

## 1. CERTIFICATION OF COMPLIANCE

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

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

## 2. REORGANIZATION

### *OATH OF OFFICE*

- Class I Member-one year appointment to December 31, 2013
- Class II Member-one year appointment to December 31, 2013
- Mayor’s Designee to serve to December 31, 2013
- Class III Member-one year appointment to December 31, 2013
- Class IV Member-four year appointment
- Planning Board Member alternates

### *ELECTION OF OFFICERS FOR THE CALENDAR YEAR OF 2013*

- Chairman – Michael Neiman
- Vice Chairman – Stan Banas
- Secretary – Ally Morris
- Recording Secretary – Sarah L. Forsyth

### *SELECTION OF CONSULTANTS AND OTHER PERSONNEL*

- Attorney – John Jackson, King, Kitrick, Jackson & McWeeney
- Planner – Terry Vogt, Remington, Vernick & Vena Engineers
- Engineer – Terry Vogt, Remington, Vernick & Vena Engineers

## 3. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal, Committeeman Miller

#### 4. SWEARING IN OF PROFESSIONALS

Mr. Magno was sworn in.

#### 5. MEMORIALIZATION OF RESOLUTIONS

1. **SP 1973** (No Variance Requested)  
Applicant: Tashbar of Lakewood  
Location: Oak Street  
Block 1012 Lot 1.01  
Block 1017 Lot 1  
Block 1024 Lot 2

Amended Resolution to approve minor changes to building locations

A motion was made by Mr. Schmuckler, seconded by Mr. Herzl to approve.

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

Abstained: Committeeman Miller

#### 6. PLAN REVIEW

1. **SD 1859** (Variance Requested)  
Applicant: S&H Builders  
Location: Hope Chapel Road  
Block 26 Lot 8.01  
Minor Subdivision to create two lots

This application will be carried until further notice.

#### 7. PUBLIC HEARING

1. **SD 1866** (Variance Requested)  
Applicant: UKR Consulting, LLC  
Location: Shady Lane Drive  
Block 12 Lots 212 & 243  
Minor Subdivision/Lot Line Re-Alignment for two lots

#### **Project Description**

This application is for the re-alignment of property lines to provide a sixty foot (60') width on the smaller lot for a new house. No construction is proposed at this time. Existing Lots 212 and 243 in Block 12 would be reconfigured as designated on the subdivision plan. Existing Lot 212

contains 36,073 square feet (0.83 acres) and has an existing one-story dwelling with a pool and pool house. Existing Lot 243 contains 13,630 square feet (0.31 acres) and has a small one-story frame dwelling. The proposed property line re-alignment would slightly increase the area of Lot 212 (new Lot 212.01) to 36,418 square feet (0.84 acres) and minimally decrease the area of Lot 243 (new Lot 243.01) to 13,284 square feet (0.30 acres). The site is situated in the northwestern portion of the Township on the north side of Shady Lane Drive, east of Forest Drive. The property slopes sharply downward to the north. Shady Lane Drive is an improved municipal road with a fifty foot (50') right-of-way. The north side of the street has been patched from trenching to install a water main. No curb and sidewalk exists, and is not proposed. Potable water is available, but it appears sanitary sewer is not. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are residential. We have the following comments and recommendations per testimony provided at the 11/13/12 Planning Board Plan Review Meeting and comments from our initial review letter dated October 15, 2012: I. Zoning 1. The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Statements of fact. 2. A Minimum Lot Width variance is requested for proposed Lot 243.01. A lot width of about sixty feet (60') is proposed, whereas ninety feet (90') is required. It should be noted that existing Lot 243 is already narrow (49.5') and the proposal is increasing the lot width. The Board shall take action on the requested lot width variance. 3. A Front Yard Setback variance should be granted for the existing dwelling on proposed Lot 243.01. The 23.5 foot front yard setback is an existing non-conforming condition, whereas a thirty foot (30') front yard setback is required. 4. A design waiver is required for the proposed side property line not being radial to the curve in Shady Lane Drive. The plan has been revised to provide the initial thirty feet (30') of the side property line radial to the curve of Shady Lane Drive and the remainder of the side property line parallel to the western side property line of proposed Lot 243.01. Therefore, the design waiver is no longer required. 5. Per review of the plan, the following additional design waivers are required: • Providing concrete curb and sidewalk along the project frontage. • Providing shade trees along the project frontage. The Board shall take action on the design waivers. 6. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. An updated Survey is required for Lot 212. The survey provided is over ten (10) years old and does not correctly show all the existing improvements. Furthermore, only partial topographic information has been provided. A new Boundary and Topographic Survey has been provided for Lots 212 and 243 in Block 12. 2. Coordinates are required on at least three (3) outbound corners. Horizontal datum shall be provided. The new survey indicates that horizontal datum is assumed. This information shall be added to the Minor Subdivision map. The coordinates have been provided. 3. The Zoning Information Table needs to be revised in general. All existing and proposed data shall be supplied. Accessory structure setbacks shall be added since there is a pool and pool house on Lot 212.01. Some Zoning Information Table revisions are still required, which the applicant's surveyor can review with our office. 4. It is our understanding the existing one-story frame dwelling on Lot 243 will be replaced with a two-story frame dwelling. Therefore, a Minimum Front Yard Setback Variance will not be required since the new structure would be setback fifty feet (50') from the street, whereas the existing structure is only 23.5 feet from the front property line. A Minimum Front Yard Setback of thirty feet (30') is required. It is our understanding that any new structure proposed for Lot 243.01 will be conforming. 5. The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of

bedrooms is not specified. The Zoning Information is not addressing off-street parking. Testimony should be provided on the number of bedrooms for the existing dwelling on Lot 243.01 and the number of bedrooms for the existing dwelling on Lot 212.01. It should be noted there is a basement for the existing dwelling on Lot 212.01. Testimony on off-street parking shall be provided. Unless driveway space is added, a parking variance is required for the existing dwelling on Lot 243.01. Testimony on off-street parking for Lot 212.01 should be provided for determination whether a parking variance is necessary. 6. Should a basement be proposed for the new dwelling on Lot 243.01, a test pit log must be provided indicating a minimum two foot (2') separation from seasonal high water table has been maintained. Testimony should be provided on whether any basement proposed will be unfinished. The existing dwelling to remain on Lot 212.01 has a basement. In any event, parking shall be provided in accordance with parking ordinance 2010-62. No new dwelling is proposed on Lot 243.01 at this time. When a new dwelling is proposed, seasonal high water table information should be provided for any basement and parking should be in accordance with the ordinance. 7. Unless a waiver is granted from the construction of curb and sidewalk, an Improvement Plan will be required. The applicant's surveyor indicates that waivers from the construction of curb and sidewalk are requested. 8. Testimony is required on the disposition of storm water management for the proposed development of Lot 243.01. It is our understanding that storm water management will be addressed when proposed Lot 243.01 is developed. 9. Topography must be provided to determine whether the edge of pavement along Shady Lane Drive requires reconstruction and/or drainage. Topography has been provided. An Improvement Plan will be necessary should the Board require the construction of curb and sidewalk. 10. Testimony should be provided on proposed site grading. Proposed lot grading should maximize the direction of runoff to Shady Lane Drive and minimize runoff directed towards adjoining properties. No new dwelling is proposed on Lot 243.01 at this time. When a new dwelling is proposed, lot grading should maximize the direction of runoff towards Shady Lane Drive. 11. The project is located within the New Jersey American Water Company franchise area. The existing water main on the north side of Shady Lane Drive should be included on the Improvement Plan. The locations of either sanitary sewer or septic systems must be indicated. Existing water valves and water meters have been located. The approximate locations of septic systems have been shown. 12. New lot numbers should be assigned by the Tax Assessor. The map shall be signed by the Tax Assessor should approval be granted. The Minor Subdivision shall be corrected to show the approved lot numbers of 212.01 and 243.01. 13. A proposed six foot (6') wide shade tree easement is shown along the property frontage. The easement shall be revised to a proposed six foot (6') wide shade tree and utility easement. Survey data shall be provided for the proposed easement on an individual lot basis. A detail of the six foot (6') wide shade tree and utility easement has been provided. The detail is too small. The Minor Subdivision plan should be provided on a 24" X 36" sheet to improve legibility. 14. Unless a waiver is granted, shade trees shall be added within the proposed six foot (6') wide shade tree and utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. The applicant's surveyor indicates that a waiver from providing shade trees is being requested. 15. Our site investigation indicates there are some large trees on the property. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lot 243.01. The new survey has located the large trees. 16. A Legend should be provided. The Legend should be revised to include "monument to be set". 17. A monument shall be proposed at the northeast outbound corner of Lot 212. A property corner was set with the new survey. A monument shall be proposed at the intersection of the new side

line between Lots 212.01 and 243.01 with the right-of-way line. 18. Compliance with the Map Filing Law is required. Statement of fact. 19. Construction details should be included on an Improvement Plan. No new improvements are proposed with this application. An Improvement Plan will depend upon any conditions of approval imposed by the Board. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health (if necessary); e. New Jersey American Water Company; and f. All other required outside agency approvals.

Mr. Magno stated that this application is for a realignment of lot lines. A variance is requested for lot width. Design waivers are being requested for shade trees and curb and sidewalks.

Mrs. Miriam Weinstein on behalf of the applicant stated that the lot realignment as actually going to lessen the nonconformity for the lot width variance that they are requesting. The applicant is asking that they do not have to put in curb and sidewalk at this time since no construction is actually being proposed. If and when there will be construction, curbs and sidewalks WILL be installed.

Conversation ensued concerning installing curbs and sidewalks on both lots.

Mr. Banas believes both lots should have curbs and sidewalks.

The Board was in agreement that both lots should have curbs and sidewalks.

Mr. Jackson stated there should be a bond for those improvements in case a lot is sold off.

Mrs. Weinstein stated that they will deal with that at the resolution compliance stage.

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

Mrs. Weinstein stated that this is a one bedroom house and it is going to remain a one bedroom house.

Mr. Magno stated that the Board should take action on the parking variance where one parking spot is provided and two would be necessary.

A parking variance was granted for the existing house.

A motion was made by Committeeman Miller, seconded by Mr. Herzl to approve the application. Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal, Committeeman Miller

## **8. CORRESPONDENCE**

## **9. PUBLIC PORTION**

**10. APPROVAL OF MINUTES**

- Minutes from the December 18, 2012 Planning Board Meeting

**11. APPROVAL OF BILLS**

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal, Committeeman Miller

**12. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary