

**1. CERTIFICATION OF COMPLIANCE**

Chairman Neiman 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. ROLL CALL**

Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Lankry (ZB member)

**3. SWEARING IN OF PROFESSIONALS**

Mr. Vogt was sworn in.

**4. MEMORIALIZATION OF RESOLUTIONS**

1. **SP 2024AA** (No Variance Requested)  
Applicant: Shiras Chaim Inc (for the future Moreshes Bais Yaakov)  
Location: Albert Avenue  
Block 855.01 Lot 1.01  
Resolution of Denial - Change of Use/Site Plan Exemption from single-family residence to girls' school

A motion was made by Mr. Banas, seconded by Mr. Follman to memorialize the resolution.  
Affirmative: Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Lankry (ZB member)

2. **SD 1905** (Variance Requested)  
Applicant: Bergen Equities, LLC  
Location: Bergen Avenue  
Block 246 Lot 66 & 69  
Minor Subdivision to create 4 fee simple duplex units

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to memorialize the resolution.  
Affirmative: Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Lankry (ZB member)

3. **SP 2032AA** (Variance Requested)  
Applicant: Congregation Tiferes Eliyahu  
Location: Central Avenue  
Block 79 Lot 9  
Change of Use/Site Plan Exemption to convert existing home into a synagogue

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to memorialize the resolution. Affirmative: Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Lankry (ZB member)

## **6. PUBLIC HEARING**

- 1. SP 2026** (No Variance Requested)  
Applicant: Bais Medrash of Central Jersey  
Location: Marlin Avenue  
Block 1159.02 Lot 7

Site Plan to convert existing single-family residence to boys' college and future dormitory (Phase I) with plans for Bais Medrash building and trailers (Phase II)

### **Project Description**

The applicant is seeking Site Plan approval for conversion of an existing one-story single-family residential dwelling (with crawl space) at 715 Marlin Avenue into a Bais Medrash and dormitory. Temporary classroom trailers would be installed until and an additional building and septic system are constructed. The property is situated in the south central portion of the Township on the east side of Marlin Avenue south of its intersection with Oak Street. Marlin Avenue is an improved municipal road in fair condition having a right-of-way width of fifty feet (50') and a pavement width of twenty-six feet (26'). Curb and sidewalk do not exist, but are proposed as part of the site plan application. As noted on the Site Plan, an additional building is proposed to the north of the existing one-story dwelling. The existing one-story dwelling would be converted to a Bais Medrash and dormitory. The additional building would be a proposed school. The site also contains an existing shed which would have to be removed for the construction of the additional building. The site is very flat and contains lots of trees, many of them large. A proposed interior parking area consisting of six (6) off-street parking spaces would be served by the existing paved driveway. The minimum off-street parking space size would be 9' X 18'. The plans indicate the proposed project would be serviced by a potable well and septic system. We offer the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B1 - Topography of the site. 2. B2 - Topography within 200 feet thereof. 3. B3 - Contours on the site. 4. B4 - Contours of the area within 200 feet of the site boundaries. 5. B10 - Man-made features within 200 feet thereof. 6. C10 - Shade Trees. 7. C14 - Tree Protection Management Plan. 8. C15 - Landscaping Plan. 9. C16 - Soil Erosion & Sediment Control Plan. 10. C17 - Design calculations showing proposed drainage facilities. 11. C20 - Shade Tree and Utility Easement. We can support the requested submission waivers from a completeness standpoint, provided all of the necessary design information is submitted for resolution compliance should site plan approval be granted. II. Zoning 1. The property is located in the R-20 (Single-family) Zone. Private Schools are a permitted use in the zone, subject to the requirements of Section 18-906 of the UDO. 2. Per review of the Site Plan, no bulk variances are necessary for the application. 3. Per review of the Site Plan, the following design waivers are required for proposed project: • In accordance with Section 18-906A.3., of the UDO, landscaping shall be provided for the required buffer. No new landscaping is proposed for the twenty foot (20') wide buffer area. An existing stockade fence does surround much of the property. • Curbing for the proposed off-street parking area. III. Review Comments A. Site Plan/Circulation/Parking 1. A Survey for the property has been provided. The following revisions are required: a. Topography must be added for the site and as necessary for design purposes. b. The plan must be to scale with a graphic scale added. c. The lot area should be checked. d. The location for some of the chain link fence across the

frontage. e. The location of the utility poles. The revised Survey may be provided with resolution compliance submission should approval be granted. 2. The General Notes indicate boundary and existing conditions taken from a survey by Mager Associates, dated 5-16-13. Horizontal and vertical datum should be provided. A nail set in the centerline of the road is shown as a bench mark. The additional information can be provided with resolution compliance submission should approval be granted. 3. The General Notes should be edited to match the current site plan submission. Corrections can be provided with resolution compliance submission should approval be granted. 4. The provided lot area and other zone requirements data should be checked. Corrections can be provided with resolution compliance submission should approval be granted. 5. Testimony should be provided by the applicant to the Board summarizing the proposed use of the school, including but not limited to the following: a. Number of students proposed for the school. b. Will any students (or parents) drive and park at the school. c. Number of buses (if any) proposed. d. Will any students will be dropped off and picked up (by car). e. Proposed construction phasing. f. Maximum anticipated occupancy of the dormitory (when constructed). 6. As indicated previously, the existing driveway on the property provides access to six (6) off-street parking spaces. However, the existing driveway is too narrow to provide sufficient aisle width for the perpendicular off-street parking spaces proposed. Therefore, the existing driveway must be widened. In addition, one (1) of the proposed parking spaces shall be a van accessible handicap space. Furthermore, the number of proposed off-street parking spaces required shall be confirmed. Parking should be provided to the satisfaction of the Board. Corrections can be provided with resolution compliance submission should approval be granted. 7. The site plan indicates trash and recyclables to be collected curbside of by the Township. A proposed storage area shall be provided. The proposed storage area can be provided with resolution compliance submission should approval be granted. 8. Coordination between the site plans and architectural plans is required for the buildings, such as access points and handicap ramps. Revised site plans and final architectural plans shall be provided with resolution compliance submission should approval be granted. 9. The proposed site plan must be drawn to scale in order to confirm the proposed dimensions provided. Corrections can be provided with resolution compliance submission should approval be granted. 10. A Legend should be provided. The Legend can be added for resolution compliance submission should approval be granted. 11. Regulatory signage should be completed on the site plan, such as stop signs and handicap signs. Regulatory signage can be added for resolution compliance submission should approval be granted. 12. A four foot (4') wide concrete sidewalk is proposed along the site frontage. The proposed location of the sidewalk shall be dimensioned within the right-of-way. An existing utility pole which may be located within the proposed sidewalk area may require relocation. Additional information can be provided with resolution compliance submission should approval be granted. 13. Concrete curb is proposed fifteen feet (15') from the center of the right-of-way. Minor road widening will be required in front of the site and shall be transitioned back to the existing edge of pavement. The design can be finalized for resolution compliance submission should approval be granted. 14. A proposed Sight Triangle Easement complete with bearings, distances, and an area shall be provided at the access driveway such that the Board Attorney and Engineer may review and approve a deed of easement prior to filing with the Ocean County Clerk. This information can be provided with resolution compliance submission should approval be granted. 15. A proposed Shade Tree and Utility Easement shall be provided along the project frontage. Proposed bearings, distances, and an area shall be added such that the Board Attorney and Engineer may review and approve a deed of easement prior to filing with the Ocean County Clerk. This information can be provided with resolution compliance submission should approval be granted. 16. The

limits of the different fence types must be shown. This information can be provided with resolution compliance submission should approval be granted.

**B. Architectural**

1. A preliminary architectural plan has been provided for the conversion of the existing dwelling to a Bais Medrash and dormitory. The plan includes floor plans and elevations. The building is a one-story structure with a partial walk in basement and a crawl space. The building height is far less than the allowable thirty-five foot (35') height.
2. A preliminary architectural plan has also been provided for the proposed school. The plan includes floor plans and elevations. The proposed building includes a first floor and an unfinished basement. The proposed first floor elevation would be two feet (2') above grade and the proposed basement would be nine feet eight inches (9'-8") below the first floor. The proposed building height will be far less than the allowable building height of thirty-five feet (35').
3. The applicant's professionals should indicate whether the buildings will include sprinkler systems.
4. The location of proposed HVAC equipment for the buildings should be shown on the site plan. Said equipment should be adequately screened.
5. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum.

**C. Grading**

1. Per review of the proposed grading, the following should be addressed:
  - a. Proposed elevations for accessible routes and the handicap parking area to insure slope compliance.
  - b. Proposed elevations provided at control points, such as building landings.
  - c. Completion of existing and proposed contour lines.
  - d. The proposed gutter elevation associated with the top of curb elevation of 100.49 shall be 99.99.
  - e. Proposed grading shall be revised to increase overland slopes and direct runoff towards Marlin Avenue and minimize runoff being direct to adjacent properties. Final grading can be addressed during compliance review if/when approval is granted.
2. Per review of the existing elevations and per review of site conditions during our 9/3/13 site investigation, the on-site grades have minimal relief.
3. The proposed basement floor elevation shall be added and seasonal high water table information provided to insure a two foot (2') separation is maintained.

**D. Storm Water Management**

1. Calculations shall be provided to address the increase in storm water runoff from the site. The calculations shall indicate whether the project will qualify as major development and meet the requirements of the New Jersey Department of Environmental Protection Storm Water Management Rules (NJAC 7:8).

**E. Landscaping**

1. In accordance with Section 18-906A of the UDO, a twenty foot (20') wide perimeter landscape buffer is required from residential uses and zones. Said buffer is required along the property lines. It should be noted the lands surrounding the project are residentially zoned. The perimeter landscape buffer provided should be to the satisfaction of the Board.
2. Shade trees should be provided along Marlin Avenue. Screening should be added around the proposed refuse enclosure. Foundation plantings should be provided for the buildings.
3. The overall landscape design will be subject to review and approval by the Board Engineer and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable.
4. We recommend all proposed sight triangles, utilities, and easements be added to the plan to prevent any planting conflicts.
5. A detailed review of the landscape design will be undertaken when plans are submitted for resolution compliance should approval be granted.

**F. Lighting**

1. Testimony should be provided regarding proposed lighting (none is proposed at this time). Lighting shall be provided to the satisfaction of the Board.

**G. Utilities**

1. The plans indicate the site will be served by a proposed septic system.
2. An area proposed for a septic disposal field has been designated on the east side of the site behind the buildings.
3. An existing potable well has been shown in the front yard near the southwest corner of the site.
4. Approvals will be required from the Ocean County Board of Health.

**H. Signage**

1. Per review of the design documents, no signage is proposed at this time. A full signage package for free-standing and building-mounted signs identified on the site plans must be provided for review and approval as part of the site plan application.
2. All

signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. I. Environmental 1. 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. Data layers were reviewed to evaluate potential environmental issues associated with development of this property. Testimony should be provided on any known areas of environmental concern that exist within the property. 2. A Tree Protection Management Plan must be provided as a condition of approval to comply with the Township's Tree Ordinance. J. Construction Details 1. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is approved. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance (as applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. Ocean County Board of Health; and f. All other required outside agency approvals.

Mr. Penzer, Esq. on behalf of the applicant stated that he made every effort to meet with the neighbors but unfortunately nobody wanted to meet with him.

Mr. Brian Flannery, P.E., P.P. was sworn in. He stated that this is a two phase application to convert an existing residence into a school. The first phase would be to use the existing building. The second phase would be to add a 2,200 sf addition to the building. Going through the engineer's report, the only relief requested is for a waiver of curb around the on-site pavement for drainage reasons. There will be a 20 ft buffer all the way around. They are not knocking down additional trees. There is also an existing fence present so it his testimony that they comply with the intent of the ordinance with respect to the buffer. Phase one of the school will have a total of twenty students. Eight of the students will be in the dormitory. The other twelve will commute to the site by their own means. No busing is proposed. Phase two will be a total of forty students. Twelve of which will live in the dormitory. The remaining twenty eight would commute.

Mr. Penzer said they are asking for trailers in the front for a study hall which may or may not be used depending on the time it takes to complete the addition. He said there are no bulk variances necessary.

Mr. Neiman asked if the applicant would agree as to a length of time the trailers are allowed to stay on the property.

Mr. Penzer agreed.

Mr. Neiman asked about the supervision of the students.

Mr. Penzer said they have no problem have a requirement of supervision 24 hours a day.

Mr. Flannery said the students will be prohibited from having cars. No student cars will be parked on the site. That's why he feels the parking per the ordinance is adequate. The pavement width on Marlin Avenue is currently 26 ft wide. They will add 2 ft on their side of the street along with curb and sidewalk which would leave a 30 ft cartway which is a typically cartway if the other side is developed in the same fashion. The driveway will be widened to the satisfaction of the board engineer.

Mr. Schmuckler asked if six spots are sufficient. He is concerned about people parking on the street.

Mr. Penzer said yes.

Mr. Schmuckler would like the applicant to ask the Township for no parking in front of the Yeshiva.

Mr. Penzer said the applicant has no problem sending a request to the Township but they have no control over the outcome.

Mr. Neiman understands and said an approval would not be contingent on that.

Mr. Penzer wanted to point out that they are putting a 4 ft wide concrete sidewalk along the site frontage.

Mr. Banas asked what the paved walk in the rear of the building for.

Mr. Flannery said it is existing and does not know why it is there.

Mr. Banas asked if they need it for the school.

Mr. Penzer would like to keep it there for recreational purposes.

Mr. Flannery said it may have been used for shuffle board.

Mr. Banas asked about the amount of students.

Mr. Flannery said phase two is maximum build out. The maximum is 40 students.

Mr. Banas asked about the fence.

Mr. Flannery said there is an existing chain link fence on the left side and an existing stockade fence on the right side.

Mr. Banas asked about additional landscaping.

Mr. Flannery said they are planning to add a buffer typical of that to the satisfaction of the engineer.

Mr. Neiman opened to the public.

Mr. Richard Lawless was sworn in. He is concerned about the well and septic. The dormitory needs a fire sprinkler system. He said the house they want to use as classrooms would probably not pass the NJ building code as the ceilings are not high enough for a school. He is also concerned about traffic and the property value of his home.

Mr. Neiman wanted to make it clear that well and septic is not the jurisdiction of this Board. The applicant would have to get approval from the Ocean County Health Department. The fire sprinkler would be an outside approval as well and they would not get a CO until they meet all code requirements. The applicant also did give testimony that there won't be buses.

Mr. Arthur Burns was sworn. He said Marlin Avenue starts off as 26 ft but as you go down it becomes about 23 ft. He personally measured it. There are no sidewalks unless a new house is built. The lighting on the street is insufficient. He is concerned where workers are going to park during construction. There is not enough room on the street for cars to park.

Mr. Yehuda Nakdimen was sworn in. He is against schools in residential areas. He is concerned about traffic and parking.

Mr. Pete Janssen, Marlin Avenue, was sworn in. He asked if this is approved by the Board can they start building right away.

Mr. Neiman said they would still need approval from the building department, outside approvals etc.

Mr. Vogt said there are times, depending on time constraints, an applicant will begin building at risk. They can not get CO's until they have met all agency approvals including well, septic, building.

Mr. Janssen asked if anyone knew about water and sewer being extended to this area.

Mr. Neiman said closer to Route 9 by the Chateau Grand, there is talk about water/sewer going there. He does not know how far down it will go.

Mr. Neiman closed to the public.

Mr. Flannery said there is no sewer or water within any feasible distance. He does not know of any plan to bring it there. There would have to be development in that area.

Mr. Jackson asked Mr. Flannery about fire safety.

Mr. Flannery said you have to meet the requirements of the code for fire safety. That can be building a building that has a special fire rating or it could be sprinklers. You can do sprinklers on a well.

Mr. Vogt asked about the lighting.

Mr. Flannery said lighting will be addressed during compliance.

Mr. Schmuckler asked about the length of the temporary trailers.

Mr. Penzer said by ordinance the maximum time is 3 years.

Mr. Schmuckler would like to see some landscaping in front of the temporary trailers to make it more appealing.

Mr. Penzer agreed to that.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the application including but not limited to the following conditions:

A request will be made to the Township Committee for no parking in front of the school,

The parking lot will be done properly so the pavement won't chip away,

A staging area will be designated on the property for vehicles during construction,

Buffering will be provided around the property and in front of the temporary trailers,

Lighting to the satisfaction of the township engineer,

The chain link fence should have privacy slats.

Affirmative: Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman

Abstained: Mr. Lankry

**2. SP 2027** (Variance Requested)

Applicant: 485 Locust Holdings LLC

Location: Locust Street

Block 1086 Lot 20

Site Plan for 24,114 sf building addition to existing multi-use commercial building

**Project Description**

The applicant is seeking Preliminary and Final Major Site Plan approval for expansion of the existing recreational complex. The existing facility is located at 485 Locust Street within the B-5A Zone. The existing use of the site is a skate park, gymnastics facility, and nursery school. Some of the existing improvements are outside, including asphalt sports courts, a volleyball court, and an in-ground pool. With the addition to the existing building and parking lot, the proposed use will be a skate park, gymnastics facility, nursery school, and sports center. All of the proposed recreation would be indoors. The existing commercial structure is a rectangular metal building. A proposed addition of 24,104 square feet is planned to the rear of the existing building. The proposed parking would be extended along the side and around the rear of the addition. According to the site plan, off-street parking will be expanded to one hundred forty-nine (149) proposed spaces. Eight (8) of the proposed spaces will be handicapped, all of which being van accessible. Proposed parking spaces will be a minimum of 9' X 18'. Access to the site will be provided by a new twenty-five foot (25') wide driveway from Locust Street. The tract consists of an almost rectangular lot which is 5.318 acres in area. The lot where this facility is located is generally bounded by multi-unit residential buildings. The northern end of the property is a wetland region tributary to Kettle Creek. The property slopes downward from south to north, as it approaches the wetland line. Access to the site is from Locust Street, which is an improved County Road having a sixty foot (66') wide right-of-way. The site is situated in the southern section of the Township on the north side of Locust Street, west of New Hampshire Avenue. Water and sewer services are to be provided by Lakewood Township Municipal Utilities

Authority. The project is located in the B-5A Highway Development Zone. Public recreational uses are permitted in the zone. We have the following comments and recommendations per testimony provided at the 8/6/13 Planning Board Plan Review Meeting, and comments from our initial review letter dated July 30, 2013: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. C13 - Environmental Impact Statement. 2. C14 - Tree Protection Management Plan. A waiver has been requested from the submission of an Environmental Impact Statement since the site has been developed. Instead of submitting a formal Environmental Impact Statement, we recommend the applicant submit the freshwater wetlands application information prior to the Public Hearing. A Freshwater Wetland Delineation Report has been submitted to satisfy the Environmental Impact Statement requirement. A waiver has been requested from providing a Tree Protection Management Plan. While the proposed site development will require removal of some large individual trees, the existing woodlands in the north end of the site would not be disturbed. The proposed landscaping provides enough shade trees that compensatory plantings would be properly addressed. Therefore, we can support the applicant's request for a waiver from C14, a Tree Protection Management Plan. The Board waived the requirement from providing a Tree Protection Management Plan. II. Zoning 1. The site is situated within the B-5A Zone. Per Section 18-903F.1.a., of the UDO, all uses permitted in the B-5 zone are allowed in this zone. Therefore, public recreational uses are permitted. Statements of fact. 2. Per review of the site plans and application, the following variance is required: • Minimum Side Yard Setback – A 17.4' side yard setback is proposed on the east side of the property, whereas a fifty foot (50') front yard setback is required. The Board shall take action on the required side yard setback variance. 3. Our review of UDO Section 18-807, Off-Street Parking, Loading, and Circulation; indicates the proposed recreational facility does not fit within any of the business uses listed. However, the applicant's professionals indicate that one (1) off-street parking space for each four hundred square feet (400 SF) of gross floor area for "other public buildings" would be a more appropriate parking requirement. The proposed addition will increase the gross floor area to just under sixty-nine thousand four hundred square feet (69,400 SF). This scenario would require one hundred seventy-four (174) off-street parking spaces. One hundred forty-nine (149) off-street parking spaces are proposed. The Board shall take action on the required variance. 4. Per review of the site plans, the following design waiver is required: • Providing a shade tree and utility easement along the Locust Street project frontage. A shade tree and utility easement has been proposed. Therefore, this waiver is no longer required. III. Review Comments Per review of the current design plans, we offer the following comments and recommendations: A. Site Plan/Circulation/Parking 1. The line weights of the existing should be "grayed" such that the plans clearly show the proposed and existing improvements. Inclusion of a Site Demolition Plan is recommended. A Site Demolition Plan has been included as requested. Better line weights for existing information can be provided with resolution compliance submission should approval be granted. 2. No justification has been given regarding the proper number of off-street parking spaces needed. This information is required. Considering the current number of spaces being proposed, the number of handicap spaces is adequate. The proposed number of handicap signs should be increased to eight (8). A variance has been requested for the number of off-street parking spaces. 3. Outbound information, setback lines, and complete dimensioning should be completed on the Site Plan. A revised Site Plan has been submitted. The following information can be provided with resolution compliance submission should approval be granted: a. The width of the proposed building addition shall be 124.25 feet according to the architectural plan. b. The proposed side yard offset shall be added from the northwest corner of the addition. This value in addition to the 17.4 foot side yard setback on the southeast corner of the existing

building shall be used for the provided aggregate side yard setback. c. The minor discrepancy between the proposed rear yard offset and the provided rear yard setback should be resolved. d. Survey information shall be added to the wetlands line and fifty foot (50') transition area line with ties to a property corner. e. The adding of all proposed curb radii. f Elimination of any overwrites. 4. The existing parking lot, curb, and sidewalk are in poor condition. Except for the existing curb on the west side of the site, all of these improvements are being replaced with the site plan expansion. Considering the entire make over of the site, it seems fruitless to attempt to retain this old curb section. The applicant wishes to keep the curb as stated on the plan. Final grading review after compliance submission (if/when approval is granted) will determine whether this is possible. 5. A proposed dumpster enclosure without dimensions has been indicated. Testimony should be provided on collection of trash and recyclable material. It should be clarified whether the Township or a private company will be responsible for removal. The waste receptacle area should be designed in accordance with Section 18-809E., of the UDO. Conflicting information on proposed sidewalk shows that the proposed enclosure is not being screened. The applicant's engineer indicates a private company shall collect the trash and recycling material onsite. Accordingly, a note shall be added to the plans. The correct dimensions and details, along with screening, shall be shown for the proposed dumpster enclosure. All of this information can be provided with resolution compliance submission should approval be granted. 6. No sight triangles associated with the site access have been indicated and should be added. Sight distance is poor because of existing trees. AASHTO sight triangles have been provided at the proposed access drive. The proposed sight triangles are subject to County approval. 7. The proposed fenced infiltration basin location in the front of the site should be added. Confirming testimony should be provided that the proposed storm water management system will be owned and maintained by the applicant. The proposed fenced infiltration basin outline has been added to the Site Plan. The applicant's engineer indicates the storm water management systems shall be owned and maintained by the owner of the property. Accordingly, a note shall be added to the plans with resolution compliance submission should approval be granted. 8. The existing fence along the west property line is in poor condition. Replacement should be considered. The applicant proposes to keep the existing fence. Repairs to the existing fence should be a condition of approval. B. Architectural 1. A basic "preliminary" architectural elevations and floor plan was submitted for review. Per review of the submitted plan, the elevation views of the proposed addition on the architectural plans do not have any dimensions. According to scale, the height falls within the legal limits. The revised architectural plan shows the building height to be forty-four feet, seven and a half inches (44'-7.5"). This is less than the fifty foot (50') allowable height. 2. The preliminary architectural plan should be advanced to show existing and proposed building dimensions and square footages. Existing and proposed building dimensions and square footages shall be coordinated between the site plans and architectural plans. Final architectural plans will be required for resolution compliance submission should approval be granted. 3. Testimony should be provided on the proposed floor area usage. The applicant's engineer indicates testimony will be provided regarding the proposed floor area usage. 4. The existing building has metal siding. Metal siding is proposed for the addition as well. Statements of fact. 5. The floor plan dimensions do not agree with the Site Plan dimensions. Although the variations are minor, they should be corrected with a revised submission. Final coordination can be provided with resolution compliance submission should approval be granted. 6. The Site Plan should show all existing and proposed ground mounted HVAC equipment. Adequate screening of the equipment should be considered. All ground mounted HVAC equipment is shown on the revised Site Plan. Landscape screening can be provided with resolution compliance submission should approval be granted. C. Grading 1.

Spot elevations should be added to handicapped parking areas to insure slope compliance. Proposed spot elevations have been added to the handicapped parking areas which demonstrate slope compliance. 2. A review of final grading revisions will be performed during compliance if/when approval is granted. Statement of fact. D. Storm Water Management 1. A proposed storm water management system has been designed. The design proposes a storm sewer collection system with two (2) underground recharge systems and an infiltration basin located on the site. The project qualifies as major development and must meet the requirements of the New Jersey Department of Environmental Protection Storm Water Management Rules (NJAC 7:8). Per review of the design, it is feasible and can be finalized by increasing the underground recharge during compliance review if/when board approval is granted. Additional pipe has been added to the recharge system. Final review of the design will take place with resolution compliance submission should approval be granted. 2. Permeability testing and seasonal high water table information has been provided in the Report to justify the proposed depth of the storm water recharge system. The locations of Soil Logs should be provided on the Existing Conditions Plan. The locations of the Soil Logs have been added to the Existing Conditions Plan. An adjustment to the proposed depth of the storm water recharge system will have to be made for resolution compliance submission should approval be granted. 3. We recommend the Drainage Area Maps be checked for accuracy since they impact the design. We will check the Drainage Area Maps with resolution compliance submission should approval be granted. 4. Existing downspouts drain to the surface creating erosion problems. We recommend existing and proposed downspouts be tied into the proposed storm water management system. In fact, according to the Post Development Drainage Area Map, a portion of the existing building currently acting as part of the bypass area can be connected to the proposed storm water management system and solve the 100 year storm design deficiency. The area along the east side of the existing building near the HVAC units has not been tied into the proposed storm system to avoid conflicts with the existing units and utilities. The size of the recharge system has been increased as an alternative. 5. Storm sewer profiles have been included with the plans. The storm sewer profiles will be reviewed with resolution compliance submission should approval be granted. 6. As required a Storm Water Management Operation & Maintenance Manual has been provided. The Manual will be reviewed with resolution compliance submission should site plan approval be granted. Statement of fact. E. Landscaping 1. The overall landscape design is subject to review and approval by the Board. The Board should provide landscaping recommendations, if any. 2. Proposed easements should be shown on the Landscape Plan to avoid planting conflicts. Proposed easements have been added to the Landscape Plan. A description of a proposed ten foot (10') wide Shade Tree and Utility Easement has been provided for review, and is correct. A deed of easement shall be provided to the Planning Board Attorney for review with resolution compliance submission should approval be granted. 3. Landscaping will be reviewed in detail after plan revisions are submitted. Final review of landscaping will take place after resolution compliance submission should approval be granted. F. Lighting 1. Per review of the Lighting Plan, there are fifteen (15) additional pole mounted lights proposed for the property. Eight (8) pole mounted lights already exist on the site for the existing building and parking lot and are proposed to remain. Statements of fact. 2. The proposed height of the pole mounted lights is eighteen feet (18'). The wattage for the proposed lighting will be one hundred fifty watts (150W); we assume the existing lighting wattage is the same. The revised plans confirm the existing lighting wattage is one hundred fifty watts (150W). 3. A point to point diagram has been submitted to determine the adequacy of the lighting and compliance with the ordinance. Adjustments to lighting may be necessary since the calculations show the minimum intensity level is not being met. The point to

point diagram on the revised submission indicates a minimum intensity level of 0.55 foot-candles, which is above the 0.5 foot-candle minimum. The other standards in the ordinance are still being met. 4. Final lighting design can be addressed during compliance review if/when approval is granted. Statement of fact. G. Utilities 1. Testimony should be provided regarding proposed fire protection measures. The applicant's engineer indicates that testimony shall be provided on fire protection at the public hearing. H. Signage 1. Proposed signage includes handicap parking signs which must be increased to eight (8) in numbers, and a stop sign for the new entrance driveway being proposed, which supports two-way traffic. Proposed signage will be reviewed with resolution compliance submission if approval is granted. I. Environmental 1. Site Summary Per review of the site plans, aerial photography, and a site inspection of the property, the tract is mostly developed with an undeveloped wooded area on the north end. The property borders Locust Street on the southern edge of the property. The property generally slopes downwards from south to north. Wetlands have been delineated on the north edge of the site and a fifty foot (50') transition area is shown. To assess the site for environmental concerns, a natural resources search of the property and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. Per the available mapping, the presence of wetlands is consistent with the plans. Testimony should be provided by the applicant's professionals as to whether there are any other known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property. The applicant's engineer indicates the site contains no other known environmental concerns. J. Construction Details 1. Construction details will be reviewed after revisions are submitted for the project. Construction details will be reviewed after resolution compliance submission should approval be granted. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Developers Agreement; b. Township Tree Ordinance (as applicable); c. Lakewood Fire Commissioners; d. Lakewood Township Municipal Utilities Authority (water and sewer); e. Ocean County Planning Board; f. Ocean County Soil Conservation District; g. New Jersey Department of Environmental Protection; and h. All other required outside agency approvals.

Mr. John Doyle, Esq. on behalf of the applicant. The applicant is a long standing sports and recreational building located on Locust Street. They are removing some outdoor courts, pool and shed and providing more parking. The only variance is for a side yard setback where there is currently an existing thick buffer. At the same time they will improve the existing drainage and respond to the engineer's report. A better driveway and landscaping will also be provided.

Mr. Brian Flannery, P.E., P.P. was sworn in.

Mr. Neiman asked if he reviewed the engineer's report and if there are any items they can not comply to.

Mr. Flannery said no, they can address all of the items. They are basically taking 30,000 sf of outside activities and putting them inside. The parking will also be increased.

Mr. Schmuckler asked what is currently in this facility.

Mr. Flannery said there is a skate park, gymnasium and a day care inside. A pool, volleyball, basketball, tennis will be added inside.

Mr. Lankry asked if this could be used for concerts, dance parties for older people.

Mr. Doyle said it is possible but it has only been used for indoor recreation.

Mr. Flannery said it is for recreational purposes and kid's parties.

Mr. Lankry would like to see this use continued.

Mr. Jackson said he does not know if you could limit the use.

Mr. Doyle said they could certainly limit it to the nature of the existing use.

Mr. Jackson said you can not police that or enforce it.

Mr. Flannery said concerts would not be a B-5 use anyway. If it was used for that, you could go to the Zoning Officer.

Mr. Banas does not want to limit any use or ability for this property that has been used up to this point.

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

A motion was made by Mr. Follman, seconded by Mr. Schmuckler to approve the application.  
Affirmative: Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Lankry

- 3. SP 2028** (Variance Requested)  
Applicant: Congregation Ner Yisroel  
Location: Ridge Avenue & East Seventh Street  
Block 223.01 Lot 71.04  
Site Plan for 3,020 sf building addition to existing synagogue

### **Project Description**

The applicant is seeking Preliminary and Final Site Plan approval to construct a three thousand twenty square foot (3,020 SF) addition to an existing two-story dwelling with attached synagogue. The applicant also proposes to reconstruct three (3) existing asphalt off-street parking spaces. The architectural plans indicate the proposed addition to the west side of the existing building. The main sanctuary area is proposed to be one thousand three hundred seventy-five square feet (1,375 SF). Off-street parking spaces are proposed to be reconstructed on the northwest side of the site, consisting of three (3) off-street parking spaces. Another four (4) off-street parking spaces already exist in front of the two-story dwelling with attached synagogue. However, the spaces will be re-stripped to provide three (3) off-street parking spaces which include a handicap space. Other site improvements are proposed for the project which includes access and drainage. The site is located in the north central portion of the Township on the southwest corner of East Seventh Street and Ridge Avenue. The area of the site is 17,554 square feet, which is 0.40 acres. The property has new existing concrete curb

and sidewalk along the site frontage. East Seventh Street is an improved municipal road with a sixty foot (60') right-of-way. Ridge Avenue is an improved municipal road with only a forty-one and a half foot (41.5') right-of-way. However, the proper half width right-of-way of twenty-five feet (25') exists along the project frontage. The site is in a developed section of the Township with the surrounding properties having mostly residential uses. The property is located in the R-12 Zone District. Places of worship are a permitted use. We have the following comments and recommendations per testimony provided at the 8/6/13 Planning Board Plan Review Meeting, and comments from our initial review letter dated July 30, 2013: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. C13 - Environmental Impact Statement. 2. C14 - Tree Protection Management Plan. The Environmental Impact Statement waiver is being requested due to the fact that the site has previously been developed. The Tree Protection Management Plan waiver is being requested since only existing coniferous screening is being removed. Our site investigation confirms there are no existing shade trees on the site. The Board granted the requested submission waivers. II. Zoning 1. The parcel is located in the R-12 Single-Family District. Places of worship are a permitted use in the zone, subject to the provisions of Section 18-905 of the UDO. Statements of fact. 2. The proposed addition requires a Minimum Front Yard Setback variance. The plan shows a front yard setback of 24.3 feet is proposed from the northwest corner of the building addition to East Seventh Street. However, the proposed protruding building addition access is actually closer to East Seventh Street. A minimum front yard setback of thirty feet (30') is required. The applicant's engineer shall provide the Board with the minimum front yard setback distance measured from the covered building access, such that the Board can act on the required front yard setback variance. The proposed dimension shall be provided in the Zone Requirements for resolution compliance submission if approval is granted. 3. A variance is required for Minimum Rear Yard Setback. A minimum rear yard setback of 10.3 feet is being proposed for the addition, whereas a twenty foot (20') rear yard setback is required. The Board shall take action on the required rear yard setback variance. 4. A variance is being requested from Maximum Building Coverage. A building coverage of 33.3% is being requested, whereas a twenty-five percent (25%) building coverage is permitted. Testimony should be provided confirming the correct proposed building coverage since there are discrepancies between the site plan and architectural plan. The site plan squares off the proposed addition across the existing East Seventh Street building frontage. Should this be accurate, the building coverage would increase beyond the 33.3 % proposed. The Board shall take action on the requested building coverage variance. 5. We calculate that six (6) additional off-street parking spaces are required for this property based on the proposed size of the main sanctuary. This requirement combined with the four (4) off-street parking spaces for the residential use would bring the total number of spaces required to ten (10). However, only seven (7) spaces are being provided, none of which are designated handicapped. Therefore, a variance is required for the number of off-street parking spaces. The revised plans propose six (6) off-street parking spaces with one (1) designated handicap space. The Board shall take action on the variance required for the number of off-street parking spaces. The proposed re-striping of the off-street parking spaces shall be revised to provide a van accessible space for resolution compliance submission if approval is granted. 6. According to Section 18-905B.1., Perimeter Buffer: For properties adjacent to residential properties, if the site leaves a twenty foot (20') undisturbed area then there is no requirements for buffering. If the twenty foot (20') buffer is invaded or disturbed than requirements indicated in 18-905B.3., shall be put in place along the invaded area. A waiver is necessary from the twenty foot (20') buffer requirement to neighboring Lots 71.05 and 71.03. Existing evergreen screening is being removed for the proposed addition. However, an existing

vinyl fence will remain. The Board shall take action on the required buffer waiver. 7. The revised submission indicates that design waivers are being requested for the following: • The planting of shade trees. • Providing shade tree and utility easements. • Providing site lighting. The Board shall take action on the requested design waivers. 8. The applicant must address the positive and negative criteria in support of any required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. III. Review Comments A. Site Plan/Circulation/Parking 1. The Site Plan and Architectural Plan must be coordinated. Variances could be impacted. The site plan squares off the proposed addition across the existing East Seventh Street building frontage. Should this be accurate, the building coverage would increase beyond the 33.3 % proposed. 2. A Survey of Property has been submitted for Lot 71.04. The following must be addressed: a. Topography as shown on the base map and referenced in General Note #3 on the Site Plan. b. Horizontal and vertical datum, as well as a bench mark should be added. c. The existing lot area should be added. d. The proper configuration of the existing sidewalk meeting the asphalt driveway from Lot 71.05. e. Addition of the mail box along Ridge Avenue. f. Addition of the street sign. g. Limits of depressed curb. An Outbound and Topographic Survey has been submitted. The following corrections can be provided with resolution compliance submission should approval be granted: a. The mail box should be properly identified. b. A water meter adjacent the property should be labeled. c. The edge of the existing westerly most driveway apron should be added. 3. Proposed waiver information shall be completed in the General Notes. Waiver information has been added to the plans. Final editing of the General Notes can be provided with resolution compliance submission should approval be granted. 4. The applicant's professionals should provide testimony as to whether the congregation proposes to use curbside pickup by the Township. If so, a proposed storage area should be depicted on the plans. The applicant's engineer indicates the congregation proposes to use curbside pickup by the Township. A proposed storage area has been depicted on the plan. A detail is required along with a sidewalk access to the street. The information can be finalized for resolution compliance submission should approval be granted. 5. Unless waived by the Board, shade trees as well as a shade tree and utility easement shall be provided. In addition, a deed of easement and description shall be provided for review by the Planning Board Attorney and Engineer prior to filing with the Ocean County Clerk, should site plan approval be granted. Unless a waiver is granted, the shade trees as well as the shade tree and utility easement can be provided with resolution compliance submission should approval be granted. 6. Proposed handicapped parking and other necessary signage locations shall be added to the site plan. Corrected information can be provided with resolution compliance submission should approval be granted. B. Architectural 1. The proposed building addition is approximately twenty-seven feet (27') high consisting of a two-story structure with a basement. The proposed first floor is eight feet (8') above grade. The proposed building addition does not exceed the allowable height of thirty-five feet (35'). No floor plan is shown for the basement. Final architectural drawings will be required for resolution compliance submission should approval be granted. 2. The existing and proposed building layout and square footage must be checked and coordinated with the site plan, especially since variances are necessary. Testimony shall be provided as to whether the magnitude of any proposed variances will be affected. 3. A proposed handicap ramp wraps around the building addition to provide ADA accessibility. Testimony should be provided as to whether only the first floor is accessible. 4. Testimony should be provided as to whether the synagogue has a sprinkler system. The proposed addition may require new sanitary sewer and/or potable water service connections. Testimony should be

provided by the applicant's professionals. 5. The existing air conditioning equipment will be adequately screened upon relocation. Clarifying testimony shall be provided on the extent of the removal of existing screening and planting of proposed screening. 6. The roof drainage of the existing and proposed building must be coordinated with the site plan. The coordination shall be provided with resolution compliance submission should approval be granted. C. Grading 1. The following additional information should be provided: a. More proposed spot grades. More spot grades have been provided. b. Proposed high points. The high points can be labeled for resolution compliance submission should approval be granted. 2. The region where the existing ramp is depicted on the Site Plans appears to be a low point and could lead to drainage issues. An existing collection system at the bottom of the handicap ramp landing area conveys the water to an existing recharge system, which will be relocated. A design shall be provided for resolution compliance submission as a condition of any approvals. 3. Final grading can be addressed during compliance review should approval be granted. Statement of fact. D. Storm Water Management 1. The plan notes a new location for the existing drywell. This information is incomplete and without any backup design information. The design can be provided with resolution compliance submission should approval be granted. 2. The design needs to be completed for the roof drainage system. The design can be provided with resolution compliance submission should approval be granted. 3. Storm water management will be reviewed in detail with a revised submission. Statement of fact. E. Landscaping and Lighting 1. No additional landscaping has been provided with the submission. Only some screening of the relocated air conditioning units has been provided. 2. Proposed shade trees shall not conflict with any sight triangle easements. No shade trees have been proposed and are required unless a waiver is granted. 3. Landscaping should be provided to the satisfaction of the Board. The Board should provide landscaping recommendations. 4. Landscaping shall be reviewed in detail during compliance should site plan approval be granted. Statement of fact. 5. Lighting should be provided to the satisfaction of the Board. The Board should take action as whether to require any site lighting. 6. Lighting (if required) will be reviewed in detail during compliance should site plan approval be granted. Statement of fact. F. Utilities 1. The existing building is served by public water and sewer from New Jersey American Water Company since the project is within their franchise area. The Site Plans should include in the General Notes whether additional sewer and water services will be provided, or remain the same. The General Notes on the revised plan indicate that the subject property is served by public water and an onsite septic system. Furthermore, the General Notes indicate the existing system shall be expanded to accommodate the proposed addition. Therefore, approval will be required from the Ocean County Board of Health. G. Signage 1. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Statement of fact. H. Environmental 1. 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. Data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmental issues exist per available mapping. Testimony should be provided on any known areas of environmental concern that exist within the property. Environmental testimony should be provided. I. Construction Details 1. All details of proposed work have not been included on the plans. At a minimum, a detail should be added for the trash collection enclosure. All construction details can be provided with resolution compliance submission should approval be granted. 2. Construction details are provided with the current design submission. We will review the

construction details during compliance should site plan approval be granted. Statements of fact. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance (as applicable); c. Ocean County Planning Board; d. Ocean County Board of Health; e. Ocean County Soil Conservation District (if required); and f. All other required outside agency approvals.

Mr. Brian Flannery, P.E., P.P. was sworn in. He said this is an existing residence with a shul. They are looking to add a 3,020 addition. It is a unique site that was formerly part of the Board of Education middle school and across from the cemetery.

Mr. Neiman asked about parking.

Mr. Flannery said there are six parking spaces. Near the park on Ridge Avenue, there is a place where if the residents needed to park there would be availability. It is a neighborhood shul. The ordinance does say they need 10 spaces but it is his testimony, based on the unique nature of this property, the parking is adequate.

Mr. Neiman expressed to him that they usually require the parking but he understands the unique situation of this shul.

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

A motion was made by Mr. Follman, seconded by Mr. Schmuckler to approve the application. Affirmative: Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Lankry

- 4. SD 1899** (No Variance Requested)  
Applicant: Pine & 14 LLC  
Location: Fourteenth Street  
Block 25.05 Lot 56  
Minor Subdivision to create 3 lots

### **Project Description**

The applicant seeks minor subdivision approval to subdivide one (1) existing lot totaling 1.92 acres in area known as Lot 56 in Block 25.05 into three (3) new residential lots. The subdivision proposes to remove an existing dwelling and all onsite improvements. The proposed lots are designated as Lots 56.01 through 56.03 on the minor subdivision plan. Except for the existing one-story frame dwelling and surrounding clearing, the site is heavily wooded. The property is situated in the northwest portion of the Township on the north side of Fourteenth Street, west of the intersection with Willow Court. The existing lot also borders the south side of a curve where Pine Park Avenue meets Martin Street. Proposed Lots 56.01 and 56.02 would contain seventeen thousand five hundred square feet (17,500 SF), with each having one hundred feet (100') of frontage on Fourteenth Street. Proposed Lot 56.03 would contain 45,636 square feet, or 1.048 acres. It would have less than fifty feet (50') of frontage at the curve where Martin Street meets Pine Park Avenue. The plan does not mention if public water and sewer is available. According to our site investigation, public water is readily available and sanitary sewer would have to be extended on Fourteenth Street to service proposed Lots 56.01 and 56.02. Fourteenth Street, Pine Park Avenue, and Martin Street are all Township roads. The existing

right-of-way width of Fourteenth Street varies, and the half right-of-way width in front of the site is only sixteen and a half feet (16.50'). Accordingly, a thirteen and a half foot (13.50') dedication is proposed which would bring the half right-of-way width to thirty feet (30'), consistent with the property immediately to the west. Fifty foot (50') right-of-way widths exist for Pine Park Avenue and Martin Court in front of the site. The roads surrounding the property are paved and in fair condition. No sidewalk or curbing exists along the Fourteenth Street property frontage. No sidewalk exists along the Pine Park Avenue/Martin Street frontage, but curbing does. The surrounding area is predominantly residential. The lots are situated within the R-12 Single-Family Residential Zone. We have the following comments and recommendations per testimony provided at the 8/6/13 Planning Board Plan Review Meeting and comments from our initial review letter dated July 31, 2013: I. Zoning 1. The parcels are located in the R-12 Single-Family Residential Zone District. Single Family Detached Housing with a minimum lot size of twelve thousand square feet (12,000 SF) is permitted in the zone. Statements of fact. 2. Per review of the Subdivision Map and the zone requirements, no variances appear to be required for the proposed subdivision. Statement of fact. 3. Proposed Lot 56.03 has limited frontage (less than 50') on the outside of the Pine Park Avenue/Martin Street curve. Therefore, we recommend that any approvals be conditioned upon providing a driveway with turnaround capabilities to prevent vehicles from backing out onto the curve. General Note #8 has been added to the plan indicating that there will be a built in turn-around for the driveway on proposed Lot 56.03 to prevent vehicles from backing out onto the curve. II. Review Comments 1. A 16.40 foot dimension is shown for the half right-of-way width on Fourteenth Street in front of existing Lot 60 on both the Survey and Minor Subdivision. The surveyor should check whether the dimension is correct. The surveyor indicates the dimension is correct. 2. The Schedule of Bulk Requirements indicates all lots will conform to the allowable Maximum Building Coverage of twenty-five percent (25%). Parking requirements shall be added. Off-street parking has been provided to the Schedule of Bulk Requirements. The Schedule of Bulk Requirements indicates that four (4) off-street parking spaces per dwelling will be required and provided. Off-street parking shall be to the satisfaction of the Board. 3. Editing of the General Notes is required. General Notes #1 and #7 require editing. Corrections can be provided with resolution compliance submission should approval be granted. 4. Unless a waiver is requested from and granted by the Planning Board, proposed sidewalk shall be added along the street frontages. Proposed sidewalk should be five feet (5') wide unless pedestrian passing lanes are provided. Proposed four foot (4') wide sidewalks with pedestrian passing lanes have been provided. The proposed sidewalk locations shall be properly dimensioned within the right-of-way for resolution compliance submission should approval be granted. 5. No curbing exists on Fourteenth Street in front of the site. Unless a waiver is requested from and granted by the Board, the installation of curb on Fourteenth Street is required. Proposed curbing has been provided. 6. Unless waivers are granted for the construction of curb and sidewalk, an Improvement Plan must be provided as a condition of approval to indicate the extent of construction on Fourteenth Street. Any Improvement Plan required shall include grading, drainage, and construction details as necessary. This Improvement Plan may be provided during compliance if approval is given. An Improvement Plan has been provided. Existing and proposed low points along the gutters will need to be addressed. Construction details also require corrections and are subject to the conditions of approval imposed by the Board. A revised Improvement Plan can be provided with resolution compliance submission should approval be granted. 7. Unless a waiver is requested from and granted by the Planning Board, shade trees shall be proposed within the shade tree and utility easements for the project. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township

Shade Tree Commission as practicable. The Board should provide landscaping comments, if any. The proposed shade trees must be added to the Improvement Plan for Shade Tree Commission review. This matter can be addressed with resolution compliance submission should approval be granted. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. Statement of fact. 8. The plan does not state whether water and sewer service is to be provided. It appears sewer must be extended from the sanitary sewer manhole shown in Fourteenth Street, west of the project. Water service is readily available to the site. Testimony shall be provided on sewage disposal. The applicant's engineer indicates the site shall be serviced by public water and sewer. Sewer and water extensions shall be constructed as required. New Jersey American Water Company approval is required as the project is within their franchise area. 9. Should basements and/or underground recharge be proposed, soil profile locations must be shown on the Improvement Plan. Soil profile logs should also be provided to justify seasonal high water table information. The applicant's engineer indicates that proposed soil borings for individual lots shall be provided at time of construction. 10. Testimony is required on the disposition of storm water from the development. The applicant's engineer indicates that proposed dry wells for individual lots shall be provided at time of construction. 11. Testimony should be provided on proposed site grading. 12. The applicant's engineer indicates that proposed grading for individual lots shall be provided at time of construction. 13. Proposed lot numbers must be approved by the tax assessor's office. The proposed lot numbers have been approved and the map will be signed by the tax assessor prior to filing. 14. The date on the Secretary's Certification must be changed since there are no longer one hundred ninety (190) days left in the year. The correction can be provided with resolution compliance submission should approval be granted. 15. Compliance with the Map Filing Law is required. Statement of fact. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance; b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. New Jersey American Water Company (water and sewer); and e. All other required outside agency approvals.

Mr. Stephen Pfeffer, Esq. on behalf of the applicant stated that this is a three lot minor subdivision. No variances or design waivers are being sought.

Mr. Brian Flannery, P.E., P.P. was sworn. He confirmed that no variances are required.

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

A motion was made by Mr. Follman, seconded by Mr. Schmuckler to approve the application. Affirmative: Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Lankry

5. **SD 1900** (Variance Requested)  
Applicant: Yosaif Oppen  
Location: Doria Avenue  
Block 494 Lot 2.02  
Minor Subdivision to create 2 lots

**Project Description**

The applicant is proposing to subdivide one (1) existing lot into two (2) residential lots. Existing Lot 2.02 in Block 494 would be reconfigured into proposed Lots 2.06 and 2.07 as designated on

the subdivision plan. Existing Lot 2.02 is an irregular tract containing approximately 97,826 square feet, or almost 2.25 acres and is vacant. The proposed subdivision would create two (2) irregular building lots of similar areas. Proposed Lot 2.06 would be about 49,063 square feet, or 1.13 acres in area, and proposed Lot 2.07 would be roughly 48,763 square feet, or 1.12 acres in size. No new improvements are being proposed. The site is situated in the southwest portion of the Township on the eastern side of the terminus of the Doria Avenue cul-de-sac. The front portion of the property is heavily wooded with large trees. The rear section of the tract has been cleared. The land generally slopes downward from north to south. Doria Avenue is an improved municipal road with a variable width right-of-way. The cul-de-sac pavement has settled and creates a poorly graded surface. There are no existing sidewalks or curbs on the cul-de-sac and neither has been proposed on the Subdivision Plan. Underground electric services a light pole at the end of the cul-de-sac and the utility boxes on the neighboring property. Public water and sewer are unavailable. The site is located within the R-40 Zone. The surrounding lands are either residential property or wooded, vacant lots. We have the following comments and recommendations per testimony provided at the 8/6/13 Planning Board Plan Review Meeting and comments from our initial review letter dated August 1, 2013: I. Zoning 1. The site is situated within the R-40 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. Statements of fact. 2. Variances are requested with respect to Minimum Lot Width. The proposed lot width of new Lot 2.06 would be 105.5 feet, and the proposed lot width of new Lot 2.07 will be 98.6 feet. The minimum required width is one hundred fifty feet (150') wide. The Board shall take action on the variances requested for lot width. 3. A dedication should be considered to match the existing right-of-way width shown for adjoining Lot 58, which is immediately to the south of the site. It should be noted that while a dedication would not eliminate the proposed Minimum Lot Width variances, it would move the front yard setback lines and therefore increase the lot widths. In addition, the site has enough area to absorb a dedication and still meet the minimum area requirements. The applicant's surveyor/engineer requests that the right-of-way dedication not be considered due to the adverse affect it would have on the geometry of the cul-de-sac. However, the pavement for the existing cul-de-sac bulb is not large enough to provide an adequate school bus turnaround. Therefore, we recommend the Board require the right-of-way dedicated such that proposed pavement can be added to the cul-de-sac bulb and will provide a better school bus turnaround. 4. A design waiver is required for the proposed lot line separating new Lots 2.06 and 2.07 for not being at a right angle to the street line. The Board shall take action on the required design waiver. 5. Per review of the plan, the following design waivers are also required: • Providing curb and sidewalk along the project frontage. It should be noted that there is no existing curb and sidewalk in the immediate vicinity of this site. • Providing shade trees along the project frontage. • Providing a shade tree and utility easement along the project frontage. Testimony should be provided regarding the requested design waivers. The Board shall take action on the various design waivers requested. II. Review Comments 1. A horizontal datum must be provided. Based on the coordinates provided at the outbound corners, the horizontal datum has been assumed. The appropriate note can be provided on the plan with resolution compliance submission should approval be granted. 2. The Survey and Minor Subdivision show existing fencing encroaching onto neighboring properties. Any approvals shall be conditioned upon removal of these encroachments. We recommend the removal of encroachments be conditioned upon any approvals. 3. Off-street parking has not been addressed by this application. Testimony on off-street parking shall be provided. The applicant's surveyor/engineer indicates that testimony on off-street parking will be provided. 4. A minimum two foot (2') separation must be provided from seasonal high water table should basements be

proposed for the future dwellings. Testimony should be provided on whether any basement proposed will be unfinished. If basements are proposed, soil boring locations and logs must be provided. The applicant's surveyor/engineer indicates that testimony regarding seasonal high water will be provided. 5. Testimony should be provided on the disposition of storm water management for the proposed development of Lots 2.06 and 2.07. The applicant's surveyor/engineer indicates that testimony regarding storm water management will be provided. 6. Testimony should be provided on proposed site grading for the development of new Lots 2.06 and 2.07. The applicant's surveyor/engineer indicates that testimony regarding proposed grading will be provided. 7. The project is located within the New Jersey American Water Company franchise area. However, public water and sewer is not available. Therefore, the future dwellings will require individual potable wells and septic disposal systems. Approvals will be required from the Ocean County Board of Health. Statements of fact. 8. Approval of the new lot numbers will be required by the Tax Assessor. The map shall be signed by the Tax Assessor should approval be granted. Statements of fact. 9. Certifications shall be provided in accordance with Section 18-604B.1., of the UDO. The Municipal Clerk signature block below the Tax Assessor signature block shall be eliminated. The correction can be provided with resolution compliance submission should approval be granted. 10. A Legend should be provided. A Legend has been added. A proposed monument is required where the additional side line intersects the right-of-way line. Corner markers shall be added to the Legend. These corrections can be provided with resolution compliance submission should approval be granted. 11. Our site investigation confirmed the many large trees on the property. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 2.06 and 2.07. Statements of fact. 12. Compliance with the Map Filing Law is required. Statement of fact. 13. Depending upon the conditions imposed with any approvals granted, the project may require an Improvement Plan. An Improvement Plan, if required, may be provided with resolution compliance submission should subdivision approval be granted. Statements of fact. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Lakewood Township Tree Ordinance; b. Ocean County Planning Board; c. Ocean County Board of Health; d. Ocean County Soil Conservation District; and e. All other required outside agency approvals.

Mr. Brian Flannery, P.E., P.P. was sworn in. Variances are requested for minimum lot width. The master plan actually says for the R-40 the lot width should be 100 ft and they are virtually conforming with 100 ft on each lot. The lots have more than the area required and fit in well with the neighborhood. The engineer had a comment about providing additional right-of-way but if the Board looks at the map it looks kind of funny because the existing right-of-way for Doria Avenue was excessively wide. They would propose for a road widening easement in lieu of a dedication. All other comments will be met.

Mr. Neiman opened to the public.

Mr. Walter Lucas, Newport Avenue, was sworn in. He is in favor of this application.

Mr. Neiman closed to the public.

A motion was made by Mr. Follman, seconded by Mr. Schmuckler to approve the application. Affirmative: Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Lankry

6. **SP 2039AA** (No Variance Requested)  
Applicant: Lakewood Automotive Center LLC  
Location: 650 James Street  
Block 385 Lot 6

Change of Use/Site Plan Exemption to permit a 1500 square foot building addition for an automobile repair facility and conversion of the existing home into office space.

### **Project Description**

The applicant for the project is Lakewood Automotive Center, LLC, 95 Hillside Boulevard, Lakewood, NJ 08701. The owner of the site is Igor Ryabinsky, 6021 Route 9, Howell, NJ 08701. The applicant is seeking Site Plan exemption/Change of Use approval for conversion of an existing one-story single-family residence into an auto repair facility via a 1,500 sf addition. As illustrated on the architectural plans, the first floor of the existing building will be converted to a lobby and five (5) individual offices. The addition will be a 30'x50' prefabricated auto service building with four (4) service bay doors. The existing (unfinished) basement under the dwelling will remain, and the automotive repair addition will be constructed on concrete slab. As illustrated on the plot plan and the survey, there is an existing paved area comprised of a large driveway, and nine (9) off-street parking spaces as depicted. The property is situated in a M-1 (Industrial) zone, on the south side of James Street, approximately 390 feet west of its intersection with West Cross Street. No sidewalk or curbing exists along the property frontage per available information. The site is surrounded with commercial and light industrial uses, consistent with the local zone. I. Zoning 1. The property is located in the M-1 Industrial Zone. Per UDO Section 19-903.M.3.d. Automobile Repairs and Service is listed as a conditionally permitted use in the M-1 Zone. UDO Section 18-1016 Automobile Repairs and Service outlines six (6) criteria for the conditional use. Per communications with the applicant's professionals, the proposed project will meet all conditions A-F as stipulated in this section. 2. Per review of the Site Plan and the zone requirements, the existing/proposed layout does comply with the Bulk (area, setback) requirements of the M-1 zone, except with respect to existing, non-conforming Lot area (2.351 acres existing, 3 acres required) and Lot width (194.37 feet existing, 300 feet proposed). 3. Per UDO requirements, the applicant estimates nine (9) parking spaces required for the proposed offices and auto repair facility, and nine (9) off-street parking spaces are proposed. 4. The following design waivers appear necessary: • Sidewalk along property frontage. • Perimeter landscaping. • Lighting. II. Review Comments 1. Testimony should be provided by the applicant for the Board to determine the adequacy of existing site improvements to support the proposed change in use, including but not limited to the following issues: a. Testimony must be provided addressing the anticipated number of employees and patrons, and projected days and hours of operation. b. Testimony must be provided to the satisfaction of the Board regarding how the site will function with respect to vehicular and pedestrian circulation, deliveries, etc. c. Testimony should be provided as to whether cars needing repair will be stored outside before or after repairs are completed (and if so, for what duration).d. Testimony should be provided as to how the site will function with respect to service vehicles deliveries (supplies, repairs, etc), as to how they will access the site. e. Testimony should be provided regarding storage and handling of automotive chemicals and fluids, batteries, and non-municipal waste. 2. No information is provided regarding proposed solid waste and recyclables storage and pickup, including when, where and by whom (DPW or private). DPW approval would be necessary if public pickup is proposed. 3. Testimony should be provided regarding proposed lighting. Lighting shall be provided to the satisfaction of the Board. 4. Stormwater measures for the proposed conversion will be reviewed during compliance, if/when Board approval is granted. 5.

Testimony should be provided as to whether any buffer or screening is proposed. 6. As indicated previously, minimal additional site improvements are proposed with the use conversion. Our office will review proposed construction details during compliance if/when approval is granted. 7. If approved by the Board, the proposed building improvements are still subject to applicable Township reviews (building code, fire, etc). Utility improvements as proposed are still subject to applicable outside agency approvals (if any). 8. If approved, we will review the proposed construction and restoration details during compliance. Bonding and financial guarantees will be required for necessary site improvements.

Mayor Ackerman arrived at the meeting.

Mr. Brian Flannery, P.E., P.P. was sworn in. He stated that this is an existing house. He wants to add an addition and do automotive repairs. All the conditions of the ordinance have been met and all the comments in the engineer's letter will be addressed.

Mr. Schmuckler asked about the parking.

Mr. Flannery said that nine spaces are required and there are already nine spaces existing on site which will be striped. Waivers are being requested for landscaping, lighting and lighting. He is just starting up his business so this will be a temporary situation.

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

A motion was made by Mayor Ackerman, seconded by Mr. Follman to approve the design waivers and application.

Affirmative: Mr. Banas, Mayor Ackerman, Mr. Neiman, Mr. Schmuckler, Mr. Follman

## **7. CORRESPONDENCE**

- **SD 1576 & SD 1598 – Albert Avenue**  
Request for Board review of adjustment to 2 flag lot approvals to permit 1 shared access drive

Mr. Brian Flannery, P.E., P.P. stated that Mr. Krupnick came in for two separate applications where he got a flag lot approved on each. A builder bought these lots and came up with a better idea. This applicant proposes to give cross access easements all the way and he would build a private cult-de-sac. The town would not have to maintain or plow the road and there would be houses sitting on a cult-de-sac with one driveway coming out.

Mr. Neiman asked if this would create any new variances.

Mr. Flannery said no.

Mr. Neiman agrees that this is a better plan. He asked what the width of the driveway will be.

Mr. Flannery said it is a 20 ft wide driveway.

Mr. Vogt asked if it is adequate for emergency vehicles.

Mr. Flannery said yes. RSIS allows 18 ft.

Mr. Schmuckler asked about landscaping.

Mr. Flannery said they would work with the township engineer.

Mr. Schmuckler asked about garbage pick up.

Mr. Flannery said they would all bring their garbage out to Albert Avenue. The flag lots have to bring it out anyway.

Mr. Jackson said there may be an issue because these lots were approved and no notice of this correspondence has been sent out.

Mr. Flannery said they did not have to notice. The lots were fully conforming when approved and they are fully conforming now. The township engineer just wanted to make sure the Board had no objection to the new configuration.

Mr. Banas does not like this plan. He believes they are creating a parking lot.

Mr. Flannery said it is private property. If someone decides to park there, one of the homeowners could call the police and have them towed. He reiterated that they are not asking for any relief. You can't stop someone from having access easements and using something differently. No action is needed from the Board but the engineer wanted their approval to move forward.

Mr. Vogt said as there is talk about a shared driveway. The township does something like this already with the zero lot line ordinance. Whenever a zero lot line approval is granted, the ordinance stipulates that there is a basic agreement about shared services.

Mr. Flannery would craft an agreement similar to that which would be submitted to the township engineer and attorney.

The board recommended the redesigned plan.

Affirmative: Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Lankry

## **8. PUBLIC PORTION**

Mr. Greg Stafford Smith, 1200 Cross Street, expressed his concerns about a school on Cross Street that was approved at the last meeting. Due to time constraints the application was heard as both a technical and public item and was therefore approved. This school is in an area without water, sewer and fire protection. He knows it is not the Board's jurisdiction but in a 1000 ft area of Cross Street there are now four approved schools with buildings 50,000 sq ft and above. He questioned if the schools have backup generators, supplemental supplies etc. If they

lose power, they will have no water and sewer. He asks that the applicants provide some sort of insight as to the availability of service.

9. APPROVAL OF MINUTES

10. APPROVAL OF BILLS

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary