District. Variances are required for the following: Side Yard Setback: 0 / 26.7 Ft. is proposed where 10 / 20 Ft is required. This is an existing condition. Rear Yard Setback: 26 feet is proposed where 30 feet is required. This is an existing condition. Ocean County Planning Board approval is required. Proof of approval shall be made a condition of final approval. The applicant was granted a wavier from section 18-112.B.1&3 of the UDO which requires including topography and contours in the plans. The applicant has since provided limited topography in areas of the site that propose changes in grade. Sidewalk exists along the Kennedy Boulevard frontage. It appears that the existing curb along the southeast corner of the parking area will be removed, but no indication of its removal has been given. The applicant shall clearly label all existing features that will be removed. The proposed new entrances on Kennedy Boulevard and Clifton Avenue have existing features within their limits. The applicant shall clarify if these features are to be removed. As per section 18-807.B.1 of the UDO, one parking space is required for every 200 square feet of gross floor area. The zoning table states that 263 parking spaces are required based on the building area of 52,539 square feet given on the application. The applicant has proposed 247 parking spaces onsite and

42 parking spaces on adjoining Lot 44, for a total of 289 spaces. In order for the offsite parking to be counted in the number of spaces for this site, an access easement will be required. The plans do not show any pipes leading from the existing 2'x2' inlet. The plans call for a new inlet to add flow to this inlet. Low point with no relief causes a danger situation. The applicant's engineer shall address this issue. Retaining wall is too close to property line. A minimum of three feet separation must be provided from the front of wall to property line. The remaining comments are technical in nature.

Mr. Reinertsen read from a letter dated May 2, 2007. The applicant has submitted a minor site plan application approval to construct a canopy on an existing one-story building and reconfigure the existing parking lot. The applicant has previously submitted site plans indicating the existing building (currently undergoing internal renovations) contains 52,539 square feet. The revised plans include a parking calculation table indicating total square footage is 70,633 square feet. The building is located on Lot 38 and has pre-existing non-conformities relating to side yard and rear yard setbacks. A small portion of the building is 1.3 feet over the lot line between Lots 38 and 44. Applicant indicates that a portion of its parking is located on Lot 44, and that the building height will increase from 35 feet to 39.5 feet. Lot 38 is approximately 4.67 acres in size, with frontage along East Kennedy Boulevard. The submitted building plans indicate a supermarket in the center of the building with an entrance facing south (toward East Kennedy Boulevard). The loading dock area is located on the north side of the building. The submitted building plans indicate fourteen (14) separate tenant spaces surrounding the supermarket area, and a second floor area with offices and a dining area. The tract is located near the corner of Route 9 North and East Kennedy Boulevard in the northwestern part of the Township, near the border with Howell Township. The tract and adjacent properties are located in the B-3 (Highway Business) Zone. A mix of commercial and retail uses surround the site, and a residential development is located to the east. Applicant has submitted plans revised through March 16, 2007. Retail uses are permitted in the B-3 Zone. The applicant has requested the following variances: Side Yard Setback: 30 feet/60 feet (combined) required, 0 feet/26.7 feet proposed Rear Yard Setback: 30 feet required, 26 feet proposed. Rear Yard Setback: 30 feet required, 26 feet proposed. The above variances are due to pre-existing non-conformities. The applicant has requested the following variance: Maximum Building Coverage: 25% required, 25.86 % proposed. Existing: 25.74%. The positive and negative criteria for the requested bulk variances should be addressed. A zoning map (indicating the site located in the B-3 Zone) is not included on the Title Sheet. General Notes on the title page must be corrected to indicate the tract is in the B-3 Zone. As per 18-818 (yard requirements) handicapped ramps (as those indicated on the site plans) may project into a required setback: any portion of the ramp where the floor elevation exceeds three (3) feet above finished grade may not be closer than the (3) feet to a property line. The tract and surrounding properties commonly share parking and/or access, and a 50-foot wide access easement is noted on the site plans. The applicant has included a parking calculation table, indicating 289 parking spaces: our calculations based on applications figures are (with rounding) 288 spaces. The calculations are based on the following: Retail: 260 spaces (51,929 sf/200=259.6): Warehouse: 15 spaces (14,909 sf/1000=14.9): Office 13 spaces (3,795 sf/300=12.7) The warehouse parking definition is based upon standards for a wholesale trade establishment; the Lakewood UDO defines a wholesale business as "an establishment with the set purpose of selling commodities or goods in large quantities typically for resale" The UDO defines a

professional office as the “office of a member of a recognized profession or occupation, including architects, artists, authors, counselors, social workers, dentists, doctors, lawyers, planners, veterinarians, clergy, musicians, optometrists, engineers, realtors and similar professions and occupations”. The use as a supermarket and other similar uses (primary and accessory) are retail in nature use: as such, the retail parking standard should be used for all the square footage. Under this standard parking required is 353 spaces ( $70,633 \text{ sf} / 200 = 353.2$ ). The applicant should provide more spaces or seek a waiver. Applicant’s plan indicates 42 off-site parking spaces on Lot 44, and part of the subject building is 1.3 feet over a portion of the western border with Lot 44. We recommend easements for parking and access should be executed and recorded for Lots 38 and 44. In addition, an easement or fee simple transaction should be executed to resolve the issue of lot encroachment caused by the portion of the building on Lot 38 being located on Lot 44. Applicant should confirm the total square footage of the building. If the improvements currently being done by applicant is increasing the square footage to 70,633 sf from the shown 52,539 square feet noted on the site plans, consideration should be given that applicant requires major site plan approval. We defer to the Board Engineer as to the applicability of granting any site plan waivers. Clarify the use of the dining area on the second floor. Landscaping and/or lighting plans, site triangles/shade tree easements are not provided on the site plans and should be provided. The applicant should discuss if a cart corral will be necessary for the supermarket use. The remaining comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Carpenter is the engineer. Mr. Carpenter said everything they asked to be removed from the plans will be removed. The trash enclosure will be included on the plans. Details for the free standing sign will be added to the plans. He concurs with the parking tabulations. There is a second floor being added to the building, that is the difference between the 52,300 sf and the 70,000 sf shown on the plans. The revision date will be corrected and they agree to the remainder of the comments except for the retaining wall. The wall is a short 20 ft. wall along one of the parking area and is actually only 15 inches high and he is asking for the waiver for the grading and the drainage in that area. With regards to the planners report, Mr. Carpenter said the only real issue is the parking and his calculations compared to the planners. Mr. Carpenter said the portion on the plans that refer to offices is the offices to run the operation. The warehouse is only to storage, not for the public to enter (like COSTCO). Mr. Slachetka’s letter states they need 353 parking spaces, and Mr. Carpenter’s calculations say they only need 289. The calculations are on the plans. Mr. Reinertsen was concerned with the warehouse, and it is his opinion that since it is being used for retail it should be calculated as retail. Mr. Penzer said retail is where you have customers and service and they would not be allowed in the warehouse, which would be used for storage of items. Mr. Jackson agreed and Mr. Penzer agreed to put in that customers were not allowed in the warehouse area. Mr. Franklin said there is 15,000 sf of warehouse, the rest is retail, so use that as the numbers. Mr. Carpenter said the architectural plans show in detail what each area is. Mr. Neiman commented that this parking lot is in dire need of repaving, there are hills and valleys and it needs to be addressed. Mr. Carpenter said they would put a note on the plans to meet with the Township Engineer to address the repairs at his direction and Mr. Banas said what Mr. Neiman is saying is that the entire parking area should be done. Mr. Franklin stated with the installation of lights standards and foundations and wiring, they would probably be digging up the lot more, they probably

would need to re top the entire lot. Mr. Penzer invited him and Max to inspect the parking lot for the repairs and the run off. Mr. Penzer agreed to see about the repaving. Mr. Reinertsen also stated they received a recommendation from the Lakewood Environmental Commission requesting a landscaping buffer in the retail areas and in the buffer areas. The applicant agreed to the landscaping and will look at it when they go to inspect the parking lot. Mr. Peters responded to Mr. Carpenters comment on the retaining wall and said he brought it up because the space of excavation would only be 3 ft. and they would probably be going onto the neighbors' property to install the small retaining wall. Mr. Carpenter said they would adjust that so that the work area would be within the site.

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to move this application to the meeting of July 31, 2007.**

**ROLL CALL:**

Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**6. SD # 1588 (VARIANCE REQUESTED)**

**APPLICANT: PINE PROJECTS LLC**

Location: Miller Road, between Forest Drive & Shady Lane  
Block 12.01 Lot 16

Minor Subdivision to create two lots (1 flag lot)

Mr. Peters stated the Applicant is seeking Minor Subdivision Approval to subdivide Block 12.01, Lot 16 into two lots. Proposed Lot 16.01 contains an existing dwelling that will remain, and proposed Lot 16.02 is a flag lot for a proposed single family dwelling. The property is situated on Miller Road, within the R-12 Zoning District. The applicant is requesting a width variance for lot 16.01, 75.30 ft are proposed where 90 ft is required. The location of neighboring dwellings shall be shown on the plan to ensure adequate buffering has been achieved. Curb is existing along the property frontage, and sidewalk is proposed by the applicant. The applicant has submitted architectural plans for two different single family dwellings. The applicant should clarify which architectural plans are for the proposed dwelling on Lot 16.02. Neither set of architectural plans match the dimensions shown on the subdivision plan. It should be noted one set of architectural plans shows a finished basement with full kitchen. The applicant shows three parking spaces within the driveway on the plan for lot 16.01, but 2 parking spaces are listed in the zoning requirements for lot 16.01. This discrepancy should be corrected. Lot 16.02 proposes 4 spaces and should be corrected in the zoning table. Ocean County Planning Board and Ocean County Soil Conservation District approvals will be required. Evidence of approvals shall be made a condition of final subdivision approval. The proposed dwelling will be served by public water and sewer. All existing features which will be removed during this project should be labeled on the plan accordingly. The two single family dwellings will be served by public water and sewer lines. All easements should be called out on the plan. The board should determine if a 6' shade tree and utility easement will be required along the Miller Road at the frontage of the property. A roadway repair detail shall be included in the plan. New water and sewer services are proposed to the existing dwelling. The applicant should give testimony on how the utilities were provided

to the existing dwelling. If the dwelling was served by well and septic, the locations of the well and septic field shall be shown on the plan, and notes added instructing the well and septic to be abandoned in accordance with NJDEP standards. The remaining comments are technical in nature.

Mr. Reinertsen read from a letter dated May 15, 2007. The applicant seeks minor subdivision approval to create two (2) lots from Block 12.01 Lot 16, located on the northeast side of Miller Road. Proposed Lot 16.02 is a flag lot; fee simple access is provided from Miller Road to the lot via a twelve (12) foot access road located inside a twenty (20) foot "flag stem. The property is heavily wooded, and the subdivision plat indicates that an existing one (1) story dwelling located within the boundaries of proposed Lot 16.01 (fronting Miller Road) will remain.

The property is located in the northwestern part of Lakewood Township near the border with Jackson Township. The property and contiguous lots are located in the R-12 (Single Family Residential) zone, with Miller Road forming a border with an R-15 (Single Family Residential) district to the west. The surrounding land uses are residential in nature. The size of the property is approximately 0.7922 acres (34,509 square feet). The flag lot is 19,509 square feet in total (15,980 square feet exclusive of the flag staff). Proposed Lot 16.01 is 15,000 square feet in size. Single-family detached housing is the only permitted residential use type in the R-12 Zone. The applicant has requested the following variance: Minimum lot width: 90 feet required, 75.3 proposed (Lot 16.01). The positive and negative criteria for the requested bulk variance should be addressed. Section 18-805.G.5 provides the following criteria for creating flag lots: "Flag lots shall be created only in conjunction with an overall development plan of the entire tract of which the flag lot is a part and the applicant shall demonstrate a need, consistent with good planning principles, for the creation of the flag lot and shall further demonstrate that normal subdivision techniques are not practical because of topography, lot or land configurations or other physical characteristics or constraints of the land related to the proposed development concept. "The applicant should be prepared to discuss with the Board how this application complies with the above requirements. Applicant should discuss the dimensions of the proposed lots and the contemplated land use(s) in comparison with current lot sizes and uses in the surrounding area. We note that many of the lots within Block 12.01 are also deep lots and the applicant should distinguish the need for a flag lot configuration for this parcel. The submitted architectural plans for the flag lot depict a seven (7) bedroom house: five (5) bedrooms on the second floor and two (2) bedrooms in the attic. Five (5) bedroom units, which is the largest single family detached unit category listed in NJ Residential Site Improvement Standards (RSIS) chart (Table 4.4), requires 3.0 parking spaces. Therefore, the Planning Board must establish a sufficient parking ratio based on the number of bedrooms in each unit consistent with the RSIS, the project site location and local conditions. We note that the RSIS standard for single family detached housing increases by 0.5 parking spaces for each additional bedroom per unit. We recommend that applicant provide a minimum four (4) parking spaces for the proposed home, adding 0.5 spaces per each bedroom over 5 in the home ( $3.0 + 0.5 + 0.5 = 4$ ). Applicant should confirm that sufficient space is provided for all parking required, and amend the plans accordingly. The proposed plan complies with the requirements of Section 805.G, in that landscaping along the access drive is provided, and an area for temporary storage of solid waste containers is indicated on the plans. The applicant should clearly delineate all

buffer areas required by Section 805.G between the front and rear yards of the flag lot and Lot 16.01, as well as the access road. Information should be submitted which shows the location of adjoining residences. The landscaping plan should be prepared with consideration of existing vegetation to remain after future site plan disturbances. A sufficient visual screen between the newly created lots with Lot 21 should be provided, either with new plantings or existing vegetation. A shade tree easement, proposed sidewalks and existing sewer and water mains are indicated on the subdivision plat. Applicant should add a note to the bulk table for Lot 16.02, indicating that it is a flag lot, and indicate that the side yard setbacks are 20 feet. We note that the combined side yard setback is inapplicable for flag lots. Applicant should verify and amend the rear yard setback indicated for Lot 16.01 within the zoning bulk table, which appears to be 108 feet proposed. In addition the single side yard setback should indicate 14.47 feet. The remaining comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. Mr. Carpenter said the applicant agreed to comply with all of the comments in Max's report. He said the existing house has water and sewer and the future house will have water and sewer. The public (audience) stated there was no sewer and water in that location, because they would like it also. Mr. Carpenter said he would locate the septic on the property and put it on the plans. Someone in the audience spoke about the wetlands and Mr. Banas informed her that the public was not allowed to speak at this meeting. Mr. Carpenter agreed to provide 4 parking spaces for the new house but the existing house has no improvements. Mr. Banas said they require the map to show the surrounding area and the buildings in the area, and Mr. Carpenter said he would have aerials, but would put them on the plans. Mr. Banas told Mr. Carpenter to be prepared to answer why they need these variances and also why they feel this is the kind of development they want in this area. Mr. Banas asked him to consider when the board has granted a variance in the past, the pole variance was granted in reference to a 100 ft. lot and now you are asking for that in a 90 ft. lot and said he thought it would be a hard sell. Mr. Banas also questioned the number of parking spaces needed, and said they have already established in previous applications that they are looking at the footprint to double the parking spaces from 4 to 8. He looks at the development in the basement, nothing was mentioned about the basement, but it looks fully developed. Mr. Franklin said it is a 3 bedroom apartment, along with the second floor and the attic. Total bedroom would be 11, and Mr. Banas stated that 8 parking spaces may not be sufficient.

Mr. Reinertsen said there was confusion that the plans did not match up. There were 2 separate sets of plans sent to the professionals, and the applicant needs to clear that up. Mr. Banas said he did not feel any seals on the architectural.

**Motion was made by Mr. Neiman, seconded by Mr. Franklin, to move this application to the meeting of July 31, 2007.**

**ROLL CALL:**

Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; no

**7. SD # 1589 (NO VARIANCE REQUESTED)**  
**APPLICANT: FAIRMONT INVESTMENTS LLC**

Location: 1963 New Central Avenue, east of Irene Court  
Block 11 Lot 118.01

Minor Subdivision to create two lots (1 flag lot)

Mr. Peters stated the Applicant is seeking Minor Subdivision Approval to subdivide Block 11, Lot 118.01 into two lots, Lot 118.02 and Lot 118.03. An existing dwelling on the proposed Lot 118.02 will be removed. The applicant has proposed a single family dwelling on each of the proposed lots with Lot 118.03 being a flag lot. The property is situated on New Central Avenue, within the R-15 Zoning District. It appears no variances will be required. The applicant should show on the plan neighboring dwellings to ensure adequate buffering have been provided. Ocean County Planning Board and Ocean County Soil Conservation District approval will be required. Evidence of both approvals shall be made a condition of final subdivision approval. The driveway in Lot 118.02 as shown on the plans isn't large enough to provided 4 parking spaces. The applicant shall enlarge the parking area to have a minimum 36'x9' dimensions. Please notice that the garage shown in the architectural plans for Lot 118.01 is too small to store cars. The applicant has shown separate basement entrance on architectural plans, but has not provided any basement plans. The existing dwelling on Lot 118.02 shall be removed prior to completion of the subdivision, or a bond post to ensure the prompt removal. The two single family dwellings will be served by public water and sewer lines. The applicant has provided sidewalk, concrete curb and a six feet wide shade tree easement along the frontage of the property along New Central Ave. A roadway repair detail shall be included in the plan. The applicant shall give testimony on how utilities were served to the existing dwelling. If the dwelling was served by well and septic, the locations of the well and septic field shall be shown on the plan, as to be removed, and notes added to ensure their proper removal. The applicant has provided what look like a temporary storage location for the flag lot 118.03 near the access driveway entrance. The applicant should label the location on the plan. Significant slopes will direct runoff to the rear of two existing homes on Irene Court, stormwater runoff must be addressed. We recommend any increase in runoff to be infiltrated on-site. The remaining comments are technical in nature.

Mr. Reinertsen read from a letter dated May 17, 2007. The applicant seeks minor subdivision approval to create two (2) lots from Block 11, Lot 118.01, located on the north side of New Central Avenue. Proposed Lot 118.03 is a flag lot; fee simple access is provided from New Central Avenue to the lot via a twelve (12) foot access driveway located inside a 20.25-foot access strip that forms the "flag stem." The property is heavily wooded, and the subdivision plat indicates that an existing dwelling located in proposed Lot 118.02 (fronting New Central Avenue) will be removed. The property is located in the northwestern part of Lakewood Township near the border with Jackson Township. The property and contiguous lots are located in the R-15 (Single Family Residential). Surrounding land use is predominantly residential, with a school (Bais Pinchos) just east of the site. The size of the property is approximately 0.86 acres (37,560 square feet). The flag lot is 21,509 square feet in total (19,128 square feet exclusive of the flag staff). Proposed Lot 16.01 is 15,800 square feet in size. Single-family detached housing is the only permitted residential use type in the R-15 Zone. The applicant has not requested any variances.

Section 18-805.G.5 provides the following criteria for creating flag lots: "Flag lots shall be created only in conjunction with an overall development plan of the entire tract of which the flag lot is a part and the applicant shall demonstrate a need, consistent with good planning principles, for the creation of the flag lot and shall further demonstrate that normal subdivision techniques are not practical because of topography, lot or land configurations or other physical characteristics or constraints of the land related to the proposed development concept." The applicant should be prepared to discuss with the Board how this application complies with the above requirements. We note similar lots in the vicinity are also deep lots and the applicant should distinguish the need for a flag lot configuration for this parcel. The submitted architectural plans for the residence on the flag lot depict a six (6) bedroom dwelling. The bulk chart on the subdivision plat indicates a five (5) bedroom dwelling. The dimensions of the residence in the architectural plans differ slightly from the subdivision plan. The applicant is providing four (4) parking spaces for the proposed home on new Lot 118.03, which takes into account the sixth bedroom of the proposed house and addresses NJ RSIS compliance. Parking for the proposed structure on new Lot 118.02 must comply with NJ RSIS standards. Please revise the plat to show compliance. The proposed plan complies with the requirements of Section 805.G, in that landscaping along the access drive is provided. Applicant should clearly identify the area for temporary storage of solid waste containers provided for on the site plans. The applicant should clearly delineate all buffer areas required by Section 805.G between the front and rear yards of the flag lot and Lot 16.01, as well as the access road. A shade tree easement, proposed sidewalks and existing sewer and water mains are indicated on the subdivision plat. Identify any existing dwellings on adjoining Lots 1.18, 1.22 and 1.23 of Block 11. Applicant should verify and amend the side yard setback indicated for proposed Lot 118.02 within the zoning bulk table, which appears to be 10 feet. The balance of the comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. Mr. Shea stated the applicant agrees to the contents of the professionals' letters and they will reduce the scale of the map, will show the adjacent homes on the plans, like the previous application, and will straighten out the architectural plans. The RSIS parking requirements have been met, but they will review based on the architecturals. Mr. Franklin stated these architecturals are identical to the previous application, except they do not show a basement plan, and that application had 11 bedrooms. Mr. Shea said they would straighten out the plans and will come back with the correct plans and parking.

**Motion was made by Mr. Neiman, seconded by Mr. Franklin, to move this application to the meeting of July 31, 2007.**

**ROLL CALL:**

Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**8. SP # 1869 (VARIANCE REQUESTED)**

**APPLICANT: J&J GROUP LLC**

Location: Cushman Street, west of Route 9  
Block 430 Lot 60

Preliminary & Final Site Plan for 6,960 sf 2 story office building

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval of Block 430, Lots 60. The proposed project involves construction of a two story office building and its parking area. The neighboring property east to the site is currently vacated. A single family dwell is located on the western side of the site. The site is located on Cushman Street, in the Highway Development (HD-7) Zoning District. The applicant is requesting the following variances: Lot area: 0.4773 acres are proposed where 1 acre are required. This is an existing condition. Rear yard setback: 10 ft are proposed where 50 ft are required. Outside agency approval will be required from the Ocean County Soil Conservation District. The project is located in a HD-7 zoning district, and is not in R-15 zone as it appeared on the application form. Please revise. The applicant has proposed a 6 ft shade tree easement to the township. Existing curbs and sidewalks are along the frontage of the properties. A note shall be added to the plans stating any deteriorated curb shall be replaced as directed by the Township Engineer. A note should be added to the plans states that no medical and dental offices are allowed in the two story office building, since the applicant's parking space calculations are compliant with the 1 parking space per 300 S.F. of non medical and dental office requirement. The applicant shall provide a signed and sealed copy of the property survey. Soil Boring tests should be conducted on site. Only half of the permeability rate values from the boring tests may be used in the groundwater recharge calculations. The applicant shall submit a post-development drainage map. Two copies of predevelopment drainage maps were fund in the stormwater report. For the existing condition, more drainage area from north and northern west of the site should be included in the stormwater runoff calculations. A handicapped ramp details shall be include to show a detectable warning surface with truncated domes. The applicant shall include a Type 'B' inlet detail with a type 'N' eco curb piece on the Construction Detail Plan for the two curb inlets on either side of entrance. We note that the Environmental Impact Statement (EIS) contains discrepancies with regard to the project's description that should be clarified by the applicant. We note that no attempt was made to contact the NJ Historic Preservation Office (HPO) or consult the HPO website for information. Therefore, we recommend that the applicant review the requisite geographic information system (GIS) based mapping for the subject site. Landscape Project Mapping established by the NJDEP, which depicts potential suitable habitat for threatened and endangered species, should be reviewed and included with this EIS. A NJDEP freshwater wetlands map should be reviewed and provided with this EIS.

Mr. Reinertsen read from a letter dated May 21, 2007. The applicant is seeking preliminary/final major site plan and variance approvals to construct a two (2) story office building and associated parking, drainage facilities and utilities on Block 430, Lot 60. The property is approximately 0.4773 acres (20,791.188 square feet) in size and is currently wooded and unimproved. The proposed office building will be 6,960 square feet and parking for 27 vehicles is proposed. The property is located in the southern part of the Township, just west of Route 9. Zoning for the tract and contiguous properties is HD-7 (Highway Development). Surrounding land uses are a mix of commercial and residential

uses, with the Chateau Park residential development just south of the site. Various types of commercial and retail uses are permitted uses in the HD-7 Zone. The applicant indicates that the proposed use is offices. If known, please indicate the permitted use which is proposed for this building. The applicant has requested the following variances: Minimum Lot area: one (1) acre required, 0.4773 proposed (pre-existing condition). Rear Yard Setback: fifty (50) feet required, ten (10) feet proposed. An additional variance is required for the parking provided in the front yard setback (principal building has a setback less than 150 feet-Section 18-903.H.6). The site plans must be changed to indicate this additional variance. The positive and negative criteria for the requested bulk variances should be addressed. The potential impact of the proposed rear setback on Lot 9, Block 430 should be addressed. The applicant should detail efforts made to acquire contiguous property in order to create conformance with the one (1) acre minimum lot size for the HD-7 Zone. Applicant should discuss the dimensions of the proposed lots and the contemplated land use(s) in comparison with current lot sizes and uses in the surrounding area. The applicant must provide a ten (10) foot wide buffer area between the parking area and Cushman Street, or an additional variance will be required from Section 903.H. Section 18-803.E.2.a requires a twenty-five (25) and fifty (50) foot wide landscape buffer for commercial and residential uses, respectively. The applicant must amend the application to provide the buffers (including 50-foot buffers with residential Lot 9 to the north and Lot 54 to the west), or request a waiver. The zoning bulk table must be amended to change the proposed front yard setback to 72 feet. The parking computation is based upon the square footage stated in the zoning bulk table, which does not correlate the submitted architectural drawings. The architectural drawings indicate a 7,200-square foot building. The applicant should verify the amount of floor area for the office building so as to determine if the proposed parking is sufficient. The project information section of the architectural drawings indicates that the proposed building will have two floors and a basement; the only provided floor plans are for the first and second floors. Applicant should confirm that the basement will be for storage only. Provide a note on the plans. We note that off-street parking requirements noted on the plans (1 space per 300 square feet) are based on an office use. If medical or dental offices are contemplated, additional parking is required. The use should be stipulated and additional Board approval required if the proposed use varies from that approval. The landscaping plan should be prepared with consideration of existing vegetation to remain after future site plan disturbances. Applicant should supply a varied planting schedule for the buffer areas. A sufficient visual screen between this undersized lot and surrounding properties (including Lot 9 to the north and Lot 54 to the west) should be provided, either with new plantings or existing vegetation. Landscaping along the front perimeter of the parking lot and foundation plantings around the building should be added to the site plan. HVAC equipment should be located on the roof on the sides of the building, not in the rear. The equipment should be screened. Identify the proposed sidewalk on the plans. Shade tree/utility easements are indicated on the plans. The balance of the comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. Mr. Shea stated that no medical or dental offices are being proposed and will be marked on the plans and the basement proposed is solely for storage. Mr. Shea stated Mr. Carpenter would address the comments from items 18 through 21 at the public hearing. The remainder of Mr. Peter's comments are satisfactory. Mr. Banas asked how far the building was from Route 9 and Mr. Carpenter said 1 lot removed from Route 9 and that lot is a medical office building. They will introduce testimony at the public hearing that

they cannot increase the size of the property, they have tried and the only lot available is on the opposite side of the street and the purchase price far exceeds the fair market value. The biggest issue is the design and the residential buffer required. Mr. Shea feels they do not need that buffer but will address that at the public hearing. He also stated the law states they are not to encourage the continuation of on non conforming uses and the 2 residential lots are non conforming uses in the HD zone, they are not permitted. Mr. Carpenter said there is no basement. They agree to the remainder of the planners recommendations.

**Motion was made by Mr. Neiman, seconded by Mr. Franklin, to move this application to the meeting of July 31, 2007.**

**ROLL CALL:**

Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**5. CORRESPONDENCE**

None at this time.

**6. APPROVAL OF MINUTES**

- Minutes from May 8, 2007 Planning Board Meeting
- Minutes from May 15, 2007 Planning Board Meeting

**Motion was made by Mr. Neiman, seconded by Mr. Fink, to approve**

**ROLL CALL:**

Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**7. APPROVAL OF BILLS**

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to approve**

**ROLL CALL:**

Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**8. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary