

**LAKWOOD TOWNSHIP PLANNING BOARD
MINUTES
REGULAR MEETING
JUNE 17, 2008**

I. CERTIFICATION OF COMPLIANCE

Chairman Banas 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, Committeeman Miller, Mr. Neiman, Mr. Banas, Mrs. Koutsouris, Mr. Akerman, Mr. Schmuckler, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Kielt stated there was one change to the agenda. **SP # 1880 T&T DEVELOPMENT** asked to be tabled to the meeting of July 15, 2008 at the request of the applicant's attorney.

Motion was made by Mr. Neiman, seconded by Mr. Miller, to table to July 15, 2008

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

4. NEW BUSINESS

1. SP# 1721B (NO VARIANCE REQUESTED)

APPLICANT: BNOS RIVKA ROCHEL

Location: Route 9 & Pine Street
Block 768 Lot 40
Block 776 Lot 4

Preliminary & Final Site Plan for proposed addition to existing school

Mr. Peters stated the Applicant is seeking Preliminary and Final Site Plan Approval for Block 768, Lot 40 and Block 776, Lot 4 to construct a school addition that has a footprint of 17,587 SF. The property has frontages along River Avenue (N.J.S.H. RT. 9) and Pine Street. The site is situated within the HD-6 and R-10 zoning districts. The applicant is requesting a front yard setback variance along the Route 9 property frontage; 100.3 FT are proposed, where 150 FT is required (when adjacent to state highways). This is an existing condition. The applicant's engineer has submitted their opinion that no Flood hazed Area (FHA) permit will be required due to the drainage area to the stream being less than 50 acres. The 50 acre trigger pertains only to the hydraulic calculations not being required, the riparian buffer requirement of the FHA rules still apply. No permit will be needed provided the entire area of disturbance is within previously paved areas. Any disturbance to vegetation will need a FHA permit. Outside agency approvals will be required from Ocean County Planning Board and Ocean County Soil Conservation District. Evidence of the approvals should be made a condition of the Planning Board Site Plan approval. Due to the proposed building addition, the existing eighty one (81) parking spaces shown on the Existing Conditions Plan will be reduced to seventy four (74). The applicant has provided testimony on number of classrooms and offices after construction of the building addition during a technical meeting. Twenty eight (28) classrooms and thirteen (13) offices will be in the building, which yield a total of forty one (41) required parking spaces. The Planning Board should determine if the provided parking spaces will be adequate. An approximate 13' buffer area has been provided along the western property lines adjacent to the neighboring Lot 37 and 34.01. The applicant has provided testimony on the neighboring lots being commercial lots during a technical meeting. The applicant has revised the plans to show landscaping along the property line adjacent to the neighboring Lot 34.01. The Board should determine if the buffering provided along the property lines will be sufficient. We recommend the two lots be consolidated. Curb and Sidewalks are either proposed or existing along the property frontages. A six foot shade tree and utility easement along the property frontages are proposed to be dedicated to the Township. An additional trash enclosure may be required for handling of addition solid waste from proposed addition. The applicant shall provide testimony on the anticipated increase in solid waste. It is unclear what the purpose is of the line demarking the 20' wide drive aisle to the rear site access point. This could be striping or limit of new paving and shall be clarified. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated June 13, 2008. The applicant seeks amended preliminary and final site plan approval for a proposed approximately 38,200-square foot addition to an existing private school. The addition is intended to be used as a lunchroom/auditorium on the upper floor, and classrooms, a lounge room, a library and offices on the basement floor. The site contains an existing school building and parking. The proposed addition is proposed in the rear of the current structure. Reconfiguration of the parking area in the rear is also proposed. The original site received Board approval in 2002. The property is located in both the HD-6 (Highway Development) and R-10 Residential Zones, and has frontage on River Avenue (NJSH Route 9) and Pine Street. The surrounding land uses are both commercial and residential. Public and private schools are a permitted principal use in both zones. The existing front yard setback does not conform to minimum requirements of the HD-6 Zone District; 150 feet required and 100.3 feet provided. This is an existing nonconforming condition. Section 18-906A of the

Ordinance requires a twenty (20) foot buffer along property lines adjacent to residential uses, and ten (10) feet to non-residential uses. The plan does not appear to meet the buffer requirement adjacent to residential uses. A bulk "c" variance may be required. Sidewalk is now proposed along the balance of the site frontage on Pine Street. The site plan indicates that a total of 41 parking spaces are required and 47 spaces proposed. The basis of the parking computation should be submitted. The bus loading and unloading areas should be indicated on the plan for review. The applicant should discuss the impact of the addition on the number of school children, staff, and parking requirements. The applicant should clarify the location of existing recreational areas onsite for the school. The plans indicate an area labeled "Reserved Parking Area" at the eastern extent of the site. The applicant should testify regarding approval for this area both by the Board and outside agencies. The project engineer indicates, in a letter dated June 10, 2008, that the adjacent watercourse does not have a FEMA Base Flood Elevation. The NJDOT Typical Desired Section half width of 57 feet shall be shown on the plans. Additional site lighting has been added to the site plan. The stream on the site behind the existing building is a tributary to the Metedeconk River, a Category One (C-1) water. The NJDEP regulates activities within 300 feet of C-1 waterways. Based on NJDEP regulations, activities within the 300-foot buffer are limited to existing disturbed or paved areas. Therefore, it is our understanding that any development activity on this site may occur only in the disturbed or paved areas. The site plan contains a note that no additional disturbance outside the area of existing pavement is intended. Any development activity outside of the site existing disturbed areas may require approval of the NJDEP. If there is any question as to the State jurisdiction, an Applicability Determination can be sought from the NJDEP. The applicant should testify regarding compliance with the NJ Freshwater Wetlands regulations. An Environmental Impact Statement is required by the Lakewood Unified Development Ordinance; otherwise, a waiver is required. The Fire Official should review the plans for comment. The site has frontage on State Highway Route 9, however, no improvements appear to be proposed within the NJDOT right-of-way. Approval is required from the following agencies: Ocean County Soil Conservation District and Ocean County Planning Board.

Mr. Pfeffer Esq. appeared on behalf of the applicant and Mr. Hopkin is the engineer. Rabbi Kanarek and Mr. Aurebach were also there to testify. Mr. Pfeffer said in regards to the engineers' report, the front yard setback is pre existing. They are only doing work where the work was previously disturbed as this was a former nursing home and there is asphalt on the ground. Mr. Banas asked if there are notations of that type on the plan itself that there will be no disturbance and Mr. Hopkin said on sheet 3 of 6, last revised 6/9/08, it has bold letters at the bottom it states "the proposed addition is to be constructed in areas that are already paved, no additional disturbance outside the area of existing pavement is intended". Mr. Banas said the reason he asked is because when the application was originally approved the circular drive in front was supposed to be abandoned, that road was going to be discontinued etc. and it has not been done at this point, unless there were changes he does not know about. Rabbi Kanarek said there must have been changes Mr. Banas does not know about and Mr. Banas told him to inform him of those changes. Mr. Jackson said the plans submitted show the circle and isn't that the plans that were submitted and Mr. Banas said there is a difference between the last presentation of this project and this project. The last presentation was to abandon that circle. Rabbi Kanarek said he thinks they asked them to put signs 10

minutes maximum parking. Mr. Jackson asked Mr. Banas if he is suggesting that there was a condition on the original approval that the circular driveway would be abandoned and Mr. Banas said yes and Mr. Jackson recommended that if no one has cited them or stopped them, even if it is a prior condition, you should just address this application on its face. Mr. Banas said if the Rabbi knows of any things that he suggested that Mr. Banas does not know about, he would like to know about it up front right now rather than do it later.

Mr. Pfeffer continued with the engineer's report and said they will get the outside agency's reports. Rabbi Kanarek said right now they have 28 classrooms and offices and this addition is only intended to serve as a lunchroom, auditorium, and extracurricular activities room with a stage which they don't have. Mr. Neiman asked about the parking and said as it is now, is there any parking issue and by losing the 8 spots, will it impede on the parking and Rabbi Kanarek said he thinks they did overkill on the parking and did more than they need. The only time they have a shortage of parking is twice a year for PTA. Mr. Hopkin said there are 2 lots to the north of the property, one which is Oscar's Electric, and they have a 13.1 ft. buffer existing there which meets the requirement; the other lot is vacant and there is a 12.7 ft. buffer and they have added supplemental buffering of white pines and an understory planting below the white pines. Mr. Banas said white pines grow fast and in 2 directions, up and wide and Mr. Hopkin said he and Mr. Truscott discussed in the past is either Leland Cypress or White Pines and a lower level of evergreen which would fill in where the white pines would get leggy and that is what they have done here. Mr. Truscott agreed.

Mr. Pfeffer said he cannot consolidate the 2 lots because it would create title issues but they did agree as part of the resolution that should he go for a construction mortgage and pay off the prior liens they will consolidate at that time. They will construct curb and sidewalks and the remainder of the comments.

Mr. Peters had a question about the drive aisle that went around the south side of the building and asked what was intended there and Mr. Hopkin said it was his understanding that the applicant wanted to keep the pavement there for access for doorways and sidewalks. Mr. Peters asked if there would be any signage and Mr. Hopkin said they would comply with his suggestion for signage.

Mr. Pfeffer said with regard to the planner's report, he thought there was a typo on the square footage. There was also a typo on the number of parking spaces. Mr. Hopkin said he could sign the aisle for the bus loading and unloading but is not changing where it is. Mr. Aurebach described where the recreational areas were located on the plans and showed a green area on the plans where the girls can play football. Mr. Hopkin said the area labeled "reserved parking area" is there is there at the request of the Chairman from a prior meeting and he is not aware of it but believes it is from a prior approval and it is a grass area used for parking probably in situations such as PTA's. Mr. Banas thought they had identified the number of parking spaces that were approved in the reserved area and Mr. Hopkin said he is not aware of it and Mr. Pfeffer said that came from Mr. Banas and the recesses of his mind and no one remembered, neither he or Rabbi Kanarek and Mr. Banas said Rabbi Kanarek remembers more than he alleges to. It was agreed that it was there as reserved but there was not a number of spaces specified. Mr. Hopkin said he provided the board with his opinion and interpretation of the DEP's rules on the

freshwater wetland and because this area is already paved it is not functioning as a transition area and is considered redevelopment and is not regulated. Mr. Banas asked where the verbage should be placed and Mr. Truscott said it should be placed on the plans. They agree to submit an Environmental Impact Statement and agree to any approval being a condition of it. They agree to the remainder of the comments in the planners report except for getting DEP approval and Mr. Truscott agreed.

Mr. Banas asked Mr. Kielt if the Fire Commissioners received a copy of these plans and Mr. Kielt said they had. Mr. Banas asked Mr. Truscott if they should make another attempt to get a recommendation from the Fire Commissioners and Mr. Truscott said he would check his files again but said they could do it again. Mr. Banas said if he sends them out after the meeting it would be moot and said he usually sends them out routinely. Mr. Neiman said they typically do not see that comment on the letter and asked if it is because it is a school and Mr. Truscott said it is because there is no paperwork from them.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

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

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

2. SP# 1895 (VARIANCE REQUESTED)
APPLICANT: BETH MEDRASH GOVOHA

Location: 9th & 10th Streets, between Clifton Avenue and Route 9
Block 98 Lot 2

Preliminary & Final Site Plan for proposed building addition to existing school

Mr. Akerman recused himself

Mr. Peters stated the Applicant is seeking Preliminary and Final Site Plan Approval for Block 89, Lot 2. Two separate masonry buildings exist on site. The applicant has proposed to construct a new two (2) story school building and an additional floor to the existing three (3) story building. The property has frontage along Madison Avenue (NJ State Highway RT. 9), Ninth Street, Clifton Avenue, and Tenth Street. The site is situated within the RO-P residential office park zoning district. The applicant is requesting the following variances: Front yard setback for the proposed building; 6.5 FT are proposed to Tenth Street, where 25 FT is required. Front yard setback for the existing building; 9.8 FT are proposed to Ninth Street, where 25 FT is required. This is an existing condition. Side yard setback for one side; 0 FT are proposed, where 12 FT is required. Side yard setback for one side; 4 FT are proposed, where 12 FT is required. This is labeled on the plan as existing non conformity. Maximum allowable building coverage; 54 percent are proposed, where 25 percent is permitted. The applicant shall revise the zoning schedule to show an existing non conformity for the existing building having a front yard setback of

24.7 FT along the Madison Avenue, state highway Route 9. The applicant indicates in the zoning schedule the existing multi story building is the accessory building on site. It is our opinion that the accessory structure is required to comply with the maximum permitted height of 35 feet. A height variance will be required. The applicant indicates in the zoning schedule the 4 FT side yard setback and a 222 FT front yard setback for the existing building to Tenth Street are provided. The applicant shall revise the Site Plan to show these dimensions. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals should be made a condition of final Planning Board approval. The applicant states in the zoning schedule, twenty three (23) parking spaces are required and a total of one hundred and five (105) parking spaces will be provided. Sixty six (66) of the parking spaces provided will come from a neighboring parking lot. In accordance with section 18-906 C. of the Lakewood UDO, twenty three (23) parking spaces are required; however, additional parking spaces may be required for the dorm rooms proposed. The Board should determine if the required parking spaces provided will be sufficient. No handicap parking spaces are provided as shown on the Site Plan. In accordance with the handicap parking requirement, a total of five handicap parking spaces shall be provided amount the 105 parking spaces provided. The applicant shall provide testimony on the handicap accessibility of the parking lot to the proposed building. An easement agreement to allow the use of the lot shall be provided to the Board for review. The applicant is requesting a design wavier for a 10 FT buffer along the western property line adjacent to Lot 5. The Board should determine if any landscaping will be required along the property line. The applicant has revised the plan to show a 10'x40' solid waste pick up enclosure. The applicant shall coordinate with the Public Work Office to determine if the proposed enclosure will be adequate. The applicant shall provide testimony on the state of construction of the proposed forth floor. Based on a site visit, the existing building which has been proposed with the floor appears to be currently under construction. The applicant has revised the Landscape and Lighting Plan to show a total of twelve (12) street trees along Clifton Avenue and Ninth Street. The Board should determine if the proposed landscaping will be sufficient. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated June 13, 2008. The applicant is seeking preliminary/final major site plan and variance approval to construct a two (2) story school building addition with basement consisting of classrooms and a large study hall. In addition, approval is sought for a fourth story addition to the existing three-story dormitory. The Beth Medrash Govoha (BMG) encompasses much of the block bounded by Ninth and Tenth Streets and Madison and Clifton Avenues. The two-story building addition will be located mid-block, with frontage on 10th Street. The existing dormitory is located at the northwest corner at the intersection of Clifton Avenue and 10th Street and is an accessory use. The site of the two-story building addition contains six (6) trailers which will be relocated. The project site, Lot 2, is 2.75 acres in area and has frontage on four streets. The parcel is located in the ROP Residential Office Park Zone District. Schools are a permitted use. The following variances are requested: Front Yard Setback – a minimum of 25 feet is required, and 6.5 feet is proposed on Tenth Street. Side Yard Setback - a minimum of 12 feet is required, and 0 feet is proposed on the west side of Lot 2, adjoining Lot 5. Building Coverage – a maximum of 25% is permitted and 54% is proposed. Building Height – Accessory Building – a maximum of 35 feet is permitted and

54 feet is proposed. The positive and negative criteria for the requested variances should be addressed. A design waiver is requested for a ten (10) foot wide buffer along the westerly property line of Lot 5. Review Comments. The location of existing parking which will service the site is shown on the site plan. It is located on Ninth Street and Madison Avenue. The location of 39 off-street parking spaces on Tenth Street and Clifton Avenue is also shown on the site plan. These spaces are subject to an easement agreement for an off-site property. The location of the proposed solid waste collection area is now shown. The site plan indicates that 23 parking spaces based on class rooms are required and 105 spaces are proposed. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery said the application is for an addition to the school site between 9th & 10th. He said the variances on the face look like an extensive use of the site but he said if you look at the use of the site, it is an inherently beneficial use, the area is all impervious, so as far as the coverage is concerned, he feels the impact on the environment is the same. The buildings that are proposed are aesthetically are an improvement to the area and the ROP zone allows 65 ft. height so it is not a building out of character with the zone and the dormitory is an accessory use to the school use. He said the positive criteria is the expansion of an inherently beneficial use and it complies with the intent of the purpose of the Master Plan and MLUL and the negative impact would be the issues such as the aesthetics and his building is next to a gas station and he does not feel they will adversely impact the gas station; they are close to the downtown and in the past the board has recommended pulling buildings closer to the sidewalks and he thinks this type of use is an appropriate setback. He does not feel they are impacting the drainage or there is no substantial impact on the traffic and they have shown the parking that is available. There were 18 parking spaces that the house of worship could use on the adjacent corner, they have not called out which 18 there is because there are so many of them and the times are different that there are certainly more than 18 more than they need. 23 are required and they have over 100 available to them. Mr. Banas said keeping in mind the proposed ordinance that is coming forth, you need to go identify where those spaces are and Mr. Flannery said they would identify them on the northwesterly portion and will designate them that there is a shared parking agreement along with the handicapped parking spaces that are required. It is his opinion that the positive criteria outweigh the negative criteria in granting the waivers.

With regards to the review comments of the planners report, they have shown the solid waste containers and they agree to the remainder of the comments. With regards to the comments in the engineers report, they will correct the zoning schedule. Mr. Penzer said the purpose of the trailers is they are special education requirements and they will be moved over and used for the same use they are now. The state of construction is that the outside is all done and the inside would need to be completed and that is waiting for approval here. The remainder of the items will be complied with.

Mr. Banas asked about the trailers and what age group and Mr. Penzer said they were elementary from 1st through 4th grade boys only.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Neiman, seconded by Mr. Percal, to approve with all the stipulations given by the planners and engineer

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Schmuckler; yes, Mr. Percal; yes

3. SP # 1880 (NO VARIANCE REQUESTED)

APPLICANT: T & T DEVELOPMENT LLC

Location: 312 5th Street, west of Clifton Avenue
Block 93 Lot 6

Preliminary & Final Site Plan to construct 3 story, 16,200 sq.ft. office/retail bldg.

Tabled to July 15, 2008

4. SP # 1882 (NO VARIANCE REQUESTED)

APPLICANT: SUDLER LAKEWOOD LAND LLC

Location: Oak Street, New Hampshire Avenue & Salem Street
Block 1160.02 Lot 7.01

Preliminary & Final Site Plan for 140,000 sf warehouse/office "Building 30"

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Site Plan Approval for Block 1160.02, Lot 7.01. The applicant has proposed to construct a 140,000 SF warehouse for a total of five (5) tenants, and parking and loading area on the proposed Lot, which is currently vacant. A detention basin is proposed at the southeastern corner of the lot. The property has frontages along New Hampshire Avenue and Oak Street. The project is located within the M-1 zoning district. No variances are requested by the applicant. The zoning requirements shown in the zoning table for maximum impervious coverage and minimum tree preservation area are based on the expired CAFRA Regional Center Designation. The zoning schedule shall be revised to show the general CAFRA standards. Outside agency approvals are required from the Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for CARFA approval. Evidence of the approvals should be made a condition of Final Planning Board approval. The applicant shows in the zoning schedule 169 parking spaces are to be provided for the proposed 140,000 SF multi-tenant warehouse building. The parking space calculations were done with assumption that 20 percent of the total building area will be office space, with the remaining 80 percent being warehouse space. This ratio results in 150 required parking spaces. In accordance with the applicant's response letter dated March 26, 2008, the applicant will provide testimony on the adequacy of the provided parking spaces. Curbs are existing along Oak Street, but not New Hampshire Avenue. Sidewalk does not exist along either property frontage. The Planning Board should determine if curb and sidewalks will be required. The applicant shall provide testimony on the anticipated volume of solid waste that will be generated, as two dumpsters may not be sufficient for a 140,000 SF building. In addition, we recommend dumpsters be located closer to the building and spaced along its length, as opposed to one central

location 120 feet from the building. The applicant added to the plans a 10'x20' trash receptacle area. A dumpster detail is shown on the Detail Sheet-7. In accordance with section 18-809 E. of the Lakewood UDO, the area must be enclosed behind a wall at least five (5) ft in height, with an opaque self-closing gate. The applicant shall revise the detail to comply with the UDO standards. We recommend a wall matching the building be utilized. In accordance with section 18-803. E. of the Lakewood UDO, a 25 ft buffer area is required along property lines and shall be shown on the plans. A waiver will be required if buffers of less than 25 feet are proposed. The applicant shows on the plan a section of proposed stormwater pipe, a flare end section, and outlet protection measurement outside the property limit in adjacent Lot 3. It is our understanding that Lot 3 is also owned by the applicant and the construction on Lot 3 will be located in an existing utility easement. The applicant shall provide a copy of the easement documentations for a review of the restrictions the easements imposes. The new stormwater outfall may need to be incorporated into the easement to ensure maintenance access is provided. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated April 11, 2008. The applicant is seeking preliminary and final site plan approval to construct a 140,000-square foot warehouse on a 13.30-acre lot in the Lakewood Industrial Park. The proposed warehouse will provide space for five tenants each with six loading areas. The applicant has proposed a total of 169 parking spaces for the proposed warehouse use. The site fronts on New Hampshire and Oak Street. The subject site is located within an area with commercial and industrial uses to the north, east, and south and residential uses to the west of the site. The applicant has proposed a 1.71-acre tree preservation conservation easement along the eastern and southern perimeter of the site. In addition, the applicant has an existing 40-foot wide utility easement on the eastern side of the site. This application was discussed at the March 4, 2008 Plan Review meeting. The applicant has submitted revised plans addressing the comments of the Planning Board and the professional reports. The parcel is located in the M-1 (Industrial) Zone District. The proposed warehousing use is a permitted use within the M-1. No variances are requested. CAFRA Permitting. The Board should take note that this application is subject to CAFRA regulatory requirements. The applicant has noted compliance with the impervious coverage and conservation area requirements for a site that is within a Regional Center on the site plan. As the Board is aware, the Township Committee is actively involved in the State Plan Endorsement process to reinstate the expired CAFRA Regional Center. This includes the Lakewood Industrial Park area. At this point in time, the site would be subject to the CAFRA requirements for a site that is within a Planning Area 2 sewer service area. The maximum permitted impervious coverage limit under CAFRA is 30 percent and the proposed impervious coverage limit is slightly over 60 percent. In addition, there is a minimum tree preservation requirement (CAFRA) that the applicant does not comply with. The applicant shall comply with the appropriate CAFRA regulations when it seeks NJDEP regulatory approval. Township Proposed Preservation and Open Space Strategy. The NJ Department of Environmental Protection has identified areas for possible preservation in Lakewood Township in connection with its review of the Township's petition for State Plan Endorsement and Regional Center designation. The subject tract is located within an area identified on a map for possible preservation submitted to the Township by the NJDEP. T&M Associates submitted, on behalf of Lakewood Township and in conjunction with discussions with the Lakewood Township Committee, a response to the NJDEP's

proposed preservation area map. One of the maps submitted to the NJDEP, Figure 5, proposes certain areas for preservation which focused on publicly-owned sites for a comprehensive strategy of open space preservation. The subject site is located in one of the areas designated for further review (i.e. not suitable for preservation, privately-owned, and not identified for development). The purpose of the designation is not to restrict development on privately-owned parcels. The purpose of this information herein is to provide the applicant and the Planning Board with pertinent information relating to the site. No formal action has been taken by the Township or relevant State agencies with respect to the preservation of this site. Therefore, in its review of the application, the Planning Board is not mandated to require that this specific site be preserved for open space. However, the Board may wish to consider water quality issues as part of its site plan review and require as a condition that the applicant propose a conservation easement by deed for the areas identified for tree preservation. The applicant, as part of this submission, recommended that the tree preservation be deeded restricted. The applicant should be required as a condition of approval to submit the conservation deed language to the Board professionals for review. Lakewood Industrial Commission. The Industrial Commission has approved a 50-foot front yard setback, based on a memorandum dated February 29, 2008. As presently shown on the site plan, the applicant conforms to the 100-foot front yard setback for both frontages. The applicant has provided 169 parking spaces and 6 loading areas for each of the five tenant spaces on the site plan. Applying the M-1 parking standards for warehouses and office spaces, the applicant demonstrates conformance with the Township requirements. However, as indicated in a discussion with applicant's Engineer, the applicant is proposing that the warehouse be considered as "flexspace," meaning that the office area will be determined by the tenant and the tenants needs, i.e., a tenant may rent more than one area. Of the total 140,000 square feet, the office use would account for 28,000 square feet (or one-fifth of the area) and the remaining 112,000 square feet would be warehouse. A note to that effect should be placed on the site plan. For occupancy purposes, the applicant should clarify if the 20% office space is per tenant, or the overall building. In addition, the applicant will need to provide documentation and provide testimony on the number of proposed employees projected. Currently, the applicant notes that the warehouse facility will employ 60 individuals and, as required by the Township development regulations, will provide 20 executive parking spaces. The applicant should be prepared to offer testimony regarding the appropriateness of the parking standard. The applicant has submitted architectural plans that show five tenants and six loading areas for each approximate 28,000 feet of area of the warehouse. The applicant should comment whether the proposed warehouse appearance is similar to existing structures owned and maintained by the applicant. A note regarding the proposed "flexspace" i.e., office/warehouse, should be provided on the architectural plans. The applicant has submitted a supplemental architectural drawing indicating that the proposed building will match in appearance 1 Healthcare Way and 1000 Towbin Avenue. Public water and sewer will be provided. The applicant has submitted an Environmental Impact Statement which notes a NJDEP Letter of Interpretation (LOI) obtained for Lots 7 & 8. The ordinary resource wetland is delineated on the lot directly to the South of the site. A NJDEP LOI jurisdiction determination is valid for five years from the date of the letter. The Board should note that the date of the letter is December 19, 2003. Therefore, an updated LOI will be required prior to construction. Compliance with all NJDEP Freshwater wetlands is required. The balance of the comments are technical in nature.

Mr. Goldman Esq. appeared on behalf of the applicant with Mr. Cocco as the engineer. Mr. Goldman said with regard to compliance with CAFRA, they recognize that their project must be conditioned upon the actual Regional Center designation and they know the Township is moving forward on trying to achieve that and they want to be ready to go when and if that happens and they have made the investment to move forward recognizing that is a risk. They request that be a condition of approval and once that is approved their project would meet all the conditions. Mr. Cocco said they had 2 exhibits, A1 is an aerial photograph of the area and building #30 which sits at the southeast intersection of Oak Street. The second exhibit, A2 is an enlarged view of the proposal and shows the proposed building. The access to the building comes off of Oak Street and the building will face New Hampshire and trucks will enter further down on Oak Street to the rear of the building where there are truck docks and there is also trailer storage in the rear. For the parking calculations, they used one of the more intense users in the industrial park which used about 20% of the office space for their portion of the building so they applied that to the entire building for a presumption and they applied an employee density of about 60 employees plus the ordinance of 20 employees for executives which gives the requirement of 150 parking spaces and they are providing 169. The 28,000 square feet of office is an average maximum for the whole building, and one segment may be more or less and they expect it to be less, but they will put it on the plan. Mr. Neiman asked about the car entrance and asked the board planner or engineer if they thought it was too close for a left turn by the traffic light by Oak and New Hampshire and if there was any safety issue there and Mr. Cocco said it was about 125 ft. which is fine. All the utilities were installed when Sudler did the building to the south and they will install all the lighting and landscaping shown on the plans. They agree getting the outside agency approvals, they have the LOI, they will apply for their LTMUA connections. They agree to the changes requested by the professionals. As far as sidewalks, Mr. Cocco pointed out that in the industrial park, there are no sidewalks so they do not propose to install them. Mr. Neiman asked about Oak Street and if they were to have sidewalks on them and Mr. Banas said sidewalks are very important to them. Mr. Franklin said in that area in the only area he felt they were not necessary and Mr. Banas said he sees people walking in the grassy area and in the street. Mr. Cocco said it would encourage people to walk where there is truck traffic and not only would it be an expense not warranted but a tremendous addition of impervious cover in an area where he thinks you would want to have landscaping because this is the area that will buffer the residential area across the road from the building. His view is it makes more sense to not have the sidewalks and use that green area as a landscape buffer. Mr. Jackson asked if the sidewalks would add to the impervious coverage as far as CAFRA is concerned and Mr. Cocco said if the impervious coverage is allowed to be 80% under the regional center they are at 61% so they would be safe to do it. Mr. Banas said his only aspect is safety and he knows a lot of industries that are located in the park are encouraging their employees to take a leisurely walk during their lunch break and he sees them. Mr. Miller said maybe the next application, which is closer to the wedding hall might need sidewalks, but not this one in this area. Mr. Schmuckler said he sees people riding their bikes to work. They discussed the trash collected and Mr. Cocco said the typically the tenants put in trash compactors at their loading docks and they are relying on the individual tenants to handle their trash. With regard to the 25 ft. setback along the easterly boundary line where they show 24ft. they have revised the plan to show 25 ft. so

they are in conformance. Mr. Banas said he noticed that landscaping along New Hampshire Avenue is the same as the Knipper plant and a neighbor across the street from that site was so upset she approached the board twice and has sold her property and left the area. He asked if they are going to have the building the same way where it is going to be exposed in the same way on New Hampshire Avenue. Mr. Cocco said the part of the building that will be facing New Hampshire Avenue is the office side of the building so there will be doorways and windows and they feel they have put in fairly generous landscape plan. Mr. Goldman said to make the building presentable in the front so they can have loading for trucks in the rear they had to move the building up to the front setback line but they feel it is heavily landscaped. The Knipper landscaping in newly landscaped so the finished product is different than newly planted trees. Mr. Cocco said this is a clean building with a design that Sudler has used throughout the park and feel they will have adequate parking for the tenants that will come to the building and will be a good ratable for the zoning in the area.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Neiman, seconded by Mr. Miller, to approve will all the stipulations from the planner and engineer. No sidewalks are required.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Schmuckler; yes, Mr. Percal; yes

5. SP # 1883 (NO VARIANCE REQUESTED)
APPLICANT: SUDLER LAKEWOOD LAND LLC
Location: Oak Street and Paco Way
Block 1160.04 Lots 54, 383

Preliminary & Final Site Plan for 70,000 sf flexible use "Building 29"

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Site Plan Approval for Block 1160.4, Lots 54 and 383. The applicant has proposed to construct a flex-space building for up to five (5) tenants and parking and loading areas on Lot 383, which is currently vacant. The building will consist of warehouse and office space. A one story masonry office building and parking area exist on neighboring Lot 54. Improvements on Lot 54 will include the construction of two stormwater infiltration basins at rear of the lot. Lot 54 has frontage along Oak Street and Lot 383 has frontage along Paco Way. The project is located within the M-1 zoning district. The applicant is requesting the following variance for Lot 383: Minimum number of parking spaces; 86 spaces are provided, where 95 spaces are required. Non-residential buffer along property lines; 14.5 ft is provided, where 25 ft is required. A variance may be required for front yard setback for Lot 383. Seventy three (73) feet are proposed where 100 feet is required. The front yard setback requirement may be reduced to fifty (50) feet if approved by the industrial commission. The Board should determine if the reduction will be permitted for this application. The zoning requirements shown in the zoning table for maximum impervious coverage and minimum tree preservation area are based on the expired CAFRA Regional

Center Designation. The zoning schedule shall be revised to show the general CAFRA standards. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for CAFRA approval are required. Evidence of the approvals should be made a condition of the Planning Board approval. The applicant shows in the zoning schedule 88 parking spaces are to be provided for the proposed 70,000 SF multi-tenant warehouse building on Lot 383. The parking space calculations were done with assumption that 20 percent of the total building area will be office space, with the remaining 80 percent being warehouse space. This ratio results in 95 required parking spaces. In accordance with the applicant's response letter dated March 26, 2008, the applicant will provide testimony on the adequacy of the provided parking spaces. Curbs are existing along Oak Street and Paco Way at the property frontages; however, no sidewalks are existing or proposed. The Planning Board should determine if sidewalks will be required. An easement shall be granted from Lot 54 to Lot 383 for the construction and maintenance of the stormwater management basins. The wording of the easement agreement and legal description shall be submitted for review. The easement shall be finalized prior to signature of the approved site plans. The applicant shall revise the Lighting Plan to show, no parking lot expansion is proposed on Lot 54. The applicant shall provide testimony on the anticipated volume of solid waste that will be generated, as one dumpster may not be sufficient for a 70,000 SF building. In addition, we recommend dumpsters be located closer to the building and spaced along its length, as opposed to one located over 500 feet from the far end of the building. The striping around the 32 parking spaces in the loading area will not provide any protection to the parked cars from trucks maneuvering to access the loading docks. The applicant indicated in a response letter that interior curbed islands will not be provided since they will limit the future flexibility of the flex-space. The applicant shall provide testimony on how to protect cars and the proposed traffic signs within the proposed parking lots which are adjacent to the loading docks, without the provision of curb islands. The applicant shows on the plans a 10'x10' trash receptacle area. A dumpster detail is shown on the Detail Sheet-7. In accordance with section 18-809 E. of the Lakewood UDO, the area must be enclosed behind a wall at least five (5) ft in height, with an opaque self-closing gate. The applicant shall revise the detail to comply with the UDO standards. We recommend the material of the wall match the building. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated April 11, 2008. The applicant is seeking preliminary and final site plan approval and associated variances to construct a 70,000-square foot flex-use office and warehouse, internal roadway and parking facilities on Lot 383 in the Lakewood Industrial Park. In addition, the applicant proposes to expand the parking area on Lot 54 as well as expand an existing stormwater detention basin to accommodate the improvements of Lots 54 and 383. The proposed warehouse (Lot 383) will provide space for five tenants with loading areas associated with each. On Lot 54, there are a total of 44 existing parking spaces and 119 proposed parking spaces. On Lot 383, the applicant has proposed a total of 88 parking spaces for the proposed use. The site fronts on both Paco Way and Oak Street. The proposed new office/warehouse on Lot 383 will front on Paco Way and the existing office/warehouse on Lot 54 fronts on Oak Street. The subject site is surrounded by commercial and industrial uses. Zoning. The parcel is located in the M-1 (Industrial) Zone District. The proposed office and warehousing uses are permitted uses within the M-1. The applicant has requested the following variances: Parking. The

applicant is requesting a variance from the parking requirements on Lot 383. The applicant is proposing that approximately 20 percent of the building will be dedicated towards office uses, and that the remaining area will be used for warehouse uses. The applicant is required to provide 95 parking spaces (by their computations) and has proposed 88 parking spaces. The standard for the warehouse use for buildings greater than 50,000 square feet is 1 space for each employee and 20 parking spaces for executives; therefore, the applicant has proposed 40 employees will be on site and thus is required to provide 40 employee parking spaces and 20 executive spaces for a total of 60 parking spaces. Thirty-five (35) parking spaces are required for the office space. (14,000 sq. ft. $400 = 35$.) The positive and negative criteria should be addressed for the requested variance. Review Comments. CAFRA Permitting. The Board should take note that this application is subject to CAFRA regulatory requirements. The applicant has noted compliance with the impervious coverage and conservation area requirements for a site that is within a Regional Center on the site plan. As the Board is aware, the Township Committee is actively involved in the State Plan Endorsement process to reinstate the expired CAFRA Regional Center. This includes the Lakewood Industrial Park area. At this point in time, the site would be subject to the CAFRA requirements for a site that is within a Planning Area 2 sewer service area. The maximum permitted impervious coverage limit under CAFRA is 30 percent and the proposed impervious coverage limit is slightly over 40 percent on Lot 54 and 70 percent on Lot 383. In addition, the applicant does not comply with the minimum CAFRA tree preservation requirement. Any required tree preservation areas should be deed restricted as conservation easements. The applicant should comply with the appropriate CAFRA regulations when it seeks CAFRA regulatory approval. Lakewood Industrial Commission Recommendations. A reduction in the front yard setback is permitted by a recommendation of the Industrial Commission and the consent of the Planning Board from 100 feet to 50 feet. The applicant received approval of the Lakewood Industrial Commission for a fifty (50) front yard setback per a memorandum from Russell Corby dated February 29, 2008. A general note indicating the approval dates should be provided on the site plan. Site Plan. For Lot 54, the applicant will need to revise its bulk schedule to address the following standards: Minimum Side Yard. The applicant notes that the side yard setback is 29.9 feet where 30 feet is required. This represents an existing nonconforming condition. Parking. The applicant has not noted the existing structure square footage on the site plan to determine consistency for the existing parking requirements of the building. It appears the standard for Section 18-903.M.6.b. should be complied with. The Environmental Impact Statement notes that the building square footage is 52,110 square feet. A notation should be made to determine consistency for the existing parking arrangements, or the applicant should note whether a bulk variance was previously granted for the site. The applicant currently has 44 parking spaces on the site. The parking standard for this size building is one space for each employee on maximum shift, plus 20 spaces for executives. Design Waiver. The applicant requests a design waiver from the buffer requirements for non-residential uses for Lot 384. A landscaped buffer of 25 feet is required, and the applicant has provided 14.5 feet. We note that the applicant should document the design waiver received for Lot 54 in which a buffer of 4.2 feet is provided. Parking. The applicant should be prepared to discuss the proposed parking arrangements for the site. On Lot 54, the applicant notes that 44 parking spaces exist and that an additional 119 parking spaces are proposed as part of the site plan. This is a ratio of one space per 320 square feet. The applicant should note what the intended use for the structure is to determine

whether the increase in parking is appropriate for the site. If the applicant is proposing a new 'flex-use' space this should be noted on the site plan. The applicant should comment on the proposed number of employees for the site. On Lot 383, 88 parking spaces are proposed for the 'flex-use' office/warehouse building, where 95 parking spaces are required according to the site plan. This is a proposed ratio of one space per 795 square feet of floor area. Of the total 70,000 square feet, the office use would account for 14,000 square feet (or 20 percent of the structure) and the remaining 56,000 square feet would be warehouse. A note to that effect should be placed on the site plan regarding the proposed uses. The applicant should be prepared to discuss the proposed number of employees for the site. Further, the applicant on the submission forms notes that this parking plan is preferable because adding an additional seven (7) parking spaces would increase the impervious coverage on the site. For purposes of occupancy, the applicant should clarify if the 20% office requirement applies to each tenant, or to the overall building. The applicant should be prepared to offer expert traffic engineering testimony regarding the appropriate parking standards for the proposed uses. The applicant has submitted architectural plans that show five tenants and loading areas. Public water and sewer will be provided. Environmental. The applicant has submitted an Environmental Impact Statement which notes an NJDEP Letter of Interpretation (LOI) obtained for Lot 383. The LOI makes a determination that there no wetlands/waters or buffers present on Lot 383. An NJDEP LOI jurisdiction determination is valid for five years from the date of the letter. The Board should note the applicant originally received this determination on October 3, 1995 and requested and received an extension to October 3, 2005 on December 2, 1999. Accordingly, the LOI has expired. The applicant will need to resubmit an NJDEP LOI to demonstrate the absence or presences of wetlands on the site. The applicant has not provided wetland information for Lot 54. Compliance with all NJDEP Freshwater wetlands regulations is required. The Woodlands Management Plan is subject to the review and comment of the Environmental and Shade Tree Commissions. As requested, the applicant has submitted revised a landscaping plan Cross drainage easement. The applicant should be required to address cross drainage easements since the site drains to a basin on another lot. The applicant should be required as a condition of approval to submit the cross drainage easement documents to the Board professionals for review. The balance of the comments are technical in nature.

Mr. Goldman Esq. appeared on behalf of the applicant with Mr. Cocco as the engineer for the applicant. He again reminded the board that the applicant is aware they need approval for a regional center from CAFRA and then they will be able to meet the requirements. Mr. Cocco showed them exhibit A1 which is an aerial photograph of the general vicinity showing the site fronting on Paco Way and Oak Street. There is an existing building that is currently occupied by Paco and it will be noted on the plans and they also have exhibit A2 which is an enlarged view of the Site Plan. They will be putting in an additional 19 parking spaces along the easterly edge of the existing parking area. They will also add an enlarged infiltration basin and a second new on to address stormwater management. Mr. Cocco said the new building is a construction of 70,000 sf of "flexspace" which can be subdivided into several different users and they have provided for loading areas and docks and parking on one side of the building. All access for this site comes from Paco Way. There are 44 existing parking spaces and they are adding 19 additional spaces for a total of 63 and they will add that to the plans. On the parking calculations they did the same calculations as the other application which is the

maximum 20% office space in the building and assumed the executive parking and came up with a parking requirement of 95 parking spaces and they are providing 88 spaces. They could have juggled the numbers and used 18% and they would have had enough but technically they are requiring a variance from their own standard applying the town standard to it. Mr. Cocco said one of the other variances they are requesting is the 25 ft. side buffer between the development and the property line. There is an existing variance on both sides of the existing building that fronts on Oak Street and they are requesting a variance along the southerly boundary of the new building. The reason for this is because this lot is only 300 ft. wide and with 130 ft. for truck loading and the setback on the other side to the building it is a little cramped for space. They believe the adjoining lot is owned by a cemetery and they do not believe there will be any negative impact to that side of the property. They are providing about 50 shade trees 50 evergreens and ornamentals, over 300 bushes and a similar lighting plan to the other project. They need outside agency approvals and agree to them and they already have an LOI showing there are not wetlands on the site. The comments in the engineers report regarding the sidewalks they are seeking not to install them since there are not any in the area and the engineer also commented about the location of the dumpster and Mr. Cocco stated it was placed there to satisfy the comment and to show where they could put a dumpster but said the types of users that will use this building will have their own compactor at their docks to do their own recycling so they do not believe they will need to have stand alone dumpsters. Mr. Goldman also said one other comment was made about the separation of the truck area from the parking area and if the design without the separation working and Mr. Cocco showed the aerial exhibit again and said the buildings further up Oak Street have loading and parking in the same area. They propose to place bollards to give some protection to the signs and said there is not that much traffic in the area. Mr. Banas asked them to mark it on the plans and they agreed. Mr. Peters said they might be better off with painted markings on the asphalt so they don't have signs sticking up in the middle of the pavement and they agreed and thought it was a good idea.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Neiman, seconded by Mr. Schmuckler, to approve with all the stipulations from the professionals

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Schmuckler; yes, Mr. Percal; yes

6. SD 1561 (VARIANCE REQUESTED)

APPLICANT: DAVID HERZOG

Location: East 4th Street, west side of Negba Street
Block 241 Lot 9

Minor Subdivision & Preliminary & Final Site Plan to create 2 lots, one 2 story Duplex and one 3 story multi family with basement- total of 6 apartments

Mr. Peters stated the applicant is seeking Preliminary and Final Major Site Plan and Subdivision Approval to subdivide one multi-zone lot into five (5) new lots, to be known as Lots 9.01, 9.02, 9.03, 9.04, and 9.05. A two-story five, (5) bedroom Duplex is proposed on Lot 9.01. The lot contains the entire R-7.5 Zoned portion of the property. Lot 9.02 will be used as parking area for three (3) two story duplex buildings proposed on Lots 9.03, 9.04, and 9.05. Additional parking space is also proposed on Lot 9.05. The four (4) proposed lots are located within the B-2 zone. The subject property, known as Block 241, Lot 9, stretches from East Fourth Street to East Fifth Street along Negba Street within the R-7.5 and B-2 zones. The property is currently vacant. The applicant is requesting the following variances for Lot 9.01: Minimum lot area; a 9,555 SF area is proposed where 10,000 SF are required for a lot with a duplex within the R-7.5 zone. Front yard setback for Lot 9.01; A 14 foot setback is proposed where 25 feet are required. The applicant is requesting the following variances for the lots in the B-2 zoning district: Minimum lot area; areas of 4,290 SF, 2,649 SF, 2,649 SF, and 4,218 SF are proposed for Lots 9.02, 9.03, 9.04, and 9.05 respectively where 12,500 SF are required. Minimum lot width; widths of 44 FT, 27 FT, 27 FT, and 43 FT are proposed for Lots 9.02, 9.03, 9.04, and 9.05 respectively where 100 FT are required. Maximum lot coverage; 49 % coverage is proposed for Lots 9.03 and 9.04 where 40% is the maximum permitted. Front yard setbacks; 14 FT setbacks are proposed to Negba Street for lots 9.03, 9.04, and 9.05 where 20 FT are required. Lot 9.05 has two frontages; a front yard setback variance along East Fourth Street is also required. A 16 FT setback is proposed where 20 feet are required. Side yard setbacks; 0 FT setbacks are proposed for lots 9.03, 9.04, and 9.05 where 20 FT are required. The applicant will be required to obtain outside agency approvals from the Ocean County Planning Board and the Ocean County Soil Conservation District. Evidence of the approvals shall be provided as a condition of Planning Board Approval. The proposed duplexes will contain six (6) bedroom units. The RSIS tops out at 3.0 parking spaces per unit for a five bedroom unit, which would yield a requirement of eighteen (18) parking spaces for Lots 9.03, 9.04, and 9.05 combined. Fifteen (15) parking spaces have been provided for Lots 9.02 through 9.05. Six (6) parking spaces are required for Lot 9.01 and five (5) have been provided. The applicant is requesting a wavier for providing less than the required parking space for Lot 9.01. Such wavier for Lots 9.02 through 9.05 shall be requested as well. The applicant indicates in a response letter, dated May 28, 2008, roll-out dumpsters will be provided for solid waste collection purpose. No storage area has been provided for the dumpster. A screened storage area is required. At the technical review meeting the applicant indicated a copy of a Phase-I Site Assessment would be provided for review. The document has not been submitted and shall be provided to the Board professionals for review. The applicant shows on the plans drainage easements will be dedicated to a Homeowner Association (H.O.A.). The H.O.A. documents shall be submitted to the Planning Board Solicitor, Planner, and Engineer for review. The documents shall describe the ownership and maintenance of all public area such as the proposed parking lots and the proposed underground recharge system. The subject property is located along Negba Street which currently has a substandard width based on RSIS Standards. The existing Right of Way (ROW) is twenty (20) feet with a cartway of 19.6 feet. The standard width for a neighborhood street is a fifty (50) foot wide ROW with a thirty foot wide cartway allowing for a sixteen foot wide two way, traveled way, and two seven foot wide parking areas. The applicant has proposed a seven foot wide roadway easement dedicated to Lakewood Township. To bring the roadway up to standard would require the

applicant to dedicate 15 feet of lot depth to the Township for ROW and provide a five (5) foot road widening. Based on comments from a previous technical review meeting for this application, the applicant requested Negba Street be made one-way; however, this proposal was not acceptable to emergency services. A 6' high board on board fence has been proposed along the proposed parking lot on Lot 9.02 adjacent to Lot 10 for screening purposes; however, no screening measurements are proposed along the proposed parking lots adjacent to Lot 8. The Board should consider requiring board on board fence to be installed along the parking lots to shield the view of Lot 8. The applicant shows on the Landscaping and Lighting Plan proposed landscaping along the property lines adjacent to the neighboring Lots 8 and 10. The Board should determine if the proposed landscaping will be sufficient to protect privacy of the neighboring lots. The applicant shows on the Site Plan decks are proposed in the rear yards of Lots 9.03 through 9.05. The applicant shall revise the Landscaping and Lighting Plan to show these decks to ensure there will be no conflicts between the proposed landscaping in the rear yard and the decks. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated June 13, 2008. The applicant is seeking preliminary and final major subdivision and site plan approval with associated variances to construct one duplex building and one multifamily building at the above-referenced location. Associated off-street parking and site improvements are also proposed. The subject property has 159.25 feet of frontage on Negba Street between East Fourth and East Fifth Streets. The property is vacant. Lot 9 is a corner lot from East 4th to East 5th Street, with Negba Street running along its eastern edge. The parcel is located in two (2) separate zoning districts, the R-7.5 and B-2 Zones. Zoning and Variances. Proposed Lot 9.01 will be entirely located in the R-7.5 Zone; two-family and duplex housing is a permitted use. Lots 9.02, 9.03, 9.03, 9.04 and 9.05 will be entirely located in the B-2 Zone; multifamily housing is a permitted use. The following variances are requested: R-7.5 Zone: Minimum Lot Area: 10,000 square feet required; 9,555 square feet proposed. Minimum Front Yard Setback: 25 feet required, 14 feet proposed. B-2 Zone: Minimum Lot Area: 12,500 square feet required; areas of 4,290 square feet, 2,649 square feet, 2,649 square feet, and 4,218 square feet are proposed for Lots 9.02, 9.03, 9.04, and 9.05 respectively. Minimum Lot Width: minimum of 100 feet required; widths of 43.75 feet, 27 feet, 27 feet, and 43 feet are proposed for Lots 9.02, 9.03, 9.04, and 9.05 respectively. Maximum Lot Coverage: maximum of 40% allowed; 49 % coverage is proposed for Lots 9.03 and 9.04. Front Yard Setbacks: minimum of 20 feet required; 14 feet setbacks are proposed for Lots 9.03, 9.04, and 9.05. Proposed Lot 9.05 has two frontages: a front yard setback variance along East Fourth will also be required for a proposed 16 foot setback. Side Yard Setbacks: minimum of 20 feet required; 0 feet setbacks are proposed for Lots 9.03, 9.04, and 9.05. A parking waiver is noted in C. 5. The positive and negative criteria for the requested variances should be addressed. The testimony should address modification of the number of units and the building size to mitigate the requested variances. Review Comments. The Bulk Zoning Charts on the site plans and plat require revision. The applicant should clarify and correct the following: The rear yard setback variance is not required for Lot 9.04. The bulk chart on the site plan indicates 16.1 feet; however, the structure is 36.1 feet from the property line. Please clarify. We note that the building setback from the public sidewalk on Negba Street for both structures is approximately two feet. This does not allow space for privacy, landscaping and, in the case of the multifamily structure, an outdoor entry way. The architectural drawings

indicate that the duplex units will have five (5) bedrooms each, two (2) entrance doors, and an unfinished attic and basement. The multifamily structure is proposed to have six (6) units. Two (2) of the multifamily units will have five (5) bedrooms each, and the basement units will have three (3) bedrooms each. Units 9.03 and 9.05 will not have much of a rear yard due to the location of parking stalls on their lots. The dwelling units in the duplex on Lot 9.01 will have a limited yard area as well. The parking compliance on the Site Development Plan and subdivision plat are as follows: Lot 9.01: the 5-bedroom duplex units require a minimum of 3 off-street parking spaces each. Total spaces required = 6; total provided = 5. A design waiver is required. Lot 9.02: the RSIS requirements for Garden Apartments should be utilized. Each additional bedroom for a garden apartment requires 0.1 additional parking spaces. Applying this standard to the proposed multifamily structure (containing three (3) five-bedroom units, and three (3) three-bedroom units), a total of 13 spaces are required for the multifamily apartment building; total spaces provided = 15. The plans indicate that the parking area and stormwater management system will be dedicated to a Homeowners Association (HOA). The proper documents should be filed with the NJDCA, establishing the HOA and they should be reviewed by the Board Attorney, prior to filing. The appropriate covenants and restrictions will be required for the off-street parking, which is located on Lots 9.03 and 9.05. Screening of only a portion of the nine (9) multifamily parking space lot from the adjoining residential use is provided only by a six-foot high board-on-board fence. The balance of the parking area should be screened by a six-foot high solid fence. The applicant proposes a seven-foot wide roadway easement to address the narrow (20 feet wide) right-of-way of Negba Street. The applicant should clarify if the roadway easement will allow access on the sidewalks which are situated within the lot lines. Solid waste collection should be addressed. The balance of the comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery stated the application is for 2 buildings and marked exhibit A1 which is a rendered version of sheet 3 of site plan. The property is in 2 zones and they are proposing a building in each one. The property to the north is in the R75 which permits duplexes and they propose a duplex with 5 parking spaces and the building to the left which is on the south side of the property is on 6 multi family units, one on top of the other so that you have 3 pieces with an upper unit and a bottom unit and they have provided 15 parking spaces for that. Mr. Flannery said most of the variances are for the individual lot lines which are shown on the plan they discussed at the technical meeting if there should be individual lot and whether the parking lot should be on its' own lot and it looks by the reports that it complicates the issue and is probably a mistake so they would like to say they will not ask for the internal lot lines but they will ask for the building that is shown, the parking that is shown, so the multi-family component will be just one building on one lot which will include all the parking and all the building, constructed exactly the same but rather than providing individual lot lines that can be fee simple it will be multi family type of ownership. It should simplify the issue and limit the number of variances they would need to ask for. Mr. Flannery said this application has been back many times and they have been trying to figure out what to do with the piece of property. Negba Street is more like an alley than a street and the property is in a split zone.

Mr. Banas said he is troubled and asked for clarification on the building on the left; and Mr. Flannery said one building with one condo ownership. Mr. Schmuckler said he did

not have a problem with the ownership and the lot lines but with the 3 houses, possibly 6 houses then with basements you have 9 families and Mr. Flannery said the one basement incorporates so it would be 6 families and Mr. Schmuckler asked how much open space is there for them for about 24 children to play. Mr. Banas said he is thinking of something quite simple: they have a big space of land and without granting any variances how much building can they put in there and Mr. Flannery said if they took the front yard setbacks on all the streets and for the B2 zone they could put in a retail building right up to the lot line and 65 ft. high or one single family home. Mr. Banas did not see what else could be put there granting all these variances seems ridiculous and it just doesn't fit and Mr. Shea said most of those variances will disappear.

Mr. Neiman said he knows it is in the bar mitzvah but with plans like this it will wait until the wedding and asked why they can't be consistent with what is there already, it is a developed neighborhood with single family homes.

Mr. Miller said what Mr. Neiman and Mr. Schmuckler said are the views of the whole board and Mr. Flannery said it appears they should carry this application and talk to the application and make revisions to the application. Mr. Neiman said they also have to address Negba Street, it is very narrow and they will have to address it as well, it is not turning into a one way street, so that will have to be addressed as well. There was discussion about the Township Engineer sending a letter regarding this application when it was first submitted and it spoke about a 7ft. roadway dedication and said if they had to dedicate the 15ft. required by RSIS they might as well condemn the property.

Motion was made by Mr. Franklin, seconded by Mr. Neiman, to carry the application to a future plan review meeting

Mr. Shea stated they would waive the time limitation but would requested it be carried to a future plan review meeting of September 2, 2008 They will re notice

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Schmuckler; yes, Mr. Percal; yes

7. SD # 1625 (VARIANCE REQUESTED)

APPLICANT: H&C DEVELOPMENT

Location: River Avenue- Copper Kettle Diner and Motel
Block 1077 Lots 24, 39 & 40

Minor Subdivision for 2 lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to consolidate and subdivide three (3) existing lots into two (2) new Lots to be known as Lots 39.01 and 39.02. A one story building with parking area spans existing Lots 39 and 40 of Block 1077. New Lot 39.01 will contain the entire building after the subdivision. Existing Lot 24 contains a motel that will be removed. No construction is proposed at this time. The property has the frontage along River Avenue, State Highway Route 9, within the HD-7 zoning district. It seems that the same plan submitted for the technical review meeting has been submitted again. None of the comments from the previous review have been addressed on the plan. The applicant is requesting the following variances for Lot 39.01: Front yard setback; 29.5 FT is provided where 150 FT are required. Minimum floor area;

1,364 SF area is existing where 2,500 SF are required. These are existing conditions. A side yard setback variance for Lot 39.02 for the existing motel is required, 10.6 FT is provided where 30 FT is required. In addition, a front yard setback variance for the motel and its office building are required. These are existing condition. If the structures are to be removed prior to signature of the Subdivision Plan, the variances will not be required. The applicant shall provide testimony on the use of the existing building on Lot 39.01, so the required parking spaces can be determined. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Minor Subdivision Plan. Concrete curbs and sidewalks along the property frontage of River Avenue do not exist. The Planning Board should determine if curb and sidewalk will be required along River Avenue. A 6' shade tree and utility easement along property frontage is usually required to be dedicated to the township. The board shall determine such easement will be required. The remaining comment is pertaining to the Map Filing Law.

Mr. Truscott read from a letter dated June 10, 2008. The applicant seeks minor subdivision and variance approvals to consolidate three (3) parcels and resubdivide the tract into two lots. No construction is proposed at this time. The property is 7.8 acres in area with frontage on the east side of River Avenue (NJ Route 9), just south of Chestnut Street. The tract contains two existing commercial uses. New Lot 39.02 contains several motel structures which will be razed. New Lot 39.01 contains an existing building and an off-street parking area of 28 spaces, both of which will remain. Zoning and Variances. The project site is located in the HD-7 Highway Development Zone. The following variances are requested: Front Yard Setback. A minimum of 50 feet is required, and the front yard setback of the existing building on new Lot 39.01 is 29.5 feet. This is an existing non-conforming condition. Minimum floor area. A minimum of 2,500 square feet is required, and the existing building on new Lot 39.01 is 1,364 square feet in area. This is an existing non-conforming condition. Review Comments. We note that the rear portion of the lot (approximately 3.4 acres) has limited street access due to the subdivision. The applicant should discuss the future plans for the tract relative to the proposed lot configuration.

The buildings as well as the associated walks should be removed prior to the filing of the plat. The comments in the Lakewood Environmental Commission's memorandum dated April 3, 2008 should be addressed. Sidewalks are not proposed at this time. The balance of the comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery testifying for Mager Assoc. Mr. Flannery said the minor technical items they will comply with and the issues they wish to discuss are with respect to curb and sidewalks. They would like to post a bond for curb and sidewalks; this is a minor subdivision and they are not constructing anything, there is an existing abandoned motel and an existing diner that will remain exactly as they are so they will post a bond for the installation of curb and sidewalk but they propose to do that at a point in the future when one of the sites comes in with some development. The other item is the demolition of the building and if they are not changing anything by it, they just want to file a subdivision map so instead of the 3 lots that are there, there will be 2 lots and at some point in the future, a site plan application will be submitted and the applicant will be coming in on Lot 39.02 with something in the future and the building will be disposed of. Mr. Banas asked if why not make one lot out

of the whole thing and Mr. Flannery said because there will be 2 separate owners for the diner and the motel. Mr. Banas said it may happen today but ultimately it will not happen, he has a feeling it will be one development. Mr. Banas asked if the Copper Kettle will still be operational and Mr. Flannery said yes.

Mr. Neiman asked Mr. Banas why he was hesitant about the application and Mr. Banas said the lines were not straight and he said somewhere along the lines he thought there would be some sort of creeping something.... Mr. Flannery said there would be nothing creeping about this, if they come back with something in the future for the whole property then it will be consolidated. If the intent was just to consolidate the property they would not even need to be here, they are here so they can have 2 ownerships; one for the rectangular piece that the diner will one and one for the balance.

Mr. Kiert said he sees one owner wanting to sell off a portion of a large lot and keep a portion for himself.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Miller, seconded by Mr. Schmucker, to approve this application without having to raze the building

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Schmuckler; yes, Mr. Percal; yes

8. SD # 1627 (VARIANCE REQUESTED)

APPLICANT: CONGREGATION BETH SHALOM C/O HARVEY KRANZ

Location: 60 Williams Street, south of Omni Court
Block 411 Lot 12

Minor Subdivision for 3 lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide existing Block 411, Lot 12 into three new Lots. An existing 2-story single family dwelling will remain on Lot 12.02. The property has the frontage along Williams Street. The site is situated within the R-12 zoning district. The applicant is requesting the following variances: Minimum Lot Area; 12,000 SF is required where 8,000 SF are provided for all three Lots. Minimum Lot Width; 90 FT is required where 50 FT are provided for all three Lot. Minimum Front yard Setback; 30 FT is required where 11.8 FT are provided for Lot 12.02. Minimum one side and combined side yard setbacks for all three lots; 10 FT and 25 FT setbacks are required where 7.5 FT and 15 FT are provided for one side and combined setbacks respectively. Minimum side yard setback for the garage on Lot 12.02; 10 FT is required where 3.9 FT are provided. Outside agency approvals from Ocean County Planning Board is required. Evidence of the approval shall be provided prior to signature of the Final Plat. The applicant has revised the zoning schedule to show 2.5 required parking spaces and 3 proposed spaces for each lot. A note shall be added to the plan stating that a minimum of three (3) parking spaces shall be provided for each lot,

when dwellings are proposed on Lots 12.01 and 12.03. Curb and sidewalk exist along Williams Street at the property frontage. The applicant has revised the plan to show a 6 FT shade tree and utility easement along Williams Street at the property frontage to be dedicated to the Township. The applicant shows a concrete well exists on Lot 12.02 and public water and sanitary sewer along William Street stop just short of the property frontage. The applicant shall provide testimony on whether the existing dwelling is served by individual well and septic system or public sewer and water. If the site is served by a septic system, location of the system shall be shown on the plan. Additional testimony shall be provided on how water and sewer will be provided for future dwellings on Lots 12.01 and 12.03. The plan has been prepared in accordance with the N.J. Map Filing Law.

Mr. Truscott read from a letter dated June 10, 2008. The applicant seeks minor subdivision and variance approvals to subdivide Lot 12 into three (3) non-conforming lots. Each of the new lots will be 8,000 square feet in area and front on Williams Street. The property is 24,000 square feet (0.55 acres) in area and contains one residence and an accessory structure. The residential dwelling and garage will remain. The frame shed will be removed. The parcel is situated on the west side of Williams Street between Sylvan Court and Omni Court in the central part of the Township. The adjoining land use is generally residential. The parcel is located in the R-12 Zone and single-family residences are a permitted use in this zone district. The following variances are requested: Lot Area. A minimum of 12,000 square feet is required; 8,000 square feet is proposed for Lots 12.01, 12.02, and 12.03. The proposed lot area is 2/3 the required minimum area. Lot Width. A minimum of 90 feet is required; 50 feet is proposed for Lots 12.01, 12.02, and 12.03. The proposed lot width is 55% of the required minimum lot width. Front Yard Setback. A minimum of 30 feet is required and the front yard setback of the existing structure is 11.8 feet. This is an existing non-conforming condition. A side yard setback variance has not been requested but will be required. A minimum of 10 feet on one side and a minimum combined side yard setback of 25 feet is required. The applicant proposes 7.5 feet on one side and a combined side yard setback of 15 feet for Lots 12.01, 12.02, and 12.03. A variance is also required for the existing frame garage to remain on Lot 12.02. A minimum side yard setback of 10 feet is required and four (4) feet is proposed from the new lot line. The applicant should be prepared to address the positive and negative criteria for each of the requested variances. A tax map exhibit should be presented at the public hearing which identifies the lot area and lot width of existing lots in the surrounding neighborhood. Review Comments. The subject property is located in an area reviewed by the Planning Board during the Master Plan Reexamination. The Planning Board made the following recommendation: "16. Rezone the strip of R-12 (Single Family on the easterly side of Williams Street adjoining the R-10 Zone (Single Family Residential) to the east. Rezone to the R-10 Zone (Single Family Residential) to provide development compatible with the existing lot sizes." (2007 Master Plan Reexamination Report) This recommendation was approved by the Planning Board. Please note the applicant seeks 8,000 square foot lots, which is less than the recommended lot sizes. The Schedule of Bulk Requirements should be revised to indicate "less than" for the building coverage figures. The building coverage for Lot 12.02 is missing. There is existing sidewalk along the parcel frontage. Three (3) off-street parking spaces are proposed for each new lot which complies with the NJ RSIS. The application form indicates that the owner or applicant owns Lot 13 which adjoins the subject parcel on the south. Lot 13 is approximately 16,000 square feet in area. The

applicant should address this lot in variance testimony. The applicant should confirm that the subject lots will be served by public water and sewer. A concrete well is identified on new Lot 12.02. Indicate if the well will be capped. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant and said this congregation had a house next door to them which was the worst drug house in Lakewood and the police were there on a constant basis. The synagogue finally bought the building to get rid of them and they are here tonight to try to save the whole neighborhood and are asking the board to approve these lots so they can recover the cost of buying the house and ridding the neighborhood of the problem. Mr. Flannery appeared on behalf of the applicant as the engineer and stated the master plan had looked at this area and recommended it for 10,000 sf lots in the area. The house is located in the middle so splitting it down the middle is not feasible so they are applying for 3 lots of 8,000 sf each which is 80% of the 10,000 sf consistent with what the master plan committee did. Normally they would show the surrounding area and they are not saying the surrounding area is small and that is why they are doing it, Sylvan Court has about 8 lots that are 7500 sf lots, the majority of the other lots in the area (the cul de sacs next door) are 12,000 sf lots and they were all noticed and this is considered smart growth and looking at the absence of objectors, the board will see that. Mr. Flannery said looking at the planners report, Mr. Flannery went over the variances and said the positive criteria is it is a smart growth redevelopment of the neighborhood and it provides housing opportunities, it will enhance the area, the lot is currently on septic and well and will be connected to sewer and water. The only negative is that they are getting an additional house and if you look at the density of the are and the overall configuration, that is negligible in light of things and it is Mr. Flannery's testimony the board can grant these variances without any detriment to the zone plan or zoning ordinance. Mr. Flannery said they will comply with the technical comments in the professionals' report. Mr. Banas asked how far the water and sewer were from the property and Mr. Flannery said it ends at the development next door. Mr. Neiman said on a normal application this would be asking for a lot of variances but the way that Mr. Penzer presented the case he feels it will enhance the area. Mr. Percal said the danger in considering a variance is if it will impact a neighborhood negatively and he thinks the exact opposite of that situation is what is taking place here and he applauds their action. Mr. Miller concurred with Mr. Penzer.

Mr. Banas opened the microphone to the public

Mr. Penzer asked all who were in favor to stand up. People stood and no one came to speak to save time.

Seeing no one, this portion was closed to the public

Mr. Penzer respectively requested the board approve the application with the variances so the synagogue can recoup the money spent on the purchase.

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

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas;

yes, Mrs. Koutsouris; yes,, Mr. Schmuckler; yes, Mr. Percal; yes

9. SP # 1890 (VARIANCE REQUESTED)

APPLICANT: AVALONE PARTNERS LLC

Location: 145 Lehigh Avenue
Block 1606 Lot 3

Preliminary & Final Site Plan for 20,000 sf addition to existing building and build 130,000 sf building

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Site Plan Approval for Block 1606, Lot 3. The applicant has proposed to construct a 20,000 SF addition to an existing building and construct a 130,000 SF new building. The application also includes parking area and enlargement of the existing infiltration basin. The property has frontage along Lehigh Avenue. The project is located within the M-1 and AHZ zoning districts. No variances are requested by the applicant. The applicant shows in the zoning schedule 229 parking spaces have been proposed for both existing and proposed building. Based on employee numbers provided on the plans, the proposed number of parking spaces has exceeded the minimum required parking spaces by nine (9) spaces in accordance with the Section 18-903. M. 6.c. of the Lakewood UDO which states that for industrial buildings having over fifty thousand (50,000) SF floor area, one (1) parking space shall be provided for each employee on the maximum work shift plus twenty (20) for executives. The applicant shall provide testimony to confirm the anticipated number of employees. Outside agency approvals are required from Ocean County Planning Board and Ocean County Soil Conservation District. Evidence of the approvals should be made a condition of Final Planning Board approval. A copy of the CAFRA permit for the project has been provided by the applicant. The applicant shows on the plans, existing curb and proposed sidewalks along Lehigh Avenue at the property frontage. The applicant has proposed an 18'x24' dumpster enclosure to replace the existing 15'x21' enclosure. The applicant shall provide testimony on the anticipated volume of solid waste generated from the development, to demonstrate the proposed enclosure will be sufficient to handle the volume. A six (6) Ft shade tree and utility easement along the property frontage is proposed to be dedicated to the Township. The New Jersey Department of Environment Protection (NJDEP) Landscaping mapping shows the forested portions of Lots 3 and 9 are suitable habitat for the northern pike snake. The applicant should provide information as to the suitability of habitat and the existence of the northern pine snake at the site and adjacent area. The applicant has received an approved Coastal Area Facility Review Act Permit, NJDEP File No. 1514-06-0009.1CAF070001. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated June 13, 2008. The applicant seeks major site plan approvals to construct a 20,000-square foot addition to an existing building and construct a new building of 130,000 square feet at the above-referenced site. Associated parking, storm water management and landscaping improvements are also proposed. There are currently two buildings on the lot. Building A, which is closest to Lehigh Avenue, is 60,130 square feet in floor area. The current use in Building A is fabric coating and lamination. Existing building B is 52,266 square feet in floor area and the current use is the same as Building A. The new building is identified for light manufacturing and

assembly. The subject parcel, which is 15.1 acres in area, is situated on the east side of Lehigh Avenue in the Lakewood Industrial Park. The surrounding land uses are generally light industrial and the adjoining properties are developed with light industrial buildings. In addition, the applicant proposes to lease a 19-acre portion of Lot 9, Block 1606. The purpose of the lease area is to comply with CAFRA impervious coverage limitations. The parcel is located in the M-1 and Airport Hazard Zones. The M-1 Zone allows various types of uses such as warehouses, manufacturing, assembly and others. The Airport Hazard Zone does not provide use or bulk standards but refers to the standards established by the NJ Air Safety and Hazardous Zoning Act. The enforcing authority is the Township Zoning Officer and other such officials designated by the Township Committee. The requirements of the AHZ are discussed further in Section C4. Front Yard setback. A minimum of 100 feet is required and 51.4 feet is provided. This is an existing condition not intensified by the subject application. A fifty-foot setback is permitted, provided the Lakewood Industrial Commission has granted approval. A copy of a letter from the Industrial Commission, dated January 13, 2008, has been submitted indicating their approval of the setback. Therefore, this condition is addressed, provided the Planning Board also concurs, and a variance is not required. The Board should take note that this application is subject to CAFRA regulatory requirements. The applicant has noted compliance with the 30% maximum impervious coverage requirement through the lease of the adjacent property. Off-street parking is proposed to serve the proposed building and the addition. The site plan indicates that 220 spaces are required and 229 spaces are provided. The requirements of the M-1 Zone provide that parking for buildings in excess of 50,000 square feet of floor area, one parking space for each employee on the maximum work shift plus ten spaces for executives. The applicant should provide testimony concerning the adequacy of the existing parking for the current buildings. Architectural elevations and floor plans have been submitted for the proposed new building. Airport Hazard Zone (AHZ). The Airport Hazard Zone is essentially an overlay zone which restricts development in the M-1 Zone as to height, certain uses and residential density, where allowed. The parcel is partially located within the Runway End Sub zone portion of the AHZ. As noted above, the enforcing authority of the AHZ is the Township Zoning Officer. We recommend that any approval be contingent on the Zoning Officer's review and approval of the subject development. The applicant has submitted a "Determination of No Hazard to Air Navigation" from the Federal Aviation Administration (FAA) dated April 15, 2008 for Buildings B and C. The FAA permit addresses the height limitations due to the proximity to the runway. Use requirements are addressed in the regulations which implement the Air Safety Act. The provisions of the Act provide minimum land use standards for implementation by the municipality. Prohibited land uses in airport hazard zones include above ground bulk storage of compressed flammable or compressed toxic gases and liquids. The applicant should confirm that the above ground bulk storage of compressed flammable or compressed toxic gases and liquids are not proposed within the site regulated by the AHZ. The Township Zoning Officer should also review compliance with this provision. A note has been provided on the site plan addressing this item. The applicant should discuss the internal circulation of the site to insure there are sufficient pavement widths, striping, and signage in the rear of the property. A five-foot wide sidewalk is now proposed along the site frontage, as well as a proposed six-foot wide utility and shade tree easement. The Woodlands Management Plan is subject to the review and comment of the Environmental and Shade Tree Commissions. Performance guarantees should be posted for any required improvements

in accordance with Ordinance provisions. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board- Final approval granted March 5, 2008; Soil Conservation District- Certification issued March 11, 2008; Sewer and water utilities, prior to construction permits; CAFRA Permit, NJDEP; and, All other required Outside Agency approvals.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Voeltz as the engineer. Mr. Voeltz said they have all of their permits; CAFRA, OC Planning Board, OC Soils, as well as FAA, and LTMUA has given them preliminary approval with a final resolution in the July meeting. In the planners report, the applicant currently has about 60 employees and by adding the buildings they will be adding another 80 employees during the day shift and with the 20 executive spaces required for the building you will come up with over 200 spaces and they need to have that little extra just in case of growth so that is why they are providing the 229. They have also provided an additional handicap space. Mr. Voeltz said he has already had discussions with the zoning officer who stated he did not have a problem as long as there is no storage of compressed flammable liquid gas which there is not. Mr. Voeltz said they have purposely designed this entire site so the loading bay for building "C" are located as near the stormwater facility as possible so they can get at least 100+ turning radius and all the semis will be able to turn and maneuver back into the building accordingly and the remainder of the site will be for employee parking. They believe there is adequate signage but if the boards' professionals feel more signage is necessary they will be glad to add that. They have already shown the sidewalk and have a report from the environmental commission which states they have no comment and have not received a shade tree commission.

With regards to the engineers report and the dumpster size, they have changed it from 15x21 to 18x24. Mr. Voeltz said normally the site handles it's own trash internally with compactors etc. Mr. Voeltz said they showed where the doors to the buildings were located and the handicap spaces were located right in front of the main access doors. Mr. Voeltz said CAFRA did indicated that the pine snake habitat is not on their site, and it was issued on an email from JoAnn Davis from CAFRA to John Dingis, their environmental man, in 2006.

Mr. Neiman asked if there was enough space between the 2 buildings for the trucks and Mr. Voeltz showed them Exhibit A2 which was a rendering of sheet 4 of 10 of the site plan and said the travel aisle was that was 40 feet or so.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mrs. Koutsouris, seconded by Mr. Neiman, to approve

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

10. SD 1542A (VARIANCE REQUESTED)
APPLICANT: RYE OAKS LLC
Location: Ocean Avenue (Route 88), east of railroad

Block 536 Lots 1, 2 & 4
Preliminary & Final Major Subdivision – 43 lots – 40 townhomes, 2800 sf retail building with community center and stormwater basin

Motion was made by Mr. Neiman, seconded by Mr. Franklin to carry to July 15, 2008

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Schmuckler; yes, Mr. Percal; yes

5. MEMORIALIZATION OF RESOLUTIONS

Mr. Jackson said paragraph 12 in #7 Mark Bauman SD 1621 had a change about playground equipment and he did not know if it was applicable they have to comply with the standard and he was putting it into all the resolutions. Mr. Kielt said he spoke to Mr. Jackson's secretary earlier and she said the best thing to do was put it on all of them and maybe that on just slipped.

Mr. Penzer also mentioned another few of them and Mr. Jackson did not know what he was talking about.

Mr. Banas suggested doing this systematically and asked Mr. Kielt to start.

1. SP # 1820B (VARIANCE REQUESTED)

APPLICANT: 1161 ROUTE 9 LLC

Location: Route 9, between Chestnut Street and Yale Drive
Block 1064 Lot 4

Amended Preliminary & Final Site Plan for addition to existing building

Originally approved June 26, 2007 but never memorialized

Mr. Penzer said it slipped through the cracks that it was the only thing that did not go through and the inspection department cited the applicant and closed down the building.

Motion was made by Mr. Franklin, seconded by Mr. Banas, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes

2. SP # 1886 (NO VARIANCE REQUESTED)

APPLICANT: CONGREGATION SANZ OF LAKEWOOD

Location: Spruce Street
Block 778.06 Lots 55 & 56

Preliminary & Final Site Plan for construct 10,600 sf school

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

ROLL CALL: Mr. Neiman; yes, Mr. Percal; yes

3. SD # 1409A (VARIANCE REQUESTED)

APPLICANT: VILLA MARIE LLC

Location: Miller Road, between Attaya Road & Whitesville Road
Block 11.04 Lot 15

Re-approval of Minor Subdivision to create two lots

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

ROLL CALL: Mr. Neiman; yes, Mr. Percal; yes

4. SD # 1620 (VARIANCE REQUESTED)

APPLICANT: NEAL & MARILYN GITTLEMAN

Location: northwest corner of Autumn Road & Magnolia Drive
Block 20 Lots 8 & 11

Minor Subdivision to create 3 lots

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

ROLL CALL: Mr. Neiman; yes, Mr. Percal; yes

5. SP # 1696B (NO VARIANCE REQUESTED)

APPLICANT: AUGUSTA BOULEVARD ASSOCIATES LLC

Location: Augusta Boulevard and Cross Street
Block 524.23 Lot 1 Block 524 Lot 77.02

Preliminary & Final Site Plan – addition to clubhouse

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

ROLL CALL: Mr. Neiman; yes, Mr. Percal; yes

6. SD # 1550 (NO VARIANCE REQUESTED)

APPLICANT: SEYMOUR INVESTMENTS LLC

Location: Cross Street, west of River Avenue, former Calgo Gardens site
Block 533 Lots 3 & 10

Preliminary & Final Major Subdivision – 74 townhouse unit, community center and tot lot

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

ROLL CALL: Mr. Neiman; yes, Mr. Percal; yes

7. SD # 1621 (NO VARIANCE REQUESTED)

APPLICANT: MARK BAUMAN

Location: Albert Avenue, north of Salem Street
Block 1159.0 1Lot 7

Minor Subdivision to create two lots

Motion was made by Mr. Neiman, seconded by Mr. Percal to approve with revisions that Mr. Jackson stated

ROLL CALL: Mr. Neiman; yes, Mr. Percal; yes

8. SD # 1624 (VARIANCE REQUESTED)

APPLICANT: MORDECHAI EICHORN

Location: southwest corner of New Central Avenue & Gudz Road
Block 11.05 Lots 77, 80

Minor Subdivision – 4 lots

Mr. Neiman had a question on this one. He said he read the resolution and said there was one home that had a pool in the backyard and the applicant had agreed for some type of extra buffer between his lot and that pool. He asked Mr. Penzer if he remembered the application and Mr. Jackson told him to hand write the verbage on the resolution, so the plans could be revised to include additional buffer for neighbor and Max will know what it is. Mr. Neiman asked Mr. Jackson if he remembered what he was talking about and Mr. Jackson said he did. Mr. Kiert questioned what they were doing and Mr. Jackson said he would amend the resolution tomorrow.

Motion was made by Mr. Neiman, seconded by Mr. Percal to approve with revisions that Mr. Neiman said about the buffer.

ROLL CALL: Mr. Neiman; yes, Mr. Percal; yes

9. SD # 1525A (NO VARIANCE REQUESTED)

APPLICANT: SARAH BODEK

Location: 6 New York Avenue, between Ridge Avenue & E. 7th
Block 223 Lot 95

Amended Minor Subdivision for 2 lots

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

ROLL CALL: Mr. Neiman; yes, Mr. Percal; yes

10. SP # 1891A (NO VARIANCE REQUESTED)

APPLICANT: BNOS DEVORAH

Location: Prospect Street, west of Williams Street
Block 411 Lot 26

Preliminary and Final Site Plan- change of use from residence to school

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

ROLL CALL: Mr. Neiman; yes, Mr. Percal; yes

11. SP # 1888 (VARIANCE REQUESTED)

APPLICANT: CONGREGATION CHASIDEI BOBOV OF LAKEWOOD

Location: Astor Drive @ corner of Kennedy Boulevard East
Block 104 Lot 29

Preliminary and Final Site Plan to construct a synagogue

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

ROLL CALL: Mr. Neiman; yes, Mr. Percal; yes

12. SD # 1345 (VARIANCE REQUESTED)
APPLICANT: YEHUDA REIDEL

Mr. Penzer said this was the one he spoke to the board about vacating a planning board approval for tree save because they had gotten a zoning board approval. Mr. Jackson said he did that because the zoning board subsequently approved something that had the approval from the planning board and it still has a deed restriction and he was directed to eliminate that.

This resolution will make the planning board null and void

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

ROLL CALL: Mr. Neiman; yes, Mr. Percal; yes

6. CORRESPONDENCE

- None at this time

7. PUBLIC PORTION

Esther Krasnow, 418 Princeton Avenue spoke to the board. She said she was here 2 weeks ago with members from her neighborhood and she knows the application she is interested in is in 2 weeks but is here because she wants the board to know her neighborhood is a very nice family neighborhood until this man who does not even live in New Jersey, he comes from Florida, buys this corner lot and decided to make money on it. He discovered it is in the B2 zone and wants to build 7 stores, 5 stories high, and it will kill the neighborhood for everyone. To say there will be no parking because it is a B2 zone is ridiculous.

Mr. Jackson said the problem here is she is an objector to an application and she is making her objection and the applicant doesn't have the opportunity to listen.

She just asked that the board come by to see the neighborhood and see how beautiful it is.

8. APPROVAL OF MINUTES

- Minutes from June 3, 2008 Plan Review Meeting

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

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

9. APPROVAL OF BILLS

Motion was made by Mr. Franklin seconded by Mr. Neiman\, to approve

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

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording