

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

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

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

Mr. Kielt said there was one change to the resolutions to be memorialized- Item #5 – SD 1696. There are some revisions to be made and it will be memorialized at the next public hearing.

4. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1686 (Variance Requested)
Applicant: Levi Steiner
Location: Edgewood Court, west of River Avenue
Block 414 Lot 13
Minor Subdivision to create 2 lots

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

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

**PLANNING BOARD MEETING
DECEMBER 15, 2009
MEETING**

**TOWNSHIP OF LAKEWOOD
REGULAR**

2. SD # 1690 (Variance Requested)
Applicant: Chaim Abadi
Location: southwest corner of Central Avenue & Hollywood Avenue
Block 284.18 Lot 3
Minor Subdivision to create 2 lots

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

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

3. SD # 1693 (Variance Requested)
Applicant: Samuel Greenes
Location: Princewood Avenue & Netherwood Drive
Block 432 Lot 1.03
Minor Subdivision to create 2 lots

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

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

4. SD # 1695 (No variance Requested)
Applicant: Benzion Green
Location: Harvard Street, west of Apple Street
Block 171 Lots 3, 11 & 19
Minor Subdivision – 4 lots

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

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

5. SD # 1696 (Variance Requested)
Applicant: Mark Properties
Location: Drake and Whitesville Roads
Block 251 Lots 4 & 5
Minor Subdivision- 2 lots to 4

Not memorialized

6. SD # 1697 (No Variance Requested)
Applicant: New Hampshire Avenue LLC
Location: northeast corner of Route 88 & New Hampshire Avenue
Block 189.03 Lots 81, 84-86, 91, 98, 103, 104, 201

Minor Subdivision to create 2 lots

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

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

7. SD 1433C (Variance Requested)
Applicant: Tashbar of Lakewood Tuscany I
Location: East County Line Road, west of Brook Road
Block 208 Lot 19
Amended Preliminary & Final Subdivision and Site Plan

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

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

8. SD 1435C (Variance Requested)
Applicant: Tashbar of Lakewood Tuscany II
Location: East County Line Road, between Brook Road and Ridge Avenue
Block 190 Lot 73
Amended Preliminary & Final Subdivision and Site Plan

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

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

9. SD # 1430D (Variance Requested)
Applicant: Pine River Village/Somerset Walk
Location: Pine Street
Blocks 830.01-830.07 Lots all
Amended Preliminary & Final Subdivision and Site Plan

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

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

10. 2010 Planning Board Meeting Dates

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

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

Mr. Kielt said there is one change under New Business. Item #5 –SD 1685 Dan Reich, carried to a future meeting and it will be re noticed.

5. NEW BUSINESS

1. SP # 1926 (No variance Requested)
Applicant: Beth Medrash Govoha of America
Location: Princeton Avenue between 6th & 7th Streets
Block 164 Lot 1
Preliminary & Final Site Plan for 2-four story multi family buildings (102 units)

Mr. Vogt prepared a letter dated December 10, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval. This site plan proposes construction of two (2) 4-story multi-family residential buildings of fifty-one (51) units per building for a total of one hundred two (102) units. The proposed family student housing will be added to a 4.20 acre site which contains an existing 3-story brick school building and an existing 1-story accessory building that contains bathrooms. The existing 3-story brick school building, which will remain, has an existing building area of almost twenty-four thousand square feet (24,000 SF), the existing 1-story accessory building will also remain and has an existing building area of almost one thousand square feet (1,000 SF). According to the application, the proposed family student housing buildings consist of approximately 49,360 square feet of new building area. According to the footprints, the new building area is about 47,752 square feet. The proposed total floor area for the proposed housing buildings is listed at just over one hundred ninety-seven thousand square feet (197,000 SF) in the application. The architectural plans list the total building area of Building #1 as 109,073 square feet, including the basement storage. Building #2 is listed as 94,141 square feet. The revised plans show a total of one hundred fifty-four (154) parking spaces are proposed for the site. The proposed parking spaces are divided fairly evenly among three (3) proposed parking lots. The westernmost parking lot is intended to serve the school and now proposes fifty-two (52) parking spaces. The other two (2) parking areas are intended to serve the family student housing and propose a total of one hundred two (102) parking spaces, the same as the number of units. Forty-nine (49) parking spaces are proposed within the central lot and fifty-three (53) parking spaces are proposed within the eastern lot. The project site consists of an entire block. In addition to the aforementioned existing buildings, the site contains a large existing bituminous concrete pavement area, some trailers, and a recreation area consisting of a field, playground, and two basketball courts. Except for the two (2) existing buildings, virtually the entire site will be renovated. Princeton Avenue, a wide collector street, borders the property to the west. Seventh Street borders the site to the north and crosses the railroad tracks east of the site. Sixth Street borders the proposed project to the south and would be a dead end street except for the fact that a service road, also known as Mary's Lane runs along the west side of the railroad tracks. The railroad tracks border the east side of the tract and Mary's Lane connects Sixth and Seventh Streets within the railroad property. The site is basically surrounded by developed land. Most of these areas are residential in nature. The plans are very detailed and extremely well prepared. *We have the following comments and recommendations per testimony provided at the 12/1/09 Planning Board workshop hearing, and comments from our initial review letter dated November 16, 2009.*

Waivers - The following waivers have been requested from the Land Development Checklist: B2 -Topography within 200 feet thereof. B4 -Contours of the area within 200 feet of the site boundaries. B10 -Man-made features within 200 feet thereof. No reasons have been indicated for waiver requests on B2, B4, and B10. The applicant shall provide supporting testimony on the requested waivers as required. Per cursory review, it appears that sufficient existing data is provided to review the application. *The waivers were granted at the December 1, 2009 Plan Review Meeting.* Zoning-The site is located in the R-M Multi-Family Residential Zone. A Planned Educational Campus is a permitted use in the R-M Zone. *Statements of fact.* An existing sign located near the corner of Princeton Avenue and Sixth Street will remain. No zoning information has been provided for the existing sign. It appears the setback from Princeton Avenue is approximately three feet (3'). Proposed ground level signs are shown and detailed on the landscaping and lighting plans. However, no zoning information has been provided for the proposed signs. *The existing signs on the site will be removed. The applicant is proposing a number of ground and wall mounted signs. Summary testimony should be provided by the applicant confirming that the proposed signage package is in conformance with the UDO.* A design waiver is required for the length of a couple of proposed parking spaces within the central parking lot. Two (2) proposed parking spaces butt up against an existing landing for the school building and do not have the required eighteen foot (18') length. Said spaces could be assigned as "compact cars only". *Per review of the revised design plans with the applicant's professionals, the applicant will comply with our recommendation.* The proposed parking data on the site plan is incorrect. It appears the proposed parking data for the school on the architectural plans is correct. The table on the site plan must be corrected. Regardless of the parking data, our review of the project indicates that sufficient off-street parking is provided in accordance with the requirements of the campus ordinance. *The parking table shown on the Site Plan has been corrected in accordance with the campus ordinance.* Review Comments-Site Plan/Circulation/Parking- Lot 2 in Block 173 borders the east side of the project. The property is owned by Conrail and contains a service road (Mary's Lane), in addition to the railroad tracks. The site plan proposes improvements to this property which is not owned by the applicant or the Township. Any proposed improvements would have to be approved by Conrail; testimony should be provided regarding this matter. *Except for a proposed sidewalk, no improvements are now proposed in the Conrail right-of-way.* The applicant is proposing to stripe on-street parking spaces as part of the site plan application. Fifteen (15) parking spaces are proposed along the north side of Sixth Street, seven (7) parking spaces are proposed along the east side of Princeton Avenue, nineteen (19) parking spaces are proposed along the north side of Seventh Street, and fourteen (14) parking spaces are proposed along the west side of Mary's Lane. Mary's Lane does not appear to be a municipal road and is too narrow to accommodate parking. The proposed parking on Seventh Street is on the opposite side of the street from the site. The proposed parking on Princeton Avenue is prohibited on school days from 8:00 AM to 5:00 PM. Testimony shall be provided as to how parking will be utilized on Mary's Lane and Seventh Street. *The plans have been revised and no on-street parking striping has been shown.* The aisle width of the proposed central parking lot is only twenty-three feet (23') adjacent to the existing one-story masonry building. The proposed parking lot configuration must be adjusted. *The aisle width has been revised to twenty-four feet (24') by adjusting the parking lot configuration in front of the building.* The proposed parallel parking space in the center of the eastern parking lot is too narrow. *The parallel parking space has been eliminated by the reconfiguration of the spaces in the center of the lot.* Vehicular circulation plans must be provided to confirm accessibility for parking spaces, delivery, emergency, and trash pickup vehicles that will need to access the site. *The applicant's engineer has indicated that vehicular circulation plans will be provided as an exhibit at the public hearing. We recommend consideration be given to eliminating the last unprotected parking space within the western lot in the row leading to the trash enclosures. If the space is removed, the number of spaces would*

remain as with the initial design, and still comply with the off-street parking requirements in the Township Campus Ordinance. Dimensions shall be added for all proposed striping radii. Dimensioning has been added for all proposed striping radii. Dimensioning is required for the proposed recreational open space area. If/when this project is approved, we recommend a note be added to the plans confirming that this are remain as open space, and incorporated into the forthcoming resolution of approval. Card swipe access is proposed for the two (2) parking areas serving the family student housing. A card swipe access is incorrectly shown at the Princeton Avenue school access drive. There is no card swipe access to either of the school driveways, only to the apartment parking lots. A trash enclosure area for the school is proposed in the western parking lot. Proposed trash collection areas are indicated on the north side of the family student housing buildings. No construction details have been provided. Testimony is required regarding the trash collection operations and the adequacy of the facilities proposed. The applicant's engineer indicates that each residential building will have its own trash compactor and storage inside the building. On trash days dumpsters will be wheeled out for pick up along Seventh Street. A trash area has been provided for the existing school on the south side of the building adjacent the service doors. Construction details for the proposed fence and concrete pad must be provided for compliance review if/when this project is approved by the Board. A total of eight (8) handicapped parking spaces have been proposed for the project. The spaces and aisles shall be dimensioned. Signage shall be provided for van accessible spaces. The handicap parking spaces have been dimensioned and additional signage added to the sign table for the van accessible spaces. The aisles for the van accessible spaces must be revised to an eight foot (8') width. All handicap parking spaces (regular or van) may be a minimum of eight feet (8') wide. The surrounding municipal roads have existing curb and sidewalk. The curb and sidewalk will be replaced where necessary to accommodate proposed improvements. The site plan does not accurately depict the existing sidewalk along Princeton Avenue. The Township Engineer shall determine the extent of additional curb and sidewalk replacement. The existing handicapped ramps surrounding the site must be upgraded to current codes. The applicant's engineer agrees to coordinate the extent of additional curb and sidewalk replacement with the Township Engineer. Once determined, the applicant's engineer will depict the replacements on the design documents, including the handicapped ramps. The proposed parking lot for the school is only setback 2.96' from the Princeton Avenue right-of-way. It is recommended that the parking lot be shifted enough to allow for a six foot (6') wide shade tree and utility easement across the frontage. The parking lot for the school is in its current location to save the specimen white pine at the southeast corner of the existing school. Consideration should be given to waiving the six foot (6') wide shade tree and utility easement across the Princeton Avenue frontage. Pavement from Seventh Street encroaches onto the northeast corner of the site. This matter should be addressed; whether by a reconfiguration, an easement, or a dedication. The encroachment has been eliminated by a reconfiguration. Architectural- Architectural Plans were submitted for review. Per review of the submitted plans, the buildings will be approximately fifty-two feet (52') in height. Both buildings will be four stories. Building #1 has a partial basement with storage areas for all one hundred two (102) units. Statements of fact. The applicant's professionals should provide testimony regarding the proposed building façade and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. The applicant's professionals indicate that testimony will be provided by the architect at the public hearing. Colored elevations and renderings have been prepared and will be presented. Testimony should be provided as to whether any roof-mounted HVAC equipment is proposed for the family student housing. If so, said equipment should be adequately screened. Ground level HVAC equipment is indicated for the school and accessory building. However, the existing equipment shown is not adequately screened. The applicant's professionals indicate that there will be no roof mounted HVAC units. Each residential unit will have its own "Majic-pak" enclosed in a

room next to the balcony. HVAC units for common areas will be located in the courtyard. The proposed units in the courtyard shall be located and adequately screened. Screening is being provided for the existing equipment associated with the school. Handicapped access to the existing school building must be addressed. The applicant's professionals indicate that the southern entrance to the existing school is the accessible entrance. Inside there is a lift built into the stairs for accessibility to the lower and upper floors. Accessible spaces are properly located proximate to the entrance on the south side of the school. Minor site plan revisions addressing the entrance must be provided during compliance review if/when this project is approved by the Board.

Grading- A detailed Grading & Drainage Plan is provided on Sheet C-04. The proposed grading has been designed to direct runoff to four (4) separate underground infiltration systems. *Statements of fact.* Additional spot grades should be added to the plans, particularly at curb returns and corners, to properly evaluate the grading. *Additional spot grades have been added to the Grading Plan. Should approval be granted, a detailed evaluation of the grading will be done with resolution compliance.* The existing elevations from the survey around the perimeter of the project should be included on the Grading & Drainage Plan for the purpose of tying in proposed grading. *Adding the existing curb and edge of pavement elevations will be sufficient.* The existing gutter grades along Sixth Street are too flat to properly convey runoff. Proposed storm sewer is required which may connect to the existing system at the intersection of Princeton Avenue and Sixth Street. Ideally the proposed gutter grades should be designed at a 0.5% slope. The Grading, Excavation, and Backfilling Notes shall be revised accordingly. *The attempt made to properly convey runoff along the gutter still leaves the grades too flat. Additional storm sewer piping along a portion of 6th street, near the project area, appears necessary. With the applicant's consent, this design revision could be addressed during compliance review if approved.*

Stormwater Management- A proposed stormwater management system has been designed for the site. The construction of four (4) separate underground infiltration systems is proposed to handle the increased runoff which will be generated by the project. *Statements of fact.* Two (2) of the proposed underground recharge facilities (Infiltration Basins #3 & #4) will have pretreatment devices. A third pretreatment device is recommended for Infiltration Basin #1 since the facility collects virtually the entire proposed central parking lot. A pretreatment device is not required for Infiltration Basin #2 since only the courtyard between the proposed family student housing buildings will be collected. *Since the existing drainage area to Infiltration Basin #1 is all impervious, the total suspended solids removal is proposed to be achieved within the isolator row of the infiltration basin.* The proposed project will reduce the proposed stormwater discharge to the surrounding streets. However, the existing storm sewer system in the surrounding streets is vastly undersized. We can review some options for intercepting additional runoff from the site with the applicant's engineer. In addition, we will be able to ascertain a better understanding of the system designed which is complex and very state of the art. *Stormwater infiltration basins have been provided to meet the applicant's obligation to mitigate stormwater increases from this project. Minor revisions to the system are necessary; however the intended design is feasible. These revisions could be provided during compliance review if/when this project is approved by the Board.* According to our review of the "Pond Reports", it appears the capacities of all infiltration systems are adequate. *Statement of fact.* An excerpt from the Geotechnical Investigation has been included in the Appendix of the Stormwater Management Report. A full copy of the investigation should be submitted for review. *A full copy of the geotechnical investigation has been provided. The site is suitable for infiltration.* According to the soil borings, proposed Infiltration Basin #3 will not be two feet (2') above actual ground water table. *Infiltration Basin #3 has been raised and is now two feet (2') above the seasonal high groundwater elevation. Revisions to the Stormwater Management Report are required.* Storm sewer profiles shall be provided. *The applicant's engineer has agreed to provide storm sewer profiles.* A stormwater management maintenance manual must be provided in accordance with NJ Stormwater Rule

(NJAC 7:8) and Township standards. *The applicant's engineer has agreed to provide a stormwater management maintenance manual as a condition of approval. This is satisfactory.*

Landscaping- The overall landscape design is subject to review and approval by the Board. A very comprehensive landscape design has been provided. *Statements of fact.* Six foot (6') wide shade tree and utility easements, as well as sight triangle easements have not been provided. Proposed shade trees are located in the landscape strip between the curb and sidewalk. These proposed shade trees shall be relocated along the frontages of the property outside of the right-of-way. *Proposed sight triangles have been added to the plans. The proposed street trees have been located between the curb and sidewalk to match existing conditions since there are a number of existing trees located between the curb and sidewalk. As previously discussed with the applicant's professionals, we acknowledge there is little room to fit shade trees behind the sidewalk because of the proximity of the buildings.*

Lighting - A detailed lighting design including a point to point diagram has been provided. The comprehensive lighting plan proposes twenty-two (22) low pole mounted fixtures and ten (10) wall mounted fixtures. Flood lights are proposed for the ground signs. *Statements of fact.*

Utilities- The project is located in the New Jersey American Water Company franchise area. Public water and sewer service will be constructed by NJAWC. *Statements of fact.* A fire suppression system is proposed for both family student housing buildings. Separate connections are proposed for potable water and fire protection measures. The water connections are being made on the Sixth Street side of the project. *Statements of fact.* Additional fire hydrants are being proposed for the project. A new hydrant is proposed on the Sixth Street side of the buildings and another hydrant is proposed on the Seventh Street side of the buildings. *Statements of fact.* Proposed sanitary sewer is being connected to the existing system in Sixth Street. Easements for sanitary sewer mains and manholes may be required because of the volume of proposed flows. *New Jersey American Water Company will be constructing the sanitary sewer.* Gas service to the proposed buildings will be provided from the Seventh Street side of the project. *Statement of fact.*

Signage- The Site Plan shows an existing sign to remain in the vicinity of Princeton Avenue and Sixth Street. No zoning information has been provided for the existing sign. It appears the setback from Princeton Avenue is approximately three feet (3'). *The existing signs are being removed.* Proposed ground level signs are shown and detailed on the landscaping and lighting plans. However, no zoning information has been provided for the proposed signs. *Ground and building signage has been proposed. Zoning information has been added for the proposed signage.* All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. *Statement of fact.*

Environmental- Site Description- Per review of the site plans, aerial photography, and a site investigation of the property, the project site consists of an entire block. In addition to the existing three-story brick school building and accessory building containing bathrooms, the site contains a large existing bituminous concrete pavement area, some trailers, and a recreation area consisting of a field, playground, and two basketball courts. Except for the two (2) existing buildings, virtually the entire site will be renovated. Princeton Avenue, a wide collector street, borders the property to the west. Seventh Street borders the site to the north and crosses the railroad tracks east of the site. Sixth Street borders the proposed project to the south and would be a dead end street except for the fact that a service road, also known as Mary's Lane runs along the west side of the railroad tracks. The railroad tracks border the east side of the tract and Mary's Lane connects Sixth and Seventh Streets within the railroad property. *Statements of fact.*

Environmental Impact Statement- The applicant has submitted an Environmental Impact Statement. The document has been prepared by L2A Land Design, LLC to comply with Section 18-820 of the UDO. The report is dated October 30, 2009. To assess the site for environmental concerns, natural resources search of the property and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data

assembled and published by the NJDEP. The following highlights some of the documents and field inventories which were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Wood Turtle and Urban Peregrine habitat areas and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. The author of the Environmental Impact Statement concludes the proposed project will have very few adverse impacts to the project site and surrounding area. Careful planning and best management practices of the project will limit the adverse impacts associated with the development. Our office agrees with the author's findings. *Statements of fact.* Tree Management Plan- A Tree Management Plan has been submitted for review. A total of twenty-eight (28) trees exist on the block, which includes shade trees within the right-of-ways. A total of five (5) trees over a twelve inch (12") caliper, which includes one (1) specimen tree at a proposed driveway access, will be removed. Nine (9) trees of under a twelve inch (12") caliper will be removed. Compensatory plantings have been provided. *Statements of fact.* Traffic- A Traffic Impact Assessment has been submitted for review, assessing impacts of this project on adjacent streets. *Statement of fact.* As indicated in the assessment, the project would have a minimal adverse impact on the adjacent roadway system. The adjacent roadway system operates at an existing "Level of Service" of "C" or better. After development, the adjacent roadway system would operate at a "Level of Service" of "D" or better. *Statements of fact.* The Assessment should be revised to incorporate the correct number of parking spaces. The assessment must have considered an earlier version of the site plan. Also, there should be no inclusion of on-street parking since the spaces cannot be designated for this particular project. *The applicant's professionals indicate the Traffic Engineer will provide testimony for all safety concerns at the Public Hearing.* Testimony should be provided by the applicant's traffic expert as to whether any improvements are warranted for safety purposes. Testimony will be necessary for the public hearing, at a minimum. *The applicant's professionals indicate the Traffic Engineer will provide testimony for all safety concerns at the Public Hearing.* Construction Details- A review of construction details will be undertaken at a future time because of the vast amount of improvements proposed for the site. *The applicant's engineer has agreed to coordinate any corrections to the construction details with our office. This is satisfactory.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Conrail (solicit input, address if response received); All other required outside agency approvals. New Jersey American Water Company will be responsible for the construction of sanitary sewer and potable water service for the proposed project. As referenced in the Environmental Impact Statement submitted, New Jersey American Water Company will need to obtain a Treatment Works Approval and a Bureau of Safe Drinking Water Permit from the New Jersey Department of Environmental Protection. Evidence of outside agency approvals must be submitted when they are obtained.

Mr. Vogt said they had a design waiver for a few undersized parking spaces which the applicant agreed would be designated for compact cars only. There were site plan waivers that were granted at the hearing.

Mr. Abe Penzer Esq. appeared on behalf of the applicant. He agree to the comments in the report and presented marked exhibits- A1 Overall Planting Plan; A2 Architectural drawing of courtyard from 4th floor; A3 Architectural drawing of courtyard at ground level; A4 Specimen trees that are being saved; A5 another architectural view; A6 school yard elevation, 7th Street elevation and courtyard elevation; A7 floor plan showing courtyard and general condition of building.

Michael Dipple, engineer; Tom Sterns, landscape architect; Thomas Brennan, architect; Elizabeth Dolan, traffic consultant all appeared on behalf of the applicant.

Mr. Penzer said they are looking for approval for 2 buildings- each building consisting of 51 units. They will be 4 story, multi family rentals under the new campus ordinance. The intent is the people living in the apartments will be studying at Beth Medrash so it should alleviate traffic. The building in the front (he pointed) is a 3 story brick building, another building (he pointed again) has 24,000 sf and the other student housing is 102 rental apartments. They have separate parking for the school and the housing- the total amount is 154 spaces which is in excess of about 8. There are 79 yeshiva apartments and 78 parking spaces and they have never had any problem at that site and said he hopes to emulate that closely. Mr. Penzer said there will be an area in the center for recreation and said it is bordered by the railroad tracks. They have also met with the neighbors and tried to meet with their concerns. They will be utilizing the entire block. The waivers were already granted by the board and the issue with zoning had to do with the signs and whatever signs they have will meet the UDO. They agree to restrict the 2 parking spaces for compact cars and there will not be any improvement on the Conrail which was an issue and have agreed with all the recommendations in Mr. Vogt's letter. There is one parking space that was removed because it is near the garbage but they had another one to replace it so the numbers did not diminish. They agree to replace any curb or sidewalks and tried to put any many trees as possible. As far as the architectural, Mr. Penzer said the HVAC units are not roof mounted, they will be on the side. They agree to the grading, stormwater management, lighting, utilities and said there are no environmental issues.

With regard to traffic, Mr. Penzer said the traffic expert is here to testify but said right now it is C or better and after the development it will only be a D with a minimal adverse impact. Miss Dolan said they counted the actual traffic volume in the area and from that count they added traffic for the school and the residential units. She said they didn't take credit for the traffic generated by the site now and or pedestrian trips between the residential and the school, so their worst case projection shows that the movements at the adjacent intersections would go from a "C" to a "D" with the additional traffic and that range is within the level of service scale and is designed for "C" and "D" levels so those levels are acceptable.

Mr. Neiman asked her if she felt, as a traffic expert, that it would be safer if there were a traffic light on the corner of 7th & Princeton and Miss Dolan said she did not know if one would be warranted; the traffic volumes have to be at a certain level for a sustained number of hours in order to warrant a signal and she doesn't know that the volumes are high enough to warrant that. Mr. Neiman asked about 7th & Park and Miss Dolan said she does not have volumes at that location and said she focused around the block so Princeton, 6th & 7th were the primary focus of the study. Mr. Neiman said knowing the area there and the traffic this would generate, he believes they should recommend a traffic signal both on the corner of 7th & Princeton and he knows they just made a 4 way stop sign on 7th & Park but he said it is a corner that would definitely would benefit and would make the whole area safer having a traffic signal. Mr. Penzer said they have no problem but it is out of their jurisdiction and suggested if the board would send a letter to the Township Committee stating that they feel that way. Mr. Neiman said that is why he is recommending.

Mr. Neiman said he knows they have parking and that it meets the ordinance but said there are people living in the area that will be impacted with off street parking and asked if they did anything to make sure that the residents living in the area will still have their small off street parking that they need and Mr. Penzer said they are exceeding the national and local standards

of parking and Mr. Neiman said there is also BMG standards and Mr. Penzer said they have gone through every apartment complex in Lakewood and they have the numbers and he started giving numbers. Mr. Neiman said he is not concerned with the apartments, he is more concerned with school that is there-people coming and Mr. Penzer said they have worked with them. Mr. Jackson added that they could send a letter to the Township Committee for the installation of traffic lights and Mr. Neiman said also working with the neighbors to alleviate some of the off street parking issues because there is definitely going to be off street parking generated from this school.

Mr. Fink said he only sees 5 handicapped spaces and asked where the other 3 handicapped spaces were located. Mr. Dipple referred to A1 and pointed where they were located.

Mr. Neiman wanted to discuss the garbage disposal and Mr. Penzer had an exhibit marked A8 titled Trash Circulation Plan and Mr. Dipple said it is a copy of the site plan with a path the trucks will take and showed that the trash location is next to the existing school- to the south side and 2 locations on the north side of each of the proposed residential buildings where a small driveway will lead to an internal trash enclosure (room) in the building and residents will go to a common trash chute which will bring the trash to this common area where it will be collected and compacted and on trash pick up day they will bring the trash out to the site and showed the path and possible pick up methods. Mr. Neiman asked about the odor in the building and Mr. Brennan said these are trash compactors that are used in multi family buildings so as the trash gets thrown in the chute, it goes in a hopper and there is a trash compactor that compacts the trash and because it is in a unit in a machine it is sanitized so the smell you would normally get in a dumpster doesn't happen. The area where it is located is designed where the walls are concrete with a hose bib in there and a drain and will be maintained in the event of a spillage.

Mr. Neiman asked the size of each unit and Mr. Dipple said it is a 4 story building consisting of 2, 3 & 4 bedroom units in 2 buildings (51 units in each) and showed on exhibit A6 the location and the parking and said they would enter through the lobby and there are 2 elevators and a hallway that will take them down – the 2 bedroom units are approximately 1200 sf; the 3 bedroom units are 1580 sf; the 4 bedroom units are 1660 sf; the 3 & 4 bedrooms have studies, 2 bathrooms, storage areas inside the units and they also have storage in the basement and the balconies are 7 x 8 and they have an area in the hallway that is a stroller storage so the strollers can be kept outside the unit.

Mr. Fink asked about the play area and if it is big enough for the number of apartments there will be and the number of children and Mr. Penzer said yes and there are other play areas within the vicinity.

Mr. Schmuckler asked if the garbage will be picked up on 6th & 7th or just on 7th and Mr. Dipple said for the residential building just on 7th and showed where the trash will be located and Mr. Schmuckler said the people will have to walk from one side of the building to the other to put the trash into the chute and Mr. Fink said that is the way a lot of the buildings are made, with the chutes on one end.

Mr. Percal said he is concerned and asked Mr. Dipple about the Environmental Impact Statement, page 3, paragraph 6, he states that the 12 inch diameter storm sewer where the Princeton Avenue right of way are likely undersized to face strong water tributary to the system and asked if that means there will be flooding and Mr. Dipple said no and said they made sure it exceeds the stormwater management rule standard. He said the applicant would be

required to reduce the storm event by 50, 75 & 80% for the 2, 10 & 100 year storm and that is down to 75%, down to 80%, for the quantity of run off, so it is a 20% reduction, a 25% reduction and they are reducing the stormwater run off by 75% - 85%. He said the surrounding pipe system is very small so they are keeping the stormwater on site and infiltrating it they are providing water quality and water quantity that exceeds the standards.

Mr. Vogt said under the new stormwater regulations, the applicant is required to manage any impact that would be increased on this property and based on the data and soils, it is feasible. He asked if they would be maintaining the system and Mr. Dipple said yes.

Mr. Schmuckler asked about the parking for the school and if it is 2 way driving through the parking lot and Mr. Dipple said it is full ingress and egress and 2 way movement throughout the parking lot. Mr. Schmuckler asked if the entrance on Princeton Avenue is large enough to accommodate it and Mr. Dipple said yes. Mr. Vogt said it is RSIS compliant. Mr. Schmuckler asked if they were putting sidewalks along Mary's Lane and Mr. Dipple said no, they are not toughing it other than provide a sidewalk crossing from the railroad right of way to the site and Mr. Schmuckler said if they came out of the parking lot and going to the campus, they would be forced to walk onto Mary's Lane and Mr. Dipple said that could be modified and Mr. Schmuckler asked why they could not sidewalk along Mary's Lane and Mr. Dipple said Mary's Lane is really not a public right of way, it is the railroad right of way (someone else's property) so they are not proposing any and Mr. Schmuckler said they would not sidewalk on Mary's Lane they would sidewalk on their property. Mr. Dipple said there are some grading concerns on the one corner but said there might be a better way to get the sidewalk around the building and he would look at that but said he does not anticipate any pedestrian traffic traveling down that direction (pointed to the display). Mr. Schmuckler said any traffic they have will be exacerbated by the school building and asked if they wouldn't want to get the pedestrians off the street and said Mary's Lane is like a darkly lit and Mr. Dipple said they should manage the pedestrian traffic the way you feel it is going to go and they have site circulation all the way around the building so he is referring to a corner (pointed to display) and said he does not see a lot of circulation and pointed to where he thought there was potential but not at the corner. Mr. Schmuckler said he thinks with kids riding around the block on bikes and asked if there is a technical reason why they won't put sidewalks on Mary's Lane and Mr. Neiman said at least on that first section and Mr. Penzer said Mary's Lane does not exist, it is just something that has been used over the years- it is Conrail property. Mr. Franklin said forever people have traveled on it and it got so full of pot holes this teacher, named Mary, kept complaining about it so one day they paved it. Mr. Fink asked if they could put a fence up or something to prevent children from running and Mr. Dipple said they are putting up a fence. Mr. Neiman asked if the parking lot is fenced in and Mr. Dipple said yes. Mr. Schmuckler asked how many feet there were from the end of the fence to the property line and Mr. Dipple said they are own the property line.

Mr. Schmuckler asked Mr. Penzer if these units will be used only for BMG students, alumni, faculty etc. but not to the outside and Mr. Penzer said yes.

Mr. Franklin said there is one thing they should look into- there are going to be young families and a lot of balconies and he sees a lot of bedding being aired out on these balconies so he would like a restriction put on so that doesn't happen. Mr. Penzer said they can put a condition in the lease that prohibits the hanging of laundry on the balcony.

Mr. Neiman opened the microphone to the public

Gerry Ballwanz, Governors Road, Lakewood was sworn in. She said this is 4.2 acres and asked how many acres does the Princeton Avenue building take up and how many acres are for the 2 apartments that are to be built. Mr. Penzer said this is all one project, this is a campus so it is not separate. Mrs. Ballwanz said she recalls in the ordinance that was adopted, there were to be 28 units per acre so even though a school can take up 90% of the tract that on the remaining 10% of the tract you can still have almost 28 units per acre and Mr. Penzer said that is true and she asked if that was the true intent of the ordinance and Mr. Penzer said she would have to ask the township. She said it seems that this can create problems in the future- the old building takes up 50% and these 2 apartment buildings maybe take up the other half of the total acreage so they are really having more than 28 units per acre and if you are going to the intent of the law the way she thought it was, the vacant land should only have 28 units per acre, not including the school and here it is like 56 units to the acre in reality. Mr. Jackson said he thinks the board's planner and engineer made the correct interpretation of that and the whole acreage is taken into account so it doesn't affect the density with a non housing school and Mr. Vogt agrees and said it is based on the gross acreage. Mr. Vogt said you also have to take into account that there is other area and yard requirements built in to manage what is built on the property not just the density (setbacks, height restrictions and all the regulations).

Raphael Newman, 706 Park Avenue, Lakewood. He said they weren't so fully included in the traffic assessment and said that Park & 7th is truly a corner to the old BOE building. As a BMG alumnus he appreciates to all the yeshiva that affords and continues to afford his family- when BMG bought the BOE building he was very happy they would have a large study hall in the neighborhood and was even happier that there would be ample parking in the backyard and playground for the student body to park without driving around looking for a space and thanks the BMG. He is disappointed with BMG's decision to build faculty housing with younger and older couples, children near a future current study hall. Mr. Penzer mentioned the allotment of 1 parking space per apartment- this was done on what is exist today on other college university campuses and we all know that the average parking in universities and colleges do not compare to the parking at Lakewood's yeshiva university college. Mr. Penzer also mentioned the ratio of parking spaces at 2 apartment buildings were and said he is not sure what the ratio of parking spaces to the size of those yeshiva apartments but as a former resident of 10th Street between Forest & Madison he does know that those 2 apartments open to the street and not to the courtyard and they did not park in the parking lot but on the street. He is not familiar with the new campus ordinance and he is not sure what is precedent and what is not but he believes the zoning board should be wary of allowing this development to set precedent for future rules. He said Mr. Penzer seemed pretty confident that they are satisfying the need of the parking requirements for the yeshiva's new venture and he suggests that the yeshiva propose a push a new ordinance to be passed that will be similar to the existing ordinance in Edison where only residents of the neighborhood are allowed to park on the streets near the Edison New York train station and this is enforced using some sort of car decal distribution. These apartments are used by yeshiva faculty and the pre requisite is that the people who live in the apartments will actually be on the yeshiva payroll or receive a stipend from the yeshiva. Mr. Penzer interrupted and said he never said that. Mr. Newman continued and said he is disappointed and he knows some of his neighbors feel this as well in the yeshiva's removing parking spaces from the future study hall. This venture is not in the interest of the neighborhood or the future students of that study hall and a disservice. He would suggest that the yeshiva further reduce the housing units and increase the number of parking spaces left and he says this as a benefit for the yeshiva and for the surrounding neighborhood. He said everyone is proud to continue supporting this establishment and he wants them to keep everyone in mind when they make their future plans.

Mr. Neiman asked him where he lived on Park Ave and if there was off street parking and he said not on his side of the street, on the other side there is. Mr. Neiman asked him if he was concerned that people will park there for the yeshiva and he said absolutely and not just on Park but on all the surrounding streets. He said if they are going to have 500 students in that study hall and only 50 spaces, there may be a shuttle service and off site parking, but there is a likelihood as in the other campuses that it may encroach upon the people that use the street parking near their house. Mr. Penzer said he invites him to speak to him and asked why he did not come to the meetings. Mr. Newman said he appreciates the yeshiva trying to make the neighbors happy but he does not think there is a way they can make them happy with the parking.

Mr. Neiman said what Mr. Penzer said is whenever you are building a project of this magnitude there is going to be issues. He said both Rabbi Kotler and Mr. Penzer want to sit with him to make it as best as possible-maybe the idea of the Edison ordinance is not a bad idea, but come up with some ideas to alleviate the off street parking in this area. Mr. Jackson also reminded the chairman and the members of the board that this is an application that is compliant and if there is an issue it is with the governing body and the standards and RSIS. Mr. Neiman said they do understand that but want to exceed it and are willing to meet with the people and come up with something that will accommodate both the school and the existing neighborhood.

Seeing no one else, this portion was closed to the public

Motion was made by Mr. Herzl, seconded by Mr. Schmuckler, to approve the application with the recommendation of the planning board to put up a light at Park & 7th and Park & Princeton and the yeshiva should meet with the neighbors to work out their concerns and not have the laundry hang off the balcony.

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

2. SP # 1838A (No Variance Requested)
Applicant: NJ HAND Inc.
Location: Vine Avenue, north of Oak Street
Block 833,834 Lot 4
Block 835, 836, 837 Lot 3
Preliminary & Final Site Plan –Phase II of affordable housing

Mr. Vogt prepared a letter dated December 10, 2009 and is entered in its entirety. The applicant is seeking Preliminary and Final Site Plan approval for Phase 2 of the Lakewood Commons property. This site plan proposes construction of fifty-nine (59) affordable units. The proposed unit distribution will be among seven (7) - six (6) unit apartment buildings, two (2) - seven (7) unit townhouse buildings, and the addition of three (3) units to existing Townhouse Building #8 in Phase 1. The development will also propose the extension of Coles Way, the extension of Washington Avenue from Spruce Street to Coles Way, and the construction of Stormwater Management Basin #2. Per the July 11, 2006 Resolution of Approval, the applicant received Preliminary and Final Major Site Plan approval for Phase I of the project. The Phase 1 portion of the development included seventy-two (72) units, on-site parking, a stormwater management basin, and recreation building. Phase 1 also included an extension of Tower Street, east of Vine Street. The Board noted that the plans lacked sufficient detail to grant preliminary major site plan approval for the overall development. Therefore, only a preliminary concept approval for

the remainder of the project was granted. According to the July 11, 2006 Resolution of Approval, the conceptually approved overall development is a multi-stage, one hundred percent (100%) affordable housing development. The total project consists of four hundred forty-six (446) multifamily and townhouse units on common property, a recreation building, and related drainage, utilities, parking, and roadway improvements. Extensive lighting and landscaping, as well as a pedestrian circulation system were also proposed. *We have the following comments and recommendations per testimony provided at the 12/1/09 Planning Board workshop hearing, and comments from our initial review letter dated November 24, 2009.* Zoning-The site is located in the R-40/20 Cluster Zone. Planned Affordable Residential Development is a permitted use in the R-40/20 Cluster Zone in accordance with the bulk standards and requirements of paragraph 18-902B.7 of the UDO. *Statements of fact.* -No variances are requested for the application. However, the Schedule of General Regulations must be revised to determine compliance with zoning. The schedule shall account for what was actually constructed in Phase 1 along with what is proposed for Phase 2. The applicant may also wish to consider providing a second Schedule of General Regulations for the overall development to indicate compliance. Our review notes the Overall Site Plan indicates four hundred thirty-nine (439) units, whereas four hundred forty-six (446) units were conceptually approved. *The Schedule of General Regulations has been revised to account for Phase 1 and 2 separately. The minimum distance between buildings on Phase 2 (window wall to window wall) is listed at plus or minus forty feet (40'). It appears the distance is actually plus or minus forty-two feet (42'). Per communications with the applicant's professionals, the forty-foot minimum separation will be provided.*-It appears a variance may be required for the number of parking spaces. According to the Schedule of General Regulations it appears three hundred twenty-nine (329) off-street parking spaces are required and only two hundred seventy-three (273) off-street parking spaces are provided. The schedule attempts to lessen the impact of the shortfall by counting thirty-nine (39) additional on-street parking spaces to bring the total parking space count to three hundred twelve (312). *The applicant is counting seventeen (17) land banked parking spaces to bring the total proposed parking to three hundred twenty-nine (329) spaces. We agree with this approach.* It appears waivers may be required from the construction of curb and sidewalk on portions of the project. No curb is proposed for the off-site east side of Washington Avenue between the site boundary and Spruce Street. No sidewalk is proposed for the entire length (on-site and off-site) of Washington Avenue. *Sidewalk has been proposed along the west side of Washington Avenue from Spruce Street to Coles Way. The proposed sidewalk needs to be properly configured at the intersections to provide the proper handicapped ramps. The applicant is requesting a waiver from providing curbing and sidewalk along the east side of Washington Avenue from Spruce Street to the site boundary in order to address water quality from the pavement by directing the runoff into a roadside swale.* Testimony is necessary to justify any necessary variances and waivers. *Statement of fact.* Review Comments- Site Plan/Circulation/Parking- The listing of the Architectural Plans must be corrected on the Cover Sheet of the Civil Engineering Plans. *The Cover Sheet has been updated to reflect all current sheets.* The Overall Site Plan indicates three (3) units being added to an existing four (4) unit townhouse building in Phase 1. Detailed site plan information for this proposal must be added on the civil engineering drawings. *A three (3) unit supplemental plan sheet (CE-6A) has been included in the plan set depicting the orientation and location of the units being added to the existing four (4) unit townhouse building. The plan accurately reflects the site work and grading required to add this construction to the otherwise completed Phase 1.* The existing off-site right-of-way of Washington Avenue is proposed for improvement between Spruce Street and the project site. The proposed pavement width is twenty-four feet (24') with proposed curb only indicated on the west side. No sidewalk is proposed and retaining walls have been designed on both sides of the right-of-way for most of its length, attaining a maximum height of almost eight feet (8'). The proposed on-site portion of Washington Avenue has curb, but no sidewalk. *Sidewalk has been*

proposed for the west side of Washington Avenue. A temporary turnaround is required at the phase limit of Coles Way. The applicant has agreed to provide a temporary turnaround even though a design has not been submitted. Vehicular circulation must be addressed to confirm accessibility for parking spaces, delivery, emergency, and trash pickup vehicles that will need to access the site. A Circulation Plan (sheet CE-6B) has been added to the plan set. The vehicle shown (S-Bus 40) is the same as reviewed and approved under the Phase 1 application. We recommend trash vehicle circulation be reviewed by the Department of Public Works (DPW) to insure the perpendicular enclosures proposed along Coles Way can be properly accessed (if not done already). Otherwise, this issue can be addressed as a condition of Board approval, if/when forthcoming. The Cover Sheet appears to list all the Blocks and Lots of the original tract. Testimony shall be provided on the status of vacating the interior paper streets and consolidating all the various blocks and lots of the development. Testimony shall be provided. A Homeowners Association must have been established for the Phase 1 construction of this project. The documents may require updating for this Phase 2 application and should be submitted for review. It is our understanding the documents will be submitted for review, should approval be granted. Handicap parking spaces are proposed in front of each of the buildings. Information on the proposed number of handicap parking spaces must be provided. The number of handicap parking spaces has been added to the bulk table on sheet CE-2. The number of handicap spaces provided per building under Phase 2 is consistent with the original approval. It should be noted that an alternate Layout Plan Concept (Sheet CE-6A) has been provided for the Board's consideration in the event that the proposed Phase 2 access extension into Washington Avenue is a concern. It should be noted that this concept would also allow for an additional seven (7) units per cursory review of the alternate plan. Testimony should be provided by the applicant's professionals in regards to the alternate plan. The Alternate Layout Plan has been removed from the plan set and is not proposed. Architectural- Architectural Plans were submitted for review. Per review of the submitted plans, the six (6) unit apartment buildings will be forty-two feet five inches (42'-5") in height. The seven (7) unit townhouse buildings will be thirty-three feet three inches (33'-3") in height. Statements of fact. The applicant's professionals should provide testimony regarding the proposed building façade and treatments. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. The applicant's professionals indicate the materials shall be the same as in Phase 1. Testimony should be provided as to where HVAC equipment is proposed for the apartment and townhouse buildings and how the equipment will be adequately screened. The proposed HVAC equipment is shown on the Foundation Planting Plans along with the appropriate screening. Handicapped access to the proposed buildings should be addressed. The applicant's professionals indicated that all ground floor units will have handicap accessibility, the same as in Phase 1. Grading - A detailed Grading Plan is provided on Sheet CE-7. The proposed grading ties into the existing conditions and has been designed to direct runoff to proposed storm sewer systems associated with an infiltration basin. Statements of fact. The grading between Phases 1 and 2 requires better coordination. The applicant has agreed to revise the grading should approval be granted. Proposed spot grades are required at the corners of the dumpster enclosures. Proposed spot grades have been added at the corners of the dumpster enclosures. It appears the walls of the enclosures will operate as retaining walls in some instances. Construction details will be required during compliance review if/when this project is approved by the Board. Large lengths of retaining wall are proposed for the north side of the project. The maximum proposed height of the wall nears eighteen feet (18'). A design and construction details are necessary. Only an Allan Block Typical Section is shown with a maximum wall height of ten feet (10'). Railing is proposed on top of the retaining wall. The wall detail has been revised to reflect general conditions. A note has been added to the detail requiring the wall manufacturer to provide shop drawings/design calculations signed and sealed by a New Jersey Professional Engineer, which will conform with

State and Local regulations. This is satisfactory. The proposed Washington Avenue road profile should connect to the gutter elevations of Spruce Street and Coles Way. Proposed spot elevations are required at these intersections to preclude trapping runoff. ***The applicant's engineer has agreed to comply with this request should site plan approval be granted.***

Horizontal control points (intersections, curb returns, points of curvature and tangency) should be added to the profiles to provide proposed spot elevations for the grading. ***The applicant's engineer has agreed to comply with this request should site plan approval be granted.*** Vertical curves shall be lengthened to at least twenty-five feet (25') for every percent change in grade. ***The applicant's engineer has indicated this requirement will be complied with should site plan approval be granted.*** Stormwater Management- A proposed stormwater management system has been designed for the site. Post development runoff for Phase 2 will be handled by a proposed drainage system consisting of inlets and pipes that will convey flow to a proposed infiltration basin located near the northern border of the site. Overflow from the basin will drain to the Lincoln Avenue paper street right-of-way. ***Statements of fact.*** The basin is proposed with 5:1 side slopes as shown on the cross section of the basin. The bottom elevation is proposed at elevation 76.00, the top of berm at elevation 84.00. According to the Subsurface Investigation, the groundwater elevation is approximately 52.5 and the basin sections should be corrected accordingly. While the seasonal high water table could be different than the observed water table, it is clear a greater than two foot (2') separation below the proposed sand layer will be maintained. ***The basin cross sections have been revised to reflect the groundwater elevation as determined in the Subsurface Investigation. This is satisfactory.*** The Engineering Report indicates that material replacement will be required for the Phase 2 infiltration basin. The plans must clearly indicate the proposed extent of work involved. ***CAFRA required the soil within the footprint of the bottom of the basin to be over-excavated to four feet (4') below the bottom elevation and be replaced with K5 sand. The basin section has been revised to indicate this construction requirement. The infiltration basin notes shall be revised accordingly. The applicant's engineer has agreed to review the potential changes with our office.*** The stormwater management system does not provide for the required reduction for the two-year storm event. Additional storm sewer can be proposed to intercept runoff and reduce the bypass areas. We can review these possibilities with the applicant's engineer. ***The applicant's engineer has agreed to review the potential changes with our office.*** It appears the proposed emergency spillway elevation of 82.00 shown on the plans needs to be corrected to 82.50. ***The applicant's engineer has indicated that the correct elevation of the proposed emergency spillway is 82.00. Any discrepancies between the plans and reports must be corrected. The applicant's engineer has agreed to review the potential changes with our office.*** The design of the infiltration basin meets the water quality requirements. ***Statement of fact.*** Storm sewer profiles which are not part of the road profiles have been provided on Sheets CE-11 and CE-12. These will be reviewed in detail after revisions are undertaken to the stormwater management system. ***The storm sewer profiles will be checked during compliance review, should site plan approval be granted. The applicant's engineer has agreed to review the potential changes with our office.*** Proposed underground perforated pipe encompasses all the proposed buildings. No connections to the proposed storm sewer system are shown. Testimony should be provided by the applicant regarding this proposed foundation drainage system. ***The applicant's engineer has indicated that CAFRA required certain building roof leaders to be discharged underground into perforated pipes. These perforated pipes will be connected into the nearest stormwater management structures. The stormwater design as presented is feasible to meet the applicant's obligation to mitigate stormwater runoff from this project. We recommend that the stormwater design be finalized during compliance review if/ when this project is approved. As indicated previously, the applicant's engineer has agreed to review the potential changes with our office.*** A stormwater management maintenance plan manual has been provided in accordance with NJ Stormwater Rule (NJAC 7:8) and Township

standards. The manual is very comprehensive. Only minor revisions are required to comply with the latest design. *The applicant's engineer has agreed to make minor revisions to the manual once the design is finalized.* **Landscaping-** The overall landscape design is subject to review and approval by the Board. A very comprehensive landscape design has been provided. *Statements of fact.* Proposed shade trees are located in the landscape strip between the curb and sidewalk. Normally we would recommend shade trees be relocated behind the sidewalk area. However, the shade trees already planted in Phase 1 are located in the landscape strip between the curb and sidewalk. *Statements of fact.* Sight triangles should be added to the plan. In this manner proposed landscaping can be designed to not impede vehicular visibility. *Sight triangles have been added to the road intersections. Sight triangles must also be added to the intersections of parking areas with the circulation roads.* **Lighting-** A detailed lighting design has been provided. The comprehensive lighting plan for Phase 2 proposes seventeen (17), sixteen foot (16') high pole mounted "Town and Country" fixtures and one (1), thirty foot (30') high pole mounted "Cobra Head" fixture. The proposed "Cobra Head" fixture will be located at the southwest corner of the proposed Washington Avenue intersection with Spruce Street. The lower fixtures are proposed along the west side of Washington Avenue, both sides of Coles Way, and throughout the Phase 2 parking area. *The lighting plan has been revised to increase the number of sixteen foot (16') high pole mounted "Town and Country" fixtures to twenty-five (25). The fixture count on the detail sheet shall be revised.* The proposed lighting fixtures for Phase 2 appear to have a greater spacing than those constructed in Phase 1. A point to point diagram should be provided to review the illumination. *The lighting has been revised and a point to point diagram has been provided. All parking lots and roads meet the ordinance minimum of 0.2 foot-candles and average of 0.5 foot-candles.* **Utilities-** The project is located in the New Jersey American Water Company franchise area. Public water and sewer service will be constructed by NJAWC. *Statements of fact.* Fire hydrants are being proposed for the project. Hydrants are proposed for each end of the Phase 2 parking area. *Statements of fact.* Proposed sanitary sewer is being connected to the existing off-site system in Read Street. The proposed sanitary sewer line will impact the tree save area along the north side of the site. An additional tree save area may have to be designated to satisfy CAFRA. *The proposed sanitary sewer being connected to the existing off-site system in Read Street has been relocated out of the tree save area onto Lot 1 in Block 837. The proposed main should be extended slightly further on Washington Avenue to prevent disturbance of the tree save area from excavation. Additional construction notes and details (e.g., sheet and shoring for pipe installation if necessary) can be provided during compliance review if/when this project is approved by the Board.* Water, gas, electric, telephone, and cable service to the proposed Phase 2 section will be provided as an extension from the Phase 1 side of the project. *Statement of fact.* **Signage-** No proposed signage appears to be associated with the Phase 2 portion of the project. *Statement of fact.* All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with the Township Ordinance. *Statement of fact.* **Environmental -Site Description -** Per review of the site plans, aerial photography, and a site investigation of the property, the project site is heavily wooded with both deciduous and coniferous trees. Aerial photography indicates that the original existing right-of-ways were once cleared in a grid pattern throughout the site. Topographic information provided indicates that there is a ridge that runs along the northern section of the site. Elevations along this ridge range from approximately +120 feet in the northeast corner of the site to +100 feet in the northwest corner of the site. The site generally slopes toward the south with the ground surface elevations in the southern portion of the site extending to as low as about elevation +80. The Phase 1 portion of the development has been constructed; this included seventy-two (72) units, on-site parking, a stormwater management basin, and recreation building. Phase 1 also included an extension of Tower Street, east of Vine Street. *Statements of fact.* **Environmental Impact Statement-** The applicant has submitted the Environmental Impact Statement for the

Overall Preliminary and Phase 1 Final Site Plan Application of Lakewood Commons. The document has been prepared by Van Note-Harvey Associates, P.C., to comply with Section 18-820 of the UDO. The report was revised May 11, 2006. To assess the site for environmental concerns, natural resources search of the property and surroundings was completed using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following highlights some of the documents and field inventories which were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Wood Turtle and Urban Peregrine habitat areas; and 02NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. The author of the Environmental Impact Statement concludes that no significant environmental limitations exist on the site that would prevent the proposed project. By adhering to sound planning techniques, employing Best Management Practice's (BMP) during and after construction for stormwater management, utilizing approved Soil Erosion and Sediment Control practices, preserving trees, and providing a comprehensive landscape plan, minimization of impacts to the environment can be achieved. Our office agrees with the author's findings. *Statements of fact.* Tree Management Plan - A Tree Management Plan was referenced in the reviews for Phase 1. A Tree Management Plan has not been submitted for Phase 2 and must be provided. *A copy of the previously approved Tree Management Plan has been included in the revised submission.* Traffic-A Traffic Impact Study has not been submitted for review. However, a Study assessing impacts of this project on adjacent streets was submitted with the original application for preliminary approval of the overall project and final approval of Phase 1. Traffic testimony must be provided on how the Phase 1 construction conforms to the Study and whether any modifications are required for Phase 2 of the project. *The applicant's professionals indicate that a Traffic Study will be prepared and submitted for review during the Public Hearing.* Construction Details- All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. A more detailed review of construction details will occur during compliance review; if/when this application is approved. *The applicant's engineer has agreed to provide any revisions required.* Handicapped ramp details must be revised to the current NJDOT standards. *The applicant's engineer has agreed to provide the revisions required.* Stop Sign posts shall have a red reflective face. *The applicant's engineer has agreed to provide the revisions required.* Striping must be coordinated among the various details. *The applicant's engineer has agreed to provide the revisions required.* Any references to NJDOT Specification Sections must be updated to the 2007 Edition. *The applicant's engineer has agreed to provide the revisions required.* Storm sewer details require multiple corrections and should be reviewed by the applicant's engineer. *The applicant's engineer has agreed to provide the revisions required.* The cutoff trench for the infiltration berm detail is not shown. *The applicant's engineer has agreed to provide the revisions required.* Minor corrections are required to the Trash Rack detail. *The applicant's engineer has agreed to provide the revisions required.* Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. *Statement of fact.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; NJDEP LOI: Footprint of Disturbance Determination, Washington Avenue right-of-way; NJDEP CAFRA Modification; all other required outside agency approvals. An NJDEP Letter of Interpretation: Presence/Absence Determination, Overall Site was obtained May 3, 2006. An NJDEP Letter of Interpretation: Footprint of Disturbance Determination, Lincoln Avenue right-of-way was obtained May 3, 2007. An NJDEP CAFRA Permit was obtained August 7, 2008. New Jersey American Water Company will be responsible

for the construction of sanitary sewer and potable water service for the proposed project. New Jersey American Water Company will need to obtain a Treatment Works Approval and a Bureau of Safe Drinking Water Permit from the New Jersey Department of Environmental Protection. *Copies of outside agency approvals shall be forwarded once they are obtained.*

Mr. Vogt said this is phase 2 which consists of 59 units-seven 6 unit apartment buildings; two 7 unit townhouse buildings; addition of 3 units within townhouse building #8. Under waivers, he had some comments on the number of parking and his interpretation of the UDO indicates that 329 spaces are required and they are now proposing 312 spaces with the intent to also land bank 17 spaces and use those in the future if necessary. The only other item they are requesting a design waiver for is curb and sidewalk along the east side of Washington Avenue from Spruce Street to the site boundary.

Mr. Abe Penzer Esq. appeared on behalf of the applicant. He said they came before the board previously with conceptual plans for the 6 phases and is now coming in with the same product except for a little variance that is not going to be as big. He introduced the professionals for the applicant – Mr. Tom Stearns from Stearns & Assoc.; Landscape, Mr. Ralph Petrella, Van Note Harvey Assoc.; Mr. Scott Kennell, McDonough & Rea Assoc., traffic engineering; Mr. Thomas Brennan, architect.

Mr. Penzer said they are expanding from Phase I into Phase II and the issue that arose from the neighbors at the last meeting was whether or not they were going to open up Washington Street. They examined the problem and the impact and they discovered the school buses and garbage truck had to do K turns and back up and it was not a safe situation and the neighbors presented them with a petition requesting another access point onto Washington Avenue so they decided to make more accesses. Mr. Penzer marked exhibit A1 which is a colored rendering of final site plan, phase 2; A2 is a ground view from Coles Way; A3 is a ground view from Washington Avenue; A4 is a aerial view from the west; A5 is a aerial view of the entire area showing where the various major roads are (CedarBridge, Pine, Vine); A6 is a copy showing phase 2; A7 is the actual view of the phase 2; A8 is an aerial view from the northwest. There are no variances requested. They will revise the plans to conform with the minimum distance between buildings from 40' to 42'. They are land banking some parking spaces and the board also requested them to put a sidewalk along different areas and said they have no problems putting sidewalks in certain areas except on the east side of Washington Avenue from Spruce to the site boundary because that is where the water quality and by having the pavement in there it will impede the road side swale. He believes Mr. Vogt is in agreement with that. They have gone through the circulation for garbage pick up and have no problem with what Mr. Franklin recommends. There will be sidewalk on the west side of Washington Avenue. The HOA has already been established and will be the same one that will take each phase. They have taken care of the handicap parking spaces and have taken out the alternate lay out. The HVAC system will be behind the foundation plantings with appropriate screening and all ground floor units will have handicap accessibility and compliant with DCA. They have taken care of the spot grades and have no problems conforming to the construction details in the review letter. Mr. Penzer said they have no problem with the retaining wall and will take care of that. They can meet all the comments in report regarding stormwater management. CAFRA required certain roof leaders to be discharges underground to perforated pipes and they will be connected to the nearest stormwater management structure. They have also agreed to increase the number of lighting from 16 to 25. The sanitary sewer is there and will go off into Read Street and the environmental issues have been discussed and the Environmental Impact Statement that was

filed for the first phase and is for all phases is CAFRA approved and they are using the same Tree Management Plan as well. With regard to traffic, Mr. Penzer called Scott Kennell to testify.

Mr. Kennell said they conducted recent traffic counts along Spruce and Vine Street and in particular Vine & Spruce and Spruce & Washington during the morning and evening peak hours. They also got traffic counts at the sole access to Lakewood Commons at Towers & Vine. Approximately 70% of the traffic in the morning hours orated to the north towards Spruce and Washington and in the afternoon it is approximated 54%. They found the peak hours occur outside the typical commuter peak hours (8:45-9:45 & 3:15 – 4:15) and that is attributed to all the schools in the area and the activity generated by those schools. They took an evaluation of Spruce and Vine with and without the Washington Avenue access and the benefit of that access is it reduces the traffic onto Vine Street that it is currently experiencing being the sole access; traffic destined for Washington can have a direct access without have to travel on Vine and it also provides another means of accessing Spruce Street. They found that the level of service and traffic delays are reduced at Spruce and Vine if you have the alternate access because you can siphon the traffic away from that intersection. With the Washington Avenue access Vine and Spruce would operate at a level service “C” with approximately 22 second delay for the Vine Street approach whereas if you didn’t have the Washington Avenue access the level of service would degrade to “E” at Vine and Spruce with approximately 35 second of delay per vehicle (increase of 13 seconds). During evening peak hour it is less dramatic but there is a reduction in delay with the Washington Avenue access- the average delay is approximately 16 seconds per vehicle and without it, it would be 20 seconds (4 second increase). He found the morning is the critical peak hour at that location therefore it would be a public benefit as well as improve the accessibility to this site with the Washington Avenue access onto Spruce Street.

Mr. Penzer said some of the neighbors are concerned and asked if it cause more traffic and make them come on top of them-they bought the houses to be single family and quiet and Mr. Brennan said as far as traffic destined for Spruce, he does not expect increased traffic or re-distribution of traffic to the north to increase, it may be marginal but nothing that would have an impact and as far as site traffic on Spruce, west of Washington Avenue, there should be no increase because it is a dead end street and limited activity there; there is a cemetery and single family homes.

Mr. Neiman said there is a street, Funston Street, and asked if there was any way that street can be extended to Oak just give another access to this project and Mr. Petrella said under phase 1 submission, it was proposed to do that once they get down to phase 5. Mr. Neiman said that would alleviate the traffic even more because it is an additional entrance.

Mr. Neiman wanted to talk about interior circulation and asked buses, the width of the street, parking on the interior of Coles Way, etc. and Mr. Petrella said it is the same as what they did under phase 1 and they have met with John Franklin on the circulation for trash so they made sure the drive aisles are wide enough to account for that and there is only parallel parking on one side of Coles Way and it is a 2 way street. Mr. Franklin said he is ok with the circulation in there. Mr. Schmuckler asked if the garbage areas are going to be front loaders, rear loaders, etc. and Mr. Franklin said the containers will be rolled out.

Mr. Fink asked Mr. Penzer if he is right in assuming that for this size project you are only going to have one entrance and Mr. Penzer said no, they are going to have 4 and Mr. Fink asked him to explain where they are. Mr. Petrella said currently they have one access at Towers Street and with phase 2 they are proposing Washington Avenue extension and around phase 5 the construction of the units along the parking area also ties into the intersection of Towers and

Funston so that would be 3 and once the final phase is completed, Coles Way will tie into Funston Avenue which ties into it.

Mr. Schmuckler asked Mr. Vogt if there was any way that they can get the sidewalk on both sides of Washington and Mr. Vogt said he has looked at that area and talked with the applicant's professionals- they are proposing to use that side of the roadway to have run off into a water quality area and it would not work with their curb design to have sidewalk in that area. Mr. Schmuckler asked if there was something they can do that he can think of to make that happen and Mr. Vogt said he would defer that to the applicant's engineer. Mr. Petrella said as currently designed the grade elevations- they would have to have a wall and it is only 50 ft. wide right of way and not being able to grade outside your property it can't work unless you get rid of the water quality aspect which you can't by law. Mr. Neiman asked about sidewalks on Vine Street from Spruce to Towers and Mr. Petrella said Vine Street is offsite and Mr. Neiman said it shows a CAFRA tree save area that divides and Mr. Penzer said they can't touch the tree save area and Mr. Neiman said past the tree save area and Mr. Penzer said until the end, it is all tree save area, it is a buffer.

Mr. Schmuckler asked if there is any way of putting another small park in this area because it is a way to go to the park and asked about somewhere near the basin. Mr. Penzer said the elevations go up and then drop down 30-40 ft. and they are going to have enough trouble getting rid of the water so it is difficult. Mr. Schmuckler asked if the basin area was going to be fenced and Mr. Petrella said yes

Mr. Neiman opened the microphone to the public

Mandell Zaks, 612 Spruce Street, Lakewood was sworn in. He asked the traffic expert if he looked at how many accidents have happened on the corner of Washington & Spruce in the last 2 years and Mr. Kennell said no they have not done an accident evaluation. Mr. Zaks asked if he thinks it is safe to have cars leaving on Washington and moving in this small area (pointed to a map) and Mr. Kennell said as far as site lines they felt it can work and at Washington & Spruce it will be set up with a stop sign on the northbound approach with the new light-there is a southbound approach with a stop sign and that is what they took in to consideration when they evaluated the operational characteristics. Mr. Zaks asked about 4 way stop signs and Mr. Kennell said there will be stop signs on Washington Avenue northbound and southbound and he would not recommend stop signs on Spruce because of the predominant traffic pattern which is Vine northbound to Washington and the return movement is southbound right turn to left turn onto Vine. Mr. Zaks asked if he was comfortable with the safety of the girls from the girls' school and said if he looked at the number of accidents on that corner he might hold back on his decision. He pointed to the display and said you have about 400 homes and the average home has 1.5 cars so there are about 600 cars and 72 homes in the new development, so there is another 400 cars coming into the area and there are a couple hundred of girls from the school walking and 2 streets with a distance of 200 ft. and Mr. Zaks suggested he go and sit at Washington and Pine from 8 am to 9:30 am and actually see what this project has done as far as waiting time and said the main thing besides disrupting their life and disrupting their children's life and the fact they paid a lot of money to live on this block there is a huge safety issue that he said they did not even bother to look at. Mr. Kennell said it is important to note that there are other access points and not all the traffic will be routed through that location, there will also be access out to Oak Street and Oak Street will eventually be extended out to New Hampshire which provides other means and will siphon some of the traffic from that location. Mr. Zaks said until they have all these other access roads out of the project, just know that there are a couple of hundred of girls that are literally sitting over there and there are no sidewalks over there. Mr.

Zaks said the safety impact has to be looked at before they approve such a thing. Mr. Neiman said that is why they have a traffic study and Mr. Zaks said their traffic guy quoted the amount of seconds additionally that they would be waiting, they did not study the actual safety implications of actually doing this and if they study that they will have a totally different conclusion. Mr. Neiman said he understands because he passes that area daily and asked Mr. Zaks if what he is saying is not to have an entrance to this project to Washington Street, just to keep it as Towers and Mr. Zaks said they have the entrance to Vine Street and figure out other ways to divert the traffic- you can go to Oak; he said there are other ways around it and he just thinks they are literally playing with lives. He has seen the accidents, he lives on that corner.

Mr. Schmuckler asked if there is someone from the school because it seems the school will be worried and Mr. Zaks said the school was worried about it but mysteriously he stopped being worried. Mr. Zaks said the school actually created a playground on Spruce Street (he pointed to the map) and Mr. Neiman asked if they have to cross the street to get to it. Mr. Penzer said the applicant has advised him that he met with Rabbi Schenkolewski of Bais Kaila and they worked out an agreement and he is satisfied with it. Mr. Zaks said he thinks the board has an obligation to protect the children of Lakewood. Mr. Schmuckler said it is a bad intersection, everyone knows it is a bad intersection, and he doesn't think it will be such an impact with the addition of Washington Street going in there; the intersection has been bad since the school was there. He said with this new development you are going to take the traffic, which is going to be going north, and forcing them to drive further, it is just going to cause more delays and more frustrated drivers and if you could keep this Washington Ave. in a good site triangles on both sides you are easing the traffic and he doesn't see how it is going to make it worse. Mr. Zaks asked him if he agreed it is a bad intersection and Mr. Schmuckler said yes and Mr. Zaks said his main concern is safety and said the more cars you send down that block the more unsafe it becomes and if you propose to open up an additional street without looking at the safety. Mr. Schmuckler asked him if other than the access road, is he opposed to the homes and Mr. Zaks said he is not objecting to people having affordable housing and said when the development was first started NJ Hand made a verbal agreement that there would not be additional traffic on the street. Mr. Fink asked him what would he suggest besides Tower and Funston as an outlet or an inlet and Mr. Zaks said he does not have an answer. Mr. Vogt said he is looking at the plan and they have access onto phase 1 to Tower now, and Towers connects to Vine and Vine connects to Spruce, so even if this connection was never made you can't say that there is no travel from this development to Spruce and Mr. Neiman said he is saying that leaving Washington going there with cars coming down Spruce to turn into Washington and having an entrance right there is a hazard and Mr. Zaks said yes. Mr. Kennel said you are eliminating turning movements at Spruce Street and Vine and he said left turns zaps the capacity out of intersections so by reducing the number of turning movements it improves the capacity and that is where he testified that the delays and the efficiency of the intersection improves by the opportunity to slightly subtract from the turning movements at Vine and Spruce and Mr. Vogt said it also improve site because you are making a straight shot. Mr. Kennell said the addition of Washington Avenue access is not going to change the amount of traffic that is going to be on this site that is going to be on Spruce Street, they are just processing the traffic more efficiently rather than having them be on Vine and creating other turning movements and said the study he did was based on phase 2 and when the other phases come on line there will be access to Oak Street so there is traffic now that uses Vine that may go south and may not have to use Vine depending on where in the development they located. When Oak Street is extended to the east and provides a connection with New Hampshire Avenue it will fall in line with Ocean County's plan to improve New Hampshire Avenue to provide additional capacity for right turning lanes and it is his opinion that with the improved infrastructure on New Hampshire Avenue, less people will use that intersection. Mr. Zaks said his concern is from now until Ocean County

deals with New Hampshire and this project is done with all the other outlets they are creating a huge safety hazard.

Mr. Schmuckler said there is one opinion he values and asked Mr. Franklin what he thought about this and Mr. Franklin said it is a good idea and the big thing is that people have to stop at the stop signs. The way the town is growing you have to take advantage of any street that will be put in, every bit of that is going to help but the people have to pay attention to the stop signs. Mr. Neiman said people making a left from Vine onto Spruce at 200 ft.- is that enough room for a car that is stopped at the stop sign to see that car coming and Mr. Franklin said certainly because the view is only 40 ft.

Abe Zaks, 540 Spruce Street, Lakewood. He said the question posed to his brother was what should you do and the answer simply is – if you are there in the morning right now, the cars are backed up from Pine Street to the corner of Spruce Street and Mr. Neiman said he does not see that and Mr. Zaks said he owns a moving company and sees it every day. He said they should simply not do this because the reality is if you open that up, more cars from phase 1 and phase 2 will go in that direction and right now they are going down Towers, going onto Towers and making a left. Mr. Zaks pointed to an exhibit and said you close that off and force XX amount of traffic onto New Hampshire up to Cedar Bridge and he said the answer is when Oak Street is actually done that is when it will be relieved.

Elliot Zaks, 260 Spruce Street, Lakewood was sworn in. He said he is against the opening but said this extension they put on is only 24 ft. wide and Washington is about 38-40 ft. wide so as the they are proposing this, any single bus that actually comes down Spruce Street and wants to make a right into this new extension is going to have to swing into the other side of the traffic in order to get around the curb because the way they propose it, it is not wide enough and he is suggesting if they actually approve this to widen this to the same width that is currently on Washington Avenue (which is 38-40 ft.) He said they should provide sidewalks on both sides and there is another major safety issue out here- forget what is existing right now, he said they are putting down a sidewalk straight down this new extension and asked where is it going? It is stopping on this corner which is probably one of the most dangerous corners in Lakewood- what they should be providing for is a sidewalk on Spruce Street for that 200 ft. to meet up with the other sidewalk on the corner of Vine and Spruce. The township owns that 6 ft. right of way and NJ Hand should at least finish that sidewalk. Beside that, he said there is a sidewalk from Pine to the end of Somerset Village and there is no reason why NJ Hand isn't actually paying to finish off the rest of the sidewalk-legally they could bond it with the township and they could provide it. He thinks one of the requirements should be to finish this other entrance out to Oak Street-they say it is in future phases but let it be a requirement out there. He also said what they proposed is a 24 ft. roadway where they are going to run off the water to the rest of the street and what happens is at the corner of Spruce is basically the top of the hill then the road rolls down to the corner of Mr. Penzer's lot so the road over there gets flooded so what is going to happen is every time it rains you are going to flood Spruce Street some more and by requiring them to do a 38 ft. roadway you should require them to do some sort of stormwater management where they should be able to alleviate whatever water is out there. He also said nobody every spoke about putting a traffic light at this corner, if it is required. Did anyone do a study on it to see if it would work? He repeated his concern about a bus turning into the new extension and going into the other lane and said that would be an accident.

Mr. Schmuckler said he was looking at the site elevations and unless this is wrong he thinks the highest part is off on Coles Way and Mr. Zaks said that is true but he is talking about Washington and Spruce itself and said all the water runs down the extension and hits Spruce &

Washington and then runs down into Spruce towards the cemetery and there is a major dip where the road floods every time.

Mr. Vogt said as with the first application, the applicant is going to be required to manage stormwater on this property and they are in the process of doing so and there are additional changes that have to be done to the stormwater system but if the board approves this application it is going to comply with the stormwater rule and stormwater from this property is going to be managed in accordance with State standards. He also said the width of the aisle roadway is RSIS compliant and in terms of vehicular movement he asked the applicant if they did an analysis of this area and Mr. Petrella said the radii that they provided at Spruce and Washington and Mr. Zaks continued and said the cars waiting to exit out and a typical bus coming down Spruce and he asked how are they turning in and making that radii with a bus that is typically 40 ft. long without running into that other lane. Mr. Petrella said it is RSIS compliant which gives minimum recommendations of what will work- 24 ft. wide drive aisle (2 -12 ft lanes) with a 25 ft. minimum radii coming in is more than enough to accept a bus. Mr. Vogt asked if they did a circulation plan in this area using templates and Mr. Petrella said they have not done a template on that particular intersection but they can but in their experience in every other project that they have ever done 24 ft. wide drive aisle with a 25 ft. radii is more than sufficient to have a bus turning in. Mr. Kennell, the traffic expert, spoke and said he agrees that the geometric design of the intersection can accommodate a bus with a 25 ft. curve return and said typically within a residential development you will have 10-15 ft. curb returns and this has been designed at a greater curb return of 25 ft. and it can accommodate a bus and complies with the RSIS and he also does not see any issues with site distance. He also comment about the point made about a traffic signal and based on his review of the volumes through phase 2 a traffic signal is not warranted along Spruce Street-it may be warranted in the future but there are other factors that may help the situation like when Oak Street is opened. Mr. Vogt said phase 1 has 72 units and the 2 phases combined have 120 units and asked the applicants professional if this gets approved and they get to phases 3, 4 & 5 can traffic be assessed along the way and Mr. Kennell said yes. Mr. Zaks asked if the bus will be required to run into the other lane in order to make that turn and Mr. Kennell said heading eastbound on Spruce and making a right turn into Washington they would be required to encroach and Mr. Zaks interrupted and asked if it would not actually have to go into the other lane in order to make that turn and Mr. Kennell said that is correct and Mr. Zaks asked him to map it out. He then finished speaking and left the podium. Mr. Jackson said he noticed the hour and the holiday concern and said item #4 on the application is unlikely to be heard tonight and the applicant's attorney asked if they could make the announcement and be excused now.

Mr. Neiman said the next available date is January 19th 2010. Mr. Alfieri agreed to waive the time period and Mr. Alfieri said they would like to get a commitment from the board that they can get placed early on the agenda and Mr. Neiman agreed.

Continuing with the application, Mr. Neiman opened it to the public.

Mr. Krupnia, 76 Coles Way, Lakewood was sworn in. He said the fact is that if you open this street, anyone coming from Lakewood Commons going north is going down to Washington Street anyway, so if you come out on Towers down Vine, make the right on Spruce and the left on Washington or you come straight down Washington you are not adding any traffic to that corner because no one is going to any other entrance. They are not adding any traffic by adding the extension to Washington.

**PLANNING BOARD MEETING
DECEMBER 15, 2009
MEETING**

**TOWNSHIP OF LAKEWOOD
REGULAR**

Simcha Susna, 56 Coles Way, Lakewood was sworn in. He said when they go out from Coles Way they go through Towers to Vine, turn on Spruce and go straight down Washington so if they are dealing with safety, the buses that have to keep on making U turns or trying to drive around between the cars is not safe for the children that are waiting everyday to be picked up and if it would be a straight road it would prevent any issues of safety for the neighbors.

Shmuel Lefkowitz, president of NJ Hand, was sworn in. He said as far as the developer is concerned, the issue is on behalf of the people that live there and the people who live there need this entrance and exit and so do the buses and garbage trucks- you can't have a situation where you have so many children and families and the buses and trucks have to make K turns and also if there is an entrance on Washington Street most of the cars are going to go down Washington Street and right through towards Spruce and Pine and it is not going to be through Towers. As far as the sidewalks, it is nice for people to say NJ Hand is an affordable housing project and a non profit organization and we should provide sidewalks to Pine River Village, sidewalks all the way down to the cemetery and it is a ridiculous request and it is not happening because they cannot afford it- they are trying to build houses on behalf of the community for the people that can't afford it and the corporation cannot afford these types of amenities. The testimony is that everything complies to the standards and he is asking the planning board to please approve this project. There are a lot of constraints they have with this project as far as funding and grants and the longer they wait the longer they will lose out on the opportunity to build this affordable housing.

Mr. Neiman asked wouldn't there be a hardship widening Washington Road to 38 ft. and Mr. Landman said they do not own the land on both sides and both sides of the road from the project to Spruce they do not own, it is owned by Dov Gluck and Mr. Neiman said the entrance that they are building right now is 24 ft. wide and asked if they could widen that and Mr. Landman said the mapped street is 24 ft. and he doesn't think it is mapped 38 ft. Mr. Petrella said it is a 50 ft. right of way with a 24 ft. wide drive aisle which leaves 26 ft. or 13 ft. on either side. He said right now with the grade elevations they have a wall that extends down and if they start widening that road it puts more issues of grading and they are not allowed to grade outside their property line. If it is determined that it is necessary there are areas where they can widen the intersection but to widen the whole road won't work. Mr. Vogt said where they have Washington Road which comes out of phase 2 and making that bend for 150 ft. section you are right up against the CAFRA tree save area so they are physically not able to do anything even if you could get approval. Mr. Petrella said the whole focus when you come to stormwater management is to limit impervious surface wherever possible and not increase where it is not required and they RSIS requirements and they are providing sidewalks on one side so they are trying to meet what is requested of them. Mr., Neiman asked if they can get more than 24 ft. and Mr. Vogt said looking at this, if he were to do a study of this he could possibly come back and say they can get to 25 ft. 8 inches vs. 24 and his question is what are they gaining- they are not gaining a lane, you are not gaining anything significant. There was more discussion with a member of the public about widening the intersection and Mr. Fink added that there will be a stop sign there and that is functional. Mr. Franklin added that the other part of Washington is only 28 ft. wide- it is not 38 ft. wide. The member of the public insisted it is 38 ft. and said it was from pavement to pavement and Mr. Kielt also did not agree. Mr. Landman finished and said they did everything they had to do and they are compliant and asked the board to approve it.

Gerry Ballwanz, Governors Road, Lakewood was sworn in. She has a tax map of the area and said she doesn't know if Lincoln, Sherman, Funston, & Carol Streets are streets or paper street and asked if they were and suggested to make the entrance farther east toward the cemetery

either last street which is Carol or Funston or Sherman- she does see the houses that are on Spruce that those homeowners there might object to having the street go through but it is a question of whether those streets still exist and maybe it would be more of a safety issue for the people coming out of NJ Hand to make the left turn farther down onto Spruce. She knows when she is coming out of her condominium and making a left she goes down to the second entrance and she is easier to make a left there. She thinks it would be easier for people. Someone said it was a very good idea. She also asked if there was the proper rear yard or buffer between the homes that are on Spruce Street and this development so there is sufficient distance from the backyards of the houses that are on Spruce and someone answered yes. She said they were talking about the elevation of the land and questions of retaining walls and possible flooding and said maybe because of the uniqueness of this land there is too much density for this whole project and the need to maximize every unit is not really going to be good for all the people living there and there could be other problems with the environment that maybe 450 units is too many for that whole project and there should be less units there and the retaining wall could be reduced.

Menachem Scheiner, 5 Coles Way, Lakewood was sworn in. He said he has been living in the area for 3 years and so far he has never seen an accident on the corner but driving that direction every single morning he sees concern about coming down Spruce Street and making a left onto Washington that you are cutting the corner and you don't see the cars coming- if they would open up Washington Avenue, and you stop at the stop sign, that is a much safer way of approaching that intersection because you come straight on and see all the cars and it will alleviate all the traffic on Vine Street because everyone is coming in that direction.

Yitzchok Dorfman, 55 Coles Way, Lakewood was sworn in. He reiterated what all the other residents of Lakewood Commons stated with regard to traffic and said another exit would be cutting the traffic in half and alleviating some of the congestion. He also said his wife is secretary at Bais Kaila and he has been there many times and said you do not usually see big groups of girls congregating on Spruce or Washington- they are usually inside the grounds at Bais Kaila and once in a while you see them crossing over but there are not people walking all over and you hardly see the girls outside. He also said there is a legal size a street needs for buses and there are a lot of streets in Lakewood that have trouble with buses and you can say go and widen all the streets in Lakewood.

Mr. Schmuckler said the idea right now is for buses to go in through Washington and come out through Coles Way and if the buses find they can't do it that way, they will just flip it the opposite direction and go in through Coles and come out on Washington. Mr. Vogt added that they have bus access now.

Zev Czermak, 29 Coles Way, Lakewood was sworn in. He said he also comes out Towers onto Vine to Spruce and said they heard other people saying that the same traffic will occur whether this opening is here or not so and it will make it safer, but we know one thing now and that is Lakewood Commons has a safety issue now- there are buses coming in with many kids waiting there and the buses have to make U turns and K turns and that is a safety issue and they should deal with the safety issues that are there now and not the questions of maybe there is a safety issue.

Mr. Schmuckler asked if there was going to be parking along Washington Street extension and was told no. He asked if there was going to be a good large site triangle and it will be kept clear and was told yes.

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MEETING**

**TOWNSHIP OF LAKEWOOD
REGULAR**

Someone else came up to speak but did not give his name, nor was he sworn in (Mr. Zaks?). He said he found it incredible that the director of NJ Hand and the residents of Lakewood Commons has actually gotten up and said that there is a hazard and a safety issue in Lakewood Commons. These are the people who actually built a project and they are telling everyone that there is a safety hazard for what he actually built he finds is mind boggling. Mr. Neiman said he took it to mean that right now there is because phase 1 is there and there is just one entrance and this will alleviate buses making K turns. The unnamed speaker (Mr. Zaks?) added that there are 72 homes there with many children and the fact that this was even approved and they admitted it. The safety hazard is there and something has to be done and he thinks they are transferring the safety hazard from Lakewood Commons to the girls' school and Spruce Street.

Mr. Fink said what he finds incredible is they sat here for 2 hours listening to the comments and the comments are all about school buses and it makes him wonder, what are we doing in Lakewood- maybe we should not have school buses, maybe everyone should be driving their children to school and he doesn't think the people of Lakewood want that. He also thinks every time there is a problem everybody reverts back to the school buses and he thinks the board as a whole have to do something to work collectively to alleviate the issues of the school buses, possibly altering times of the yeshivas and the schools but we need to do something. He thinks they should send a letter to the Township Committee suggesting that they have a meeting with all the yeshivas alternating times of the schools and consolidating the buses or put a curtain up where we have boys and girls on the same buses.

Mr. Penzer spoke and said he sits here and is shocked and amazed. He is listening to Elliot talking about putting sidewalks by an affordable housing for Ralph Zucker's project who is making millions of dollars. He wants to understand when they are talking about emotion or talking about logic. As a lawyer they have before them an application with no variances whatsoever, the met the statute 100 % and meet RSIS and the only thing he agrees with, and he is a lot owner just as much as the Zaks are, there is an issue of stormwater management and that will be taken care of because of the water. As a fact of life, nobody is asking you to put sidewalks on Spruce Street, and as dangerous as it is, he doesn't want to have a sidewalk on Spruce Street either because it will loose the country look as well and they have to be practical. The board's legal obligation is as follows: you heard testimony by the head of NJ Hand- they have very strict guidelines for a grant and are under strict time constraints and they will lose a possibility of 6 million dollars if they don't move quickly and a lot of people will be hurt. All the public did was give you their opinion, the applicant brought in the experts and the board's job is to take cognizance of what an expert says or what a non expert says and the applicant's expert said it is safe and they would not put 120 families at risk and they have more phases that they have to do. His experts say that it is safe and it can be done and it meets RSIS. Mr. Zaks is not an expert and his opinion does not go against an expert therefore the board's obligation is if they don't approve this you will not only hurt many hundreds of families in line to get these houses, but it could be delayed forever because of the money. He urges the board to look at the application as full- they do need more access points but unfortunately their funding is limited, they can only build 60 units at a time.

Mr. Neiman said Mr. Penzer does understand that one life is worth more than the 6 million dollars and Mr. Penzer said does he think they don't care about a life? Three people are here and Mr. Neiman said they do have to listen to all the people and Mr. Penzer asked where their expert is and it is only their opinion and he has an expert that if he is wrong, he can sue his pants off. The person in the audience started speaking again and Mr. Penzer said usually the board cuts them off after the first time and this is the 3rd and they became argumentative with each other. Mr. Neiman said enough.

Seeing no one else, this portion was closed to the public.

Mr. Jackson said he understands there is a lot of people who have a lot into this investment, emotional work, etc. but he wanted to address a comment that Mr. Penzer made about expert witnesses. He said trial or fact can believe all, none or some of what an expert says; the qualifications that an expert has goes to the weight of it but you can believe it or not and you can believe lay opinion or not believe it and you can consider the qualification, expertise, knowledge or experience in whether you want to give any extra deference to their opinion and regarding this application it is a conforming application and they do have some limitations on them in terms of approving or not approving and some of these conditions regarding traffic are off site conditions and the applicant has no control over. If you could change entryways or points of ingress or egress based on other alternatives the board does have it within its' jurisdiction to do that but he thinks that the application is essentially a conforming one and the way the law is it is a pretty heavily weighted deck in favor of approval.

Mr. Neiman asked Mr. Vogt if he could get the Washington Road extension as wide as possible, especially at the intersection. Mr. Vogt said with the applicant's consent, they can look at possibilities to widen.

Motion was made by Mr. Fink, seconded by Mr. Franklin, to approve the application with the stop sign

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

3. SD # 1699 (Variance Requested)
Applicant: Shimshon Bandman
Location: Ridge Avenue- west of Somerset Avenue
Block 223 Lots 9.04 & 80
Minor Subdivision – zero lot line

Mr. Vogt prepared a letter dated December 10, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing irregular (trapezoidal) 25,720 square foot property known as Lots 80 and 9.04 in Block 223 into three (3) new residential lots, designated Lots 9.04 (modified), 80.01 and 80.02 on the subdivision plan. The site is mostly cleared in its current condition, with a two-story duplex building under construction on Lot 80. The remainder of Lot 9.04 is previous developed and contains an existing two-story dwelling fronting Highlands Crescent Road. Lot 80 was recently reviewed for compliance with the new zero lot ordinance and a similar approval is sought under this minor subdivision application. Per the zoning schedule on the subdivision plan, relief for front yard setback and off-street parking was granted for the home on Lot 9.04 under a subdivision filed with Ocean County in March, 1999. The site is situated within a predominantly residential area. Lot 80 and has frontage along Ridge Avenue, approximately 367 feet west of its intersection with Somerset Avenue. The subdivision plan depicts Ridge Avenue as having a 24' foot paved cartway, curbing and sidewalk along the property frontage. *We have the following comments and recommendations per testimony provided at the 12/1/09 Planning Board workshop hearing, and comments from our initial review letter dated November 19, 2009:* Zoning- The parcels are located in the R-10 Single-Family Residential Zone District. Single-family detached dwellings

and duplexes are permitted uses in the zone. Zero lot line subdivisions for duplexes are permitted in the R-10 zone. *Fact.* Per review of the Subdivision Map and the zone requirements, the following variances are required for the zero lot line subdivision approval request for existing Lot 80: Minimum Lot Width (proposed Lots 80.01 and 80.02, 33.00 feet proposed per lot, 37.5 feet required). *Fact.* Minimum Side Yard Setback (proposed Lots 80.01 and 80.02, 7.0 feet proposed per lot, 10 feet required). *Fact.* As indicated previously, variances were previously granted for non-conforming front yard setback and off-street parking conditions for the dwelling on Lot 9.04. *Fact.* Review Comments- The zero lot line ordinance requires parking for each duplex unit as if each unit was a single-family dwelling. The zoning schedule on the plan indicates that four (4) spaces are proposed for each unit, which is satisfactory. However, the bituminous driveways as depicted on the subdivision plan scale as 18' x 35' feet in dimension. *The driveways on the revised plan are now depicted as 18' x 36' in dimension. This item has been addressed.* The plan should be revised to provide a minimum 18'x36' driveway area for each unit, equivalent to four (4) 9'x18' spaces. These driveways should be dimensioned on the plan for construction purposes. Additionally, paving, apron and other site work as proposed for this project must be performed in accordance with applicable Township, State and local standards. *The driveways on the revised plan are now depicted as 18' x 36' in dimension. This item has been addressed.* Information should be provided on the plan regarding water and sewer service to the proposed duplex units. *Proposed water and sewer laterals are indicated on the revised plan. Per plan data notes, service will be provided by NJ American Water Company.* Proposed construction details for improvements to the duplex units must be added to the plan in accordance with applicable Township or NJDOT standards. *Construction details have been provided on the revised plan.* Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. *Fact.* Six foot (6') wide shade tree and utility easements has been provided on the plan for both road frontages. Additionally, an 8.50 foot road widening easement dedication is provided along Ridge Avenue. *Fact.* Per Subsection 18-911 F (2 (a-g)) of the zero lot line ordinance, a written agreement signed by the owner of the property is required, including provisions to address items associated with the use, maintenance and repair of common areas and facilities associated with the overall property (existing Lot 80). Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township. *Fact.* Compliance with the Map Filing Law is required. *Fact.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals (if necessary); Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals.

Mr. Bandman appeared and was sworn in and said there is an existing duplex on this lot about 1 ½ years now and there are some minor variances that were needed at that time but was given approval by the Zoning Officer, Ed Mack who felt it was so minimal it did not need to go before the board. Now with the request for a zero lot line approval there was a question amongst the professionals that since there are variances, it is necessary to come to the board. The duplex is already up and this is just a technicality.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

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

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

4. SD # 1509B (No variance Requested)
Applicant: Majestic Contracting
Location: Massachusetts Avenue, south of Prospect Street
Block 445 Lot 18
Preliminary & Final Subdivision & Site Plan for 17 two family townhouses

Carried to January 19, 2010

5. SD # 1685 (Variance Requested)
Applicant: Dan Reich
Location: westerly terminus of Brittany Court with frontage on Co.Ln.Rd.West
Block 27 Lots 9.05 & 47.01
Minor Subdivision to create 2 lots

Tabled to a future meeting

6. CORRESPONDENCE

-none at this time

7. PUBLIC PORTION

-no one at this time

8. APPROVAL OF MINUTES

- Minutes from December 1, 2009 Plan Review Meeting

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

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

9. APPROVAL OF BILLS

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

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

Mr. Neiman wished everyone a happy holiday and said as a whole the board did a good job with some really difficult applications.

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

**submitted
Johnson
Board Recording Secretary**

Respectfully

**Chris
Planning**