

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. Fink, Mr. Neiman, Mr. Schmuckler, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

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

Motion was made by Mr. Fink, seconded by Mr. Percal, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Schmuckler; abstain, Mr. Percal; yes

2. SD # 1667 (Variance Requested)
Applicant: Chateau Equities LLC
Location: 943-945 River Avenue - former Chateau Grande Restaurant
Block 1040 Lot 1
Minor Subdivision to create 2 Lots

Motion was made by Mr. Fink, seconded by Mr. Percal, to approve

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ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Schmuckler; abstain, Mr. Percal; yes

- 3. SP # 1916 (Variance Requested)
Applicant: Chateau Equities LLC
Location: 943-945 River Avenue - former Chateau Grande Restaurant
Block 1040 Lot 1.01
Preliminary & Final Site Plan for office and retail**

Motion was made by Mr. Fink, seconded by Mr. Percal, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Schmuckler; abstain, Mr. Percal; yes

- 4. SD# 1636 (Variance requested)
Applicant: Yehuda & Adina Kirshenbaum
Location: 1385 Pasadena Street, west of Alvarado
Block 187.13 Lot 15
Withdrawal of application without prejudice for Minor Subdivision for 2 lots**

Motion was made by Mr. Fink, seconded by Mr. Percal, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Schmuckler; abstain, Mr. Percal; yes

- 5. SD # 1668 (Variance Requested)
Applicant: 528 LLC
Location: 1449 & 1501 Prospect Street, east of Cross Street
Block 391 Lots 20, 51
Minor Subdivision to realign lot lines**

Mr. Pfeffer had a correction on the resolution. Mr. Jackson said the only thing he wanted was to make an amendment to the condition which allow that the condition that taxes be paid be made a condition of signing and filing the subdivision map as opposed as a condition of resolution of approval. He said with these economic times Mr. Jackson said the board has done this in the past and he would recommend this.

Motion was made by Mr. Fink, seconded by Mr. Percal, to approve the resolution as amended by Mr. Pfeffer

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Schmuckler; abstain, Mr. Percal; yes

- 6. SD # 1670 (Variance Requested)
Applicant: Dov Gluck**

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**Location: 4th & 5th Streets, between Princeton & Monmouth Avenue
Block 159 Lots 5.01, 12
Minor Subdivision to realign lot lines in rear**

Motion was made by Mr. Fink, seconded by Mr. Percal, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Schmuckler; abstain, Mr. Percal; yes

- 7. SD # 1672 (Variance Requested)
Applicant: Israel Schuster
Location: 42 Miller Road @ sw corner of Attaya
Block 11.04 Lot 2
Minor Subdivision to create 2 lots**

Motion was made by Mr. Fink, seconded by Mr. Percal, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Schmuckler; abstain, Mr. Percal; yes

Mr. Kielt said there were no changes to the agenda but he checked to see if they can hear item #1 because this is a continuation of the application. There are 5 members here and the question is whether the members have heard or listened to the tapes to certify that they have and if there is a quorum of members that are eligible to vote. According to the role, Mr. Percal was not present at the last hearing on this matter. Mr. Jackson suggested they could hear the continuation and Mr. Percal could listen to the tape and then they can vote at the next meeting. The attorney for the applicant, Mr. San Filippo said he would like to proceed because they have amended the plans to include the comments from the board and then perhaps carry it to the next meeting for a vote.

Mr. Neiman said because there were a lot of changes made to the plans, he has no problems if they continue from here and Mr. Percal votes on it based on what he hears today. Mr. Jackson said they can't do that because you haven't heard the whole application and that would invalidate the approval or denial, but you could continue the case and then vote on it after Mr. Percal heard the tape. Mr. Neiman said he had to leave at 6:45. Mr. San Filippo asked what the carry date would be and Mr. Kielt said it would be carried to the 21st of July. Mr. San Filippo said his expert is available and he is available and Mr. Percal could listen to the tape. There was discussion and it was decided to adjourn it to the meeting of July 21, 2009. Mr. Jackson made the announcement and explained to the members of the public that there is not a quorum to vote on the application so it will be carried to the next meeting and the members can listen to the transcripts so they can vote. The application was carried to July 21, 2009.

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to carry the application to July 21, 2009

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. San Filippo extended the waiver to hear the application until August 31, 2009

5. NEW BUSINESS

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

The application was carried to July 21, 2009.

2. SD # 1674 (Variance Requested)
Applicant: Simon Baum
Location: Southwest corner of Vine Avenue & Oak Street
Block 1015 Lot 1.02
Minor Subdivision to create 3 lots

Mr. Vogt prepared a letter dated June 11, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide existing Lot 1.02 in Block 1015, into three (3) undersized residential lots. An existing dwelling is currently situated on-site which will remain on proposed Lot 1.03 as a part of this project. Single-family dwellings are proposed on proposed Lots 1.04 and 1.05 under this application. Proposed Lot 1.03 has frontage along Oak Street and Vine Avenue with the existing dwelling facing Oak Street. Proposed Lot 1.04 has frontage along Vine Avenue. Proposed Lot 1.05 has frontage along Vine Avenue and Audubon Avenue. However, Audubon Avenue is unimproved so the proposed dwelling will face Vine Avenue. The proposed lots are situated within the R-12, Single Family Residential Zone. The surrounding land uses west of Vine Avenue are predominantly residential. A New Jersey American Water Company facility is located on the east side of Vine Avenue. We have the following comments and recommendations: Zoning-The parcels are located in the R-12 Residential District. Single-family detached dwellings are a permitted use in the zone. *Statements of fact.* Per review of the Subdivision Map and the zone requirements, lot area variances are requested for each lot in this application: Variances for minimum lot area are required. The Minor Subdivision proposes 10,186, 10,000, and 10,000 square feet for proposed Lots 1.03, 1.04, and 1.05 respectively, where the zoning requires 12,000 square feet. The applicant must address the positive and negative criteria in support of the requested variances. *Statements of fact.* Existing Lot 1.02 has a non-conforming front yard setback of 28.8 feet along the Vine Avenue frontage of the property. This existing non-conformance will continue on proposed Lot 1.03 as part of this project. *Statements of fact.* Review Comments-The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. No specific data for the existing and proposed lots is provided. Therefore, the zoning table rounds up to three (3) off-street parking spaces being required for these lots. It appears the existing and proposed dwellings will have two-car garages and enough room for at least two (2) vehicles in each driveway. Therefore, a minimum of four (4) off-street parking spaces per lot are being provided. *The applicant's professionals indicate it is unknown whether the proposed dwellings will have one or two car garages. Therefore, the zoning schedule*

indicates a minimum of three (3) off-street parking spaces will be provided, which is complying. The footprints for the proposed dwellings are limited to 2,500 SF to comply with maximum building coverage. *Statement of fact.* The plan indicates existing curb along Vine Avenue and Oak Street. Curb will need to be replaced at the proposed driveway locations along Vine Avenue. The existing curb west of the existing driveway along the Oak Street frontage is in poor condition and should be replaced. New sidewalk is proposed along the Oak Street frontage of the property. There is existing sidewalk along the Vine Avenue frontage and sections will need to be replaced at the proposed driveway locations. *The revised plan indicates and notes the curb and sidewalk to be replaced.* All existing utility connections to the existing dwelling on proposed Lot 1.03 are from the Oak Street frontage as evidenced by the existing pavement repairs, meters, and cleanout. The proposed water main on Vine Avenue shall be extended to the end of the property to allow for future extension. The size and type of pipe must be indicated. The applicant's engineer must confirm the existing utility locations to properly show proposed extensions and connections. *A note has been added to the plan requiring the contractor to locate the existing water main prior to construction. The proposed eight inch ductile iron pipe (8" DIP) water main on Vine Avenue has been extended to the limits required by New Jersey American Water Company.* Audubon Avenue is an unimproved street. No improvements are proposed for Audubon Avenue. *Statements of fact.* Proposed grading shall be modified to maximize runoff being directed to Vine Avenue and minimize runoff being directed to neighboring Lot 1.01 to the rear of the proposed dwellings. *The modified proposed grading can be further improved to maximize runoff being directed to Vine Avenue and minimize site clearing and tree removal.* Proposed construction details must be modified to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and some corrections are required to the plan. *Most of the details have been corrected on the revised plan. Dimensions are required for the proposed concrete curb detail.* The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. *The applicant's professionals indicate the proposed lot numbers have been approved by the Tax Assessor's office. The plan shall be signed or written confirmation provided.* An unlabelled shade tree and utility easement is depicted on the plan along the property frontage of Vine Avenue. Five (5) Village Green Zelkovas and underground utilities are proposed within the easement along Vine Avenue. The proposed easement shall be included along the Oak Street frontage even if no utilities or shade trees are proposed at this time. *The proposed shade tree and utility easement has been properly depicted on the revised plan. Bearings, distances, and an area for the easement shall be added to the plan. Seven (7), Village Green Zelkovas of three inch (3") caliper are proposed within the easement area along Vine Avenue. Other details and notes have been added to the plan to comply with requests made by the Shade Tree Commission.* Sight triangle easements shall be added at the intersections. *A sight triangle easement shall be added at the Vine Avenue and Audubon Avenue intersection even though Audubon Avenue is unimproved.* Compliance with the Map Filing Law is required. *Statement of fact.* Should approval be granted, the monuments shown to be set must be in place prior to signing the map for filing with the County. In addition, a marker must be set at the angle point along the Oak Street frontage. *A monument to be set has been added at the angle point along the Oak Street frontage. Should approval be granted, all monuments shown to be set must be in place prior to signing the map for filing with the County. The Shade Tree Commission recommended foundation plantings be provided to each new unit and that a tree survey be submitted. Other comments in the Shade Tree Commission report have been addressed on the revised plan.* Outside Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals (NJAWC, prior to occupancy); Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals. *Evidence of approvals must be provided.*

Mrs. Weinstein Esq. appeared on behalf of the applicant. Mr. Flannery was sworn in and stated the variance they are asking for is lot area: 10,000 sf where 12,000 sf is required. He said on page 76 of the Master Plan this was item #25 that said to rezone a portion of the R12 between Oak Street and John Patrick recreation center, so they are conforming with the recommendation of the Master Plan. He said that there is an undeveloped area which per the Master Plan they are developing into 10,000 sf lots.

Mr. Akerman arrived at the meeting.

Mr. Flannery said the schools are in this area along with the low income housing.

Mr. Neiman opened the microphone to the public

Rachel Benstein, was sworn in. She said she lives past Oak Street and said it is developed and they have the only developed on that street and she is totally fine with Mr. Baum's request but she wanted the board to know that there is an existing house there and her lot does conform to 12,000 sf, and she exists.

Seeing no one else, this portion was closed to the public

Motion was made by Mr. Schmuckler, seconded by Mr. Percal, to approve the application.

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Akerman; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

3. SD # 1676 (Variance Requested)
Applicant: Israel Klein
Location: Southwest corner of Emmanuel Drive (a/k/a/ West St) and
Dr. Martin Luther King Drive
Block 775 Lots 3.01, 11.01, 11.02 & 12
Minor Subdivision to create 3 duplex lots

Mr. Vogt prepared a letter dated June 11, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide four (4) 50' X 150' (7,500 SF) single-family lots known as Block 775, Lots 3.01, 11.01, 11.02, and 12, into three (3) 66.67' X 150' (10,000 SF) duplex lots. The existing lots front Dr. Martin Luther King Drive with the northern most existing lot (3.01) also having frontage on Emmanuel Drive. There is an existing concrete retaining wall along the frontage of all lots, except for the corner lot, on Dr. Martin Luther King Drive. An abandoned existing one-story frame dwelling and the walls of an existing masonry garage are located on existing Lot 11.01. Existing driveways are located on all the existing lots with access to Dr. Martin Luther King Drive from existing Lots 11.02 and 12, and access to Emmanuel Drive from existing Lot 3.01. All these improvements, including fencing, will be removed as part of this application. However, the status of the existing concrete retaining wall is not clear. Since it is in marginal condition, we assume it will be removed and the property grading in conjunction with the site clearing. No new construction is proposed under this application. Proposed Lots 11.03 – 11.05 will have frontage along the west side of Dr. Martin Luther King Drive. Proposed Lot 11.03 will also have frontage along the south side of Emmanuel Drive. The proposed lots are situated within the R-7.5, Residential Zone. The site is mainly bordered by vacant and residential lands. *We have the following comments and recommendations per review of the revised*

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submission and comments from our initial review dated April 22, 2009: Zoning-The parcels are located in the R-7.5 Residential Zone. Chapter 18, Section 902.G.1.b, permits two-family and duplex housing, with a minimum lot size of 10,000 square feet. *Fact.* Per review of the Subdivision Map and the zone requirements, a front yard setback variance is requested for proposed Lot 11.03 in this application. A front yard setback of twenty-five feet (25') is required. Proposed Lot 11.03 is a corner lot. The twenty-five foot (25') front yard setback is provided from Dr. Martin Luther King Drive, and a fifteen foot (15') front yard setback is provided from Emmanuel Drive. *Fact.*-The applicant should address the positive and negative criteria for the required variance. *Per the engineer's cover letter, testimony will be provided at the public hearing.* Review Comments-The NJ R.S.I.S. requires 2.5 off-street parking spaces for each duplex unit when the number of bedrooms is not specified. Therefore, five (5) off-street parking spaces are required for each lot. The schedule of bulk requirements indicates that three (3) off-street parking spaces per unit will be provided, six (6) off-street parking spaces per lot. *Fact.* The footprints for the proposed dwellings are limited to 3,000 SF to comply with maximum building coverage. *Fact.* The plan indicates existing curb and sidewalk along Dr. Martin Luther King Drive. No curb and sidewalk exists along Emmanuel Drive and none is proposed. *Curb and sidewalk are now proposed along Emmanuel Drive.* -Should the Board require curb and sidewalk to be constructed along the Emmanuel Drive frontage, we recommend the curb be installed along the existing edge of pavement, which is 16.3' from the centerline of the right-of-way. In this manner the narrow pavement width of 24.3' would not be further compromised. *The subdivision plan was revised as requested.*-The existing curb and sidewalk along Dr. Martin Luther King Drive is old and worn. The curb has little face reveal and the sidewalk abuts the retaining wall. Considering the present condition of the curb and sidewalk and the amount which would have to be replaced when the site is cleared and duplex unit driveways are installed, we recommend the entire two hundred foot (200') length of curb and sidewalk be replaced. *The applicant consents to this recommendation per the engineer's 5/14/09 cover letter; however, a plan note still appears necessary.* Due to no construction of new dwellings being proposed on proposed Lots 11.03 – 11.05, the Board may wish to require the cost of the curb replacement, driveway aprons, and sidewalk improvements along Dr. Martin Luther King Drive to be bonded or placed in escrow to avoid replacing them at the time new curb cuts and driveway aprons are installed. Alternately, the plans can be revised to locate the future curb cuts, allowing the installation of depressed curb and driveway apron at this time. *Per the engineer's cover letter, the applicant agrees to bonding this item.* Per review of the plan, public water and sewer appear available within Dr. Martin Luther King Drive. Public water and sanitary sewer service is to be provided by New Jersey American Water Company. *Fact.* Proposed construction details must be added to the plan and comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). *Construction details have been added as requested.* The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. *The assessor has approved the proposed lot numbers.* An existing six foot (6') wide shade tree easement has been depicted on the plan along all property frontages. *Fact.* An existing sight triangle easement has been shown at the intersecting streets of Dr. Martin Luther King Drive and Emmanuel Drive. *Fact.* Compliance with the Map Filing Law is required. *Fact.* Subject to the approval of this application, the property corners along Dr. Martin Luther King Drive will need to be replaced with corner markers. *Per the engineer's cover letter, the applicant agrees to this condition.* Outside Agency Approval- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals (NJAWC, prior to occupancy); Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals.

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Mr. Flannery appeared on behalf of the applicant. He stated this application is taking 3 lots and combining them to make larger lots that will accommodate duplexes and the only variance they are requesting is for the front yard setback on West Street (Emmanuel). The previous application had a variance granted for 13 feet and the duplexes are asking for 15 ft. Mr. Flannery said it will conform with the area and there will be no negative impacts and the positive impacts will be providing housing opportunities. Mr. Neiman asked how much off street parking and Mr. Flannery said there would be 6 spaces per duplex and that is based on duplexes where they are not indicating the number of bedrooms because they do not know what is being built. They would need to comply with the RSIS at the time of submitting for a building permit. Mr. Neiman asked if there were going to be basements and Mr. Flannery said yes. Mr. Neiman said they will need more than 6 spots and Mr. Flannery asked what the board would like and Mr. Neiman said 8 would be better and Mr. Flannery agreed. Mr. Fink asked if there will be sidewalks and Mr. Flannery said yes.

Mr. Neiman opened the microphone to the public

Yaakov S. Govfischer, 9 Rose Park Crescent, Lakewood was sworn in. He said the issue they have is with the parking, particularly that street. Emmanuel is a small narrow street and there are approximately 60 school buses going through there in the morning. They want to make sure that there shouldn't be any curbside parking whatsoever, that the parking is onsite and there should not be any curbs because if there are it is impossible for the school buses to turn in and the whole Martin Luther backs up as it approaches Pine Street so this is used as a short cut for school buses and cars and from 9am it is impossible. Mr. Neiman said there are curbs and sidewalks on the plans and Mr. Flannery said the applicant will put in curbs and sidewalks and Mr. Flannery said he spoke to the neighbor and his suggestion is that they have some sort of the parking coming off west so they won't have an availability there for on-street parking and they are agreeable to that as well. Mr. Flannery said the parking for the duplex unit on the corner they will have some of the parking coming off west so that it eliminates an area where vehicles can park and block the site distance and cause a nuisance. Mr. Neiman said that is why they stressed the importance of 8 off street parking spaces.

Mr. Govfischer continued and said more importantly if there are driveways facing onto Emmanuel (West) there should not be enough space between driveways for a car; if there is even one car there it will be impossible. People have lost the mirrors on their cars and people cannot see when they are pulling out and people are traveling fast.

Mr. Schmuckler asked if he was concerned about parking on Emmanuel and Mr. Govfischer said also Martin Luther King and Mr. Schmuckler said there is no parking there, Mr. Schmuckler said maybe they could recommend that there should be no parking over there and Mr. Neiman said that is something you take up with the Township Committee. Mr. Schmuckler said the board can put a recommendation in for that and Mr. Flannery said the applicant would agree to write a letter to the Township Committee saying the Planning Board requested them to request no parking along both of those frontages and the applicant has agreed to space the driveways in accordance with what the neighbor is requesting to accommodate that goal. Mr. Neiman said they will recommend that in the resolution but they cannot do that here: it is something that has to be done by the Township Committee.

Seeing no one else, this portion was closed to the public

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Mr. Akerman just reiterated the recommendation and Mr. Neiman requested that Mr. Flannery put in long driveways as opposed to any curbing that might fit a car and also recommends to the police department that there be no parking there.

Motion was made by Mr. Akerman, seconded by Mr. Percal, to approve the application with everything discussed.

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

4. SD # 1677 (Variance Requested)
Applicant: Israel Klein
Location: Southwest corner of Warren Avenue & Emmanuel Dr. (a/k/a/ West St)
Block 775 Lots 3.02, 4.01, 4.02
Minor Subdivision to create 2 duplex lots

Mr. Vogt prepared a letter dated June 11, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide three (3) 50' X 150' (7,500 SF) single-family lots known as Block 775, Lots 3.02, 4.01, and 4.02 into two (2) duplex lots of 67' X 150' (10,050 SF) and 83' X 150' (12,450 SF) dimensions. The existing lots front Warren Avenue with the northern most existing lot (3.02) also having frontage on Emmanuel Drive. The existing lots are vacant with the exception of an existing dirt driveway and fence located on existing Lot 4.01. The fence will be removed as part of this application. No construction is proposed under this application. Proposed Lots 4.03 and 4.04 will have frontage along the east side of Warren Avenue. Proposed Lot 4.03 will also have frontage along the south side of Emmanuel Drive. The proposed lots are situated within the R-7.5, Residential Zone. The site is mainly bordered by vacant and residential lands. *We have the following comments and recommendations per review of the revised submission and comments from our initial review dated April 22, 2009:* Zoning-The parcels are located in the R-7.5 Residential Zone. Chapter 18, Section 902.G.1.b, permits two-family and duplex housing, with a minimum lot size of 10,000 square feet. *Fact.* Per review of the Subdivision Map and the zone requirements, a front yard setback variance is requested for proposed Lot 4.03 in this application. A front yard setback of twenty-five feet (25') is required. Proposed Lot 4.03 is a corner lot. The twenty-five foot (25') front yard setback is provided from Warren Avenue, and a fifteen foot (15') front yard setback is provided from Emmanuel Drive. *Fact.* The applicant should address the positive and negative criteria for the required variance. *Per the engineer's cover letter, testimony will be provided.* Review Comments-The NJ R.S.I.S. requires 2.5 off-street parking spaces for each duplex unit when the number of bedrooms is not specified. Therefore, five (5) off-street parking spaces are required for each lot. The schedule of bulk requirements indicates that three (3) off-street parking spaces per unit will be provided, six (6) off-street parking spaces per lot. *Fact.* The footprints for the proposed dwellings on proposed Lots 4.03 and 4.04 are limited to 3,735 SF and 3,015 SF respectively, to comply with maximum building coverage. *Fact.* No curb and sidewalk exists along Warren Avenue and Emmanuel Drive and none is proposed. *Curb and sidewalk are now proposed along both road frontages as requested.* Should the Board require curb and sidewalk to be constructed, we recommend the following: Along the Emmanuel Drive frontage, we recommend the curb be installed along the existing edge of pavement, which is 16.3' from the centerline of the right-of-way. In this manner the narrow pavement width of 24.3' would not be further compromised. *The subdivision plan has been revised as requested* Along the Warren Avenue frontage, we recommend the curb be installed to provide a thirty foot (30') pavement width, consistent with

surrounding development. New residential construction is being undertaken on the west side of Warren Avenue opposite this site. The existing edge of pavement in front of this site is jagged and pavement replacement is recommended. *The subdivision plan has been revised as requested.* Due to no construction of new dwellings being proposed on proposed Lots 4.03 and 4.04, the Board may wish to require the cost of any improvements required along Warren Avenue and Emmanuel Drive to be bonded or placed in escrow to avoid replacing improvements at the time of new dwelling construction. *Per the engineer's cover letter, the applicant agrees with this condition.* Per review of the plan, public water and sewer appear available within Warren Avenue. Public water and sanitary sewer service is to be provided by New Jersey American Water Company. *Fact.* Proposed construction details must be added to the plan and comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). *Construction details have been added as requested.* The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. *The assessor has approved the proposed lot numbers.* An existing six foot (6') wide shade tree easement has been depicted on the plan along all property frontages. *Fact.* An existing sight triangle easement has been shown at the intersecting streets of Warren Avenue and Emmanuel Drive. *Fact.* Compliance with the Map Filing Law is required. *Fact.* Outside Agency Approvals- Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals (NJAWC, prior to occupancy); Ocean County Soil Conservation District (if necessary); and All other required outside agency approvals.

Mr. Flannery appeared on behalf of the applicant. He said they have 3 single family conforming that they want to combine so the lots will be larger and accommodate duplexes. He would like to amend the application to indicate 8 parking spaces per duplex lot and they would arrange the parking so on the corner lot there would be 6 on West and 2 on Warren and they would space them such that it would eliminate the parking in between, similar to the last application.

Mr. Neiman said looking at these applications, and this is a part of the reason he wanted to hear them together; they are back to back duplexes and he asked if there was any way that they can have some type of parking lot in the middle of the two to alleviate a lot of the issues and not have any driveways in the front- move up the houses a little bit more towards the streets and reconfigure it because it is a big lot to try to get one central parking. Mr. Flannery said once you do that you create a situation where you need a homeowner's association who would be responsible for maintaining things; the other way of doing it is cross access easements and he thinks if you look at the area these fit in with the area, The zone permits duplexes, it doesn't permit projects which is what you are going to have; you would have multi family projects if you start putting them together and then having parking lots and he also think the neighbor that indicated the driveway configuration would like the separate units. Mr. Neiman said they are talking about 48 parking spots in these projects and this is a project. Mr. Flannery said there are 48 parking spots that are each on a lot; there is going to be grass in between them and landscaping and yards for the children to play; the duplexes are each on 10,000 sf lots which in that area is a big lot.

Mr. Fink asked if the previous resident had any issue with this application.

Mr. Neiman opened the microphone to the public

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Yaakov S. Govfischer, 9 Rose Park Crescent, Lakewood was sworn in. Mr. Fink asked him if he has any issues with this application and Mr. Govfischer said the same thing, and if they can keep them off of Warren that would be good.

Mr. Flannery said they would agree to all the same conditions as the prior application- 8 parking spaces per duplex, etc.

Seeing no one else, this portion was closed to the public

Mr. Percal spoke and said he has witnessed an situation where the board will recommend an action where an area is their jurisdiction and asked if there was anything the board can do about recommending a traffic light on the corner of Pine and Martin Luther King? He has spoken to a few board members who said the cost is astronomical, something like \$120,000.00 but that is a horrible accident waiting to happen and it is one of the worst corners in Lakewood and since the board's function is to improve the quality of life he asked the board for any suggestions as to what they can do here? Mr. Akerman said money should not be an issue. Mr. Flannery said he is not sure that money is the issue, the DOT has to approve them and there are certain warrants that have to be met. What the board can do is write a letter to the governing body recommending that they request a traffic light at that intersection. Mr. Jackson said this board as a body can directly ask the county. Mr. Percal asked if the board objected if he made a motion to that effect and they decided to finish this application first.

Motion was made by Mr. Akerman, seconded by Mr. Percal, to approve the application with everything discussed.

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. Jackson said he would write a letter stating the board unanimously passed a motion requesting that there be a light installed at Pine and Martin Luther.

5. **SD # 1671** (Variance Requested)
Applicant: Bais Yaakov High School of Lakewood
Location: James Street, west of Hearth Court
Block 321 Lot 1
Block 339 Lot 1
Block 340 Lot 1
Block 341 Lot 1

Preliminary & Final Major Subdivision-23residential lots, 1 stormwater/open space lot

Mr. Vogt prepared a letter dated June 11, 2009 and is entered in its entirety. The applicant proposes to subdivide four (4) existing lots into twenty-three (23) residential lots and one (1) stormwater management/recreation lot. The subject project is located on the northerly side of James Street in the westerly portion of the Township, immediately to the west of the Bais Yaakov High School. The tract is wooded and a freshwater wetlands area is located to the northeast of the site. The applicant recently received five (5) Freshwater Wetlands Letters of Interpretation Absence for the five (5) tracts owned by the applicant. In addition, no part of any of the properties occurs within a transition area. All of the existing lots are vacant and wooded. The applicant proposes the creation of twenty-three (23) single-family residential lots with the development of three (3) paper streets (Grantwood Avenue, Northfield Avenue, and Eden

Avenue) and the creation of a new dead end street (Meadow Lane). Temporary cul-de-sacs are proposed for the three (3) paper streets to allow for the possibility of future extension. A twenty-fourth (24th) lot is proposed to be dedicated to the Township for recreational use and stormwater management. The project will be phased. Phase One will consist of the improvement of Grantwood Avenue and Northfield Avenue, the recreational use and stormwater management lot, and the development of twelve (12) residential lots. Phase Two will consist of the improvement of the balance of the project. It is not clear how the James Street widening will be factored into the phasing. A Phasing Plan is required to insure Phase One can be built as a stand-alone project. Proposed stormwater management facilities and utilities are associated with this project. The subject site will have a public water system, but will be serviced by individual septic disposal systems. The project is also proposing curb along all developed streets, including James Street. Sidewalk is being proposed along the frontages of all developed residential lots. Unimproved Firestone Avenue, bordering the easterly side of the site, is not being improved as part of this application, except for a proposed turnaround associated with the creation of a new dead end street (Meadow Lane). Also, portions of Northfield Avenue, Oxford Street and Eden Avenue encompassing most of the proposed recreation lot will remain unimproved. The subject property is located within the R-12 Single-Family Residential Zone District. Single-family residences are a permitted use in the zone district. The applicant is proposing to reduce the lot sizes by fifteen percent (15%) from 12,000 square feet to 10,200 square feet in accordance with the provisions of UDO Section 18-908. In addition, the applicant is proposing to reduce the lot width by ten percent (10%) from 90 feet to 81 feet. In order to comply with the rules which govern such reductions, the applicant is proposing to dedicate a 2.00 acre lot to the Township of Lakewood. The following comments (*bold*) are in response to review of the revised submission per comments made in our original review letter dated May 27, 2009. Zoning-The site is located in the R-12 Residential Zone and single-family residences are a permitted use in the zone district. *Statement of fact.* The applicant is proposing to reduce the lot sizes by fifteen percent (15%) from 12,000 square feet to 10,200 square feet in accordance with the provisions of UDO Section 18-908. In addition, the applicant is proposing to reduce the lot width by ten percent (10%) from 90 feet to 81 feet. In order to comply with the rules which govern such reductions, the applicant is dedicating a 2.00 acre lot to the Township of Lakewood. *Statements of fact.* The land resulting from the reduction in lot size shall be set aside for park, playground, or other recreational purposes. The plans indicate a proposed walking trail around a proposed stormwater management facility. The bulk of the lot to be dedicated will remain wooded. The land to be dedicated for recreation must be deemed suitable by the Board. *The Board must act on the suitability of the recreational land proposed and the acceptance of the proposed stormwater management facilities.* Minimum lot size variances for areas less than 10,200 square feet are being requested for the following proposed lots: Block 320, Lot 2 (9,686 SF). Block 320, Lot 3 (9,638 SF). Block 341, Lot 1 (10,152 SF). *The Board must act on the lot size variances being requested. The proposed lots are all located in Phase Two of the project.* A variance for minimum front yard setback is required for proposed Lot 4 in proposed Block 320. A proposed fifteen foot (15') front yard setback to Firestone Avenue, a paper street, is being provided. A thirty foot (30') front yard setback is required. *The Board must act on the front yard setback variance being requested. The proposed lot is located in Phase Two of the project.* Temporary cul-de-sac easements are proposed for Grantwood Avenue, Northfield Avenue, and Eden Avenue. The Board may wish to consider a minimum setback from these easements since the front yard setback is only a minimum of five feet (5') behind the easement. *The applicant's professionals indicate the applicant would agree to a minimum twenty foot (20') front yard setback from the temporary cul-de-sac easements.* The applicant must address the positive and negative criteria in support of the requested variances. *Testimony shall be provided at the hearing.* Review Comments-General-The limit of freshwater wetlands was located in the preparation of the Boundary and

Topographic Survey. Accordingly, approval of the wetlands location and associated transition area by NJDEP is pending. The proposed transition area encroaches onto proposed Lot 2 in proposed Block 320. Transition Area Averaging or a Transition Area Waiver may be required. *The applicant has received five (5) Freshwater Wetlands Letters of Interpretation Absence, one (1) for each of the five (5) property Blocks owned. Four (4) of these Blocks are part of this application. Accordingly, General Note #19 has been added to the plans. However, it must be corrected to list the correct Blocks and Lots, as well as NJDEP File Nos. associated with this proposed subdivision. Furthermore, since all of the Letters of Interpretation Absence state that no transition areas encroach onto any of the applicant's properties, the transition area line shown on the plans shall be removed.* The applicant is proposing curb along all improved streets. Portions of Northfield Avenue, Oxford Street, Eden Avenue, and Firestone Avenue abutting the subdivision remain unimproved. *Statements of fact.* The applicant is proposing sidewalk along all improved streets with the exception of the west side of Grantwood Avenue. The Board should consider whether this arrangement is acceptable. A depressed curb for a future handicapped ramp is required at the northwest intersection of James Street and Grantwood Avenue. *The land the applicant owns along the west side of Grantwood Avenue is not being developed as part of this project. It is the applicant's intention to propose sidewalk with any future development project. The depressed curb for a future handicapped ramp has been added.* A temporary cul-de-sac easement is proposed on existing Lot 1 in Block 338. While this property is not part of this application, the property is owned by the applicant, therefore the easement can be granted. The Board Attorney shall review the form of easement for all temporary cul-de-sac easements. Our office shall be provided with descriptions of all temporary cul-de-sac easements for review. *Easements and descriptions for all temporary cul-de-sacs must be provided should the Board approve this application.* The applicant proposes 3.5 off-street parking spaces per unit where 2.5 off-street parking spaces are required per RSIS. The applicant shall revise the zoning table to provide proposed off-street parking in whole numbers since the project is all single-family residential lots. The Board shall determine if the parking provided will be sufficient for the type of development proposed. *The parking tabulation has been revised to provide a minimum of three (3) off-street parking spaces per single-family residential lot. Accordingly, the Final Plats must be revised.* One (1) new road name, Eden Lane, has been proposed for the project. The proposed road name is subject to approval from the Township and proof of approval shall be provided. *The revised plans indicate the new proposed road terminating at Firestone Avenue will be named Meadow Lane. Confirmation shall be provided.* Eden Lane, a new proposed road, terminates at Firestone Avenue which is an existing paper street. No means of turnaround has been provided. Furthermore, the end treatment of the road has not been addressed nor has proper access to and from the adjoining school site. Testimony should be provided by the applicant's professionals regarding vehicular access to the two (2) proposed lots at the end of the road terminus. *A proposed paved hammerhead turnaround has been provided at the end of a new proposed road (now Meadow Lane) in the Firestone Avenue right-of-way. The dimensions of the radii must be provided to confirm adequacy. The grading of this area requires correction and proper access to and from the adjoining school site is incomplete.* The applicant must provide proof that all proposed Block and Lot numbers have been approved by the Lakewood Tax Assessor. *The applicant has requested approval of the Block and Lot numbers from the Lakewood Township Tax Assessor and is currently awaiting approval.* The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of five (5) basic house designs are required for developments consisting of between sixteen (16) and twenty-five (25) homes. *The applicant agrees to provide five (5) basic house designs to eliminate any look-a-like requirements in the development.* Plan Review- The acreage of the property in General Note #2 shall be corrected to 7.81. Accordingly, the density provided shall be corrected to 2.9. The allowable density still complies with the allowable 3.1 units per acre. *The project acreage has*

been revised and the density calculation corrected. General Note #11 incorrectly refers to a detention basin rather than an infiltration basin. General Note #11 has been corrected to refer to an infiltration basin. The last sentence in General Note #18 shall be corrected to state that monuments shall be "set" by a licensed New Jersey Professional Land Surveyor. General Note #18 refers to as-built drawings being signed and sealed by a licensed New Jersey Professional Land Surveyor. Monument setting and certification will only be provided where applicable. Sight Triangle Easements dedicated to the Township of Lakewood are shown along all intersecting roads with James Street. Since James Street is a County Road the Sight Triangle Easements shall be corrected and dedicated to the County of Ocean. The Sight Triangle Easements along all intersecting roads with James Street have been revised and are to be dedicated to the County of Ocean. Distance and area information must be added to the Final Plats. A five foot (5') dedication to the County of Ocean is being provided along the James Street frontage of the entire project. Plans shall be included for the widening of James Street. The applicant's engineer has indicated that road widening plans for James Street will be prepared. Regardless of the County's position on the phasing of this project, we recommend that the James Street widening be completed with Phase One to prevent a discontinuous widening. The proposed septic disposal field on proposed Lot 2 in proposed Block 320 conflicts with the cul-de-sac and must be corrected. The proposed septic disposal field on Lot 2 in Block 320 has been relocated. The Ocean County Board of Health will determine if the distance to the temporary cul-de-sac is acceptable. The setback along Firestone Avenue of proposed Lot 4 in proposed Block 320 must be corrected on the Development Plan to match the Final Plat. The setback along Firestone Avenue of proposed Lot 4 in proposed Block 320 has been corrected on the Development Plan. Grading-A detailed grading plan is provided on Sheet 3 of 16 and shall be correctly labeled. Consistent with existing topography, proposed grading will generally slope from south to north. A storm sewer collection system is proposed to collect runoff and convey it to a proposed infiltration basin. The grading plan requires some redesign, particularly with respect to tying into existing grades. Vertical curves are required for all road grade changes in excess of one percent (1%), including curb grades around cul-de-sacs. The vertical curves must be at least twenty-five feet (25') in length for every percent difference in grade. Vertical curves have been added, but in general are too short. The vertical curves must be at least twenty-five feet (25') in length for every percent difference in grade. There are not enough soil borings to determine whether the proposed basements maintain a two foot (2') separation from the seasonal high water table. Our review of the limited number of borings provided indicates many of the proposed basement floor elevations are too low. Since the applicant is proposing to develop the property utilizing individual subsurface septic systems, additional soils information will need to be provided for every proposed lot. Therefore, additional seasonal high water table elevation information will be obtained. Hence, the plot plans submitted to the Ocean County Board of Health and the Township will have adequate information to properly set the proposed basement floor elevations. Profiles are required for James Street and the drainage easements. Profiles for the drainage easements have been provided, but not reviewed. It is our understanding a profile for James Street will be part of the County Road Improvements Plans being prepared. It appears fill will be imported to the site to achieve the proposed grades. If fill is to be imported, we recommend that the applicant perform analytical testing on the fill at a frequency suitable to demonstrate that contaminants are not present within the fill soil at concentrations above the relevant NJDEP limits. General Note #20 has been added to the plans indicating that any fill to be imported will be tested for contamination. Stormwater Management-A proposed storm sewer collection system has been designed utilizing reinforced concrete pipe to convey stormwater runoff into a proposed infiltration basin. The proposed infiltration basin is located on the northerly portion of the project. Statements of fact. The applicant is proposing to dedicate the proposed stormwater infiltration basin to the Township as part of the lot for recreational purposes. Drainage easements are shown on the Final Plat without a dedication to

an entity. The proposed drainage easements and proposed stormwater infiltration basin are being dedicated to the Township. The Township must act on this proposal. A Stormwater Maintenance Plan is included as the last sheet of the development plans. A formal Stormwater Maintenance Plan per the NJ Stormwater Rule (NJAC 7:8) and Township Code will be required as a condition of approval, if granted. The written manual must be provided if approval is granted. Access to the infiltration basin must be provided. Access to the infiltration basin has been added from the Northfield Avenue cul-de-sac. The width of the access should be indicated. Justification of the permeability rate used for design must be provided. Permeability test results have been added to the Stormwater Management Report and the permeability rate used for design is justified. The two foot (2') separation to seasonal high water table for the infiltration basin shall be measured from the bottom of the sand layer. Accordingly, the bottom of the infiltration basin needs to be raised a half foot. Our review of the seasonal high water table information requires the bottom of the infiltration basin to be raised a half foot. The stormwater management lot contains plenty of area to allow for a shallower infiltration basin. The minimum top of berm distance for the infiltration basin must be ten feet (10'). A ten foot (10') distance has been provided between the proposed sixty-two (62) contour lines. However, the top of the berm is at elevation 62.8. Therefore, the top of berm is too narrow. The top of the infiltration basin has been properly widened to ten feet (10'). The Stormwater Management Report must account for the post development drainage areas not being collected and conveyed to the infiltration basin. The result could be an increase in volume of the basin to insure the allowable peak discharge of the 100 year storm is not exceeded. Per review of the revised design, it is an improvement over the preliminary submission and is feasible to serve the project as proposed. Per consultations with the applicant's engineer, final design revisions requested by our office will be provided as a condition of Board approval, if/when forthcoming, Additional proposed drainage is recommended to intercept proposed runoff from leaving the site. The applicant does not wish to add additional storm drainage piping as they could become conflict points for the proposed septic systems. The infiltration basin can over detain stormwater being collected to offset the areas not being collected. The Collection System Drainage Area Map requires corrections. Some additional collection structures and piping, or revised grading will be necessary. The Collection System Drainage Area Map will require correction and coordination with the County Road Widening Plans. Storm sewer profiles shall show existing and proposed grades and all pipe views at all structures. Storm sewer profiles will be reviewed should subdivision approval be granted. There is a post and rail fence detail typical of what is provided throughout the Township for stormwater basins on the detail sheets of the plans. However, the location of post and rail fencing is not indicated in plan view. Should it be the intent to fence the infiltration basin, it may conflict with the proposed walking trail shown around the rim of the basin. The proposed location of the post and rail fence has been added to the plan. It encircles the basin and does not conflict with the proposed walking trail. Landscaping-The overall landscape design is subject to review and approval by the Board. Per our 5/19/09 inspection of the property, the majority of the site is young oak-pine forest. Testimony should be provided by the applicant's professionals whether any specimen trees exist on-site. If so, compensatory plantings may be required unless waived by the Board. The applicant's professionals will provide testimony on existing specimen trees and the nature of the vegetation. Shade trees are being proposed in sight triangles and drainage easements. These plantings should be relocated. The proposed shade tree locations have been revised to eliminate conflict with the sight triangle and drainage easements. The planting schedule requires correction in identifying deciduous and coniferous trees. The planting schedule has been corrected. Corrections are required in the Landscape Notes provided in the plan set. We can review the corrections required with the applicant's professionals should subdivision approval be granted. The applicant is proposing a six foot (6') wide shade tree and utility easement along all proposed road frontages except for Oxford Street and Firestone Avenue.

These two (2) streets are remaining unimproved with this application. *The applicant is not proposing to provide shade tree and utility easements along Oxford Street or Firestone Avenue since these streets are not proposed to be improved as part of this application.* Lighting- A Lighting Plan has not been provided. The General Notes state that lighting plans shall be designed to conform to the Township Standards. Furthermore, the General Notes state that the developer will pay for onsite lighting and the plans for such lighting will be designed by the Township Engineer in cooperation with the Electric Company. *The applicant's professionals indicate the applicant agrees to comply with the Lakewood Township Ordinance.* Utilities- The plans indicate sewage service will be provided by individual septic disposal beds. *Statement of fact.* The plans show water service will be provided by extension of public water mains. *Statement of fact.* The plans state that electric, telephone, gas, and cable to be provided underground. *Statement of fact.* The applicant shall revise the plans as required by the Fire District. *The drawings have been revised as required by the Fire District. The existing hydrant at the intersection of James Street with Northfield Avenue must be relocated.* Signage- Proposed signage needs to be added to the Development Plan along with respective details. *Proposed signs have been added to the Development Plan. A "No Outlet" sign detail must be added.* No project identification signs are proposed. *Statement of fact.* Environmental Impact Statement- An Environmental Impact Statement was provided for review, and is generally satisfactory. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, grassland, and wood turtle habitat areas. Per NJDEP mapping, the site is mapped as potential state threatened species habitat. While this site is not likely "critical" habitat due to surrounding development, we recommend that the applicant retain a qualified consultant to investigate the site habitat based on a request for NJDEP natural heritage database information, and provide a summary report of the findings. *The applicant's professionals indicate that a habitat assessment will be provided showing the potential for threatened and endangered species on the site.* A Tree Management Plan has not been submitted. A plan is necessary unless waived by the Board. It should be noted that the proposed limit of clearing closely matches the proposed limit of disturbance. Therefore, no extraneous trees will be removed as part of this subdivision plan. *The applicant is requesting a waiver from providing a Tree Management Plan. The applicant's professionals base the waiver request on the fact the site consists primarily of immature pine and oak trees and claim there are no specimen trees on the subject property.* Construction Details- On the Post and Rail Fence detail, the spacing dimension shall be corrected to the centers of the posts and the posts shall be 5" square. *The spacing dimension has been corrected to the centers of the posts and the posts are shown as 5" square.* The Stop Sign detail should be revised to include a red reflective strip that should be installed the length of the post. *The red reflective strip has been added.* The Street Sign detail shall match Township standards. *The Street Sign detail is for Dover Township.* The Municipal Trench & Pavement Repair detail shall be removed. There are no existing municipal roads to trench and repair. *The Municipal Trench & Pavement Repair detail has been removed since there are no existing municipal roads.* Except for inverts, which may be constructed of Class S concrete, any concrete shall be a minimum of Class B. The strength of Class B concrete is 4,500 psi. All references to Class C and D concrete shall be removed from the details as these mixes are no longer used by NJDOT. Bicycle safe frame and grate number shall be 2618. A drainage manhole detail must be added. *All drainage structure and concrete*

details are in compliance. Some dimensioning and the cross slopes on the Municipal Road typical section requires corrections. The Municipal Road typical section has been corrected. The Scour Hole Outlet Protection detail must match the current design. The detail matches the current design. Two (2) types of curb details are shown on the plans. The locations of the different curb types must be indicated. The limits of the different type curbs are not clear. Details must be added for the infiltration basin berm, spillway, and walking trail. The proposed spillway elevation must be corrected and edging should be added to the proposed walking trail detail. Details for Handicap Ramps must conform to the NJDOT Standard Details. NJDOT Standard Details for handicap ramps have been provided. Final Plat- Compliance with the Map Filing Law is required. Statement of fact. Certifications in accordance with UDO Section 18-604 B. 3. Final Plat Major Subdivision shall be provided. Since the project has been phased, two (2) Final Plats have been prepared which require the certifications in accordance with UDO Section 18-604 B. 3. Language for a Conservation Easement has been provided on the Final Plat, but the location of the Conservation Easement is not clear. The language for a Conservation Easement does not appear on either of the Final Plats. Drainage and Sight Triangle Easement Language has been provided on the Final Plat. This must be reviewed and approved by the Board Attorney. The Drainage and Sight Triangle Easement Language has been provided on both Final Plats. This must be reviewed and approved by the Board Attorney. Curve numbers 8 – 11 shown in the curve table do not appear on the Final Plat. The curve table has been revised. It is noted the Surveyor's Certifications list a different surveyor than the preparer of the Final Plat. The Surveyor's Certifications now list the same surveyor as the preparer of the Final Plat. The applicant has received five (5) Freshwater Wetlands Letters of Interpretation Absence, one (1) for each of the five (5) property Blocks owned. Four (4) of these Blocks are part of this application. Accordingly, General Note #5 has been added to both Final Plats. However, it must be corrected to list the correct Blocks and Lots, as well as NJDEP File Nos. associated with this proposed subdivision. Furthermore, since all of the Letters of Interpretation Absence state that no transition areas encroach onto any of the applicant's properties, the transition area line shown on the Final Plats shall be removed. The proposed lots fronting James Street on both Final Plats are dimensioned for radii of fourteen feet (14') instead of the fifteen feet (15') shown in the curve table. This could impact the area calculations. The section of the Drainage Easement leading to the infiltration basin on the Phase One Final Plat must be proposed on New Lot 6 in Block 340. On the Phase One Final Plat it is recommended the five foot (5') dedication along James Street be included on the second Phase properties. General Notes #2, as well as the Zoning Schedules on both Final Plats should be discussed if approval is granted. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Ocean County Board of Health (septic); New Jersey American Water Company (water); NJDEP Letter of Interpretation; NJDEP Transition Area Averaging or Waiver; and All other required outside agency approvals. The applicant has received Letters of Interpretation Absence for all properties associated with this application. Furthermore, no transition areas encroach on any of the applicant's land. Therefore, NJDEP Transition Area Averaging or Waiver will not be required. The applicant is in the process of obtaining all other necessary outside agency approvals. It is recommended that the applicant's engineer meet with our office to review our comments and recommendations should subdivision approval be granted by the Board.

Mr. Penzer Esq. appeared on behalf of the applicant will William Stevens as the engineer for the applicant. Mr. Stevens said the applicant is proposing a subdivision under the Lakewood Ordinance that permits a reduction in lot size from 12,000 sf to 10,200 sf. As part of that ordinance they are required to offset by setting aside 1 acre minimum of land for open space and recreation and in this case, they are proposing to set aside 2. The board is required to rule

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on the fact that the land they are setting aside is adequate for that purpose. One of the comments talks about the lot areas that are being requested below the 10,200 sf; one lot they are requesting 9,686 sf; another lot they are requesting 9,638 sf and another lot is 10, 152 sf. Mr. Stevens said these lots are all in the vicinity of the Firestone Avenue paper street and the idea behind creating these variances was to try to come up with a plan that would conducive to the neighboring high school and would fit more in the transition between the school and the subject property. He said the applicant could re design this plan to add another lot with the improvement of Firestone Avenue that would permit an additional dwelling to be built but they believe the plan they are showing is a better alternative because they are saving more trees and preserving the buffer that exists between the high school and the subdivision. The last variance they are asking for is front yard setback but that is to the paper street of Firestone Avenue and they are not proposing to improve that so it is really going to act as a sideyard to this lot and that right of way will never be improved further because there are wetlands existing beyond the applicant's property.

Mr. Penzer said by granting the 500-600 sf variances on 2 lots they gain a much larger area of a transitional as part of the Crystal Lake Preserve.

Mr. Vogt asked about the radii of a few lots along James Street and asked if that impacted the area of calculations and Mr. Stevens said it did not; it was an error in his drawings that Mr. Vogt picked up.

Mr. Franklin said he looked at the radius of the cul de sac and he also looked at the drainage and said with the drainage they will not be able to make it a public street because the drainage is going across the lots.; there are septic tanks in the lots and he has no way to get in there and clean them.

Mr. Stevens said this piece of property is interesting because it is currently not within a sewer service area and the school is. Mr. Neiman asked if there was any way to extend the sewer line and Mr. Stevens said right now they can bring sanitary sewer into this job and they are trying to get this piece of property put back into a sewer service area. The township is working with Ocean County to revise the sewer service area for Lakewood and it is the applicant's proposal that if they can get this project into the sewer service area then they will bring sanitary sewer into the project and eliminate the septic systems. Currently the only proposal they can make is for septic system because that is the only thing that is permitted.

Mr. Stevens said the town, right now, is under orders by Ocean County to come up with a new sewer service area map for Lakewood Township. It is supposed to be presented to Ocean County around the 1st of July so if this property could be added into that proposed sewer service area the applicant would then be willing to bring sanitary sewer into this project. Mr. Vogt said this is an issues all over, not just Lakewood. They are revisiting all the sewer service areas statewide. Mr. Stevens said they would love the planning board to recommend to whomever is doing the sewer service project to include this project into their report.

Mr. Fink asked Mr. Jackson if the board could ask the Township to include this in the sewer service area and Mr. Jackson said he did not know if it is the Committee's decision and Mr. Penzer it is the County in conjunction with the DEP. Mr. Jackson said he could draft a letter.

Mr. Neiman said Mr. Franklin raised a point that if the drainage is in the lots then it cannot be public street and he asked how they were going to empty the septic. Mr. Stevens said they have designed 3 separate cul de sacs that come off James Street in a northerly direction and

they all tip backwards; they have one infiltration basin that they are proposing in the northern part of the project so the drainage will be collected at the end of each one of the cul de sacs and then transmitted through the properties back to the infiltration basin. Mr. Franklin's concern that he would not have the ability to access any manholes that are in grassed areas if they would need to be cleaned out and they currently show 2 in the middle of the center block of the project. Mr. Stevens said with the exception of those 2 manholes all of the inlets are located within paved right of ways. Mr. Franklin said those are the 2 key ones which is where everything dumps to. Mr. Fink said if these were private streets, he asked if they would have an HOA here and Mr. Franklin said the board has asked the engineers to develop these so they put the drainage in the streets; you may have to put some fill in but if you put some fill in to get the drainage so it works, at least they become public streets and the new homeowners won't have that responsibility. Mr. Stevens said the only way he has to get to the infiltration basin is out of a paved driveway; unless he was to build 3 separate basins at the end of each one of these roads or do something like an infiltration system, which he knows that town is not happy with, in the outward cul de sacs that would directly discharge to the rear of the property. He said they are topographically challenged because the whole job slopes backwards.

Mr. Vogt asked Mr. Stevens if he could make that basin deeper- where is groundwater? Mr. Stevens said they are at the level that is deepest and Mr. Vogt asked if there was any way with his piping schemes in lieu of going in between the lots between Northfield Avenue and Eden Avenue to go around from the cul de sac termini? He said if they could take out those pipes which Mr. Franklin is concerned with, go down the cul de sacs, redirect piping into that system and maybe pave on top of the pipes if you had to have access. (or stone etc.)

Mr. Fink said one of the easiest ways to do this is to not make the streets public and the rest of the board said it will come back to haunt the town later. That is why they are trying to get them to draw it the proper way: he said they could loose a couple of lots and put another street across the back end and get the drainage in that way. Mr. Stevens said that Mr. Vogt has come up with a good suggestion and said with some slight modifications they could end up with a plan that had all the structures within the roadways or the infiltration basin so there would be no manholes located in grass. Mr. Vogt said what he is talking about is in lieu of the piping system that is shown within the yards, bring them from the cul de sac, individual pipes directly into the basin and if they had to for maintenance purposes, put stone or some kind of access road on type of that piping so they would have access to the piping. Mr. Vogt said if the board were to act on this application he would recommend that the applicant meet with Mr. Franklin prior to signing off and make sure he is comfortable with it. Mr. Penzer said he had no problem with that. Mr. Franklin said that takes care of the 2, but what about the one on Grantwood Avenue? Mr. Stevens said they would do the same thing; they would have a structure at the end of Grantwood Avenue that would tie to the structure at the end of Northwood Avenue and there will be no structures in between and they discussed the technical aspects. Mr. Vogt said whatever the final design, they will go over it with Mr. Franklin and Mr. Penzer said they agree.

Mr. Neiman asked about the off street parking and Mr. Stevens said they are showing 3 parking spaces per each home, but they do not have plot plans for each home, plus they will be able to park on street because these are secondary roadways. Mr. Neiman asked them to try for 4 spaces and asked if there were going to have basements here also and Mr. Stevens said yes. Mr. Neiman asked them again to try for 4 spaces because it could look so much better if they would have 4. Mr. Stevens said with a 2 car garage and a 2 car driveway they could. Mr. Stevens said there is recreational in the back .

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**TOWNSHIP OF LAKEWOOD
REGULAR REVIEW**

Mr. Akerman asked about the recreational area and Mr. Stevens said under the ordinance they are required to set aside 1 acre of open space and they are giving 2. Mr. Akerman said that in Mr. Vogt's report, they have to act on the suitability of the recreation and Mr. Vogt said that is based on their proposal. Mr. Percal said to the best of his recollection by the Master Plan, any project 12 units or larger has to have a play area and any unit 24 or larger has to have a community center and Mr. Penzer said the number is 25 and they are below it.

Mr. Neiman opened the microphone to the public

Noreen Gill, 192 Coventry Drive, Lakewood was sworn in. She said these lots are below the 10,200 sf and she quoted the sizes of the lots and asked how many bedrooms would be in each one of these homes and said it is important because of the septic system and Mr. Neiman said the septic system has to be approved by Ocean County Health Department and they will calculate that. She said as far as having the area cleaned up it is ultra important.

Gerry Ballwanz, Governors Road, Lakewood was sworn in. She gave some history and said this was part of the A1 lawsuit whereas before the lots were R40 and when it was remanded to this board the board chose to have the R12 lots and it does back up to the Crystal Lake Preserve which is an area that has natural environmental sensitivities and now we are seeing what the impact of the board decision was creating this into R12. We now have the provision that these lots are even going to be smaller- 10,000 sf. and where the drainage in and the recreation it is even closer to the Crystal Lake Preserve area. To the east of the property is wetlands and she is curious if the Ocean County Health Department does not approve the number of houses based on the septic system, what is going to happen-are they going to have to come back to the board and reduce the number of houses because the quantity of houses is too great for a septic system to be so close to a Category 1 watershed area? She said 6 houses create 2,000 gallons of nitrate pollution into the soils and if that is the case, a house on a state wide basis doesn't have as many bedrooms as a house under these guidelines with possibly 8 bedrooms so it seems that the capacity for the sewers would be excessive compared this 2,000 gal. per day for 6 houses. She said if this board gives them the approval and then they go in front of the Ocean County Health Department and there are a lot of questions because they are building too dense on this type of land and whether or not there will be this sewer area extension or not—that was also part of the A1 lawsuit, that was part of what is outside the sewer service area and when you are looking at the rationale for preservation of water resources for the State, for the people in Lakewood and if you keep building into these areas you are going to negatively impact this whole situation and she thinks that this application should be denied or at least wait until the Ocean County Health Department says and maybe the approval should be based on a reduction of the number of houses or has to wait until there is going to be a sewer service extension area.

Mr. Stevens said this applicant wants to go sewer so if the town can get this into the sewer service area, they do not want to do septic. Secondly, Ocean County Health Department regulates septic systems and the houses that have septic systems built here could only be a maximum of 4 bedroom but the Board of Health does not regulate the number of houses, only the number of bedrooms.

Brian Flannery, Lakewood was sworn in and said he is probably the closest neighbor to the project and he thinks it is a great project. They are taking an area where they are going to build on the developable land and are adding 2 acres to the Crystal Lake Preserve. They are taking an area where currently garbage gets thrown and are putting houses.

Seeing no one else, this portion was closed to the public

Mr. Akerman asked if the recreation was going to be opened to the public and not just this development and Mr. Stevens said it was and in the future the town can do whatever it wishes.

Mr. Vogt said there were a number of items in the letter and asked if the applicant will comply with them. Mr. Steven said they will comply with all the comments in his report.

Motion was made by Mr. Schmuckler, seconded by Mr. Akerman, to approve this application with all the discussion including changing the drainage system to what will meet Mr. Franklin's satisfaction and the streets will stay public.

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. Neiman left the meeting so Mr. Fink took over the meeting.

6. CORRESPONDENCE

- None at this time

7. PUBLIC PORTION

Gerry Ballwanz said at the last public portion she raised the question of the ruling that taxes need to be current when plans are before this board and it was a question as to what point if there are any delinquent taxes that they are resolved and Mr. Jackson was supposed to do some research because there was a difference of opinion between at the resolution time or the permit time. Mr. Jackson said he did look into that and he said he couldn't find his notes but found a provision and said he thinks the board can waive it- it is not a statutory requirement. Mr. Fink said he agreed 100% and said the board should know who's taxes aren't current and this board should pass a resolution or bring it to the Township Committee if taxes aren't up to date the board shouldn't hear any. Mr. Jackson thought the issue was whether the board could wave it and have it heard and Mr. Fink said they should do that too; the board should have the flexibility of both. Mr. Kielt said what Mr. Jackson sent him said that. Mr. Kielt said an example is the case tonight with Adam Pfeffer where there is a hardship case and the taxes cannot be paid, very often they are getting the tax money out of the proceedings of the sale.

Mr. Schmuckler asked Mr. Kielt if there is a system in place that checks to see if the taxes are paid and Mr. Kielt said he spoke about the last time. Mr. Akerman asked what the benefit was of holding back an application- if they allow them to move forward, they can sell the property and it will be more saleable.

Mr. Ballwanz said they are in arrears for a year and Mr. Akerman said whatever taxes are owed on a property, the quickest way to get them is by allowing the property to become more saleable.

Mr. Jackson said he found the email and read that under the statute the zoning ordinance may require as a condition of any approval that no taxes or assessments are due and a similar provision is in the MLUL with respect to subdivision or site plan and depending on the specific requirements, proof of payment should either be filed with the application or the appeal should be conditioned upon payment of taxes. Mr. Jackson said there is a requirement that the proof of taxes however the filing of the certificate from the collector that all current taxes are paid may be made by a submission in such case the applicant is free to request a waiver and where good cause is shown the board may waive the requirement; (ex. The landowner cannot pay the taxes unless he obtains an approved subdivision so he can sell the lots) Arrangements can be made at the time of closing to ensure that payment is made to the Township for outstanding taxes.

Mrs. Ballwanz said if there is a waiver it should be determined by a vote of this board at the time there is an application so the board will know if the taxes are current. Mr. Jackson said he makes that a part of the resolution that the taxes are current as part of the condition. Mrs. Ballwanz went according to the tax lien sale in April and Block 159 Lot 12 was in the tax sale for \$2,700.00 and when she checked with the Tax Collector, those taxes were paid on May 12th because the land was being sold to another person. She does think that if the board is saying there could be waivers, then she thinks the board should know ahead of time so they can make a decision. She said everyone is complaining about their taxes and here we have these developers coming before and they are not doing their fair share.

Noreen Gill said she agrees with Mrs. Ballwanz and said some people have gall to come before the board and know that they owe money and when she sits at the Township Committee and they tell her that 3 cents is for uncollected taxes it blows her mind-when she knows she sits at these meetings and she has her sheet of paper and that developer is not current with the taxes but in the meantime, not only is he not current with the taxes, he has already built development and still owe the \$60,000.00 and pay the 18% and the taxpayers are paying through the nose in Lakewood and some things have got to start and some things have got to change. It has to start somewhere and one place it should start is here.

Bill Hobday said good evening and be well.

8. APPROVAL OF MINUTES

- Minutes from June 2, 2009 Plan Review Meeting

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

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

9. APPROVAL OF BILLS

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

ROLL CALL: Mr. Franklin; yes, Mr. Fink; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. Vogt said a question came up at the last meeting about the number of spaces for future warehouses and Mr. Jackson's office found the existing code requirement and he has a copy for the board members. He also attached transportation engineering data on various warehouse types. It is for information when they have to look at the space requirements.

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

**submitted
Johnson
Board Recording Secretary**

Respectfully

**Chris
Planning**