

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Franklin, Mr. Fink, Mr. Neiman, Mrs. Koutsouris, Mr. Schmuckler, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. WAIVER REQUEST

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

Waiver request from checklist items:

- B1/B3 – partial topography of site
- B4 – topography within 200 feet of site
- C4 – location of existing wells and septics
- C6 – plans & profiles of proposed utility layouts
- C10 – shade trees
- C17 – drainage calculations

Mr. Vogt said what they are proposing is well within the existing property and what they are asking for is mostly offsite conditions. Mr. Vogt has no problems with any of the waivers dealing with topography or contours or with the septic locations as long as the representation there is not any onsite and they are going to be connecting with the public sewer and he also does not have any objection to the plans and profiles. As far as the shade trees, if the board feels they need to see more landscaping when they come in with the plan that is the board's right. With regard to the drainage calculations, they said they are not increasing impervious coverage and Mr. Vogt has asked them for a summary report in writing in lieu of a full waiver. Mr. Neiman asked if there is a tree save plan and Mr. Vogt said it is pretty much developed except for a wooded area at the James Street frontage and it does not appear that they are doing any additional clearing.

Motion was made by Mr. Schmuckler, seconded by Mr. Percal, to follow the recommendation of the professional with regard to the waivers.

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

Mr. Kielt said there were 2 changes to the agenda. Item #9 SD# 1661 Tovia Halpern and Item #12 SD 1663 Aaron Bauman. Both of those were carried to a future meeting because of deficient notice.

5. PLAN REVIEW ITEMS

1. SP # 1905 (Variance Requested)
Applicant: Congregation Bnei Giborei Yisroel
Location: 1193 W. County Line Road-across from Cedar Row
Block 27 Lot 22
Preliminary & Final Site Plan and Change of Use Site Plan from single family home to a synagogue

Mr. Peters from T&M Assoc. prepared a letter dated December 31, 2008 and is entered in its entirety. The Applicant is seeking a Preliminary and Final Site Plan Approval to renovate and convert an existing 2-story frame dwelling into a proposed synagogue, and all corresponding site improvements. The property has frontage along County Line Road. The site is located within the R-12 zoning district. The applicant shall request the following variance: Minimum lot area; 10,218 SF is provided, where 12,000 SF is required. This is an existing, unchanged lot area. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be made a condition of the Planning Board approval. The applicant has indicated that the structure will be serviced by public sewer and water but has not shown the location of the existing water main, the location of the proposed service laterals, or included any corresponding details. The applicant should address this issue. The architectural plans show a building with a 60 foot wide footprint, not

including two additional exterior staircases, which are not included on the site plan. The applicant should revise the plans to show the footprint of the completed synagogue along with the existing dwelling footprint on the Site Plan and show the setback distances based on the proposed building. Any variances or modifications to the site design based on the revised building footprint should also be addressed. According to the Lakewood UDO, the applicant is not required to provide off-street parking spaces as a part of this application due to the small size of the proposed sanctuary. The applicant has provided four (4) parking spaces as a part of this project, including one (1) unlabeled handicapped parking space. The Board shall determine if the number of spaces provided is adequate. The proposed handicapped parking space and adjacent striped area locations should be revised to provide the striped area adjacent to the building to allow the operator of the vehicle access to the building directly. This revision will also provide an area for the vehicle using the handicapped parking space to turn around. The applicant should address this issue. Per section 18-803.E. of the UDO, a minimum buffer area of twenty five (25) FT shall be provided along the property lines. It does not appear that any landscape buffering or fencing is proposed as a part of this application. The applicant shall address this issue. Review of the Area Map on Sheet 1 appears to show a utility easement on northern adjacent Lots 1.04 & 1.05, but no existing piping as been shown within the utility easement situated on the western side of the property. The applicant should address this issue, and provide a copy of the Easement Agreement for review. The applicant has not included any landscaping or lighting as a part of this application. The applicant should address this issue. A note shall be added to the Improvement Plan stating that any damage to the concrete sidewalk and/or the brick pavers during construction of the proposed office building will be repaired as directed by the Township Engineer. The applicant has not included the Soil Erosion and Sediment Control Plan and Notes & Details sheets as a part of this application. These plans should be provided to the Ocean County Soil Conservation District for review. Evidence of approval should be provided prior to the signing of the final plans. The applicant has shown existing concrete curbing along the site's frontage to County Line Road and there is no existing concrete sidewalk. The applicant has not proposed concrete sidewalk along the site frontage to County Line Road. The Board should determine if concrete sidewalk should be provided. Also, a note shall be added to the Site Plan stating that any damage to the concrete curbing during construction will be repaired as directed by the Township Engineer. The applicant should include additional spot elevations, proposed contours, and where proposed contours tie into existing contours for the area between the proposed structure and the right-of-way of County Line Road on the plans. The applicant has included a detail of the handicapped parking sign on the Construction Details sheet but has not included the sign location on the Site Plan. The sign location and a painted handicapped parking symbol shall be added to the plans. The applicant should provide Existing and Proposed Drainage Area Maps. The applicant has not provided any soil borings or permeability tests for the soils below the proposed drywell. The applicant shall address this issue. The elevation of seasonal high water table shall also be provided for review. Per Chapter 9.5, Infiltration Basins, of the NJBMP Manual, it is required that stormwater entering a subsurface infiltration basin from paved areas shall be pretreated. The applicant shall address this issue. The dimensions provided for the Drywell Detail on the plans do not conform to the dimensions used in the Stormwater Management Report. The applicant should address this issue. The applicant has shown on the Drywell Detail that the proposed roof drains will discharge directly to the drywell. The applicant should revise the Site Plan to include this piping, which is not currently shown.

Mr. Slachetka from T&M Assoc. prepared a letter dated December 24, 2008 and is entered in its entirety. The applicant seeks preliminary and final major site plan approval to renovate a two-story frame dwelling and construct associated site improvements at the above-referenced location. The synagogue will contain two (2) floors. A 434-square foot sanctuary is proposed. The site improvements include an off-street parking area for four (4) vehicles. The site is 0.23 acres in area and is located on the north side of County Line Road, east of Kent Road. The surrounding land uses are predominantly residential. Zoning and Variances. The parcel is located in the Single-Family (R-12) District. Places of worship are permitted in the R-12 District provided that the requirements of Section 18-905 are met as well as the R-12 District bulk standards. A variance is requested for lot area, a minimum of 12,000 square feet is required and 10,218 square feet is proposed. Section 18-905A2 states that no parking area shall be located closer than five (5) feet to any side or rear property line. The proposed parking area is 3.62 feet from the side property line. A variance is required. Section 18-905B1b requires a 20-foot buffer from residential uses or districts. The applicant does not provide a 20-foot buffer from all residential uses. Therefore, a 'c' variance is required. Section 18-905B2 requires a board-on-board fence six (6) feet in height and four (4) foot arborvitae every four feet on center along side and rear property lines abutting the parking area unless a buffer of 20 feet is provided. Fencing and landscaping are not proposed. The plans should be revised to comply with the Ordinance or a 'c' variance is required. Section 18-905B3 states that a required buffer shall be landscaped with trees, shrubs, and other suitable plantings for beautification and screening. An adequate screening of at least six (6) feet in height shall be provided to restrict view. The buffer shall be supplemented with fence of a solid material where necessary. The applicant does not provide landscape buffering around the synagogue, and proposes to retain the chain link fence on the rear and northerly side property line. The plans should be revised to buffer the side and rear yards surrounding the synagogue, and to propose a solid type fence, or a variance is required. Section 18-905C requires the front yard to be landscaped with grass, trees, shrubs, groundcover, and flowers. The plan indicates four (4) proposed trees. The plans should be revised to provide additional landscaping in accordance with the Ordinance. Review Comments. Per Section 18-905A1, on-site parking is not required since the sanctuary area is less than 800 square feet. The applicant should clarify how refuse will be handled. Sidewalk should be provided along the site's frontage. Shade trees should also be provided. A six foot high board-on-board fence should be provided along the western property line to screen the parking area in accordance with 18-905.A.2. The parking space in close proximity to the shul does not allow for sufficient maneuvering room. In addition it appears that the space is designated as the handicapped parking space but is not identified as such on the site plan. No landscaping is proposed for the site. The Board should decide if any landscaping should be provided. A right-of-way easement to Ocean County is proposed. A copy of the filed deed of easement should be provided to the Township. Performance guarantees should be posted for all improvements, including demolition of the dwelling, in accordance with ordinance provisions. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Sewer and water utilities, and, All other required outside agency approvals.

Mr. Shea Esq. appeared on behalf of the applicant. Mr. Carpenter is the engineer for the applicant. Mr. Shea said this lot was created by a subdivision and it is an undersized lot and the application is for a variance but the variance was granted when the subdivision was approved. Mr. Carpenter said this is a 2 story single family dwelling that was originally proposed to be built but it became a synagogue and now they are coming in to legalize the synagogue it. They have not made any changes except internally and a set of stairs to the rear of the house. They

propose 4 parking spaces and based on the ordinance, if they have less than 800 sf. of sanctuary space they do not have to provide parking, but because they are off of County Line Road, they thought they should provide a minimum of parking. The sanctuary space is about 450 sf. Mr. Carpenter said the main issues are landscaping and buffers and Mr. Neiman said the letters from T&M also ask for sidewalk and Mr. Carpenter said he agreed. Mr. Carpenter said the parking requires a variance because it is less than 5 ft. from the property line and if that becomes a problem for the board, they can eliminate a parking stall but he feels it is more advantageous to have a parking stall than the 5 ft. to the property line and they are asking for relief of 1 ½ ft. They will provide the 6 ft. solid fence around the property line and supplement it with landscaping. They will pave the parking lot and will provide curb.

Mr. Vogt said looking at the engineers' letter regarding the lot size variance and asked if they will give testimony at the hearing regarding that variance.

Mr. Franklin asked where the excess parking is going to park and if they park on the streets, how are they going to walk there because there are no sidewalks and the traffic is 50 mph? Mr. Carpenter said to the right of the site is an existing synagogue with an extremely large parking lot in the rear and they might look into sharing the parking in that site and he will contact them.

Motion was made by Mr. Schmuckler, seconded by Mr. Percal, to advance to the meeting of March 17, 2009

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

2. SD # 1657 (Variance Requested)
Applicant: Shmuel Friedman
Location: River Avenue & Cushman Street
Block 430 Lots 9 & 54
Minor Subdivision to realign lot lines

Mr. Peters from T&M Assoc. prepared a letter dated December 30, 2008 and is entered in its entirety. The applicant is seeking a Minor Subdivision approval to reconfigure the boundaries of Lots 54 and 9. The new lots are to be known as Lots 54.01 and 9.01. An area of approximately 1.15 acres will be transferred from Lot 54 to Lot 9. The applicant has prepared 2 site plans for development on Lots 54.01 and 9.01 under application numbers SP-1909 and SP-1908 respectively. The property has frontage along River Avenue (State Highway Route 9) and Cushman Street. The project is situated within the HD-7 zoning district. The application is requesting the following variances: Minimum lot area for Lot 9.01; one (1) acre is required, where 0.68 acres area is provided. Minimum Lot Frontage for Lot 9.01; one hundred and fifty (150) FT is required, where 80.75 FT are proposed, this is an existing condition. Side yard setback for Lot 9.01; thirty 30 FT is required, where 15.4 FT is provided. This is an existing condition. In accordance with locations of the existing dwellings and accessory structures shown on the plan, we believe the following variance should be required addition to the above lot area and frontage variance for Lot 9.01: Front yard setback for Lot 9.01; one hundred (100) FT is required along a state highway for the existing residential building, where 28.2 FT are provided. Front yard setback for Lot 54.01; fifty (50) FT is required, where 28.9 FT are provided.

Side yard setback for Lot 9.01; thirty (30) FT is required, where 6.3 FT are provided. Side yard setback for an existing garage on Lot 9.01; thirty (30) FT is required for accessory structures, where 15.6 FT are provided. All the above variances are existing condition. The applicant shall revise the zoning schedule accordingly. The applicant shall clarify that the existing dwellings and their accessory structures are to be removed under which applications. The subdivision plan does not indicate the removal of any existing structures and the site plans under separate applications do not show any of the existing structures. If the existing structures are to be razed under this application, the front yard and side yard setback variances mentioned in the previous comment will not be required. Outside agency approval from Ocean County Planning Board is required. Evidence of the approval will be made condition of the Township Planning Board approval. The property will be served by public utilities. A 6 FT utility and shade tree easements along property frontages are usually required to be dedicated to the Township. The Board should determine if such easements will be required. The applicant shows on the plan existing curbs along Cushman Street and River Avenue at the property frontages. The applicant shows on the site plan for Lot 54.01 sidewalks is proposed along Cushman Street at the property frontage. We believe sidewalks along the property frontages will be provided as a condition of approval for the site plan applications. We recommend any utility or cross access easements required for the site plans be shown on the subdivision plan for filing. A north arrow shall be added to the Location Map. Map Filing Law comments will be provided prior to public hearing.

Mr. Slachetka from T&M Assoc. prepared a letter dated December 29, 2008 and is entered in its entirety. The applicant requests minor subdivision approval to reconfigure the lot lines of Lots 9 and 54. No new lots are created by the proposed subdivision. The applicant has pending site plan applications to construct an automobile dealership (No. SP-1909) on new Lot 54.01 and an office/retail building (No. SP-1908) on Lot 9.01. The tract is 2.3 acres in area and has frontage on River Avenue (NJ Route 9) and Cushman Street. The property contains a dwelling on existing Lot 9, fronting on Route 9, and a dwelling on existing Lot 54 (Cushman Street). The surrounding land uses are a mixture of commercial and residential. The site is located in the Highway Development Zone District (HD-7). The following variances are requested: Lot Area. A minimum of one acre is required and 0.68 acres is proposed for Lot 9.01. Lot Width. Lot 9.01 has a lot width of 80.75 feet and a minimum of 150 feet is required. This is an existing condition not exacerbated by the application. Side Yard Setback. The side yard setback of the garage on Lot 9.01 is 15.4 feet when a minimum of 30 feet is required. This is an existing condition not exacerbated by the proposed subdivision. The applicant should address the positive and negative criteria of the requested lot area variance. Sidewalk is not proposed on the subject plat. This issue can be deferred to the site plan application. The site will be served by public water and sewer. Sewer will be extended along Cushman Street. The Planning Board approved a site plan for an office building on Lot 60, which adjoins the subject tract. A shade tree easement should be provided on the street frontages. This application will be subject to the approval of the Ocean County Planning Board and the NJDOT. Compliance with the Map Filing Law is required.

Mr. Shea Esq. appeared on behalf of the applicant and said the report indicates the variances are existing conditions but Mr. Vogt said minimum lot area for lot 9.01 is one acre and .6 acres is provided is not existing but is a new variance that is being created and Mr. Hopkin agreed. Mr. Vogt asked about the other variances and Mr. Hopkin said the remainder is existing variances.

Mr. Shea said 6 of the variances are existing conditions and not being created as a result of the subdivision and the only one that is relates to the lot that supports the office building proposed on River Avenue which is for SP 1908.

Motion was made by Mr. Akerman, seconded by Mr. Fink, to advance to the meeting of March 17, 2009

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

The next 2 applications were heard together

3. SP # 1908 (Variance Requested)
Applicant: Shmuel Friedman.
Location: River Avenue (Route 9), north of Cushman Street
Block 430 Lot 9.01
Preliminary & Final Site Plan for office and retail building

Mr. Peters from T&M Assoc. prepared a letter dated December 31, 2008 and is entered in its entirety. The applicant is seeking a Preliminary and Final Site Plan approval to construct a two-story office/retail building and its associated improvements. The building is proposed to contain 3,375 SF of retail space on the ground floor and 3,414 SF of office space on the second floor. The project is located on proposed Lot 9.01 which is currently being reviewed for minor subdivision approval under application number SD 1657. The site has the frontage along River Avenue, New Jersey State Highway Route 9. The project is situated within the HD-7 zoning district. Approval of the minor subdivision SD-1657 shall be made condition of the site plan approval. The application is requesting the following variance: Minimum lot area; one (1) acre is required, where 0.68± is provided. Minimum side yard setback; thirty (30) FT is required, where 15.4 FT is provided. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDOT are required. Evidence of the approvals will be made condition of Planning Board approval. The property will be served by public utilities. The utility connections will be made along River Avenue at the property frontage. The applicant shows in the zoning schedule 36 parking spaces are required and 36 parking spaces are proposed. Per the Lakewood UDO, one parking space is required per every three hundreds square feet of office space (one per two hundred square feet for dental and medical office space) and every two hundred square feet of retail space. The applicant shows on the architectural plans 3,414 SF of office space and 3,375 SF of retail space. The two areas combined yield a total of 37 as the required number of parking space. The applicant shall revise the site plans to provide sufficient number of parking space. The applicant shows on the Site Plan a 10 FT x 10 FT refusal area located in front of the proposed building. As shown on the plans, there is little room for a trash collection vehicle to maneuver and turn around to exit the site. The applicant shall address this issue. The applicant shows on the plan existing curb at the property frontage; however, no sidewalk is either existing or proposed at the property frontage. The applicant shall revise the plans to show provision of sidewalk at the property frontage. In accordance with section 18-803 E. of the UDO, a minimum twenty five (25) FT buffer

area should be provided from property lines toward the proposed use for non-residential development. The applicant shall show on the plans the locations of the surrounding building; furthermore, the applicant should provide the uses of the surrounding lots and provide required buffer areas. As shown on the plan, no buffers or landscaping has been proposed. We recommend the applicant increase the proposed 15' radial curves at site entrances to 25' to allow better and safer traffic flow; however, we will defer this issue to NJDOT. A stop bar shall be provided beside of the proposed stop sign at the exit to River Avenue. Color and width of the stop bar shall be called out on the plan. The applicant shall revise the plan to label all the existing contour lines. The section of sidewalk, south of the proposed building is sloped greater than the maximum allowed slope of 2 percent in accordance with the ADA standards. The applicant shall revise the plans to address this issue. The applicant shall revise the plans to show proposed roof drains. If roof drain is to be connected to the proposed HDPE pipe west of the building, the connection shall be shown on the plan and a detail of the connection shall be provided. The applicant called out on the plan a HDPE pipe run is proposed; however, a recharge trench detail shows the installation of perforated pipe is shown on the grading plan. If the HDPE pipe is to be perforated pipe, it should be called out on the plan accordingly, North arrows shall be added to the Zone Map and Key Map shown on the Cover Sheet. The stop sign detail shall be revised to show red reflective sheeting on the face of the sign post. The applicant has submitted a Stormwater Management Report under another site plan application SP-1909. The report describes a proposed infiltration basin that will be shared by both Lot 9.01 and Lot 54.01, a neighboring lot being review for new development under the SP-1909 application. Approval of the stormwater report will be made a condition of this application's approval. The applicant shall provide a statement on the site plans that demolition waste will be properly disposed off site at a permitted facility and any potential areas of environmental concern including but not limited to onsite well, underground storage tanks, former onsite septic systems, lead based paint and asbestos containing materials shall be properly decommissioned in accordance with the local, county, and/or state regulations. In accordance with the New Jersey Natural Heritage Program (NHP), the site is in the vicinity of suitable habitat for state-threatened species, the Cooper's hawk, Northern pine snake, red-headed woodpecker, and barrel owl. The applicant shall state on the site plans if the above threatened species are encountered during construction, the applicant shall notify the Township immediately. The EIS states that database information requested from the New Jersey State Museum, New Jersey State Historical Society, and the Lakewood Township Heritage Commission is pending. We recommend that the applicant notify the Board should additional information become available. The applicant shall state on the site plans if imported soil or fill will be needed during site construction, the soil shall be analytically tested at a frequency approved by the Township Engineer.

Mr. Slachetka from T&M Assoc. prepared a letter dated December 31, 2008 and is entered in its entirety. The applicant proposes to construct an 8,500-square foot, 2-story retail/office building fronting on Route 9. Associated parking, stormwater argument facilities and other improvements are proposed. The site contains a single-family dwelling which will be removed. The parcel will be created by a Minor Subdivision application (SD-1657) currently pending with the Planning Board. The site is 0.68 acres in area and is located on the west side of River Avenue (Route 9), between Pine Boulevard and Cushman Avenue. Zoning and Variances. The lot is situated in the Highway Development HD-7 Zone district. Offices and retails uses are permitted in this zone district. The following variances are requested: Lot area. A total of 0.68 acres is proposed and a minimum of one acre is required. Lot width. A minimum lot width of 150

feet is required and 80.75 are proposed. This is an existing condition. Side Yard setback. A minimum of 30 feet is required and 15.4 feet is proposed. The positive and negative criteria for the requested variances should be addressed by the applicant. The architectural drawings indicate a building with a 4,000-square foot footprint (40 feet x 80 feet), where the site plan proposes a 4,250-square foot footprint (48 feet x 85 feet). The plans must be reconciled. The site plan (Sheet 2) should be revised to show existing and proposed sidewalk. On-site landscaping is quite limited. We recommend additional landscaping in accordance with Section 18-803.C. of the UDO. The trash enclosure detail should be revised to comply with Section 18-809.E. A street tree easement should be provided. The site plan should indicate the NJDOT "desired typical section." A 25-foot wide buffer is required, per Section 803.E. Given the narrow lot width, a six-foot high fence along the property line may be appropriate. The proposed site identification sign shall comply with Township requirements. A Tree Protection Management Plan should be prepared and submitted for review of the Shade Tree and Environmental Commissions. The site will be served by public water and sewer. Parking. A total of 36 off-street parking spaces are required, as shown below, based on the site plan. The site plan indicates 36 spaces in front of the building.

USE	FLOOR AREA	STANDARD	REQUIRED SPACES
Retail	4,250 square feet	1 space/200 square feet	21.25
Office	4,250 square feet	1 space/300 square feet	14.2
TOTAL:	8,500 square feet		36

A cross-drainage easement with Lot 54.01 to drain to the infiltration basin will be necessary. The appropriate easement documents should be reviewed with the Board Attorney prior to filing with the County Clerk. Concrete curb should be provided along the perimeter of the parking area. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. The required outside agency approvals include, but are not limited to: Ocean County Planning Board; Soil Conservation District; NJ Department of Transportation; Sewer and water utilities; and, All other required approvals.

4. **SP # 1909 (Variance Requested)**
Applicant: Shmuel Friedman
Location: Cushman Street, off Route 9
 Block 430 Lot 54.01

Preliminary & Final Site Plan for auto dealership with service bays

Mr. Peters from T&M Assoc. prepared a letter dated December 31, 2008 and is entered in its entirety. The applicant is seeking a Preliminary and Final Site Plan approval to construct an auto dealership that is consist of indoor and outdoor display areas and office space. The project is located on Lot 54.01 which is currently being reviewed for minor subdivision approval under application number SD 1657. The site has the frontage along Cushman Street. The project is situated within the HD-7 zoning district. As shown on the architectural plan, the proposed auto dealership can be better described as an auto repair shop without any display area in the proposed building. Auto repair shop is not listed as a permitted used within the HD-7 zoning

district under section 18-903 H. of the UDO. The Board should determine if the project will be considered an auto repair shop or an auto dealer with the accessory use of the repair shop. The applicant shall provide testimony on this issue. Approval of the minor subdivision SD-1657 shall be made condition of the site plan approval. The application is requesting a rear yard setback variance; fifty (50) FT is required, where 46.7 FT are proposed. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals will be made condition of Planning Board approval. The property will be served by public utilities. The utility connections will be made along Cushman Street at the property frontage. The applicant shows on the architectural plan an area of 877 SF will be used as office space; however, 600 SF office space is called out on the site plans. The applicant shall address this discrepancy. The applicant shows in the zoning schedule 12 parking spaces are required and 12 parking spaces are proposed. With the proposed 10,000 SF floor area of the building and interpreted use of the space within the building, a minimum of fifty (50) parking spaces is appropriate and should be provided. Given the Lakewood UDO does not provide a parking requirement for a car dealership or car repair center, the Board should determine the exact number of parking spaces is required. The applicant has provided a total of 44 parking spaces 12 in front of the building and 32 display spaces. The applicant shows on the plan proposed sidewalk and existing curb at the property frontage. In accordance with section 18-803 E. of the UDO, a minimum twenty five (25) FT buffer area should be provided from property lines toward the proposed use for non-residential development. When non-residential development is adjacent to an existing single-family residential development or an area zoned for residential land uses the buffer should be increased to fifty (50) FT. From an online aerial map, two (2) single-family dwellings are located to the north and west of Lot 54.01 and two commercial buildings are located to the south and north of Lot 9.01. The applicant shall show on the plans locations of the surrounding building; furthermore, the applicant should confirm the uses of the surrounding lots and provide required buffer areas. The applicant shows on the plans no buffering area and minimal landscaping are proposed. We recommend the applicant increase the proposed 15' radial curves at site entrances to 25' to allow better and safer traffic flows. The applicant shows on the plans a proposed handicap ramp in front of the building; however, no curb is proposed in front of the building and the architectural plan shows the front entrance to the building will be on grade. The applicant shall provide testimony on purpose of the ramp. The applicant shall provide handicap ramps at ends of the proposed sidewalk along Cushman Street. A stop bar shall be provided beside of the proposed stop sign at the exit to Cushman Street. Color and width of the stop bar shall be called out on the plan. The applicant shows on the plans the proposed access road will direct one-way traffic. A One-way traffic sign and Do not enter sign shall be provided at the proposed entrance and exit respectively. Details of the signs shall be added to the plans. In addition, direction arrows shall be provided at the entrance and exit as well. North ends of the proposed contour lines 110 through 104 at the rear yard of the site do not appear on the grading plan to be tied into the respective existing contour lines. The applicant shall address this issue. The applicant indicates on the grading plan majority of the front parking lot will have a slope of 0.3 percent towards a proposed stormwater inlet. Per section 18-822 C. 4. of the UDO, the minimum slope for concrete and asphalt surfaces shall be 0.4 percent. The applicant shall address this issue. The applicant shall revise the plans to show proposed roof drains. We recommend the roof drains be tied into the stormwater collection system. If roof drains are to be connected to the proposed HDPE pipe, the connection shall be shown on the plan. The applicant called out on the plan HDPE pipes are used to connect proposed inlets to a proposed basin; however, a recharge trench detail shows the installation of perforated pipe is shown on the grading plan. If the HDPE pipes are to be

perforated pipe, they should be called out on the plan accordingly, North arrows shall be added to the Zone Map and Key Map shown on the Cover Sheet. The applicant has referred to the USDA Web Soil Survey as the source which the soil hydrologic group was obtained. The applicant shall provide soil map or documents from the source in the stormwater report to prove the finding. The applicant shall provide enlarged pre and post developed drainage area maps. Contents of the drainage area maps attached to the stormwater management report are too small to be read. In addition, the pre-developed drainage area map should be revised to reflect the existing condition and proposed structures and contour lines shall be removed from the plan. The applicant shows in the stormwater management report infiltration flow rates of 1.85 cfs, 2.93 cfs, and 3.34 cfs for the proposed infiltration basin for the 2, 10, and 100 year storm events respectively. The applicant shall provide calculations of the flow rates to backup these numbers. The applicant shall provide a statement on the site plans that demolition waste will be properly disposed off site at a permitted facility and any potential areas of environmental concern including but not limited to onsite well, underground storage tanks, former onsite septic systems, lead based paint and asbestos containing materials shall be properly decommissioned in accordance with the local, county, and/or state regulations. In accordance with the New Jersey Natural Heritage Program (NHP), the site is in the vicinity of suitable habitat for state-threatened species, the Cooper's hawk, Northern pine snake, red-headed woodpecker, and barrel owl. The applicant shall state on the site plans if the above threatened species are encountered during construction, the applicant shall notify the Board immediately. The EIS states that database information requested from the New Jersey State Museum, New Jersey State Historical Society, and the Lakewood Township Heritage Commission is pending. We recommend that the applicant notify the Board should additional information become available. The applicant shall state on the site plans if imported soil or fill will be needed during site construction, the soil shall be analytically tested at a frequency approved by the Planning Board Engineer.

Mr. Slachetka from T&M Assoc. prepared a letter dated December 31, 2008 and is entered in its entirety. The applicant proposes to construct an automobile dealership with service bays on Lot 54.01. Access to the auto dealership will be from Cushman Street. Associated parking area, stormwater management facilities, and other improvements are also proposed. The tract is 1.65 acres in area and contains one dwelling. The dwelling will be removed. The balance of the lot is wooded. The lot for the aforementioned commercial structure will be created by a proposed minor subdivision which is before the Planning Board as Application SD-1657. The property is located in the Highway Development HD-7 Zone. Offices are a permitted use in the HD-7 Zone. Auto sales rooms are also a permitted use in the zone. However, based upon the location of the site and the floor plan of the building. we would request input from the Zoning Officer whether the use, as proposed, is permitted in the HD-7 Zone. The applicant should provide information about the proposed use. The following variance is requested: A rear yard setback of 46.7 feet is requested, a minimum of 50 feet is required. The positive and negative criteria for each of the requested variances should be addressed. Review Comments. The architectural plans indicate that the proposed building for car repair and preparation will have 12 bays. Offices and a waiting area are also proposed. The applicant should provide testimony concerning the operation of the car dealership, such as the operating hours, number of employees (sales and service), and anticipated auto inventory. Parking. Based on the square footage of the building (10,000 square feet) and a use categorized as a personal service use, a total of 50 parking spaces are required. However, a specific use standard would be more appropriate. Twelve spaces are proposed in the front of the building, and 32 spaces are proposed as display area for

a total of 44 spaces. The Lakewood UDO does not provide a parking requirement for a car dealership. The applicant should provide testimony concerning the appropriate parking requirement for this site, based on governmental and technical references. The information should be consistent with the number of employees and customer visits. As an example, Toms River Township requires, for automotive sales and service uses, a minimum of one parking space per 400 square feet of gross floor area for customer and employee parking. The spaces would be in addition to the display and storage of vehicles. A 10,000-square foot building would be required to have 25 parking spaces for customers and employees based on the Toms River requirement. We have a concern about the gravel parking areas due to the potential for contamination by fluids (oil, gasoline, antifreeze, etc.) from the used cars. In addition, we question the feasibility of a gravel surface for a display area. Lighting. The lighting plan should be revised to minimize light spillage onto the adjoining tract to the north, which has been approved for residential development. Buffer. Per Section 18-803. E., 50-foot wide buffer is required. Landscaping. Vegetative screening is necessary around the perimeter of the parking area and the stormwater basin. Landscaping along the property lines with Lots 57 and 60 should be provided. The Tree Protection Plan should be reviewed by the Township Shade Tree and Environmental Commissions. Concrete curb is required around the perimeter of all paved areas. The site plan should be revised. Handicap ramps should be added to the sidewalk on Cushman Street. Testimony should be provided concerning the adequacy of the site circulation for truck deliveries. Indicate if any loading zones should be designated on the site. Sidewalk is proposed along the site frontage. A walkway from the sidewalk and pavement striping across the pavement for pedestrians should be provided. The site plan contains a refuse enclosure detail. The detail should comply with the UDO. The applicant should provide testimony that the refuse area is sufficiently sized given the proposed use. The plans indicate that public water and sewer services will be provided by the NJ American Water Company. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. The required outside agency approvals include, but are not limited to: Ocean County Planning Board; Soil Conservation District; Sewer and water utilities; and, All other required approvals.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Hopkin as the engineer. Mr. Shea said there are 2 site plans for review and approval; one is for the office building and one is for the auto car dealership. The office building is on the smaller of the 2 lots. There is an existing home on the site now which will be razed and a new building will be constructed for offices. Mr. Hopkin said there is a discrepancy with T&M with regards to the required number of parking spaces. He believes that the planner has the correct number of spaces of 36 and he believes the engineer might have taken the second floor to have medical offices into his calculation and they would accept the restriction that the second floor would just have general offices. The only other issue they have would be the buffers and they look to the board for guidance. There is an existing home and a garage and the width of the proposed building is actually narrower than the existing garage so the side yard setbacks that they are proposing combined are better than what is there now. T&M had suggested a 6 ft. high fence given the narrow width and Mr. Hopkin said they would agree to that as long as the board would support that. Mr. Shea said that is in accordance with Ordinance 803E(1) and Mr. Hopkin said they would be buffering on both sides from commercial use so they would be buffering commercial from commercial.

Mr. Neiman asked about the parking and asked if the access was coming off of Route 9 and Mr. Shea said yes. Mr. Neiman asked if there was a 100 ft. setback required off of Route 9 and Mr.

Kielt said there is 150 ft. setback for commercial and there is a 57 ft. setback from the centerline which is the Typical Desired Section and they should both be shown on the plans. Mr. Neiman asked if they allowed parking in the 150 ft. setback and Mr. Kielt said yes they do, but not in the 57 ft. TDS. Mr. Neiman asked if they complied and Mr. Hopkin was checking the plans but said if that was the board's wishes, the applicant would comply. There were no TDS on the plans and the applicant said they would be revised. Mr. Hopkin said they agreed to the remainder of the comments in the professional's reports with regard to the office building.

Mr. Franklin had a question about the drainage in the parking lot and if it is being dumped out into Route 9 and Mr. Hopkin said they planned on sharing a retention basin with the 2 lots and Mr. Franklin said there is no pipe shown in the parking lot and Mr. Hopkin said it is directed through swales and Mr. Franklin said the elevation from the road going back to the building goes up and Mr. Hopkin corrected himself and said the parking lot does go out to Route 9 and the building is piped to the retention basin. Mr. Franklin asked if the State is going to let them dump all that water in their road and is their drainage system going to handle it and Mr. Hopkin said he believes so and if the board wants he can provide a separate analysis of that. Mr. Franklin said yes, because the nearest inlet is down the block around the corner which is about 200+ of road that is going to be dumping out with quite a pitch and with a heavy rain that will be quite a substantial amount of rain. Mr. Neiman asked if there is an application that has to be approved by the State by this and Mr. Shea said yes. Mr. Neiman asked about a right in and right out and Mr. Vogt said their stormwater plans should prove that the post development is going to be equal to or less than and Mr. Hopkin said the majority of the site is going to be going to the basin and Mr. Franklin said there is a 5 ft. rise from the edge of the curb to the edge of the curb to the back end of the parking lot. Mr. Neiman asked about the right in and right out and asked if they should look at it and Mr. Vogt said it was a reasonable question but ultimately it will be the NJDOT who dictates what is allowed and Mr. Shea said they have McDonough and Rea and traffic experts and they will have them do a study to see if the right in and right out is desirable and Mr. Vogt asked to be copied on the report.

Mr. Fink said he did not think a traffic study would do anything on Route 9 here. Mr. Schmuckler asked how much room there is in the center column of the parking lot and was told by Mr. Hopkin that it was 24 ft. Mr. Hopkin also said he did more calculations and said he has shown a reduction in the run off going to Route 9 in the post development than in the pre development and said if additional measures are requested he could provide. Mr. Neiman said as a layman, how can he have less reduction now when you have no parking lot there now and you are sloping it right onto Route 9? Mr. Hopkin said currently the whole lot is draining out to Route 9 and they are creating a ridge line and a retention basin is being created to intercept all of this (he pointed to the map) so all that is going out to Route 9 is a small piece but it is paved. Mr. Schmuckler said now it is draining slower to Route 9 but when it is developed there will be a 5 ft slope so it will drain faster and Mr. Hopkin said those are factored into the calculations.

Mr. Neiman said he did not see any trash containers and Mr. Franklin said the township does not pick it up but the enclosure opening only has a 6 ft. opening in it and if you put a dumpster in it you will not get the dumpster in and out too easily, you should leave the cheeks off of it and then put the wire fence across the gate. Mr. Shea said they have 100 sf. allocated and Mr. Franklin said to take the cheek walls off and Mr. Shea said the cheek walls are gone.

Mr. Schmuckler wanted to leave open the right in right out until after they hear from the public because it is really a bad corner.

They now discussed the second part of the application which is SP 1909 - the car dealership and the repair shop.

Mr. Shea and Mr. Hopkin discussed the report done by Max Peters. Mr. Shea read from page 2 of the report that stated as shown on the architectural plan the proposed auto dealership could be better described as an auto repair shop without any display area in the proposed building. Auto repair shop is not listed as a permitted use within the HD7 zoning district under section 18-903H of the UDO the board should determine if the project should be considered an auto repair shop or an auto dealer with an accessory use of the repair shop. Mr. Shea said they intend to provide testimony on the issue and a zoning ruling that the use is permitted and said this is a combination of car dealership and auto repair and said this board has already determined that issue on a prior application. Mr. Neiman said you also have to look at reality here, if this is what he thinks it is, that auto repair that is there, that Lapis Auto will be moving to this, and Mr. Shea said that business is remaining where it is. Mr. Neiman said that is all repairs. Mr. Steven Gray and Schmul Friedman said auto sales is the major portion of the business, it can be shown with tax records and with any business records the board wishes to see. Mr. Shea asked how many cars they sold a month and they said 50-80 cars a month. Mr. Neiman asked how many cars they repaired a month and they said about 15-20 cars a day and many of them are the sales cars. They said the repair shop is in existence because they have become known for servicing their vehicles. Mr. Shea what they are proposing is supplemental activity in the building and the introduction of a better sales area for their product.

Mr. Fink asked if they planned on moving cars from the current location to the new location and was told by the applicant that whatever they can handle where they are they will handle and Mr. Fink said where they are now, they park all over the sidewalk, all over the grass and people can't walk anywhere in that area. They said they sidewalks are open but did not want to argue when Mr. Fink said they are not open and he drives by everyday, but they said they are growing and that is why they need a bigger place which would relieve the problem. Mr. Jackson said what the concern was if it is a car dealership, traditionally it has a showroom and you know one when you see one. Otherwise you will need to convince the board that it is one or you have a use issue. Mr. Shea said the architectural, when he first looked at them, did not look like a car dealership; but after conversations with the applicant, there will be testimony that they are using those bays for display as well.

Mr. Percal said granting a variance is fine as long as it does not negatively impact the neighbors and he hopes by the public hearing they can assure him the neighbors will not be negatively impacted. Mr. Percal said there are a number of them present here tonight and he would hope their concerns would be heard. Mr. Neiman added that if they were selling 50-80 cars a month, he would think they were being delivered by those large trucks and Cushman Street is very narrow and asked how were they getting those cars down the street etc. and Mr. Shea said the applicant informed him that no deliveries were going to use Cushman Street for delivery of the cars and that they be dropped off at another site and then brought over.

Mr. Neiman asked how many parking spaces were provided for the application and Mr. Hopkin said 44 spaces were provided. Mr. Peters said there should be 50 spaces while Mr. Slachetka

said it should be less. Mr. Franklin said there are 2 areas that are gravel and they should be paved because the cars should not be parked over gravel because of oil dripping and repairs and other chemicals that would be absorbed into the ground it would need to be paved.

Mr. Vogt said the planner and engineer letters recommended 50 spaces based on personal service use. Mr. Hopkin said he did not think it would be fair to characterize this as a personal service use. Mr. Shea continued and said the letter continued to say that a 10,000 sf building would be required to have 25 parking spaces for customers and employees based upon the Toms River requirement. They have provided 44 which is more than the Toms River auto dealerships provided.

Mr. Neiman said forget ordinance, they see what is there now and it is a growing business as the client has stated. You are going to need more than 44 spots, you are going to need a lot of spots there so let's forget ordinance for this application and let's take in reality. Mr. Shea said he will instruct his client to take a realistic appraisal and see where they come up. Mr. Neiman said this is a neighborhood, this is not Route 88 where there are car dealerships.

Mr. Akerman asked why put the office building there, why not just put have the entranceway for the car lot and dealership which is going to keep growing. Mr. Shea said he did not expect to hear that observation but is making note of that. Mr. Hopkin said he could answer that and said there will be a traffic expert but he is sure they will give this rationale; DOT, if they see these 2 sites neighboring each other, they are going to require the entrance come off of Cushman Street. They always prefer the entrance to come off a secondary road instead of a major highway. Mr. Shea said he would have Mr. Gray address that idea prior to the public hearing do some inquiry. Mr. Fink said it might be true but in this part of Lakewood on Route 9 this area is a disaster with traffic. He thinks Mr. Akerman's comments are valid and he thinks another thing his client can do to create some harmony with the neighbors is clean up the parking lot and get the cars off the sidewalks now. The people are walking on Route 9 with strollers and they are not walking on the sidewalk if you like we can go there now and see how many cars are on the sidewalk vs. in the parking lot.

Mr. Schmuckler wanted pedestrian safety and traffic safety to be brought up and asked if the Lakewood Police would do a study. Mr. Jackson said is some towns there is a traffic safety officer and he reviews all plans and gives a report. The MLUL provides that the board can employ experts to review a plan when appropriate and a traffic count is a typical one and it is generally something that has to be paid by the applicant through the escrows. Mr. Schmuckler said if they do have a Traffic Safety Officer which they do have to do this report, and he does come up with recommendations about parking and about traffic and movement right and left etc. he thinks it will help the area become a better area. Mr. Jackson suggested Mr. Vogt reach out to the Traffic & Safety Officer and coordinate the efforts and report back to the chairman or Mr. Kielt and develop a consensus on whether the traffic and safety officer can give a separate report or if it should be done through the engineer. Mr. Kielt said it has come up in the past and the Traffic & Safety Department is a little reluctant to do certain things because they have limitations on their expertise. He said he can check with them but he thinks what they will say is they would prefer that the board get someone to do the report.

Mr. Shea said since the applicant will be paying for it he would like to speak and said he agreed with Mr. Kielt and said it is a question of training and expertise and they are prepared to submit their report and have it reviewed by the professionals and Mr. Vogt said his firm has traffic

people in house that would be able to do the work for the board. Mr. Neiman said with a project of this magnitude, with an office building in the front, and a car dealership in the back with a repair and a total of 80 parking spaces and a narrow street in Cushman and neighborhoods that will be impacted by this application, it is not asking for too much to have their own engineer to review the traffic study. Mr. Jackson thought a lot of this was semantics with traffic counts and Mr. Neiman this is more than traffic counts, this is a big business here that is going that is so much more involved than a typical parking lot, there are bays and repairs and 50 cars sold, so it is not the typical peak hour of cars going in and out. Mr. Vogt said what this type of traffic study will get is counts and existing data and how many right ins and outs and is it a safe turn in or out or queuing, etc.

Mr. Schmuckler commented and said there are a lot of other factors and that is why they need to veer away from the typical traffic study. If the guy comes at 10:30 am and does his report, he totally missed the boat because between 8 am and 9 am when the school buses are there and the synagogue finishes the prayers, that is when the cars and traffic is abundant. He was looking for more of a local perspective where somebody who knows the streets, knows the neighborhoods, understands the traffic flows of Lakewood, and the pedestrian safety issues with the buses and Mr. Vogt said you can actually get counts for the entire day and they get equipment they put out for the entire day. Mr. Shea said they have an obligation to establish the peak am and peak pm hours so he would not do anything off hours.

Mr. Akerman said he thinks Mr. Vogt should do it and he thinks he has his work cut out for him because he has to find out what's going on locally; there is a lot more than a regular application. Mr. Shea said he thinks both experts should have access to the same information so that they can communicate effectively with each other and the applicant's engineer has an understanding of how he has to broaden his assignment to accommodate the board's concerns. Mr. Neiman said he is not looking to add an additional expense to the applicant, he is just making sure it is done right and everything is done right. They are not looking for the typical in-out, they are not looking for the typical count, and they are looking for this business in this neighborhood to make it as safe for the neighborhood and for the pedestrians.

Mr. Neiman asked if there was any drainage issues not included with the previous application and Mr. Vogt said T&M's report is asking for background information and Mr. Shea said they had no problem supplying that.

Mr. Kielt suggested not moving this to March 17th but at minimum moving it to the April 21, 2009 to give the applicant and Mr. Vogt time to review everything. Mr. Neiman said if the applicant wants to do the subdivision and the 2 site plans on the 21st of April they can hear all 3 and Mr. Shea said they would do the Subdivision on March 17th but the 2 Site Plans in April and will re-notice for the 2 Site plans because then they can give them the new lot numbers and everybody knows where they are. Mr. Schmuckler said if they approve the subdivision and then decide in April that they have to move the lot line over to make the site plan work better, and Mr. Neiman then decided to do all three at the meeting of April 21st. There was discussion of whether to re-notice all three applications or not because the subdivision was already was announced and Mr. Jackson said you could keep it on the calendar for the 17th and he could make the announcement on the 17th and Mr. Kielt said they could also re-notice and it would be cleaner. Mr. Shea felt comfortable keeping all 3 on the calendar for the 17th and then making the announcement that they would be heard on April 21st.

Motion was made by Mr. Akerman, seconded by Mr. Percal, to advance SD 1657, SP 1908 and SP 1909 to the meeting of April 21, 2009

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

5. SP # 1910A (No variance Requested)

Applicant: Oorah Inc.

Location: 1785 & 1805 Swarthmore Avenue
Block 1609 Lots 2 & 4

Concept Plan for proposed office/warehouse flex building with school

Mr. Vogt prepared a letter dated January 22, 2009 and is entered in its entirety. The applicant is seeking Planning Board input regarding the proposed redevelopment of an existing property along Swarthmore Avenue within the Lakewood Industrial Park. As depicted on the Concept Plan, the property contains two (2) existing one-story masonry buildings, parking and appurtenances. Per the Planning Board application, the existing buildings are operated as office/warehouse facilities. As depicted on the concept plan, two (2) new buildings are proposed, each served by a proposed Truck loading area. The sizes and uses of the proposed buildings are as follows: One (1) 242,880 SF 3-story flex building, including warehouse and office uses on the first and second floors, and school use on the 3rd floor. One (1) 60,000 SF 3-story Office/Warehouse facility, including office, warehouse and school uses. As indicated on the plan, 473 parking spaces are proposed, 351 to serve the flex building and 122 spaces to serve the 60,000 SF building. We have the following comments and recommendations: Per review of Section 18-902(M)1 of the UDO, the proposed uses appear to be permissible within the M-1 zone as identified below: Warehouse facilities (subsection c); Educational facilities (subsection m); and Office buildings (subsection o). Confirming testimony should be provided by the applicant's attorney. Per review of the zoning schedule included on the concept plan and information contained in the planning board application, no variances appear necessary for the project as currently proposed. Confirming testimony should be provided by the applicant's professionals as to whether any relief will be sought for the forthcoming site plan application. Testimony should be provided as to how the proposed facility will function, including how the school uses will be coordinated within the project (e.g. student transportation to and from the facility). A traffic analysis/study should be provided with the forthcoming application, addressing anticipated peak flows and movements during proposed operating hours for the facility. A traffic circulation plan should be provided with the forthcoming site plan application, addressing vehicular movements including but not limited to buses, delivery and service trucks, trash pickup, and emergency vehicular access. Testimony should be provided by the applicant's professionals regarding proposed stormwater management for the facilities. The concept plan and survey indicated the presence of wetlands and a 300 foot riparian buffer to the rear of the site, with the delineation pending NJDEP approval. Depending upon NJDEP's acceptance of the delineation and/or the final wetlands buffer, currently estimated developable land to the rear of the property may be altered. Per review of NJDEP Geographic Information System (GIS) mapping, potential state-threatened habitat is mapped as potentially present within undisturbed portions of the site. A habitat assessment, based on NJDEP Office of Natural Heritage Database search findings for the site should be performed by a qualified

professional and included with the EIS report in the forthcoming site plan submission. A Phase I study (if existing) should be provided with the forthcoming site plan submission to identify any known areas of environmental concern (AOC's) within the site.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Hopkin as the engineer. Mr. Penzer Oorah is a charitable organization that creates businesses that helps kids. They own the building next door and they have created 2 buildings; one is the building they are in and they want to make that 3 stories which will be 60,000 sf and the second is the building next door. They want the boards input and they created the building with no variances and the building will have office, warehouse, educational facilities and may even have some stores in the bottom. The school will be on the third floor and they meet or exceed all the parking. They meet the zoning code. The school would be used from 9-5 so that everyone would be in the offices when the school would be used and they intend to have the trucks in a segregated area so they would not be around. They have no problem getting a traffic study to show the board. On the stormwater management, everything is going to be underground. Mr. Vogt said he received a letter about the delineation of the wetlands and said what they needed per the conversation he had today with the applicant was a summary report of the threatened species area mapped which is to the back. He said they had told him they had hired Trident Environmental and he needs their summary on that.

Mr. Neiman asked the age of the children in the school and the bus circulation because their concern is busing and Mr. Penzer said he does not at this point if it is going to be one big Bais Medrash (post high school) which means no buses at all. Oorah was going to do a bail out of Shalom Hebrew and the problem was it didn't work and but there seems to be they are moving in an area that they have been paying tuition for all these kids all over the United States we might have to go to their own school or go to high school so to be fair to the board, Mr. Penzer said let's take both extremes and say follow each where each one would go and assume it will be an elementary school: so the kids will be going to school later that 4-5 o'clock and earlier and 8-9 o'clock and the school buses would be coming in a separate area. Mr. Hopkin said the buses would come in the front but they do have a separate truck entrance and Mr. Neiman said he is looking for a separate bus drop off and how they are going to be going in and out of this. Mr. Penzer asked why couldn't they have the buses come in the truck entrance, dropping off the kids and coming around the other end of the building. Mr. Fink said the issue is the truck loading area and asked how many bay doors there were and Mr. Hopkin said they building has not been designed yet. Mr. Fink said say you are going to have 3 bay doors; if you are going to have the buses come in, you can't have the buses dropping off and picking up children where your bay doors are, it has to be on the other side of the building. Mr. Penzer said that is a very good idea. Mr. Fink said if it is the young children, then you really need an area for play, a playground. If it is the older children, you do not. Mr. Penzer said they do not have a problem with a playground in the back and Mr. Fink said he wouldn't want the playground near the truck loading area or the bay doors. Mr. Penzer said there is a green area to the left where they would put the playground and Mr. Neiman asked how the kids would get there and Mr. Penzer said both buildings have schools but Mr. Fink said you can't have children walking through active parking lot with trucks so it has to be smartly designed where the children are on the opposite side of where there is trucks. If you are have 3 bays, you are having trucks pulling out and backing in and it is not feasible to have children on the same side. Mr. Penzer pointed to the map and asked if another part of the building was better and said to get rid of the parking and have them come in there. Mr. Hopkin said they have an excess of parking so they can drop the

parking and Mr. Neiman asked about the other building and Mr. Penzer said Bais Hatorah has a turn around in the front so maybe they would have to get a variance just for the turn around. Mr. Schmuckler said a simple solution is to have the buses come in on the left side, wrap around the building, you have one drop off area for that building then it continues around as soon as it exits to the next building. As far as the playground, he said from the building on the right, you have some building in the back, if you could gate it off and make a long walkway behind the truck loading area, in the northern top of the plan there is a thin area and Mr. Penzer said they could fence it off. Mr. Fink said with the size lot they have, they could really isolate the trucks coming in and going out and you could isolate where the buses are coming in. You could actually have a very nice complex here. Mr. Penzer said that is why they would like the board's opinion. Mr. Fink said to isolate the buses from the trucking.

6. SD # 1641 (No variance Requested)
Applicant: Raquel Schorr
Location: White Road @ intersection with Drake Road
Block 251 Lot 8
Minor Subdivision for 2 Lots

Mr. Vogt prepared a letter dated January 22, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide Block 251, Lot 8, into two residential lots. An existing dwelling and appurtenances are currently situated on proposed Lot 8.02, which will remain as depicted on the subdivision plan. No construction is proposed under this application. Proposed Lot 8.02 has frontage along White Street and proposed Lot 8.01 has frontage along White Street at its intersection with Drake Road. The proposed lots are situated within the R-40, Single Family Residential Zone. The surrounding land uses are predominantly residential. We have the following comments and recommendations: Zoning The parcel is located in the Residential (R-40) District. Single-family detached dwellings are a permitted use in the zone. Per review of the Subdivision Map and the R-40 Residential zone requirements, no variances are required for this application. Review Comments. The plans state that the lots will be residential. The applicant should verify proposed Lot 8.01 will be for single-family dwellings and not for duplexes or two-family dwellings. The NJ R.S.I.S. requires 2.5 spaces for a single-family dwelling when the number of bedrooms is not specified. The existing dwelling on proposed Lot 8.02 does not specify the number of bedrooms, but has a garage and a dirt driveway capable of accommodating at least four (4) cars. Testimony should be provided by the applicant that minimum parking for proposed Lot 8.01 will be provided in accordance with NJ R.S.I.S. standards, and to the satisfaction of the Planning Board. The applicant should confirm that the proposed dwelling will face White Street. Neither curb nor sidewalk exist along the property frontage, nor are proposed as part of this subdivision. All existing and proposed utilities should be indicated. Per review of the plan, public water and sewerage do not exist within White Street. However, public water does appear to exist immediately south of the intersection of White Street and Drake Road. A utility and shade tree easement should be provided along White Street, to be dedicated to the Township (unless relief is granted by the Board). Note #12 on the plan indicates that "All encroachments on proposed Lot 8.02 shall be removed". Testimony is required from the applicant regarding which "encroachments" will be removed (e.g., the 1-story aluminum garage situated over the property line). It appears that the dwelling on proposed Lot 8.02 is served by an existing potable well and septic. Location of the

existing septic system must be indicated on the plans. Similarly, approximate locations of the proposed well and septic system (if proposed) for proposed Lot 8.02 should be provided. Locations of existing wells and septic systems (if any) on properties adjacent to the site must be provided. The (approximate) dwelling and driveway locations, the limits of clearing should be indicated, the trees to be retained identified, and proposed tree protection measures should be specified on the plan. It appears that Soil Conservation District approval will likely be required. If so, the plans should be revised accordingly. The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. Compliance with the Map Filing Law is required. Road widening easements (if necessary) should be provided to the Township. Outside Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Board of Health (wells, septic); Ocean County Soil Conservation District (if necessary); and 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.

Mr. Stevens appeared on behalf of the applicant and said the application is location on the intersection of White Road and Drake Road. There is an existing home that will remain and there are no variances requested. They have received the letter from RV&V and have no issue with it and are willing to address each and every comment listed in it. Mr. Neiman said they will be asking for sidewalks and Mr. Stevens they did not show sidewalks but if that is the boards wish they will comply.

Motion was made by Mr. Schmuckler, seconded by Akerman, to advance to the meeting of March 17, 2009

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

7. SD # 1659 (No variance Requested)
Applicant: JG Ridge LLC
Location: 240 & 244 Ridge Avenue, east of Negba Street
Block 236 Lots 33 & 34
Minor Subdivision to realign lot lines

Mr. Vogt prepared a letter dated January 29, 2009 and entered in its entirety. The applicant seeks minor subdivision approval to relocate the lot line between Lots 33 and 34 in Block 236, resulting in two residential lots, proposed Lots 33.01 and 34.01. Multiple existing dwelling and appurtenances are currently situated on Lots 33 and 34; all existing dwellings are to be removed. Proposed Lots 33.01 and 34.01 have frontage along Ridge Avenue, each lot being proposed to contain a 2-family dwelling. The proposed lots are situated within the R-7.5 Single Family Residential Zone. The surrounding land uses are predominantly residential. We have the following comments and recommendations: Zoning. The parcel is located in the Residential (R-7.5) District. Two-family and duplex housing is a permitted use in the zone. Per review of the Subdivision Plan and the R-7.5 Residential zone requirements, no variances are required for this application. Proposed Lots 33.01 and 34.01 will contain 2-family (duplex) dwellings. Therefore the minimum lot area required is 10,000 square feet. Proposed Lots 33.01 and 34.01 will contain 13,191 and 11,188 square feet, respectively. The lots comply with minimum lot size

requirements. Review Comments The plans include a note that "Dimensions of proposed structures are not known at this time". Manually scaling the proposed structures and calculating lot coverage yields 20.8% and 24.6% for proposed lots 33.01 and 34.01, respectively, which is in compliance. Calculations should be added to the plans demonstrating this compliance explicitly. The NJ R.S.I.S. requires that single-family detached values shall apply to each unit of a duplex. The NJ R.S.I.S. requires 2.5 spaces for a single-family dwelling when the number of bedrooms is not specified. Neither proposed 2-family dwelling specifies a number of bedrooms, so the required number of spaces is five (5) for each building. Each duplex is proposed to have two separate driveways associated, with each driveway being capable of accommodating four (4) cars. Each building will have eight (8) associated parking spaces. The parking complies with R.S.I.S. standards. Board approval of parking is necessary. There is existing curb, sidewalk and driveways to the existing structures on both existing lots. The plan proposes to remove the existing driveway and curb cuts and provide the proposed asphalt driveways with new aprons and depressed curb. No note or allowance is provided for restoring a continuous sidewalk across the front of both proposed lots. All existing and proposed utilities should be indicated. Proposed utilities are depicted, but existing utility service to the existing dwellings are not. Our office notes the duplex proposed on proposed Lot 34.01 includes separate sewer connections for both sides of the duplex, whereas the duplex proposed on proposed Lot 33.01 has a single connection. We also note no proposed gas connections. A utility and shade tree easement should be provided along White Street, to be dedicated to the Township (unless relief is granted by the Board). An easement appears to be provided on the Plan, but no label is provided. Proposed water and sewer service must be indicated on the plans. Public water and sewer appear available per the plans. Locations of existing wells and septic systems (if any) on properties adjacent to the site must be provided. The limits of clearing should be indicated, the trees to be removed or retained identified, and proposed tree protection measures should be specified on the plan. The plans note that Soil Conservation District approval will be required. The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. Compliance with the Map Filing Law is required. Road widening easements (if necessary) should be provided to the Township. Outside Agency Approvals. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and sewer service (LTMUA/NJAW/other); Ocean County Soil Conservation District (if necessary); and 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.

Mr. Felicetta, Esq. appeared on behalf of the applicant. He said they seek no variances in connection with this application and they do not take any issue with the comments in the review letter from RV&V. Mr. Neiman asked what they planned on building on these lots and Mr. Felicetta said they planned on building one 2 family home on each lot and Mr. Neiman asked how much parking did they provide and Mr. Felicetta said each structure has 2 driveways and each driveway can accommodate 4 cars so there is a total of 8 parking spaces for each lot for a total of 16 parking spaces for this application. Mr. Neiman asked if there is outside entrances for the basements and Mr. Surmonte said they have not addressed architectural for basements yet they are just showing footprints.

Motion was made by Mr. Koutsouris, seconded by Schmuckler, to advance to the meeting of March 17, 2009

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

8. SP # 1900A (Variance Requested)
Applicant: Primax Properties/Advance Auto Parts
Location: River Avenue (Route 9), north of Locust Street
 Block 534 Lots 8 & 10
 Preliminary and Final Site Plan for auto parts store

Mr. Vogt prepared a letter dated January 27, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval. The applicant proposes to construct a 6,124 SF auto parts retail building with a total of thirty (30) parking spaces at the above-referenced location. Access to the proposed development will be provided by a driveway from River Avenue (Route 9). The tract consists of two lots that total 1.14 acres in area, and contains a vacant 2-story office building, a septic system, asphalt paving, oil tank, an aluminum shed and appurtenances. The existing building will be demolished and all appurtenances removed. The property is located in the southern portion of the Township on the west side of River Avenue (Route 9), several hundred feet north of Route 70 and the Toms River Township border. The majority of the adjacent and surrounding properties are developed and in use as retail businesses, consistent with the zoning. The adjacent two (2) sites to the north contain abandoned buildings. There is an "84 Lumber" facility abutting the rear of both lots. This project was subject to concept reviews by the Board and prior professionals in 2008, most recently at the October 7, 2008 Planning Board meeting. We have the following comments and recommendations per review of the current application and comments from the October 7, 2008 Planning Board hearing: Zoning The site is situated within the HD-7, Highway Development Zone. Per subsection H(1)b of the UDO, under "permitted uses" in the HD-7 zone cites "Retail business establishments *such as but not limited to...*", then lists seven retail types not including auto parts sales. Testimony is required from the applicant's professionals documenting the proposed use as permitted within the HD-7 zone, including a brief description of how and when the facility will operate. Per review of the site plans and application, the following variances are requested:

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>
Front Yard Setback	150 ft	75.67 ft
Rear Yard Setback	50 ft	13.33 ft
Accessory Side yard Setback	25 ft	30 ft
Parking within 150 ft of front	(non-conforming)	
(Signage Variances)		
Identification sign setback	15 ft	7.5 ft
Identification Sign Area	75 sf allowed	147 sf
Free standing sign height	20 ft	35 sf
Building mounted sign in addition to freestanding	(both not permitted)	
Building mounted sign size	60 ft	145 sf
Wall sign mounted height	top of parapet	1.33 ft over

Any and all other variances deemed necessary by the Board. The positive and negative criteria should be addressed. Testimony is required from the applicant's professionals justifying all of the above referenced variance requests. Per review of the site plans and application, the following design waivers are requested: Minimum 25 foot buffer from the property line to the proposed use (Subsection 18-803E2A). Providing sidewalk along frontage (Subsection 18-814M). Any and all other variances deemed necessary by the Board. Review Comments Site Plan/Circulation/Parking No survey plan is provided. Existing conditions are provided on Sheet C4, which is signed by a PE. The revised plans should contain a survey of existing conditions signed by a Professional Land Surveyor (PLS). Per note #22 on sheet C1 of the plans, the lots will be consolidated by deed. As indicated in the site plans, access is proposed via a 35 foot wide entrance off of Route 9, leading to two (2) sets of parking spaces (30 total). Twelve of the spaces will be located in front of the proposed building (including two (2) handicap accessible spaces), and eighteen spaces are proposed along the northerly side of the building. Other than the two handicap accessible spaces, proposed parking nearest to the building will be 10' x 20' in size. Remaining spaces on the row nearest to the northerly property line will be 9' x 18' in size. As indicated previously, a variance is requested for parking proposed within 150 feet of the front of the property. A trash enclosure is proposed at the end of the drive aisle along the side parking spaces, near the rear corner of the building. Testimony is required regarding when the dumpster will be emptied. As discussed at the October 7, 2008 hearing, the waste receptacle area should be designed in accordance with section 18-809.E. of the UDO. A retention basin is proposed in the rear of existing Lot 8, which will be accessible from the access drive proposed along the north side of the building. The Dimensional plan (C5) shows a 57' wide "Proposed Desired Typical Section" width of 57 feet from the centerline of Route 9 to the edge of the access drive proposed behind the front parking spaces. There is a 24' wide distance between the front yard property line and the edge of the proposed access drive. The applicant's professionals must provide information and testimony regarding any future widening plans and/or property acquisition along Route 9, and potential impacts (if any) to the proposed front parking and access area. A 20' x 21' loading area is delineated along the northerly side of the building, abutting an overhead door leading into the rear. Testimony is required to document the adequacy of the proposed loading area for facility operations. Vehicular circulation plans must be provided to confirm accessibility for delivery, emergency and trash pickup vehicles that will need to access the site. Curb and sidewalk along the property's Route 9 frontage were recommended at the October, 2008 Planning Board hearing. Only curbing is proposed on the site plans at this time. Testimony is required from the applicant whether sidewalk is proposed at this time. Architectural A partial architectural plan set was submitted for review. Per review of submitted plans, the building will be approximately 20 feet in height, and will house predominantly retail floor space, with office and employee changing areas near the front, and restrooms to the rear. A small room to be added to the rear of the main building appears to be a storage and general automotive storage area. The applicant's professionals should provide testimony regard the proposed building, façade and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed. If so, said equipment should be adequately screened. Grading A detailed grading plan is provided on Sheet 6. Consistent with existing topography, proposed grading will generally slope from the Route 9 frontage towards the rear of the property (with the exception of the building pad and front parking which will be elevated to drain away from the building. As indicated previously, a retention basin is proposed in the rear of the site, and will be six (6) feet

deep on average. A segmented wall retaining system is proposed within the interior of the basin. Per review of the current grading plan, it is generally acceptable with the exception of some of the basin retaining walls as depicted. Additional spot elevations within both parking areas and along the rear of the building must be provided on the final plans. If this plan is approved, a submittal and calculations for the selected segmented wall system must be provided prior to construction of the interior basin wall. Stormwater Management As indicated previously, a retention basin, six feet deep, on average is proposed in the rear of Lot 8 for stormwater management purposes. The top of the proposed basin will be 121 feet as depicted on the plans. A six foot high chain link fence is proposed around the basin as depicted on the plans and details. Per the basin routing calculations provided in the stormwater management report, the 100 year storm water surface elevation in the basin will be 119.47 feet, approximately 1-1/2 feet below the top of wall. As currently designed, the stormwater piping that will convey flow into the basin will also act as an emergency overflow that would drain stormwater out to Route 9 in extreme events. The terminal inlet proposed within Route 9, as described in the report, would act as a relief and drain overflow water back into Route 9. NJDOT review and approval of this outflow system must be obtained. The submitted report is incomplete, pending submission of soils data reportedly being performed by Craig Testing. A final review of the stormwater design will be performed upon receipt and review of forthcoming soils information, which should include information on soil lithology, percolation rates, and depth to seasonal high water table (SHWT). A stormwater maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Landscaping As indicated previously, a waiver is sought from providing a minimum 25 foot buffer from the property line to the proposed use. At the October 7, 2008 hearing, foundation plantings were recommended along the north side of the building. Said plantings are proposed along the north side of the parking area, which abuts the north side of the building. No landscape screening is provided to the rear of the building. While we recognize that the adjacent use (84 Lumber) is not visually-sensitive, additional screening should be considered in the event that the use of the adjacent site changes in the future. The overall landscape design is subject to review and approval by the Board. The applicant has provided a six (6) foot shade tree easement along the property frontage, and a site triangle easement for the proposed site access. The applicant should provide legal descriptions and easement language for review. The easements shall be filed as a condition of approval. Lighting. A detailed lighting design is provided on Sheet C7 of the plans. Per review of the isometric data, the design appears to adequately illuminate the proposed use while minimizing spillover onto adjacent sites. Minor design adjustments/shielding appear necessary to reduce minor spillover north of the site. Otherwise, the current design appears adequate. Utilities Sheet C6 of the site plans depict a water main present within the westerly Right of Way of Route 9, but no sewerage. All existing and proposed water and sewer utility information must be provided on the revised plans. Note #26, Sheet C-1 of the plans indicates that public water and sewer services will be provided by the NJ American Water Company. Signage No signage information is provided other than a detail for building mounted signage on Sheet A6 of the architectural plans. 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. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Environmental Site Description. Per review of the site plans, aerial photography and a site inspection of the property, the site and surrounding areas are predominantly developed within the exception of an "L-shaped" portion of wooded vegetation that begins in the undeveloped rear portion of Lot 8 and extends northerly into portions of Lots 7 and 20. Per our 1/26/09

inspection of the site, this area contains deciduous trees with intermittent pines, and minimal understory growth. Several small stick nests were observed, but no other signs of wildlife were observed. Environmental Impact Statement. This application received a waiver from submission of an Environmental Impact Statement; contingent upon comments (if any) received from the Environmental and Shade Tree Commissions. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, grassland and wood turtle habitat areas. Per NJDEP mapping, the wooded area is mapped as potential state-threatened species habitat. While this wooded area is not likely "critical" habitat due to surrounding development, we recommend that the applicant retain a qualified consultant to investigate the site habitat based on NJDEP natural heritage database information and provide a summary report of findings. Tree Management Plan This application received a waiver from submission of a Tree Management Plan; contingent upon comments (if any) received from the Environmental and Shade Tree Commissions. It should be noted that mature trees depicted on the plans and located south of the existing building will be preserved. The applicant must also comply with the requirements for tree protection and removal as applicable on the site. Phase I/AOC's If existing, a Phase I study should be provided to address potential areas of environmental concern (AOC's), if any within the site. At a minimum, we recommend that all existing debris and construction materials from demolition activities be removed and/or remediated in accordance with State and local standards. Construction Details. Construction details are provided on Sheet C-2 and C-3 of the plans. Details include a Typical Pavement Section for the parking and parking aisle areas described as "Subject to Geotech Report". All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer service (NJAW); Ocean County Soil Conservation District; NJDOT (access permit and stormwater management review); and All other required outside agency approval. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. York Esq. appeared on behalf of the applicant. He pointed to the map and showed the location for the auto parts store and where the retention basin was going to be located. He said there were several variances requested; one for the retention basin because of the side yard. The other variances are for the front and rear set back. They meet the parking requirements and they also have some sign variances which the setback they can't do much about because it would put it in the parking lot. The identification sign; 75 ft. is allowed and they are asking for 147 ft. The freestanding height is 20 and they are proposing 35 and they will reduce now to 20 so that will meet the requirements and will eliminate that variance. The building mounted size; 50 is allowed and they are at 145 ft. and the other are design waivers which they will have testimony. With regard to the engineer's letter they can comply or address almost all of it with

one exception. They would ask that there be no requirement to do a critical habitat mapping in this area. The area is surrounded by buildings, roads, etc. and is a cleared piece of property and they plan on putting sidewalks in. They do have the phase I and they will give it to the engineer tonight.

Mr. Fink said the problem in this area is the traffic is horrendous and he really can't see anyone coming up Route 9 and making a left turn into this Auto 8 store and Mr. York said they can have testimony that where this store is located, it is directly between two traffic lights and in areas where you don't have traffic lights he would agree with Mr. Fink; but there are 2 traffic lights on either the north and south side of this site which creates gaps and minute a traffic light stops traffic it creates gaps. Mr. Fink asked how many feet they were off of Honey Locust and Mr. York said about 100 ft. Mr. Fink said cars are backed up and this will add to the problem and Mr. York did not agree with the premise but said they will go to the DOT and if the DOT says it can only be right turn in and right out then they will live by it, but they believe because of the low volume of traffic at a site like this it is not a hazard. Mr. Jackson asked if they had a traffic study and Mr. York said they will have that information for the public hearing but their traffic volume are very low compared to other retail uses such as restaurants. Mr. Jackson also brought up another issue in the review letter that talked about permitted uses and that an auto parts store is not specifically listed and Mr. York said it is not specifically listed but it is clearly a retail use.

Mr. Neiman asked what is behind the site and Mr. York said 84 Lumber is behind it so they cannot go back. They will provide the testimony that is requested but right in and right out would be detrimental to this use and if it doesn't work, then they won't do it and they won't build it. They will provide the testimony to show that will work safely. Mr. Schmuckler asked if the parking goes into the 57 ft. TDS center line and was told it is 75 ft.

Motion was made by Mr. Koutsouris, seconded by Mr. Akerman, to advance to the meeting of March 17, 2009

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

9. SD # 1661 (Variance Requested)
Applicant: Tovia Halpern
Location: southeast corner of Williams & Buttell Streets
Block 420.01 Lots 1.01, 21, 22
Minor Subdivision – to realign lot lines

Tabled to March 3, 2009

10. SD # 1662 (Variance Requested)
Applicant: Jonathan Rubin
Location: 1120 Lexington Avenue @ sw corner of Carey Street
Block 111 Lot 4
Minor Subdivision for 2 Lots

Mr. Vogt prepared a letter dated January 28, 2009 and entered in its entirety. The applicant seeks minor subdivision approval to subdivide Block 111, Lot 4, into two residential lots. An existing dwelling and appurtenances are currently situated on the existing lot, and are marked "to be razed" on the submitted plan. No construction is proposed under this application. Proposed Lot 4.02 has frontage along Lexington Avenue and proposed Lot 4.01 has frontage along Lexington Avenue at its intersection with Carey Street. The proposed lots are situated within the R-10, Single Family Residential Zone. The surrounding land uses are predominantly residential. We have the following comments and recommendations: Zoning The parcel is located in the Residential (R-10) District. Single-family detached dwellings are a permitted use in the zone. A single variance is requested for proposed Lot 4.02 being undersized, being proposed at 9,690.3 square feet where the ordinance calls for 10,000 square feet. A variance is required. Testimony is required from the applicant's professionals justifying the variance request. Review Comments The plan states that the lots will be residential. The applicant should verify proposed Lots 4.01 and 4.02 will be for single-family dwellings and not for duplexes or two-family dwellings. If duplexes or two-family dwellings are proposed, additional variances would be required for parking and lot area. The NJ R.S.I.S. requires 2.5 spaces for a single-family dwelling when the number of bedrooms is not specified. No specific data for single-family dwellings is provided. As noted above, the applicant shall confirm that single family detached dwellings are proposed on the two lots to determine adequacy of the parking. Per the plan, 3 parking spaces are proposed per proposed lot. Board approval of parking is required. The applicant shall provide testimony as to the plans for installation of driveway aprons and replacement of any disturbed curb and sidewalk associated with the project. All existing and proposed utilities should be indicated. Per review of the plan, public water and sewer appear available within Carey Street and Lexington Avenue. Existing and proposed conditions, connections and details must be shown on the plans. Locations of existing wells and septic systems (if any) on properties adjacent to the site must be provided. A shade tree easement has been provided along the property frontage on Carey Street and Lexington Avenue. It appears that Soil Conservation District approval will likely be required. If so, the plans should be revised accordingly. The proposed lot numbers should be consistent with the numbers assigned by the Tax Assessor. Compliance with the Map Filing Law is required. Road widening easements (if necessary) should be provided to the Township. Outside Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Board of Health (wells, septic); Ocean County Soil Conservation District (if necessary); and 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.

Glenn Lines appeared on behalf of the applicant and said the property is located on corner of Lexington and Carey and the need a variance for lot area on one lot. They propose one single family home for each lot. They have reviewed the letters from RV&V and have no objections to the items and will comply with the comments contained.

Mr. Schmuckler said they would like 4 parking spaces per home and Mr. Lines agreed

Motion was made by Mr. Akerman, seconded by Mr. Schmuckler, to advance to the meeting of March 17, 2009

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

11. SP # 1911 (Variance Requested)
Applicant: Dr. Israel England
Location: Kennedy Boulevard & Princeton Avenue
Block 141 Lots 6 & 7
Preliminary & Final Site Plan for proposed medical office

Mr. Vogt prepared a letter dated January 28, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval. The applicant proposes to construct a 3,352 SF dental office building with a claim of twenty-three (23) parking spaces at the above-referenced location. Access to the proposed site will be primarily provided by a proposed parking area behind the renovated building from the Princeton Avenue frontage. The tract consists of two lots that total 15,585 SF (0.36 acres) in area, and contains two (2) one-story frame structures with basements, asphalt driveways extending to Kennedy Boulevard East, and concrete walkways accessing the buildings. The existing buildings will be renovated and connected by a proposed breezeway. Associated site improvements and parking is proposed for the new use. The property is located in the northern portion of the Township on the southwest corner of Kennedy Boulevard East, a County Road, and Princeton Avenue, a Township Road, east of Route 9 and south of the Howell Township border. The majority of the adjacent and surrounding property is developed and consists of residential uses. The adjacent four (4) lots to the south and west are single-family residential dwellings. A townhouse complex to the north is on the opposite side of Kennedy Boulevard East and other residential dwellings to the east are on the opposite side of Princeton Avenue. The applicant received a change of use approval from residential to medical from the zoning officer on August 15, 2008. Zoning. The site is situated within the OT, Office Transitional Zone. Per subsection K (1) g of the UDO, under "permitted uses" in the OT Zone cites "Dentists" as a permitted use. Per review of the site plans and application, the following variances are requested:

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>
Front Yard Setback	25 ft	18.79 ft (Kennedy) 19.86 ft (Princeton)
Side Yard Setback	12 ft	9.64 ft

The above listed existing nonconforming conditions will continue with the proposed building renovation. Our review of the site plans indicates a variance is required for the number of off-street parking spaces. The minimum parking requirements in accordance with 18-807 Medical or Dental Offices is one (1) space required per one hundred fifty square feet (150 SF) of Gross Floor Area. The County will not allow parking along Kennedy Boulevard East or the back out of vehicles onto Kennedy Boulevard East. Therefore, eight (8) of the spaces currently proposed cannot be counted. Any and all other variances deemed necessary by the Board. The positive and negative criteria should be addressed. Testimony is required from the applicant's professionals justifying all of the above referenced variance requests. Review Comments. Site Plan/Circulation/Parking. No survey plan is provided. The Existing Conditions Map provided on Sheet 2 of 6 is signed by a Professional Engineer. The general notes reference that the outbound and topographic survey information is taken from a map prepared by Acre Survey

Company. However, no Professional Land Surveyor is referenced in this note. The revised plans should contain a survey of existing conditions signed by a Professional Land Surveyor (PLS). Per note #3 on Sheet 1 of 6 of the plans, the lots will be consolidated by deed should site plan approval be granted. As indicated in the site plans, access is mainly proposed via a 24 foot wide entrance off of Princeton Avenue, leading to a row of fifteen (15) parking spaces. All of these spaces will be located behind the proposed building. Four (4) off-street parking spaces included a handicap accessible space, and four (4) on-street parking spaces along Kennedy Boulevard East are proposed. However, the County has prohibited the on-street parking along Kennedy Boulevard East and will not allow the back out of vehicles from the driveway spaces in front of the site. As indicated previously, a variance appears necessary for the number of parking spaces proposed on the property. The general notes indicate that refuse removal will be by way of individual trash cans with curbside collection on days consistent with the surrounding residential area. Testimony is required regarding the adequacy of this method. The waste receptacle area should be designed in accordance with section 18-809.E. of the UDO. It is recommended that an on-site accessible route be designed between the rear parking lot and the building entrance facing Kennedy Boulevard East. The existing curb will be replaced at various locations along the property frontages. Pavement replacement along with proposed pavement grades must be provided to insure gutter flow is properly conveyed to the existing inlet at the corner of Kennedy Boulevard East and Princeton Avenue. No loading/delivery area is delineated on the plans. Testimony is required to document the adequacy of deliveries for facility operations. Vehicular circulation plans must be provided to confirm accessibility for delivery and emergency vehicles that will need to access the site. Curb exists along the entire frontage of the property and sidewalk exists along the property's Princeton Avenue frontage. Sidewalk is being proposed along the Kennedy Boulevard East frontage. Detectable warning surfaces are required for the existing handicap ramp at the street intersection and all proposed handicap ramps associated with the project. The proper handicap ramp and detectable warning surface details are required. Architectural An architectural plan set was submitted for review. Per review of submitted plans, the building will be less than 20 feet in height, and will contain two dentist offices. The offices will be separated by the center vestibule which connects the two old dwellings. The applicant's professionals should provide testimony regard the proposed building, façade and treatments. At a minimum, we recommend that renderings be provided for the Board's review and use prior to the public hearing. It appears utilities will generally remain in the basement areas. Location of air conditioning equipment should be shown. Said equipment should be adequately screened. Grading. A detailed grading plan is provided on Sheet 3. Proposed grading will generally slope towards the street frontages or the proposed inlets in the parking and grassed areas. Per review of the current grading plan, it is generally acceptable. Proposed contour lines are required for final review and to insure the project is graded correctly during construction. Stormwater Management. An underground stormwater recharge system is proposed to address runoff from the parking lot and the building. A four inch (4") emergency outlet pipe between the proposed system and an existing inlet at the corner of Kennedy Boulevard East and Princeton Avenue has been designed. Unfortunately, per recent County Planning Board review, the County will not allow this emergency outlet connection. As indicated previously, an on-site stormwater recharge system of 18" perforated pipe surrounded on all sides by 1 foot of clean stone is proposed for stormwater management purposes. The length of the recharge system will be 256 feet as depicted on the plans. Per the routing calculations provided in the stormwater management report, only the water quality storm has been routed. A further review of the revised design will occur after the County issues are addressed. As currently designed, the stormwater recharge system piping has an

emergency overflow that would drain stormwater out to an inlet at the corner of Kennedy Boulevard East and Princeton Avenue in extreme events. The inlet as described in the report, would act as a relief and drain overflow water back into Kennedy Boulevard East. The Ocean County Planning Board review of this outflow system will not allow the proposed connection to the existing inlet. The applicant's engineer must design an alternate relief method to protect against recharge system failure. A stormwater maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. Landscaping. Duplicate plants are shown in the planting list. We believe the "TH" symbol is for a different species than indicated in the list. Except for the existing stockade fence adjacent existing Lot 9, no screening is provided from the rear parking lot. Additional screening should be considered. The overall landscape design is subject to review and approval by the Board. The applicant has not provided a six (6) foot shade tree and utility easement along the property frontage, or any sight triangle easements for the proposed project. The applicant must show the easements and should provide legal descriptions and easement language for review. The easements shall be filed as a condition of approval. Additional planting details are required. Only a shade tree planting detail is presently shown. Lighting A detailed lighting design is provided on Sheet 4 of the plans. Better isometric data is needed to determine if the design is adequate to illuminate the proposed use while minimizing spillover onto adjacent sites. Shielding is being provided to reduce minor spillover adjacent to the site. A cut sheet on the lighting detail is required. Utilities. Sheet 3 of the site plans depict utilities present within the right-of-ways of Kennedy Boulevard East and Princeton Avenue. All proposed water and sewer utility information must be provided on the revised plans. We are not assuming the existing service connections can be reused with the building renovations. Note #4 on Sheet 1 of the plans indicates that public water and sewer services will be provided by the NJ American Water Company. Signage. No signage information is provided other than details for traffic signage on Sheet 6 of the plans. 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. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Environmental Site Description. Per review of the site plans, aerial photography and a site inspection of the property, the site and surrounding areas are predominantly developed. Per our 1/27/09 inspection of the site, the two (2) lots each contain one-story frame dwellings with basements. The houses front Kennedy Boulevard East, with each unit having a curb cut and driveway. Environmental Impact Statement. No Environmental Impact Statement was reviewed. The applicant shall either submit this document or request a waiver from submission of an Environmental Impact Statement; contingent upon comments (if any) received from the Environmental and Shade Tree Commissions. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated Sites (including deed notices of contaminated areas); Threatened and endangered species habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland areas. Per NJDEP mapping, there were no environmental issues found to be associated with the development of this property. Tree Management Plan. No Tree Management Plan was reviewed. The applicant shall either submit this document or request a waiver from submission of a Tree Management Plan, contingent

upon comments (if any) received from the Environmental and Shade Tree Commissions. It should be noted that most of the mature trees depicted on the plans behind the existing buildings will have to be removed for construction of the parking lot. The applicant must also comply with the requirements for tree protection and removal as applicable on the site. Construction Details Construction details are provided on Sheet 6 of the plans. Details include both county and site improvements. All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Service (NJAW); Ocean County Soil Conservation District; and 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.

Mr. Penzer Esq. appeared on behalf of the applicant. He said this is an emergency because the township has bought the building he is in now on 5th Street and he is the last tenant in and has to get out. They are proposing to take the 2 lots and make them into a 15,585 sf lot and make it all into a medical office building. They said the county is barring parking on East Kennedy Boulevard and now the only issue they have is the parking. The ordinance requires 23 parking spaces, they feel they do not need it and Mr. Neiman asked how many they have and they said if they added some to the front they would be short about 4. Mr. Lines agreed and Mr. Penzer said they could bank it and had a place where they could put it if it is necessary they can designate those spots. He said that is the only issue in the report, everything else they can comply with. Mr. Neiman asked if it was only for Dr. England or where there going to be other doctors as well and Mr. Penzer said there may be other doctors as well related to the dentistry such as orthodontist, etc. Mr. Fink asked how many offices were in the building and was told 2 offices and Mr. Neiman said they should be able to get away with 20 spaces.

Mr. Neiman asked Mr. Kielt, due to the nature of the emergency, if they could move the application to the next meeting which would be February 17, 2009 and the plans would be due Monday the 9th

Motion was made by Mr. Fink, seconded by Mrs. Koutsouris, to advance to the meeting of February 17, 2009

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

12. SD # 1663 (Variance Requested)
Applicant: Aaron Bauman
Location: 929 Woodland Drive, between Hillridge Pl. & Carasaljo Ct.
Block 12.05 Lot 9.01
Minor Subdivision to create 2 Lots

Tabled to March 3, 2009

6. CORRESPONDENCE

- None at this time

7. PUBLIC PORTION

Mr. Solomon Sasson, spoke in regard to the Dr. Englard application. He wanted to know if the revised plans would be available for the public to view and Mr. Kielt told him they would be available after 3pm February 9, 2009.

8. APPROVAL OF MINUTES

- Minutes from January 20, 2009 Planning Board Meeting

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

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

9. APPROVAL OF BILLS

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

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

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary