

## 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. Franklin, Committeeman Ackerman, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Rennert

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. PUBLIC HEARING ITEMS

### 1. **DISCUSSION – Ordinance Amendments & Supplements**

- Impact Fees (18-706)
  - Carried to August 21, 2012
- Establishment of Zoning Districts & Zoning Map (18-901)
  - Not recommended
- Residential Office Park (18-903)
  - Carried to August 21, 2012
- Hospital Support Zone (18-903)
  - Carried to August 21, 2012
- Mixed Use Multi-family Development (18-1016)
  - Recommended

Mr. Vogt stated that they have discussion on several ordinances. The planning office has had conversation with the Township attorney who could not be here tonight. If the board has any questions or issues, he asked that the Board table the ordinances in question and he will appear at a future hearing.

Mr. Neiman stated that in the past, they would red-line the old ordinances to show the changes.

Mr. Vogt believes that the "Impact Fees" ordinance is a new ordinance.

Mr. Banas has a concern about the "Establishment of Zoning Districts & Map" ordinance. He felt that this talks about something that the master plan did not have. It was not moving directly with the master plan. The type of items that are listed gives us an opportunity to have a different type of community. This zone that is spoken of is between a smart grown and another development and he thinks that a R20/R40 is one that would lend beautifully to the area and not change to an R-10. He is concerned with the type of streets that are involved in our present position, in particular Spruce Street that is running into a dead end area.

Mr. Neiman stated that when you are permitting an R-10, you are allowing duplexes and townhouses. It is better if we have clarification from the Township attorney. Most of this area is developed already so why take the other fifty percent and allow duplexes or townhouses. He would like direction from the committee as to why they are doing this.

Mr. Jackson stated that there is a statutory time period in which the Board has to respond. The Committee just listens to the advice of the Board. This is an opportunity for the Board to make a recommendation so that the Committee can take that into account. If the Board does not act on the request, which he believes is 30 days, and then the Committee can act.

Mr. Flannery stated the fifth ordinance is a new ordinance and it was presented as part of the Master Plan years ago. it is the B-5 zone in the area of the Flea Market. If the Board remembers, the Master Plan said there should be more study. They went back to the Smart Growth Plan and that stated it should be a highway carter. The Township Committee recommended a mixed use zone. This is simply saying, in addition to it, it is giving the developer an opportunity instead of doing townhouses, to do multi-family to provide three-story building and you could have more open space. It does have restrictions; it would only be for properties that has twenty acres. It would not be for every little piece of property.

The Board recommends ordinance #5.

Ordinance #1, 3, & 4 the Board would like further clarification.

The Board does not recommend ordinance #2.

A motion was made by and seconded.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Rennert

2. **SP 1990AA** (No Variance Requested)  
Applicant: Nefesh Hachaim, Inc.  
Location: White Street & Drake Road  
Block 251.02 Lot 99  
Site Plan Exemption for proposed modular classroom facility

**Project Description**

The applicant is seeking Site Plan exemption/Change of Use approval for conversion an expansion on a property which contains an existing 1-story synagogue, an asphalt driveway and seven (7) paved parking spaces and existing 8-space gravel parking lot, and an existing 30' by 65' gravel parking area. As noted on the plans, a 1,639 sf one story modular classroom building is proposed, and a 2,465 sf building expansion to the synagogue building is identified as "Phase 2". The architectural plans for the synagogue identify two (2) new classrooms, 'A' and 'B'. In response to professional testimony and concerns expressed at the July 10, 2012 Board hearing, the following revisions were made to the Site Plans: 1. A "6-inch thick Proposed Gravel Driveway" has been added along the property's rear frontage on the east side of White Street, presumably to allow for bus drop off and pick from White Street (vs. Drake Road which is presently occurring). 2. The paved area that contains seven (7) parking spaces will be revised to remain a basketball court. The existing bus drop-off and pick-up area is being converted to parking to compensate for the seven spaces previously proposed within the existing basketball court. 3. Fourteen (14) future parking spaces are identified for the proposed 'future' 2,465 sf synagogue expansion, based on a stated 1,400 sf of additional sanctuary space as identified on the revised Change of Use Site Plan cover sheet. The site is located in the southwest portion of the Township, between Drake Road and White Road, south of the intersection of these streets. The tract trapezoidal in shape, and is approximately 2.0 acres in size. The surrounding area is rural, with single-family residences and appurtenant uses. We offer the following comments per the plan revisions and our initial review letter dated July 5, 2012. I. Zoning 1. The property is located in the R-40 Single-Family Residential Zone District. Schools are a permitted use in the zone, subject to the requirements of Section 18-906 of the UDO. Fact. 2. Per review of the Site Plan and the zone requirements, the existing and proposed building(s) and site layout comply with the Bulk requirements of the R-40 zone. No new bulk variances appear necessary for the change of use request (school) portion of the applicant's request. Fact. 3. A parking schedule is provided on the Change of Use plans which indicate that the sanctuary contains approximately 1,800 sf of main worship space, and resulting from the modular classroom addition, 4 classes and one office will exist at the site. As a result, fifteen (15) off-street spaces are required for the addition per UDO requirements, and fifteen (15) spaces are proposed. We agree with the applicant's professional's calculation of parking requirements based on this information. 4. As noted above, the revised change of use site plan includes fourteen (14) 'banked' parking spaces associated with the future synagogue expansion. II. Review Comments 1. Testimony should be provided by the applicant for the Board to support the proposed change in use, including but not limited to the following issues: a. How many students (and employees) are proposed for the school portion of the use. b. Will any students drive and park near the school. c. How many buses are anticipated. d. How students will be dropped off and picked up (by car). e. How many staffers (rabbi, schoolteachers, maintenance, etc.) will be at the site at any one time. Testimony was provided at the 7/10/12 hearing. 2. Section 18-906A(2) of the UDO requires a minimum 20 foot wide perimeter buffer to adjacent residential uses. The proposed minimum buffer for the modular classroom is 27.47 feet, in excess of UDO requirements. Fact. 3. Per the Change of Use site plans and communication with the applicant's professionals, trash and recyclables will continue to be stored in the rear of the site and put curbside for Township pickup. Fact. 4. Testimony should be provided regarding proposed existing and proposed lighting (if any). Lighting shall be provided to the satisfaction of the Board. Testimony was provided at the 7/10/12 hearing. 5. Construction details should be provided for proposed new site improvements deemed necessary (if any), in accordance with Township standards. This item remains outstanding, but can be addressed during compliance if

approval is granted. 6. Information and/or testimony that existing utilities serving the building are adequate for the proposed school use. The Change of Use plans note existing well and septic service on the site, with no additional service proposed for the modular classroom. Fact. 7. Any information necessary to document compliance with Section 18-906, "Public and Private Schools" of the UDO. Fact.8. The site plan waiver (if approved) does not relieve the applicant's obligation to obtain necessary building permits and construction code reviews. 9. If Board approval is granted for the revised concept, Township approval will be required for the proposed Bus Drop Off area in the White Street right-of-way. Additionally, testimony should be provided from the applicant's professionals regarding pedestrian access to and from this area to the school facilities (i.e., proposed interior sidewalks or paths, etc.).

Mr. Rennert stepped down. As a result, there will not be quorum. The Board will try to get an additional Board member and come back to this application.

There was discussion as to whether Committeeman Ackerman has a conflict sitting on this application. Mr. Wouters, the Township attorney did not think there was a conflict but Mr. Jackson suggested that Mr. Ackerman not sit on this meeting.

Mr. Pfeffer, Esq. reached out to Mr. Wouters about this issue and he told them there wasn't a conflict.

Committeeman Ackerman does not feel comfortable voting on this application.

Mr. Herzl arrived at the meeting.

Mr. Pfeffer, Esq. on behalf of the applicant. They have made revisions since the last meeting.

Mr. Stevens stated this application is for a change of use from a synagogue to a school. The applicant is proposing to construct a one story modular classroom building adjacent to the existing structure along with a future phase 2 addition. There is an existing basketball court located at the end of the paved driveway and a gravel parking area located along Drake Road. They have revised the plans to show that we would provide a turnoff along White Street so that buses could load and unload children to the subject school and to do so off of the road and not in the middle of the road which was a complaint by the residents. A school is a permitted use and it is in the R-40 zone. There are no variances being requested. They have submitted a survey to show that the property is two acres. They propose to leave the existing parking area along Drake Road and utilize that which would provide 15 parking spaces. If the school continues to flourish, the construction of phase 2 would require additional parking. They believe the current lighting they have now will be sufficient.

Mr. Vogt stated that he would need to hear testimony on item no. 9 concerning approval for a right-of-way on White Street. Township Committee approval will be required. Mr. Vogt also asked about children accessing the site.

Mr. Stevens said the rear of the property is a fairly graded open lawn area and that is how the students will enter from White Street. If the Board would like a walkway constructed the applicant is willing to do that.

Mr. Banas would like that and is concerned about the gravel driveway where the bus pickup and drop off will take place.

Mr. Stevens said that the current gravel parking lot that functions now and if delineation is a concern, perhaps they could put in curb stops as opposed to increasing the impervious surface.

Mr. Neiman opened the microphone to the public.

Ms. Arielle Schulman, 59 Drake Road, was sworn in. She reminded that the Board that everything done on this property for 4 1/2 years has been done without permits. She called the DEP because there is a stream that runs through that property. There has been no application made. There is also a septic and well which needs to be taken into consideration. She also asked if there are sprinklers or fire alarms in the home. She is also concerned about the safety along Drake Road. She would like this table until it can property be taken care of.

Mrs. Weinstein, Esq. was sworn in. She was the attorney who represented the applicant at the time that they purchased this property. Just to clarify, the statement made by Ms. Schulman that they have done everything without permits is incorrect. When they purchased this property, they purchased it for use as a synagogue. The sanctuary is less than 100 sq ft. the ordinance has a provision that there is no Planning Board approval for required if the sanctuary space is less than 800 sq ft.

Ms. Schulman if there are permits for the trailers and the grading that was done.

Mr. Shmuel Hirth was sworn in. He said they have permits for the trailers.

Mr. Tony DiStefano, 72 White Road, was sworn in. He stated that there are wetlands and that they were told at the last meeting by Mr. Penzer that they didn't take out any permits. Now they are saying that they did.

Mr. Neiman asked if there are wetlands in that area.

Mr. Vogt stated that there are wetlands shown in the area, however, the State's record show them being on the other side of the street.

Mr. Stevens agreed that there are no environmentally sensitive lands on the subject site.

Mr. Mario Pascarello, 68 Drake Road, was sworn in. The water comes down underneath White Road and partially through the property school is and it empties out into my property and eventually to Crystal Lake. Every so often the Township comes and cleans out the water.

Pamela Santamaria, 1860 Lanes Mill Road, was sworn in. She lives in the area and what was said about Crystal Lake is true. The stream does come down there and it is worse on heavy rainy days. She is concerned about a school being built there. She asked if there are two entrances to this school.

Mr. Stevens said the busses are entering and existing on White Street.

Mr. Jonathan Sanders, 1431 Ardenwood Avenue, was sworn in. He said they Mr. Shmuel has gone through this many times to make this work. He hopes to have the Board's vote tonight.

Ms. Yehudis Grunwald, 70 Drake Road, was sworn in. She shares a property line with the Yeshiva. She bought this area because it was quiet and secluded. Since the yeshiva has moved in, that has not been the case. She has constant trespassers, on many occasions she has requested that they keep their children on their property. Without a physical fence dividing their property, that is impossible. She has cigarette butts, beer bottles, chairs etc. in their backyard where they have parties. She would like them to build a fence to keep the students on the school property.

Mr. Vogt said there is no fence proposed on the plans. It is a reasonable request.

Ms. Gerri Ballwinz, Governer's Road was sworn in. She asked if the current septic system is adequate.

Mr. Vogt stated that is something not typically dealt with by this Board. They would have to comply with the building department and all outside agencies.

Mr. Franklin asked if the well and septic should be shown on the plans.

Mr. Stevens said that they do not show the facilities. This applicant is bound to satisfy whatever requirements outside agencies may require including the Health Department. This school with 50 students in it has less flow than a 4 bedroom home does. They are not proposing any showers or cafeteria.

Ms. Ballwinz thinks there should be a certification as to whether there are actually wetlands on that property.

Mr. Stevens reiterated that there are no wetlands on this property. The State of New Jersey agrees with that as well as an environmental company did an evaluation on this site.

Seeing no one further, Mr. Neiman closed to the public.

Mr. Pfeffer agreed with Mrs. Grunwald to give a fence to her satisfaction.

A member of the public asked how many students there are.

Mr. Pfeffer said there are sixty students.

Mr. Jackson went through the issues discussed including the gravel driveway being paved with delineated parking spots, a plan showing an adequate buffer area submitted to the engineer along the south property line, a 6' high white vinyl fence along Mrs. Grunwald's property, a walkway will be delineated for review and approval, the well and septic will be shown on the plan, the applicant will be responsible to obtain all building permits, outside agency approvals specifically but not limited to the Board of Health.

A motion was made and seconded to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman

- 3. SP 1991AA** (No Variance Requested)  
Applicant: Avi Verschleiser  
Location: Kingsfield Drive  
Block 11.12 Lot 35  
Change of Use Site Plan to convert existing basement to a shul

**Project Description**

The applicant is seeking Site Plan exemption/Change of Use approval for conversion of the basement within an existing single-family residential dwelling into a Shul. As noted on the Change of use plan, no new site plan improvements are proposed with this request. The application describes the existing home as a three-bedroom Rabbi's residence with the Shul as an accessory use. The site is located on the north side of Kingsfield Drive, opposite of its intersection with Sanz Town Road. The property is rectangular in shape, is 4,050 sf in area. The site surrounded primarily by single-family residential structures on the northerly side of the street, with multifamily housing existing along the southern side of the street. Curbing and sidewalk exist along the property frontage. I. Zoning 1. The property is located in the R-15 (Single Family Residential) Zone. Synagogues are a permitted use in the zone, subject to the requirements of Section 18-905 of the UDO. 2. Per review of the Site Plan and the zone requirements, the proposed synagogue and sidewalk improvements comply with the Bulk requirements of the R-10 zone. The bulk requirements table notes existing non-conforming setbacks for the existing property and dwelling to remain, including: a. Existing Lot Area (4,050 sf provided, 15,000 sf required); b. Existing Lot Width (45 feet provided, 100 feet required); c. Side Yard setback (3.4 feet provided, 10 feet required); and d. Aggregate Side Yard setback (10.2 ft provided, 25 ft required). e. Building coverage (37% existing, 25% allowed). 3. No new bulk variances appear necessary for the change of use request. II. Review Comments 1. Per review of the basement architectural plat, the existing basement is a "Rec Room", with no bedrooms existing or proposed. The conversion for the Proposed Shul would create up to 747 sf of sanctuary space. No kitchen or catering facilities are depicted (only a "Kitchenette"). 2. As strictly interpreted, no additional parking is necessary per UDO requirements (18-905A.1) for the proposed sanctuary since the floor area is below the 800 sf net floor area threshold. No parking requirements are indentified with the UDO for libraries contained within places of worship. 3. Two (2) off-street 9'x18' parking spaces exist as part of the driveway. As indicated previously, the existing home is 3-bedroom, with no bedrooms existing or proposed in the basement. Parking should be provided to the satisfaction of the Board. 4. Per UDO Section 18-905B, a 20-foot perimeter buffer is required for disturbed areas adjacent to residential uses or zoning. We note that although no new construction is proposed for the Shul Use, the existing dwelling is several feet from both property lines (similar to residences on adjoining single-family Lots 34 and 36). Testimony should be provided as to what landscaping (if any) is proposed. Landscaping shall be provided to the satisfaction of the Board. 5. As depicted on the Change of Use site plan, trash will be disposed in robocans stored on the side of the residence that will be put curbside for collection by the Township DPW. 6. Testimony should be provided regarding any existing or proposed security lighting associated with the proposed use. 7. Any information necessary to document compliance with Section 18-905, "Places of Worship and Religious Facilities" of the UDO.

Ms. Morris stated that this application is in the R-15 zone and no variances are requested.

Mr. Lines stated that this is an existing house in the Westgate development. The applicant would like to convert his basement into a shul with less than 800 sq ft.

Mr. Vogt stated that there are several existing bulk variances.

Mr. Lines said that is correct. It was all approved at the Zoning Board. They are previously approved variances based on the original site plan. He agrees with everything in the review letter.

Mr. Jackson asked about a notice issue.

Mr. Lines stated that it was delivered to the correct house but the green slip had the wrong address. There is no such house number as was on the green slip.

Mr. Jackson stated that the law says you have to send it to the address on the Tax Assessor's list.

Mr. Lines said that the address on the envelope was correct but the address on the green slip was incorrect. He tried to get something signed by the homeowner but he has not been home.

Mr. Jackson explained that the certified receipt was addressed to 436 where it should have been addressed to 435. He believes there is a defect in the notice.

Mr. Jackson announced that this application will be carried to the August 21, 2012 meeting. No further notices are required except to 435 4th Street.

- 4. SD 1853** (Variance Requested)  
Applicant: HK Investment Holdings, LLC  
Location: Ridge Avenue, south of Lanes Mill Road  
Block 190 Lots 67, 70.01 & 70.29  
Minor Subdivision to adjust lot line to create 1 additional lot for a total of 3  
Lots

**Project Description**

The applicant seeks minor subdivision approval to subdivide three (3) existing lots totaling 1.73 acres in area known as Lots 67, 70.01, and 70.29 in Block 190 into four (4) new lots, designated as proposed Lots 67.01, 67.02, 70.30, and 70.31 on the subdivision plan. Two (2) of the three (3) existing lots contain existing dwellings. An existing one-story dwelling with garage and shed fronting Ridge Avenue on Lot 67 will remain on proposed Lot 67.01. An existing two-story dwelling at the intersection of Venice Court and Tuscany Terrace on Lot 70.01 will remain on proposed Lot 70.30. Proposed Lot 67.02 fronting Tuscany Terrace is being created for a proposed single-family dwelling. Proposed Lot 70.31 at the intersection of Tuscany Terrace and County Line Road East cannot be developed without the granting of variances. Proposed Lot 67.01 would be a fifteen thousand square foot (15,000 SF) lot fronting Ridge Avenue, which is a County Highway. Proposed Lot 67.02 would front Tuscany Terrace, just north of proposed Lot



67.01. The Minor Subdivision would make the proposed area of Lot 67.02, 30,160 square feet (0.69 acres). Proposed Lot 70.30 at the intersection of Venice Court and Tuscany Terrace would increase in area to 22,693 square feet (0.52 acres). Proposed Lot 70.31 at the intersection of Tuscany Terrace and County Line Road East would only be 7,386 square feet (0.17 acres) and could not be developed without variances. County Line Road East is also a County Highway. No construction is proposed at this time under this application. The site is situated in the northeastern portion of the Township. Venice Court and Tuscany Terrace are newly improved roads with curb and sidewalk from a recently constructed major subdivision project. Final improvements along the County Line Road East frontage have yet to be completed with this same major subdivision project. No curb and sidewalk exists along the Ridge Avenue frontage. The proposed lots are entirely situated within the R-15, Single-Family Residential Zone. The site is in a developed section of the Township. The surrounding area contains mostly residential uses. Public water and sewer is available. We have the following comments and recommendations per testimony provided at the 7/10/12 Planning Board Plan Review Meeting and comments from our initial review letter dated July 2, 2012: I. Zoning 1. The proposed lots are located in the R-15 Single-Family Residential Zone. Single-family detached housing is a permitted use in the zone. The uses for proposed Lots 67.01, 67.02, and 70.30 has been indicated to be single-family residential. Testimony must be given on the proposed use for new Lot 70.31. Testimony must be provided on the proposed use for new Lot 70.31. The uses for the other proposed lots are single-family residential which conforms to the zone. 2. Per review of the Minor Subdivision Map, the application, and the zone requirements, the following variances are required: • Minimum Lot Area (proposed Lot 70.31, 7,386 SF; 15,000 SF required) – proposed condition. • Minimum Lot Width (proposed Lots 67.01 and 70.31, 63.98 feet and 27.35 feet respectively; 100 feet required) – proposed condition. • Minimum Side Yard Setback (proposed Lot 70.30, 9.9 feet; 10 feet required) – existing condition. • Minimum Accessory Side Yard Setback (proposed Lot 67.01, 3.3 feet for the garage and 7.8 foot for the shed; 10 feet required) – existing conditions. The Board shall take action on the required variances. 3. Setback variances for all yards will be required to develop proposed Lot 70.31. Proposed setbacks must be provided in order for the Board to take action on the required setback variances. 4. The plan has been revised and the application has been amended to request the following design waivers: • The construction of sidewalk and curb along Ridge Avenue. • The planting of shade trees and providing of a Shade Tree and Utility Easement along Ridge Avenue. The Board shall take action on the requested design waivers. 5. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. Ridge Avenue is depicted with a variable width right-of-way. Since Ridge Avenue is a County Highway, the right-of-way width will be determined by Ocean County. Accordingly, the County is requiring a half right-of-way width of forty feet (40'). Therefore, a Minimum Front Yard Setback variance will be required because of the dedication. The minor subdivision should be revised to maintain the minimum lot area of proposed Lot 67.01. This may be accomplished since proposed Lot 67.02 is presently oversized. The applicant's attorney had indicated at the Plan Review Meeting that they were going to ask the County to permit an easement for Ridge Avenue rather than provide a dedication. Accordingly, the plan has been revised to show a half right-of-way width of sixteen and a half feet (16.5') on Ridge Avenue in front of the site. The revised plan is requesting a twenty-three and a half foot (23.5') wide Roadway Easement to Ocean County for widening of Ridge Avenue. It is our understanding the County has accepted

the roadway easement and approved the project. 2. The existing and proposed uses of the existing and proposed lots should be added to the plan. Testimony shall also be provided on the existing and proposed uses of the existing and proposed lots. 3. The schedule of bulk requirements requires revisions. The provided front yard setback for proposed Lot 67.01 will require correction for the distance from the existing building to the proposed right-of-way of Ridge Avenue. The provided side yard setback and aggregate side yard setback for proposed Lot 67.01 shall be corrected to 13.2 feet and 35.3 feet. The provided side yard setback for proposed Lot 70.30 shall be corrected to 9.9 feet, while the aggregate side yard setback is not applicable. The provided accessory rear yard setbacks for the garage and shed on proposed Lot 67.01 shall be corrected, depending on where the rear lot line is moved to. The applicant's professionals should contact our office to review revisions required to the Schedule of Bulk Requirements prior to submission for resolution compliance, should subdivision approval be granted. 4. A proposed dimension shall be added from the Tuscany Terrace right-of-way to the closest existing building corner on proposed Lot 70.30. It is not clear whether the existing front yard setback is nonconforming and needs a variance. The proposed dimension has been added and the front yard setback is conforming. The correct front yard setback shall be placed in the Schedule of Bulk Requirements for resolution compliance submission, should subdivision approval be granted. 5. The General Notes state shade trees are provided within the shade tree and utility easement along Tuscany Lane. The note shall be corrected to refer to the existing easement along Venice Court and Tuscany Terrace. Missing existing shade trees shall be added to the plan. The revised plan shows the shade trees. The General Note shall be edited for resolution compliance submission, should subdivision approval be granted. 6. A six foot (6') wide shade tree and utility easement along Venice Court, Tuscany Terrace, and County Line Road East should be depicted as existing. Survey information should be provided for the proposed new lots and the easement areas provided on a per lot basis. The revised plan depicts the easement as existing. Survey information must be provided for the new lots with resolution compliance submission, should subdivision approval be granted. 7. Unless waivers are sought, shade trees, as well as a shade tree and utility easement shall be provided across the frontage of proposed Lot 67.01. Waivers have been requested. Should the Board require the shade trees and easement, the proposed easement shall be set immediately behind the roadway easement. 8. Unless waivers are sought, both sidewalk and curb shall be constructed along Ridge Avenue. Waivers have been requested. Should the Board require the improvements, the proposed curb location would have to be determined the County. 9. A sight triangle easement is shown at the intersection of Tuscany Terrace and County Line Road East. The sight triangle easement shall be depicted as existing and dedicated to Ocean County. The sight triangle easement has been depicted as existing on the revised plan. However, the plan shows the easement incorrectly dedicated to the Township and shall be corrected with resolution compliance submission, should subdivision approval be granted. 10. The proposed lot numbers have been assigned by the Tax Assessor and the plat must be signed by the Tax Assessor. The map must be signed by the tax assessor prior to filing, should subdivision approval be granted. 11. The General Notes indicate the proposed home for Lot 67.02 shall comply with the RSIS and Lakewood Township parking requirements. The proposed off-street parking spaces will be depicted on the plot plan at the time of Building Permit submission. Confirming testimony should be provided that off-street parking requirements for the existing dwellings on proposed Lots 67.01 and 70.30 are met. Testimony on off-street parking for the existing dwellings must be provided. 12. The General Notes indicate that water and sewer services to proposed Lot 67.02 will be provided from the existing mains in Tuscany Lane. The notes shall be corrected to "Tuscany Terrace". These service connections have already been

installed prior to the newly placed top course on Tuscany Terrace. Lakewood Township Municipal Utilities Authority approval will be required since the project is within their franchise area. General Note #12 shall be edited for resolution compliance submission, should subdivision approval be granted. 13. Testimony should be provided on proposed grading and storm water management of new Lot 67.02. Testimony on proposed grading and storm water management should be provided. 14. Detectable warning surface must be added at the existing curb ramps of the Venice Court/Tuscany Terrace and Tuscany Terrace/County Line Road East intersections. The detectable warning surface must be in place prior to any map filing, should subdivision approval be granted. 15. The approval signature block for the Secretary should be corrected. The correction can be supplied with resolution compliance submission, should subdivision approval be granted. 16. Compliance with the Map Filing Law is required. Statement of fact. 17. Improvement plans will be required for the Ridge Avenue and County Line Road East frontages. If the Board grants the waivers from constructing curb and sidewalk along Ridge Avenue, Improvement Plans will not be required since the County has approved the project. 18. Construction details must be provided for any improvements required by the Board and County. Construction details must be provided for any improvements required by the Board, since the County has approved the project. 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 (if necessary); and d. All other required outside agency approvals.

Ms. Morris announced that this application is in the R-15 zone and they are requested several variances for minimum lot area, width and side setbacks.

Mr. John Doyle, Esq. on behalf of the applicant. The applicant seeks to create two residential lots, both would be of conforming size. One of them presently has a house which fronts on Ridge and would remain. There are existing non-conforming circumstances with that house. Variances are sought only because they are existing. The balance of the area would be used for a home that would front on Tuscany. The excess property left and right of the proposed lot would be handled as to provide that the area that is west of the newly created lot would be attached to the existing lot 70.30 which has a house on it. The balance is clearly not a buildable lot (lot 70.31). The variances are nominal in the sense that the area would never be used.

Mr. Neiman asked what they would do with lot 70.31.

Mr. Doyle stated that it would continue to exist as it does now as excess area. There is little point in attaching it to a perfectly conforming lot.

Mr. Vogt asked who would own lot 70.31.

Mr. Doyle was not sure.

Mr. Neiman asked if lot 60.02 is currently landlocked.

Mr. Doyle stated that it is. The newly created lot 67.02 will front on Tuscany Terrace as a result of this application.

Mr. Banas asked about the group of trees along Tuscany Terrace.

Mr. Doyle stated that there was nothing that required those trees to stay. He had reviewed the resolution for the approval of that subdivision. It merely was dead land created by the subdivision whereby Tuscany Terrace did not go right to the property line. It was designed and approved by this Board the way it is without limitation to my knowledge either with the preservation of the trees or the absence of a driveway. All this lot seeks to do is to have an area that is 30,000 sq ft, have what conforms with the master plan, ordinances and the neighborhood which is a nice single family home. The way that is being done is by obtaining the twenty feet that gets it front its presently northerly end out to Tuscany Terrace.

Mr. Neiman said that what you want to do is create frontage for lot 67.02.

Mr. Doyle said that is correct and separate that by the proposed subdivision line giving the existing house conforming sized lot and leaving 67.02 in the state you see it in having frontage.

Mr. Banas asked what would happen to lot 70.31.

Mr. Doyle said it will be one of those lots that will be incapable of being built. The intention of lot 67.02 is to have a single family residence that conforms. Any further division of that property or use of that property would require us to come back before this Board or the Zoning Board and that is not the intention of my client.

Mr. Neiman would like to make that a condition in the approval.

Mr. Jackson said you may be able to put that in a deed restriction but it is a tricky issue.

Mr. Neiman wants to make sure that they cannot come back and further subdivide lot 67.02.

Mr. Jackson said it is possible that they could come back and do that.

Mr. Doyle stated that they would have to come back and seek many variances for a flag lot and they are not seeking that.

Mr. William Stevens, P.E., P.P. was sworn in. He stated that Mr. Doyle's comments were accurate. He confirmed that the variances sought are for existing circumstances that affect proposed lot 67.01 or would affect the newly proposed and unusable lot 70.31. The County is seeking a halfway right-of-way dedication of 40 ft. The applicant cannot do that because it basically goes to the front of the home so that applicant has petitioned the County to give them an easement in lieu of a dedication. There is a waiver being requested for curbs and sidewalks because of where the County is looking to put this road, if we had to put curbs and sidewalks here for that 64 ft they would have to be set at the ultimate width of the County road which would put them basically at the front of this house and honestly that would make very little sense in his professional opinion. There are two car garages and driveways for both the existing dwelling and the applicant would agree to comply with the Township ordinance for parking for the proposed home. The property is fairly flat and it is their intention to get the water to drain out to Tuscany Terrace.

Mr. Doyle stated that they have spoken to the neighbors and have agreed that all existing trees within the side setback area rearward of the backline of the house would be preserved.

Mr. Banas recused himself due to a conflict with St. Mary's of the Lake which is within 200 ft.

Mr. Jackson stated there is not a quorum.

Committeeman Ackerman stepped onto the dais. Mr. Jackson recommended that the testimony start over.

Mr. Doyle gave a brief summary of the application.

Mr. Neiman opened the microphone to the public.

Mr. Jim Manuel, 1265 Ridge Avenue was sworn in. He is concerned about the higher density where there is none currently. He is also concerned about the buffering on both side setbacks which they would like to see preserved. That lot is very flat and he wants to make sure they drain the water towards Tuscany. When they did the major subdivision, the vacant strip of land was left as a buffer zone between the existing rural residential development and the major subdivision. It was originally supposed to be deeded to the Township but somehow that never happened.

Mr. Vogt stated that if this application gets approved and this lot is created, at some future time one is going to come to building and engineering in a separate process. At the time of plot plan they will have to prove that all the issues are being addressed including grading, drainage, setbacks etc. or they would have to come back to the Board.

Mr. Craig Theibault, 1253 Ridge Avenue was sworn in. He stated that he has a map that says that lot is supposed to be dedicated to the Township. He also said there is missing vegetation around the basin for the major subdivision application that was previously approved.

Committeeman Ackerman said they are aware of the missing vegetation and they are going to be taking care of it.

Mr. Theibault is concerned about preserving the tree buffer. His swimming pool is probably going to be at the back of their house. There are trees presently there that do buffer the area and he would like to take precautions to keep those trees.

Mr. Vogt said that he was provided with a landscape and lighting plan for the overall development. There is a note concerning the strip of land that it is to be dedicated to Lakewood Township but we do not know if this is the final filed plan.

Mr. Franklin remembers that the neighbors were against the major subdivision and dedicating this piece of land to the Township was one of the appeasements that helped the project get approved.

Mr. Doyle stated that the Township did not want that piece of land and subsequently deeded it to the homeowner's association who then deeded it to a private person. As a result it has been put together by this applicant.

Mr. Neiman needs to know if this lot was part of the Tuscany approval that this lot be deeded over to the Township before he can feel comfortable voting on this application.

Mr. Stevens confirms that the property was supposed to be dedicated to Lakewood Township and the map was filed stating that.

Mr. Neiman wants to know why it was not dedicated to Lakewood Township.

Mr. Doyle stated that in a letter to the developer, the Township stated that they did not want that strip of land.

Mr. Theibault stated that if that strip of land was deeded to him, he would have maintained it as a natural buffer.

Mr. Manuel agreed with him that the intent of this land was a buffer.

Mr. Jackson spoke to Mr. Wouters about the letter that Mr. Doyle provided. Mr. Wouters did confirm that the Township Committee did adopt a resolution rejecting the conveyance and the dedication.

Ms. Gerri Ballwinz, Governors Road was sworn in. She stated that the Committee only acted on this issue last week. She thinks that property should be dedicated to the Township and be conserved as open space. The Theibault family has dedicated land to keep the quality of life and now their life is going to be impinged because now something that was supposed to be done years ago was not done.

Committeeman Ackerman said she is 100% right.

Mr. Doyle stated that the Township Committee previously agreed but it was never put in resolution.

Seeing no one further from the public, Mr. Neiman closed.

Mr. Vogt stated that if the Board grants approval the applicant will give us a sample plot plan during the compliance process that we will review and make sure that meets the spirit of what the Board may be approving and which will also be usable when you have someone who wants to build in the future that they come in with a final plot plan that that can be used as a guideline.

Mr. Doyle agrees to that.

A motion was made by Mr. Rennert, seconded by Mr. Franklin

Affirmative: Mr. Franklin, Committeeman Ackerman, Mr. Follman, Mr. Rennert  
No: Mr. Neiman

Mr. Theibault requested his plan back that was put into evidence.

Mr. Jackson asked that Mr. Stevens make sure to give a copy to the Board secretary.

5. **SD 1854** (No Variance Requested)  
Applicant: Dewey Court, LLC  
Location: Dewey Avenue, south of East Fourth Street  
Block 247 Lots 11-16  
Preliminary & Final Major Subdivision to create 12 zero lot line lots  
(6 duplex units)

Mr. Vogt announced that this application will be carried to the August 28, 2012 meeting.

## 5. PLAN REVIEW ITEMS

1. **SP 1992** (No Variance Requested)  
Applicant: Mikor Hatorah c/o Jeffrey Schron  
Location: Massachusetts Avenue  
Block 524.28 Lot 73.01  
Preliminary & Final Site Plan to construct a gymnasium for an existing school

### **Project Description**

The applicant is seeking Preliminary and Final Site Plan approval for the construction of a new gym of 10,080 square feet for the existing private school. The site plans and architectural plans indicate the proposed gymnasium for the existing school will contain 10,080 square feet. The proposed gymnasium will contain a basketball court and a couple of exercise rooms along with other ancillary facilities. The site has a couple of existing framed buildings and a few trailers. The proposed gymnasium is located to the rear of these existing facilities. There are two (2) existing gravel parking areas in the front of the site with unmarked spaces. The plans state that thirty (30) parking spaces are being provided. The plans also show a circular asphalt driveway. Access to the property is only partially controlled and provided from Massachusetts Avenue, a County Road. The site is located in the southwestern portion of the Township on the west side of Massachusetts Avenue, south of the intersection with Fairways and Enclave Boulevards. The tract consists of a large lot which is about 6.1 acres in area. Except for the developed portion of the property, the site is wooded. The tract is rectangular with frontage on Massachusetts Avenue and Chestnut Street. Chestnut Street is an unimproved Township Road with a sixty-six foot (66') right-of-way located on the south side of the site. Massachusetts Avenue has a variable width right-of-way. No curb and sidewalk exists, or are proposed across the project frontages. The proposed project would be serviced by septic and well. The surrounding lands are mainly developed with residential uses which have significant greenbelt corridors. I. Waivers A. The following waivers are required from the Land Development Checklist: 1. A6 – Current Outbound Survey. 2. B1 – Topography of the Site. 3. B2 – Topography within 200'. 4. B4 – Contours within 200'. 5. B10 – Man-made Features within 200'. 6. C13 - Environmental Impact

Statement. 7. C17 – Drainage Calculations. A waiver has been requested from providing a current outbound survey. The previous outbound survey was prepared by Flannery, Webb & Hanson on June 5, 2003. We can support the requested waiver, provided an updated outbound survey is provided as a condition of any approvals. Waivers are required from providing complete topographic information on and off site. A partial topographic survey has been provided. There is enough information shown on the partial topography for site plan review purposes. Therefore, we can support the topographic survey waivers required. A waiver is required from providing an Environmental Impact Statement. Being that the subject property is already developed we can support the required waiver. A waiver is required from providing Storm Water Management calculations. Our review of the plans indicates that proposed impervious area will exceed a quarter acre even without improvements to the existing gravel parking. Therefore, we recommend Storm Water Management be addressed as a condition of any approvals. II. Zoning 1. The parcel is located in the R-40 Single-Family Residential District. Private schools are a permitted use in the zone. 2. Per review of the Site Plan, the following design waivers are required for proposed project: • Providing sidewalk and curb along the Massachusetts Avenue frontage of the site. However, it should be noted that no sidewalk and curb exists along Massachusetts Avenue in the vicinity of the site. The construction of proposed sidewalk and curb along the Chestnut Street frontage is unnecessary since it is an unimproved right-of-way that does not provide site access. • Providing paved off-street parking. However, we recommend the Board require paved off-street parking as a condition of any approvals. 3. The applicant must address the positive and negative criteria in support of any variances that may be required. 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. Testimony should be given regarding proposed circulation with the site layout (parking, loading area, access, etc.). A small gravel parking area exists on the northern frontage of the site which has uncontrolled access to and from Massachusetts Avenue. A narrow asphalt driveway which is not dimensioned exists in front of the main building. This existing unmarked asphalt driveway is only wide enough to provide one-way circulation. A larger gravel parking area exists on the southern frontage of the site. Cinder blocks stood on end with boards running between them is providing a temporary fence between the parking area and Massachusetts Avenue. A connection from this gravel parking area to the asphalt driveway is incorrectly shown. The connection is only wide enough for one vehicle and is immediately adjacent a concrete pad providing access to a trailer. 2. While the new gymnasium is being proposed 223.02 feet from the right-of-way of Massachusetts Avenue, an existing building is violating the front yard setback. The provided Zoning Requirements shall be revised to show the existing non-conformance. A Minimum Front Yard Setback variance will be required unless same has previously been granted. 3. The plans indicate that thirty (30) off-street parking spaces are being provided. However, the spaces are not paved or delineated as required by ordinance. Therefore, a design waiver is required. Furthermore, no handicapped spaces are being provided for the site which is a requirement that cannot be waived. The plans show a total of seven (7) classrooms and offices are existing, seven (7) off-street parking spaces are required per UDO standards. 4. Testimony should be provided on bussing and student parking on-site. Testimony should also be provided as to the maximum number of staff professionals at the site during school operations. 5. It is not clear whether the circular asphalt driveway is a one-way bus drop off area. Testimony should be given that adequate turning movements will be provided for any proposed drop off area, emergency vehicles, refuse collection, and deliveries. A vehicle circulation plan should be provided as confirmation. 6. Testimony is



necessary from the applicant's professionals regarding how the drop off area will be used, including but not limited to times, sizes, and types of vehicles anticipated (i.e., buses, vans, cars, others). 7. The General Notes indicate that all utilities to be provided underground. However, utility poles exist on the east side of Massachusetts Avenue and overhead service is being provided. 8. As mentioned previously, an updated Outbound Survey should be provided as a condition of approval. The combined total of the proposed front setback, building depth, and rear yard setback is less than the lot depth shown, even though the site is rectangular. 9. A bench mark shall be added to the Topographic Survey. 10. No proposed refuse enclosure is depicted on the site. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. Any waste receptacle area shall be screened and designed in accordance with Section 18-809E., of the UDO. 11. Regulatory signage should be added to the site plan, such as handicapped, do not enter, and one-way signs. 12. Sight Triangle Easements should be proposed for any vehicular egress points to Massachusetts Avenue. 13. Unless waivers are sought, proposed shade trees, as well as shade tree and utility easements should be provided. Proposed shade trees will not be required across the Chestnut Street frontage since the area is wooded. 14. Testimony should be provided addressing proposed handicap accessibility of the gymnasium from existing on-site facilities. B. Architectural 1. Architectural plans have been provided for the proposed gymnasium. The set includes floor plans and elevations. The proposed building will be a prefabricated metal building. The proposed building height will be twenty-eight feet, nine and three eighth inches (28' - 9-3/8"). The allowable building height is thirty-five feet (35'). 2. As noted on the proposed architectural plans, the gymnasium is finished and contains numerous facilities. The specific uses include a basketball court, exercise rooms, toilet room, utility rooms, and storage rooms. 3. A proposed water connection should be shown. The proposed sewer connection is shown on the site plan connecting to an existing septic tank. 4. We recommend that the location of proposed HVAC equipment be shown. Said equipment should be adequately screened. 5. The applicant's professionals should provide testimony regarding the facades and treatments of the proposed new building. 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 plan, the design concept is feasible. However, the following should be addressed: a. The proposed elevation should be corrected to 124.8 at the building access point in the northwest corner. The proposed contours should be adjusted accordingly. 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 7/13/12 site inspection, on-site grades generally slope to the south. 3. Profiles will be required for any improvements to Massachusetts Avenue and any storm sewer design. D. Storm Water Management 1. Our review of the plans indicates that more than a quarter acre of impervious surface will be added to the project site even if paved off-street parking is not added. Therefore, a Storm Water Management design with calculations will be required. 2. A Storm Water Management Facilities Maintenance Plan must be provided. Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. E. Landscaping and Lighting 1. Unless a waiver is requested and granted, a dedicated landscaping plan shall be provided. 2. Shade tree and utility easements should be proposed across the Massachusetts Avenue and Chestnut Street frontages of the property. Shade trees should be proposed along Massachusetts Avenue. Shade trees are not required along the Chestnut Street unimproved right-of-way since the area is wooded. 3. Testimony should be provided as to whether compensatory landscaping will be proposed (or is necessary). A Tree Protection Management Plan must be provided to comply

with new Tree Ordinance Chapter XIX. 4. Landscaping should be provided to the satisfaction of the Board. 5. Unless a waiver is requested and granted, a dedicated lighting plan shall be provided. 6. Any proposed Lighting Plan should include a point to point diagram to indicate that the site will be adequately illuminated by the design. 7. Lighting should be provided to the satisfaction of the Board. F. Utilities 1. The plans indicate the site will be served by private well and individual septic system. 2. The Notes on the Utility Plan indicate sewer service shall be provided by connection of new sewer lateral to existing septic tank. Contractor shall confirm adequate grade to provide gravity service. If adequate grade is not available, contractor shall provide an ejector pump in accordance with applicable codes. 3. The Notes on the Utility Plan indicate domestic water service shall be provided by a licensed contractor from the well to the proposed gymnasium. If adequate water supply is not available, a new well shall be provided for the gymnasium. 4. Approvals will be required from the Ocean County Board of Health. G. Signage 1. No signage information is provided. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. 2. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. H. Environmental 1. A waiver from preparing an Environmental Impact Statement (EIS) was requested for this project. 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 environmentally-sensitive areas exist per available mapping. Per communications with the applicant's professionals, there are no known areas of environmental concern that exist within the property. 2. A Tree Protection Management Plan must be provided to comply with new Tree Ordinance Chapter XIX. I. 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. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

This application was heard first.

Mr. Jackson reminded members of the public that this is a plan review meeting. The purpose of this meeting is for the Board to get an overview from their professional as to the nature of the application and to also check with the applicant to make that the application is complete and ready to be advanced to the public hearing. If the Board determines that the application is satisfactory enough in order that it can go forward to a public hearing, then the Board would advance it. It is generally not the Board's practice to accept comments from the public at the time of the plan review meeting. That is not what the purpose of this meeting is. There is, however, the opportunity at the public hearing for anybody who wants to be heard.

Mr. Jackson requested any attorneys for objectors or concerned citizens to come forward and put their appearance on the record.

Mr. Ron Gasiorowski, Esq. came forward appearing on behalf of objectors for this application. In light of the comments made by Mr. Jackson, he recognizes they can not make public comment. He apprised the board that his clients are serious objectors to this matter on a number of grounds which they shall make known at the time of the public hearing.

Mr. Vogt stated that there are no variances being requested as we understand it. There are several submission waivers.

Mr. Moishe Klein, Esq. on behalf of the applicant stated that this application is for an existing school. The approval requested is to construct a gymnasium as an accessory. There are no variances that are requested.

Mr. Vogt stated that waivers are being requested for current outbound survey, topography of the site, topography within 200', contours within 200', man-made features within 200', environmental impact statement, drainage calculations. They have recommended conditional approval of the waivers being that if the Board grants approval that we would need to have an outbound survey updated for compliance review prior to any formal building permits being issued as well as drainage calculations.

Mr. Jackson asked if these types of waivers are routine and generally granted on these types of applications.

Mr. Vogt stated that is correct.

Mr. Jackson asked if he can perform an appropriate review of this application without these submission items.

Mr. Vogt confirmed that is correct. Several of these items we are requested at a later date should the Board approve this application and they would be used during our compliance process.

Mr. Gasiorowski objected to the granting of any waivers. He does not believe that at a workshop session you can take public action with regard to a situation such as a waiver.

Mr. Vogt stated that these are not design waivers. These are application submission waivers.

Mr. Gasiorowski stated that they are waivers that deal specifically with the suitability of this property for development such as topography, a survey etc.

Mr. Jackson stated that in many municipalities it is routine for the engineer or the professional to grant the waivers as a matter of course and they recommend them and then the Board approves that.

Mr. Gasiorowski stated that it is his intention when he comes back before this Board to present testimony from a licensed professional engineer who will deal with issues such as topography, site plans requirements, stormwater management.

Mr. Jackson recommends that if he feels the application is deficient when it is presented due to the waiver of that submission item then that can be part of his objection to the application but at this time Mr. Jackson recommended that the Board goes forward with the decision on these particular waiver requests.

Mr. Banas made a motion, seconded by Mr. Follman to approve the requested waivers.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Rennert

Mr. Klein stated that they have gone through the engineer's review letter and they will be able to comply or address all the comments at the public hearing.

Mr. William Stevens confirmed that he has reviewed the letter and they are prepared to comply with the letter and present revised plans in advance of the public hearing.

Mr. Neiman asked if this gymnasium is going to strictly be a gymnasium.

Mr. Klein confirmed.

Mr. Jackson stated that Mr. Gasiorowski indicated an objection stating that since the school consists of temporary trailers, he believes that the gymnasium is really the principal structure. Further, he thought that this application should be heard at the Board of Adjustment. In his view, he believes it is an appropriate application before the Planning Board but he would like to hear Mr. Gasiorowski's input on this issue.

Mr. Gasiorowski stated that a gymnasium is not listed as a permitted use in this zone. His understanding is that what you have is a series of trailers which are being utilized for school purposes, none of which have been a subject of a site plan approval. Rather they were simply placed on this site, they are supposed to be there temporarily but they have been there for a serious of years which he believes is a violation of the zoning ordinance. Secondly, with regard to the school that is there, it is a residence and has never in fact been the subject of a site plan approval nor are they coming before you today for a full site plan. They are seeking to put a free standing gymnasium in the corner of the property. They are looking for at least seven or eight waivers including topography, parking, lighting. He would suggest that you have to go to the Board of Adjustment for a use variance.

Mr. Jackson asked if Mr. Klein will be prepared to explain the history of the site, the approvals that are in place. It will be appropriate at the public hearing to come forward with proofs to show that this school is a lawfully existing use and have whatever approvals and grandfathered rights that may exist.

Mr. Stevens stated that they will be prepared to present that at the public hearing. This is a school and the applicant is seeking an accessory use of the school for a gymnasium.

Mr. Jackson believes it is an appropriate matter before the Planning Board because historically a gymnasium is a very common accessory feature to a school.

Mr. Neiman read a sign that was in the auditorium that read "Not against the gymnasium just for a better location".

It reminds Mr. Neiman of a few applications. One is the Woodhaven application where they wanted to put a structure to service other vehicles and they worked together with the neighbors to find the best location. In the end, Woodhaven and the neighbors were ok. Mr. Neiman expects before the September 11th meeting, to have your client work with Mr. Gasiorowski or a board to look at the six acres and find the best place for this gymnasium which is vital for this application.

Mr. Alton Kenny, a resident of Lakewood is an attorney appearing pro se. He is thankful that an identification of location. He is only familiar by having the school grown from living there. His understanding is the size of the building, to support Mr. Gasiorowski's position, is 174x140x29 ft. The regulation basketball court size is 94x42 ft. By his calculation, the 50 or so students there, would then have the ability to have three full court basketball games going on. We are willing to accept, for example, a parking ratio of one to two hundred square feet. We'd be talking about 500 parking spaces which is approximately two acres. I would urge the Board to really find the history. The position he is going to take is this is a massive expansion of a non-existing use that is in a residential neighborhood and the applicant wants to put something bigger probably bigger than the Jackson Liberty high school gym there. He thanked the Board.

Mr. Banas asked what the trailers are used for.

Mr. Stevens stated that they are used for classrooms.

Mr. Banas asked when they are planning to have the students moved into a decent educational building.

Mr. Stevens stated that they will be prepared to address that at the public hearing.

Mr. Banas would also like information ready on any federal programs that these trailers may be used for at the public hearing.

Mr. Jackson stated that he was approached by Mr. Richard McGowen. He asked if he could bring up a point. He is raising an issue about the water and sewer capability. Mr. Jackson said that is generally an outside agency approval issue but it does go to the feasibility of the site. Mr. Jackson recommends the Board hear from him briefly on this issue so that the applicant can address it.

Mr. McGowen stated that this school with approximately 50 students is using a septic system designed for a four bedroom house and then you are drawing your own water for your own children from that site. He wants to make sure that this issue is addressed at the public hearing.

A motion was made by Mr. Follman, seconded by Mr. Rennert to advance this application to the September 11, 2012 public hearing.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Rennert

Mr. Jackson announced that this application will be advanced to the September 11, 2012 public hearing. No further notices are required. Interested persons will have the opportunity to cross examine the applicant's witnesses', present their own witnesses', and/or provide their own testimony.

2. **SD 1852** (Variance Requested)  
Applicant: Rachel Friedman  
Location: Corner of Hope Chapel Road & Van Buren Avenue  
Block 3 Lots 8, 9 & 12  
Minor Subdivision to adjust lot lines on 3 lots to form 3 new lots

### **Project Description**

The applicant seeks minor subdivision approval for the adjustment of lot lines on three (3) existing lots to form three (3) new lots. In this manner, the existing use of two (2) single family dwellings may become a proposed use for three (3) single family dwellings. The project involves three (3) existing lots known as Lots 8, 9, and 12 in Block 3. The proposed properties are designated as proposed Lots 8.01, 8.02, and 9.01 on the subdivision plan. Existing Lot 8 which fronts Hope Chapel Road contains a one-story dwelling and a garage. Existing Lot 9, which is a corner lot, contains a dwelling. Existing Lot 12 which fronts Van Buren Avenue North is vacant. The garage will be removed from existing Lot 8, since it would be located on proposed Lot 8.01. The dwellings on existing Lots 8 and 9 will remain and would be located on proposed Lots 8.02 and 9.01 respectively. Public water and sewer is not available. No curb and sidewalk exist across the frontage of the tract. The site is situated in the northwest portion of the Township on the southwest corner of Van Buren Avenue North and Hope Chapel Road. Van Buren Avenue North is a Township Road, while Hope Chapel Road is a County Highway. Proposed Lot 9.01 would become an irregular corner lot for the existing dwelling on old Lot 9, with an area of 26,049.25 square feet. Proposed Lot 8.02 would become an irregular lot for the existing dwelling on old Lot 8, with frontage only on Hope Chapel Road and an area of 15,986.52 square feet. Proposed Lot 8.01 would become an irregular "L-shaped" lot surrounding proposed Lots 8.02 and 9.01 for a proposed dwelling. The proposed lot would have twenty-five feet (25') of frontage on Van Buren Avenue North and about ninety feet (90') of frontage on Hope Chapel Road, with an area of 28,514.78 square feet. The lots are situated within the R-15 Single Family Residential Zone. As presently configured, lot width variances are being requested for proposed Lots 8.01 and 8.02. We have the following comments and recommendations: I. Zoning 1. The parcel is located in the R-15 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. 2. Per review of the Subdivision Map and the zone requirements, the following lot width variances are required: • Minimum Lot Width – Proposed Lots 8.01 and 8.02, 90.01 feet, 100 feet required – proposed condition. 3. A variance would be required for the Front Yard Setback on proposed Lot 8.02. The existing dwelling to remain on proposed Lot 8.02 has a nonconforming front yard setback of 23.47 feet from the existing right-of-way of Hope Chapel Road. The applicant is requesting an eight foot (8') road widening easement from the County along Hope Chapel Road. 4. 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 aeriels and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments 1. A Survey Plan with topography has been submitted. However, per technical review, the survey is only for Lot 8. Surveys of Lots 9 and 12 are required in order to evaluate the practicality of the irregular configuration of the proposed subdivision and whether additional variances will be required. 2. The proposed offsets on the plan and information in the Zoning Data shall be to the hundredth of a foot. 3. The Survey Certification on the Minor Subdivision Plan indicates the survey date to be 5-2-2012. This date is not consistent with the survey date of 4/23/2012, for Lot 8. Furthermore, surveys of Lots 9 and 12 have not been provided and the existing dwelling at the corner of Van Buren Avenue North and Hope Chapel Road is not shown. 4. The application is proposing a road widening easement as opposed to a dedication from the County along Hope Chapel Road. Should a dedication be required, proposed lot areas and setbacks will be impacted. 5. A 25' X 25' Sight Triangle Easement to Ocean County is proposed at the intersection of Van Buren Avenue North and Hope Chapel Road. The proposed easement is consistent with the Township's requirements, not the County's requirements of 30' X 100'. In addition, the proposed area for the easement is incorrect. 6. Sheet 2 of 2 should be titled Improvement Plan for Minor Subdivision. 7. The following existing information should be shown on the Improvement Plan: a. Topography of old Lots 9 and 12. b. Topography of Van Buren Avenue North and Hope Chapel Road along the frontages of old Lots 9 and 12. c. The gas line marked out on Hope Chapel Road. d. The driveway to the garage on old Lot 8. 8. The Zoning Data indicates that four (4) off-street parking spaces will be required for each unit. The Improvement Plan notes that parking shall be provided in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided. 9. Note #7 on the Improvement Plan indicates seasonal high water table information will be provided with plot plan submissions. 10. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. 11. General Note #13 on the Improvement Plan should be eliminated since it does not apply. 12. The plans indicate the existing well in front of the dwelling on proposed Lot 8.02 to be relocated. The project will be serviced by individual well and septic systems approved by the Ocean County Board of Health. 13. Six foot (6') wide shade tree and utility easements dedicated to the Township are proposed along the property frontages of new Lots 8.01, 8.02, and 9.01. The proposed easement information and areas are shown on an individual lot basis. 14. A Tree List proposes sixteen (16) "October Glory Maple" street trees. The locations of the proposed shade trees should be added to the plans. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable.

Our site investigation indicates there are many existing trees on-site. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 8.01, 8.02, and 9.01. 15. The applicant proposes to construct new curb, sidewalk, and driveway aprons along the property frontage of new Lots 8.01, 8.02, and 9.01. Two (2) separate Road Widening Sections are required since Van Buren Avenue North is a Township Road and Hope Chapel Road is a County Road. The width of the proposed sidewalk should be five feet (5') unless pedestrian bypass areas are designed. 16. The Improvement Plan shall be revised to provide proposed grades for the top of curb and gutter. Accordingly, the Typical Pavement Widening Section may require revision. 17. Testimony is required on the disposition of storm water from the development. The Notes on the Improvement Plan state that storm water management shall be provided when plot plans are submitted. 18. Testimony

should be provided on proposed site grading. No proposed grading is indicated on the Improvement Plan since the existing topography is incomplete. Proposed grading shall be designed. The Notes on the Improvement Plan indicate that proposed grading will be included on the plot plan submittals. 19. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 20. The Legend shall be revised to "monument to be set". Proposed monuments should be offset to intersect with easement lines where they conflict with proposed sidewalk locations. 21. Compliance with the Map Filing Law is required. 22. At a minimum, a Concrete Apron Construction Detail shall be added to the Improvement Plan. Construction details will be reviewed during compliance should subdivision approval be granted. 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 Board of Health (well and septic); d. Ocean County Soil Conservation District; and e. All other required outside agency approvals.

Mr. Vogt stated that a variance is being requested for minimum lot width and for front yard setback for lot 8.02.

Mr. Pape, Esq. on behalf of the applicant. They are moving the lot lines around to create one additional lot.

Mr. Lines confirmed that he can agree to the comments in the engineer's review letter.

A motion was made and seconded to advance the application to the September 11, 2012 meeting.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Rennert

- 3. SD 1855** (No Variance Requested)  
Applicant: Open Apple, LLC  
Location: Thorndike Avenue  
Block 266 Lot 4.01  
Minor Subdivision to create two lots

### **Project Description**

The applicant seeks minor subdivision approval to subdivide an existing 0.586 acre lot into two (2) proposed conforming single-family residential lots. The existing property, Lot 4.01 in Block 266, is a vacant, wooded tract created from the minor subdivision of Lot 4 under a previous Subdivision Application. The tract has frontage on Thorndike Avenue, a sixty feet (60') wide right-of-way. Thorndike Avenue borders the site to the west, and is newly improved. An unimproved right-of-way, being a portion of old Lafayette Boulevard, borders the property to the south. The applicant proposes to subdivide the property into two (2) residential lots. Both proposed Lots 4.03 and 4.04 will be rectangular 91.11' X 140' properties, having frontage on Thorndike Avenue. Roadway improvements are already in place for Thorndike Avenue. An existing drainage easement will encumber the south side of proposed Lot 4.04, but will not encroach upon the proposed yard setback. Water and sewer are available. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are



either vacant or residential. We have the following comments and recommendations: 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.
2. No variances are being requested to create this subdivision.

II. Minor Subdivision Review Comments

1. Any Minor Subdivision approval granted shall be conditioned upon providing a current Outbound and Topographic Survey. Our site investigation on 7/20/12 noted the following information missing from the Minor Subdivision Map provided:
  - a. Existing monuments along the Thorndike Avenue frontage.
  - b. Chain link fence along the Lot 6 property line.
  - c. Street lights.
  - d. Water valves and mains.
  - e. Sanitary sewer manholes and mains.
  - f. Drainage structures and pipes.
2. The surveyor should check the proposed square footage areas for Lots 4.03 and 4.04.
3. The surveyor should check the square footage area of the existing drainage easement and list the dedicated party.
4. 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 Data is requiring and proposing four (4) off-street parking spaces per dwelling unit. Testimony should be provided on the proposed number of bedrooms anticipated, and on off-street parking to be provided.
5. It has not been shown whether basements are proposed for the new dwellings. Should basements be proposed, test pit logs must be provided to indicate the minimum two foot (2') separation from seasonal high water table has been maintained. Testimony should be provided on whether basements will be proposed and if they will be unfinished. In any event, parking shall be provided in accordance with parking ordinance 2010-62.
6. The General Notes indicate that horizontal datum is assumed and vertical elevation is based on USGS 1929. General Note #6 shall be corrected to state that vertical elevation is based on NGVD 29. A bench mark shall also be provided.
7. Improvements have been constructed for Thorndike Avenue.
8. No improvements are proposed for old Lafayette Boulevard. Being all proposed lots with frontage on Lafayette Boulevard will access other streets, we had previously recommended that Lafayette Boulevard be left unimproved.
9. A note should be added that the proposed sidewalk extending across old Lafayette Boulevard should match the sidewalk from the road improvement plans. The proposed sidewalk width should be added.
10. Testimony is required on the disposition of storm water management for the proposed development.
11. Testimony should be provided on proposed site grading. Proposed lot grading should direct runoff to the neighboring road and minimize runoff directed towards adjoining properties.
12. The plan notes that "new lots are to be serviced by public water and sewer". The project is located within the New Jersey American Water Company franchise area.
13. The lot numbers should be consistent with the numbers assigned by the Tax Assessor.
14. Proposed six foot (6') wide shade tree and utility easements are shown along the property frontage. Bearings, distances, and areas have been provided for the proposed easements on an individual lot basis. No shade trees are shown within the proposed six foot (6') wide shade tree/utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board (or waiver sought) and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable.
15. Our site investigation indicates the property is entirely wooded. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 4.03 and 4.04.
16. The date on the Secretary's Certification must be revised since there are no longer one hundred ninety (190) days left in the year.
17. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future.
18. Monuments should be proposed on the outbound property corners.
19. Compliance with the Map Filing Law is required.

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. New Jersey American Water (sewer and water); and e. All other required outside agency approvals.

Mr. Glenn Lines said he can address all the comments in the engineer's review letter.

A motion was made by Mr. Banas, seconded by Mr. Follman to advance the application to the September 11, 2012 meeting.

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

Mr. Jackson announced no further notice is required.

4. **SD 1857** (No Variance Requested)  
Applicant: Platinum Developers & Tall Oaks, LLC  
Location: Warren Avenue & Dr. Martin Luther King Drive  
Block 775 Lot 5  
Minor Subdivision to create two lots

#### **Project Description**

The applicant seeks minor subdivision approval to subdivide an existing 50' X 300' fifteen thousand square foot (15,000 SF) vacant lot known as Lot 5 in Block 775 to create two (2) single-family residential lots. The proposed lots are designated as Lots 5.01 and 5.02 on the subdivision plan. Proposed Lot 5.01 will front on Warren Avenue. Proposed Lot 5.02 will front on Dr. Martin Luther King Drive. Public water and sewer is available. The site has double frontage and is situated in the central portion of the Township between Warren Avenue and Dr. Martin Luther King Drive, north of Pine Street. Both roads are Township Roads. The existing right-of-way width of Dr. Martin Luther King Drive which fronts the east side of the site is sixty-six feet (66'). A sixty foot (60') right-of-way width exists for Warren Avenue which fronts the west side of the site. Both streets are paved roads. The existing pavement width of Dr. Martin Luther King Drive is approximately forty feet (40'). The existing pavement width for Warren Avenue is about thirty feet (30'). The existing sidewalk and curbing in front of the site along the Dr. Martin Luther King Drive property frontage is in fair condition. There is no curbing and sidewalk along the Warren Avenue frontage, but both are proposed. The surrounding area is predominantly residential. No variances will be required to create this subdivision. The lots are situated within the R-7.5 Single Family Residential Zone. We have the following comments and recommendations: I. Zoning 1. The parcel is located in the R-7.5 Single-Family Residential Zone District. Single Family Detached Housing with a minimum lot size of seven thousand five hundred square feet (7,500 SF) is permitted in the zone. 2. No variances are required for the proposed subdivision. II. Review Comments 1. A Boundary & Topographic Survey of the property has been provided. 2. A stockade fence from neighboring Lot 1.02 to the north encroaches onto the property. This encroachment must be addressed since the relinquishing of any land would create a variance condition. 3. Horizontal and vertical datum has been assumed. The note for the topographic bench mark on the project survey must be corrected. 4. The Description from Filed Map A-256 on the project survey shall include Lot 12. 5. Concrete sidewalk has been constructed to the north along the frontage of adjoining Lot 1.02 on Warren Avenue since the date that the Survey was completed. 6. During our site investigation on 7/27/12 we noted some large trees of significance located on the site. These large trees have

not been indicated on the survey. 7. Zone Boundary Lines shall be added to the plan. There is a Zone Boundary Line on Warren Avenue and to the south of the project site. 8. General Note #6 shall be revised to indicate the existing use of Lot 5 is vacant. 9. The Schedule of Bulk Requirements shows that four (4) off-street parking spaces will be required and provided per unit. This exceeds the 2.5 off-street parking spaces which are required for units with unknown number of bedrooms to comply with the NJ R.S.I.S. parking requirements. No off-street parking is shown for proposed Lots 5.01 and 5.02. Testimony on off-street parking is required. Parking should be provided to the satisfaction of the Board and comply with ordinance 2010-62. 10. If basements proposed for the future dwellings on Lots 5.01 and 5.02, seasonal high water table information will be required. 11. Proposed concrete curb and concrete sidewalk have been added along the Warren Avenue frontage. Notes shall be added that the proposed curb and sidewalk will connect to the existing curb and sidewalk immediately north of the site. 12. A note shall be added to the plan to replace any curb and sidewalk damaged during construction. 13. Proposed six foot (6') wide shade tree and utility easements are shown on the subdivision plan. Survey data with easement areas for the proposed individual lots has been provided. 14. 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. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. 15. An Improvement Plan is required for the project. 16. Proposed grading is required on the Improvement Plan. Coordination of proposed grading with surrounding improvements to remain is necessary. 17. Storm water management from the development of proposed Lots 5.01 and 5.02 must be addressed. 18. The plan states lots to be served by public water and sewer. Water and sewer service is to be provided by New Jersey American Water Company. Water mains exist on the west side of both Dr. Martin Luther King Drive and Warren Avenue. Sanitary sewer mains exist in the centerlines of both streets. 19. The Legend shall be revised to indicate the proposed outbound corner monuments as "monument to be set". 20. The Secretary's Certification shall be revised since there are no longer one hundred ninety (190) days left in the year and the allowable filing date will surpass the Permit Extension deadline. 21. Proposed lot numbers must be approved by the tax assessor's office. 22. Compliance with the Map Filing Law is required. 23. The Sidewalk Detail shall be revised to show Class B concrete. The width dimension shall be revised to four foot (4') minimum. 24. The Concrete Vertical Curb Detail shall eliminate the joint sealer since the adjoining roads are asphalt. 25. The Improvement Plan must include the following additional construction details at a minimum: a. Trench Repair. b. Gutter Reconstruction. c. Depressed Curb. d. Driveway Aprons. This Improvement Plan may be provided during compliance if approval is given. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance; b. Ocean County Planning Board; c. Ocean County Soil Conservation District; (if required); and d. All other required outside agency approvals.

Mr. Vogt stated that there are no variances requested.

Mr. Flannery stated it is a completely conforming two lot minor subdivision and they can address all of Terry's comments.

A motion was made by Mr. Follman, seconded by Mr. Banas to advance the application to the September 11, 2012 meeting.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Rennert

Mr. Jackson announced no further notice is required.

5. **SD 1858** (Variance Requested)  
Applicant: 23 Miller Road, LLC  
Location: Miller Road  
Block 11.03 Lots 1 & 92  
Preliminary & Final Major Subdivision to create five lots

### **Project Description**

The applicant is seeking a Major Subdivision approval in accordance with Section 18-902E., of the UDO. The applicant proposes the subdivision of two (2) existing lots to create five (5) proposed lots with single-family detached housing. The existing two (2) lots of approximately 1.76 acres known as Lots 1 and 92 in Block 11.03 are proposed to be subdivided into proposed Lots 1.01 – 1.05 on the Major Subdivision Plan. The subdivision would create a cul-de-sac for the project, upon which all residential lots would front. The subject property is located on the easterly side of Miller Road, a County Highway, in the west central portion of the Township, north of the Attaya Road intersection. There is no existing curb and sidewalk along this portion of Miller Road. The existing half right-of-way width of Miller Road in front of existing Lot 1 is twenty-five feet (25'). The existing half right-of-way width of Miller Road in front of existing Lot 92 is thirty feet (30'). Therefore, an additional right-of-way dedication of five feet (5') has been proposed across existing Lot 1. The site is currently occupied by an existing two-story single-family home on existing Lot 1, while existing Lot 92 is unimproved and wooded. All existing improvements will be removed to make way for the proposed residential subdivision. Besides the existing single-family dwelling the site contains mostly woods. The land generally slopes from northwest to southeast with existing elevations dropping from about seventy-eight feet (78') MSL to sixty-eight feet (68') MSL. The tract is generally bordered by residential development. Proposed storm water management facilities and utilities are associated with this project. An underground recharge system is proposed mainly behind the shade tree and utility easement across the Miller Road frontage of the site. Dry wells are proposed on individual lots for roof recharge systems. Proposed sanitary sewer is being extended from a terminal manhole of the existing system in Miller Road to the north of the site. Proposed potable water for the subdivision is also being extended from an existing main in Miller Road to the north of the project. Two (2) off-street parking spaces are proposed for each unit. The number of bedrooms for the units is not specified on the subdivision plans. The project is also proposing curb and sidewalk throughout. The subject site is located within the R-12 Single Family Residential Zone District. Single-family detached housing is a permitted use in the zone district. The site is situated within a predominantly residential area. Two (2) lot width and two (2) aggregate side yard setback variances are required to create this subdivision. We have the following comments and recommendations: 1. Zoning 1. The site is situated within the R-12, Single-Family Residential Zone District. Per Section 18-902E., of the UDO, Single Family Detached Housing, with a minimum lot size of twelve thousand (12,000) square feet is listed as a permitted use. 2. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are required for the subdivision approval requested: • Minimum Lot Width – Proposed lot width for Lot 1.02 is 65.55 feet and Lot 1.03 is 60.69 feet, where ninety feet (90') is required.

• Minimum Aggregate Side Yard Setback – Proposed aggregate side yard setbacks for Lots 1.02 and 1.03 are twenty feet (20'), where twenty-five feet (25') is required. 3. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. II. Review Comments A. General 1. Off-street parking: According to the plans provided, the General Notes indicate that only two (2) off-street parking spaces per unit are proposed. However, except for Lots 1.02 and 1.04, the proposed driveways are large enough to permit four (4) off-street parking spaces per unit. Furthermore, it appears that two-car garages are proposed for all units. RSIS standards require a minimum of 2.5 off-street parking spaces for unspecified number of bedroom units. Testimony should be provided on off-street parking. 2. It is anticipated that trash and recyclable collection is to be provided by the Township of Lakewood. Each unit shall have an area designated for the storage of trash and recycling containers. 3. A new road name has not been proposed for the project. 4. The applicant's professionals indicate the proposed lot numbers have to be approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. 5. The General Notes should be revised to state that any existing improvements on-site to be demolished and disposed of in accordance with applicable regulations. 6. The requirements in 18-821 (Building Uniformity in Residential Developments) will be met according to the plan. A minimum of two (2) basic house designs are required for developments consisting of between four (4) and six (6) homes. B. Plan Review 1. We have reviewed the Survey provided and offer the following: a. Horizontal Datum shall be provided. b. The area shall be corrected in General Note #1. c. The existing seventy-six (76) contour is on the wrong side of existing spot elevation 75.9. 2. Curb and sidewalk is proposed throughout the development. Right-of-way dedication is proposed along a portion of Miller Road to bring the entire half right-of-way width across the frontage of the site to thirty feet (30'). The proposed pavement width for Miller Road, as well as curb and sidewalk locations will be dictated by the County. Proposed sidewalk width shall be dimensioned along with distances from face of curb and right-of-ways. Proposed sidewalk width should be five feet (5') unless pedestrian bypass areas are designed. 3. Sight Triangle Easements have been proposed at the intersection of the cul-de-sac with Miller Road. Since Miller Road is a County Highway, the sight triangle easements have been provided in accordance with County requirements. 4. The General Notes shall address the ownership of the various components of the proposed storm water management system. Since the bulk of the proposed system is on individual lots, we anticipate a Homeowners Association will be created. 5. Proposed driveways and off-street parking spaces shall be provided with dimensions. 6. Limits of proposed Township and County curb should be identified. 7. Proposed curb radii shall be added. 8. Proposed road width shall be added. 9. Proposed shade tree and utility easements shall be labeled with survey information provided on an individual lot basis. C. Grading 1. Detailed grading is provided on a Grading & Utility Plan which is Sheet 4 of 10. A storm sewer collection system is proposed to collect runoff and recharge it mostly within proposed Lots 1.01 and 1.05. 2. The proposed first floor elevations are more than a story above the garage floor elevations. Corrections may be necessary. 3. A profile has been provided for the proposed cul-de-sac. The following revisions are required: a. The proposed grading shall be designed to intersect the existing gutter station and elevation of Miller Road. b. Proposed horizontal control points should be added. c. The proposed cul-de-sac bulb shall be designed with a top of curb profile to assure a minimum slope of one half percent (0.5%) is maintained along the gutter. d. A proposed vertical curve must be added for the high point of the cul-de-sac. 4. Off road profiles are required for the proposed storm drainage. 5. A detailed review of the

grading can be completed during compliance submission; if/when this subdivision is approved.

**D. Storm Water Management**

1. The proposed storm water management design is feasible. A proposed storm sewer collection system has been designed to convey storm water runoff into a proposed recharge system. The proposed collection system discharges into a network of perforated twenty-four inch (24") Advanced Drainage System (ADS) polyethylene pipes encased in stone. Drywells have also been proposed to collect and recharge roof runoff from the individual units. The majority of the proposed recharge system is located under proposed Lots 1.01 and 1.05. Therefore, we are anticipating the ownership of the storm water management system will be by a Homeowners Association.
2. The Storm Water Management Report should be revised to address water quality. An increase of impervious area will exceed a quarter (0.25) acre when considering the proposed dwelling units.
3. Our review of the Existing Drainage Area Map notes the majority of the site flows to the east and the map should be corrected accordingly.
4. The proposed grading should be revised to reduce the areas of runoff leaving the site and flowing onto adjoining properties. Once this is accomplished, the peak discharge reduction rate should be met for the two-year storm.
5. Soil boring information and locations are required within the proposed project to confirm the seasonal high water table. Permeability testing is also required to determine whether the rate used in the recharge calculations is acceptable.
6. The Storm Water Management Report and Design will be reviewed in detail after revisions to the project are made.
7. A Storm Water Management Operation & Maintenance Manual must be submitted per the NJ Storm Water Rule (NJAC 7:8) and Township Code.

**E. Landscaping**

1. A Landscaping Plan has been provided on Sheet 6 of 10.
2. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. Per our site inspection of the property, existing Lot 92 is undeveloped and wooded. Even though existing Lot 1 is developed, much of the land is still wooded.
3. The Landscaping Plan proposes twelve (12) October Glory Red Maples to be planted with the shade tree and utility easement which abuts the roads. The proposed shade trees which are within the County sight triangle easement should be eliminated.
4. We recommend screening be added to the rear of proposed Lot 1.04 because of its shallow depth.
5. Landscaping shall be reviewed in detail during compliance should subdivision approval be granted.

**F. Lighting**

1. A Lighting Plan has been provided on Sheet 6 of 10.
2. Proposed lighting has been provided for the cul-de-sac area. The Plan indicates two (2) street lights are proposed. Information on the proposed height of the fixtures should be provided.
3. A point to point diagram must be provided to verify the adequacy of the proposed lighting.
4. Lighting shall be reviewed in detail during compliance should subdivision approval be granted.

**G. Utilities**

1. Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company.
2. The proposed sanitary sewer will connect to an existing system in Miller Road, north of the site.
3. Potable water is proposed to be extended from an existing main on the west side of Miller Road, north of the site.
4. The plans state that all other utilities to be provided underground.

**H. Signage**

1. Proposed regulatory signage has been shown on the plans. Regulatory sign details have been provided.
2. No project identification signs are proposed.
3. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance.

**I. Environmental**

1. Site Description Per review of the plans, aerial photography, and a site inspection of the property, the tract has one (1) residential dwelling located on existing Lot 1, while existing Lot 92 is undeveloped and wooded. The site contains mostly woodland. The existing on-site topography generally slopes from northwest to southeast towards the rear corner of the site.
2. Tree Management A Tree Protection Plan has not been submitted and will be required as a condition of approval. The

plan shall comply with new ordinance Chapter XIX, Protection of Trees. An inventory is required, compensatory planting must also be addressed. J. Construction Details 1. Construction details are provided on Sheets 8 through 10 of the plans. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. 3. Final review of construction details will take place during compliance review, if/when this project is approved by the Board. K. Final Plat (Major Subdivision) 1. The title block must be corrected to list Block 11.03. 2. The Certifications shall be in accordance with Section 18-604B.3., of the UDO. 3. General Note #1 shall be corrected to list the correct areas. 4. The Zone Requirements shall list the proposed aggregate side yard setbacks for Lots 1.02 and 1.03 as twenty feet (20'). 5. The proposed Shade Tree and Utility Easement shall be labeled. Proposed survey information should be completed and easement areas provided for the individual lots. 6. Dedications for the proposed easements should be added. 7. The Owner's Certification lists the wrong Block and Lots. 8. Compliance with the Map Filing Law is required. 9. The Final Plat will be reviewed in detail during resolution compliance should subdivision approval be granted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance; c. Ocean County Planning Board; d. Ocean County Soil Conservation District; and e. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Pfeffer agreed that they would re-notice for this application as there was an issue with the applicant name.

Mr. Jackson confirmed that they will have to send out notices for the public hearing.

Mr. Neiman requested a map showing other lots in the area that don't conform as far as lot width.

A motion was made by Mr. Follman, seconded by Mr. Rennert.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Rennert

Mr. Jackson announced that this application will be advanced to the September 11, 2012 and the applicant must re-notice.

## **6. CORRESPONDENCE**

### **1. Request from FWH concerning the Smart Growth Plan**

Mr. Flannery suggested that a hearing date be set to discuss the Smart Growth Plan. He would like Stan Stanliska, Township Planner, to come to that meeting as well.

Mr. Neiman asked that Mr. Flannery discuss with the Planning Board secretary when they can come back and discuss this.

7. PUBLIC PORTION

8. APPROVAL OF MINUTES

9. APPROVAL OF BILLS

A motion was made and seconded to approve.

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

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary