

1. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. **SD 1867** (Variance Requested)
Applicant: Olive Court, LLC
Location: Olive Court
Block 251 Lots 1.16 & 16
Minor Subdivision to create five lots

This resolution was tabled by request of the applicant's attorney, Mr. Penzer.

Mr. Jackson also received a phone call from Vince Hallerhan who is representing one of the property owners. Mr. Jackson advised him the resolution would be tabled.

Mr. Penzer advised that the application is adjourned indefinitely. They are not doing anything further.

Mr. Franklin asked if they should vote on this.

Mr. Jackson was not sure what to do as the approval is in limbo. He suggested that perhaps Mr. Penzer withdraw his applicant or the Board rescind the approval.

Mr. Penzer formally withdrew the application without prejudice.

4. PUBLIC HEARING ITEMS

- 1. SD 1872** (Variance Requested)
Applicant: Tal Spruce, LLC
Location: Spruce Street
Block 782 Lots 5 & 6
Major Subdivision to create eight lots

Project Description

The applicant is seeking a Preliminary and Final Major Subdivision approval. The applicant proposes to remove four (4) single family dwellings and construct four (4) duplex buildings on eight (8) zero lot line properties to be known as Lots 6.01 – 6.08. A Homeowners Association would need to be formed for the access, utilities, and other common elements. According to the plans, forty-two (42) off-street parking spaces are proposed. Except for two (2) proposed perpendicular parking spaces along Spruce Street, which would serve the building on proposed Lot 6.01, the spaces are accessible from a common twenty-four foot (24') wide access aisle. The tract totals 1.12 acres in area and consists of two (2) existing residential properties, Lots 5 and 6 in Block 782. Associated site improvements are proposed for the major subdivision. These improvements include proposed sewer, water, drainage; paved access driveway with curb, sidewalk, landscaping, and lighting. The subject property is located in the central portion of the Township on the south side of Spruce Street, west of Chelsea Court. Spruce Street is an improved municipal road with a fifty foot (50') right-of-way. The site is currently occupied by four (4) existing dwellings. All existing improvements will be removed to make way for the proposed residential subdivision. Except for the northern frontage of the property, the land generally slopes from north to south. Proposed storm water management facilities and utilities will be associated with this project. Proposed sanitary sewer will connect to an existing system in Spruce Street. Proposed potable water for the subdivision will be extended from an existing main on the north side of Spruce Street. A minimum of four (4) off-street parking spaces are proposed for each unit. The number of bedrooms for the units is not specified on the subdivision plans. The project is also proposing curb and sidewalk with the proposed access driveway. The subject site is located within the R-10 Residential Zone District. Therefore, zero lot line duplex housing is a permitted use in the zone district using twelve thousand square foot (12,000 SF) minimum lot areas for duplex structures. The site is situated within a mixed use area. We have the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours of the area within 200 feet of the site boundaries. 3. B10 - Man-made features within 200 feet thereof. 4. C13 - Environmental Impact Statement. 5. C14 - Tree Protection Management Plan. Topographic features, contours, and man-made features are shown on the site and the adjoining road. We support the granting of the requested B-Site Features waivers, the Environmental Impact Statement waiver, and the Tree Protection Management Plan waiver for completeness purposes. Survey work is sufficient for final design and the site has been previously developed. A completed Tree Protection Management Plan should be required as a condition of approval. Per communications with the applicant's

professionals, the applicant agrees with these conditions. II. Zoning 1. The site is situated within the R-10, Single-Family Residential Zone District. As stated previously, "Two-Family Housing, with a minimum lot area of twelve thousand square feet (12,000 SF) for two-family structures" is listed as a permitted use. Zero lot line subdivisions for duplexes are permitted in the Zone. 2. Variances are required for minimum lot frontage on proposed Lots 6.03 – 6.08. Proposed Lot 6.03 has 3.47 feet of road frontage and Lots 6.04 – 6.08 have no road frontages, whereas 37.5 feet is required for zero lot line properties. 3. A front yard setback variance is required for proposed Lot 6.01. The proposed duplex unit is setback 26.34 feet from Spruce Street, where thirty feet (30') is required. 4. Variances are required for maximum building coverage. Including the proposed decks, all combinations of zero lot line properties exceed the twenty-five percent (25%) allowable coverage. Excluding the proposed decks, the combination of Lots 6.03 and 6.04, Lots 6.05 and 6.06, Lots 6.07 and 6.08 slightly exceed the twenty-five percent (25%) allowable coverage. 5. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. III. Review Comments A. General 1. The General Notes state that vertical elevation is based on NGVD 1929. A bench mark must be provided. 2. Except for proposed Lot 6.01, each unit has four (4) off-street parking spaces located perpendicular to the access driveway. Proposed Lot 6.01 has two (2) off-street parking spaces perpendicular to Spruce Street and two (2) spaces perpendicular to the access driveway. Spruce Street is heavily traveled. Therefore, for safety purposes we recommend the two (2) proposed Spruce Street spaces be relocated perpendicular to the access driveway. Per communications with the applicant's professionals, this issue will be reviewed in further detail with our office prior to the public hearing. 3. The plans propose a total of forty-two (42) off-street parking spaces, where thirty-two (32) spaces are required. However, the ten (10) parallel off-street parking spaces proposed on the west side of the access driveway are only six feet (6') wide. These proposed parallel type spaces must be at least eight feet (8') wide to be viable. Per communications with the applicant's professionals, this issue will be reviewed in further detail with our office prior to the public hearing. 4. No handicapped parking has been proposed. Testimony should be provided on whether any of the units will be handicapped accessible. 5. The plans note that each structure shall have an area designed for trash and recycling containers on the side or rear. Therefore, we anticipate individual collection is to be provided by the Township of Lakewood. However, no turnaround has been designed for the access driveway. Per communications with the applicant's professionals, this issue will be reviewed in further detail with our office prior to the public hearing. 6. The applicant's professionals indicate the proposed lot numbers have been approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. 7. The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. 8. 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. Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township. B. Plan Review 1. The existing curb and sidewalk along Spruce Street is in poor condition and should be replaced. 2. The proposed on-site sidewalk should connect to the sidewalk along Spruce Street. 3. Curb ramps with detectable warning surface shall be proposed on both sides of the access driveway. 4. Regulatory signage shall be added to the plans in accordance with the sign details provided. 5. No proposed Sight Triangle Easements have been shown at the intersection of the access

driveway with Spruce Street. The plans must show the easements, or testimony should be provided as to why they are not required. 6. The General Notes shall address the ownership of the various components of the proposed storm water management system. General Note #16 on Sheet 2 of 6 shall be completed. 7. Dimensions should be provided for all the proposed building boxes. Based on scaling of the proposed building boxes and decks, the units will exceed the maximum lot coverage of twenty-five percent (25%).

C. Grading 1. Grading is provided on Sheet 3 of 6. Runoff is being directed around and behind the units with swales. This runoff should be collected by a proposed inlet prior to leaving the site. An inlet and appropriate storm drainage should be added. 2. Proposed finished floor and basement floor elevations have been provided. Proposed building corner elevations must be added. 3. Proposed spot grades and contours must be completed. 4. The proposed gutter for Spruce Street shall be designed to a constant slope. 5. An Ocean County Note shall be removed from Sheet 3 of 6. 6. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved.

D. Storm Water Management 1. A roof drainage collection system has been designed to convey storm water runoff from the individual units into proposed recharge trenches. The proposed recharge system design shall be completed. Proposed inverts and slopes must be added to the roof drain conveyance piping. The proposed invert on the Cleanout Detail should be corrected. 2. The project will be designed to comply with applicable requirements of the NJ Stormwater Rule. Per communications with the applicant's professionals, the design will be reviewed in further detail with our office prior to the public hearing. 3. Soils information must be provided within the proposed project to confirm the seasonal high water table. Permeability testing is required for use in the recharge calculations. 4. The Storm Water Management Report and Design will be reviewed in detail after revisions to the project are made. 5. A storm water maintenance manual will be required in accordance with State and Township standards.

E. Landscaping 1. Shade trees have been provided on Sheet 5 of 6. 2. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. 3. The Landscape Note should be revised since most of the buildings do not face an improved street. 4. Corrections are required to the General Planting Notes and General Seeding Notes. 5. A six foot (6') wide shade tree and utility easement is proposed along Spruce Street. Proposed sight triangle easements and utilities should be added to the plan to prevent planting conflicts. 6. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted.

F. Lighting 1. Lighting has been provided for the proposed access driveway on Sheet 5 of 6. 2. Proposed lighting has been provided for the access driveway area. The Plan indicates three (3) pole mounted fixtures are proposed. A detail shows the proposed height of the fixtures to be sixteen feet (16'). 3. A point to point diagram must be provided to verify the adequacy of the proposed lighting. 4. A Note states that all site lighting shall be installed by JCP&L and shall be maintained by JCP&L after installation. Testimony should be provided regarding site lighting ownership since the access driveway would be privately owned. Per communications with the applicant's professionals, this issue will be reviewed in further detail with our office prior to the public hearing. 5. Lighting shall be reviewed in detail after compliance submission should subdivision approval be granted.

G. Utilities 1. Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company. 2. The proposed sanitary sewer will connect to an existing system in Spruce Street. Only a preliminary layout has been designed with a proposed slope less than required for servicing the basements. 3. Potable water is proposed to be extended from an existing main on the north side of Spruce Street. 4. Fire protection and access for emergency vehicles should

be addressed. H. Signage 1. No signage information is provided within the current design submission. A full signage package for any signage requiring relief by the Board must be provided for review and approval as part of the application. 2. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. I. Environmental 1. Site Description Per review of the site plans, aerial photography, and a site inspection of the property, the tract has four (4) existing residential dwellings located on the property. Except for the northern frontage, existing on-site topography slopes from north to south away from Spruce Street. The site has no appreciable vegetation, habitat, or significant environmental value. 2. Environmental Impact Statement A waiver was requested from submitting an Environmental Impact Statement (EIS) for the project. Our office performed a limited natural resources search of the property and surroundings using New Jersey Department of Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. No known environmental constraints exist within or adjacent to this site per NJDEP mapping. 3. Tree Management As a condition of approval, if/when granted, a completed Tree Protection Management Plan in accordance with the current ordinance shall be submitted. The applicant must comply with the requirements for tree protection and removal as applicable for this site. J. Construction Details 1. Construction details are provided on Sheet 6 of 6 of the plans. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. 3. Final review of construction details will take place after compliance submission, if/when this project is approved by the Board. K. Final Plat (Major Subdivision) 1. The coordinates are based on an assumed datum, but are missing from the plan. 2. Proposed unit dimensions and decks should be added to the plan. 3. The proposed Minimum Lot Widths must be corrected. Most proposed lots have no road frontage. 4. The proposed Maximum Building Coverage for all lots must be revised to include the decks. 5. The proposed Shade Tree and Utility Easement Data shall be provided on an individual lot basis. 6. Proposed Sight Triangle Easements should be added and dedicated to the Township of Lakewood. 7. All proposed easement data must be completed. A Homeowners Association is being proposed. 8. The date on the Surveyor's Certification requires correction. 9. Lots and Block numbers in the Title Box shall be corrected. 10. Compliance with the Map Filing Law is required. 11. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance; c. Lakewood Fire Commissioners; d. Ocean County Planning Board; e. Ocean County Soil Conservation District; and f. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Herzl and Mr. Rennert stepped down.

Mr. Neiman asked if there was a concrete clarification for the right-of-way in front of the homes.

Mr. Vogt stated that per their review of the plan and the UDO, it is not a right-of-way. It is really functionally a private driveway to be split among the various properties. Where this paved area is going is not part of the existing right-of-way and not part of an existing easement per say. The applicant is claiming it as part of the property. Mr. Vogt has no reason why they could not do this. If this was a right-of-way and they were trying to claim half the property as being theirs I

could see that being a case. This is not a right-of-way or a dedication. They are proposing that this is going to be a common drive for these properties.

Mr. Neiman asked about the frontage on a public right-of-way which is required for this zone.

Mr. Vogt stated that with the exception of the first lot, there is no frontage for the other lots and the applicant is seeking that relief.

Mr. Jackson stated that he remembered this one now. He would analogize it to a private lane where the homes count the area. It is not a through street. He would categorize this as an extraordinarily creative way to design this but it will be up to the Board as to whether they like this concept.

Ms. Michelle Donoto, Esq. read the definition for lot area. She stated that for the duplexes to gain access to their homes, they need to traverse over to the driveways of other people's driveways. She said that is problematic because essentially you are getting far more density than would be achieved if you followed the rules of the lot area as defined in the ordinance. She stated because of a previous court case, the Planning Board does not have the authority to interpret an ordinance. It is really something done by the Zoning Board of Adjustment. She also said that it is problematic because it is adjacent to an R-12 zone.

Mr. Jackson said that the applicant should make his case and then any objectors can speak afterwards.

Mr. Penzer, Esq. on behalf of the applicant stated that this Board has interpreted and done this before. This is not a case of first impression. He stated that he is 100% sure that she is incorrect. The Board has ruled on this before. It has been the Board's position that it is a right-of-way.

Mr. Brian Flannery, P.E., P.P., A.I.A, was sworn in. He entered several exhibits into evidence. A-1 is a mounted version of the plan that was submitted.

Mr. Neiman asked if it is ok if Mr. Banas can vote on this application as he was not here for the tech meeting.

Mr. Jackson confirmed with Mr. Penzer that he is starting from scratch and he is not asking the Board to consider any previous proofs.

Mayor Ackerman arrived at the meeting and he confirmed that he was here for the tech meeting.

Mr. Jackson clarified that the Mayor has been here for this entire application.

Mr. Flannery remembers that at the tech meeting there was a long discussion as to whether the notice was appropriate. He stated that they are now going to present their application in full. Mr. Flannery continued entering exhibits into evidence.

Exhibit A-2 is an aerial photo of the area.

Exhibit A-3 is a prospective architectural rendering looking at the project from Spruce Street.

Exhibit A-4 is a prospective architectural rendering looking at the project from inside the property.

He stated that this is a very unique piece of property for several reasons. First, two lots each have two houses on them, it is an area that is on the border of both the R-12 zone to the east and the HD-7 zone to the south. It has existing development along Spruce Street and commercial development coming off River Avenue which is shown on exhibit A-2. The applicant is asking for duplexes in according with the R-10 zone which permits duplexes on 10,000 square foot lots. This application is a little creative due to the geometry of the property; frontage along an existing street would be difficult so it's similar to what this Board has approved on Ridge Avenue. Basically all of the lots have the 12,000 square feet that is required for a duplex unit. They have indicated that they are requesting a variance for frontage because they don't all front on Spruce Street. Mr. Flannery stated that this is not a right-of-way. It is merely an easement that allows the property owners in the back to cross the owner's property in the front.

Mr. Jackson asked approximately how much square feet is there in the easement area.

Mr. Flannery stated that they appear to be 20 feet wide and 40 feet across so approximately 800 square feet.

Mr. Jackson asked if it would be unusual to have that amount on other easements.

Mr. Flannery stated no.

Mr. Franklin asked if there would be a Homeowner's Association.

Mr. Flannery said yes. The H.A. would maintain the common access within that easement area.

Mr. Schmuckler stated that if every development wanted to do this, this would be a disaster. You're taking this road and using it as part of your land and then you want to make a H.A. stating we are not using the land for the square footage.

Mr. Penzer stated that they are saving the Township money on maintenance.

Mr. Schmuckler asked why they can't have two duplexes facing Spruce Street. He stated he does not like the road. It is not done too often in Lakewood and it shouldn't be done.

Mr. Flannery stated that it was done on Ridge Avenue and it worked out well there because of the geometry of the property.

Mr. Neiman asked if he thinks this would change the look of Spruce Street. He said that Ridge Avenue was not built up like Spruce Street is now and they do not want another street similar to Ridge Avenue.

Mr. Flannery said it is his personal and professional opinion that this project will look nice and not out of place.

Mr. Banas stated that this piece of property seems rectangular and not like other properties that Mr. Flannery has presented before. He asked why this is a unique piece of property.

Mr. Flannery said for several reasons. First, it is in the R-10 zone. If it was in the R-40 zone, it would not be a unique piece of property. The R-10 zone permits a certain density. If they were to chop this along with the widths that are allowed they would be getting half the density that is stipulated in the ordinance. They must fulfill the housing need as per the 2007 Master Plan. He believes if you take property that can sustain a certain number of houses and don't then that housing will be squeezed in somewhere else where it's inappropriate in the future.

Mr. Penzer handed out exhibits to the Board members
Exhibit A-5 is an aerial with a red border around the subject property.
Exhibit A-6 is a reduced copy of A-2.
Exhibit A-7 is a reduced copy of A-4.
Exhibit A-8 is a reduced copy of A-3.

Mr. Flannery stated this application is for the subdivision of the property to allow eight duplex dwellings. Each dwelling would be on a 6,000+ square foot lot. Each duplex would be on a 12,000+ square foot lot which does comply with the ordinance for the R-10 zone.

Mr. Flannery went through the requested waivers.

These waivers were previously approved at the tech meeting but Mr. Penzer would like them reaffirmed by the Board.

Mr. Neiman stated that they already granted these waivers. We do not go back and re-grant waivers.

Mr. Flannery continued going through the requested variances. He believes the variances are minor in nature.

Conversation ensued pertaining to the variances being minor in nature.

Mr. Schmuckler stated that it can't be a minor variance and not be a street at the same time.

Mr. Flannery would like finish his testimony. He read several excerpts from the Master Plan supporting the variances. They are providing sufficient parking spaces. Terry has commented on the drainage. The applicant will agree to satisfy the engineer and the current standards as far as drainage as well as shade tree and parking standards. The applicant also agrees to the technical items in the engineer's report. They have changed the driveways to be circular so the owners do not have to back out onto Spruce Street. Per a meeting with Public Works, pads would be provided out front where the trash cans could be stored so it is an easy pick up by PW.

Mr. Percal asked if these units could be rented.

Mr. Penzer stated that is not the intent. It would not work economically.

Mr. Flannery stated that any project that the Board approves can be rented.

Mr. Jackson stated that there have been cases litigated and the Board really can't look at a rental different than a regular homeowner occupied home.

Mr. Schmuckler asked how many garbage cans there will be and how much space there is for the pads.

Mr. Flannery does not have an exact number. He believes Public Works asked for two plus the recycling can and the basements.

Mr. Schmuckler said that this will not work. He lives in Somerset Walk and you need at least six inches between the cans or they roll around into the street or on other people's properties.

Mr. Neiman opened the microphone to the public.

Ms. Noreen Gill, 192 Coventry Drive, was sworn in and stated there are tons of school buses that use Spruce Street. She said they should leave off two duplexes and she does not like the idea of crossing over other people's property.

Mrs. Leah Kliger, 6 Chelsea Court, was sworn in. She stated the area is mostly single family homes. Any variance in this kind of circumstance is going to change the area for the worse.

Mr. Elli Rosenblatt, 2 Sharon Court, was sworn in. He stated that his backyard would be the recipient of many garbage cans. He stated that FedEx, UPS or bulk pick up will not make deliveries on this street because there is not enough room. He stated that Spruce Street is already too congested.

Mr. Yechezkel Landau, 4 Chelsea Court, was sworn in. He is concerned about the street being public or private, it doesn't have a full turn around and the amount of cars parked there. He is also concerned about drainage as he already has a swampy backyard.

Mr. Mordechai Kliger, 6 Chelsea Court, was sworn in. He stated that the garbage cans do not stay on the pads in Somerset Walk so it would not work here on Spruce Street. He also reiterated that Spruce Street is highly congested. There will be two shuls being expanded as well as a shopping center so that will be more parking on Spruce. Delivery trucks including furniture will have to be lined up on Spruce Street as they cannot turn around on this street. He said this is a tremendous easement to be considered for lot coverage.

Mr. Moshe Plotnik, 16 Chelsea Court, was sworn in. He said that Mr. Flannery previously stated that the Board approved a similar project Ridge. That should be a testament that we should not have this in our neighborhood. Ridge Avenue is disgusting now. Spruce Street is a beautiful area.

Mr. Yitz Moller, 18 Chelsea Court, was sworn in. He complained about the traffic on Spruce Street. It is not safe and it will not enhance the area in any way.

Ms. Kayla Landow, 4 Chelsea Court, was sworn in. She stated that there are no "no parking" signs on Spruce Street. She said that both sides of Spruce has parking. It is a main street with buses and ambulances. Her main concern is traffic. She believes there is no need to build eight more houses as there are many houses for sale.

Ms. Tova Hunger, 125 Spruce Street, was sworn in. She does not want her neighborhood to turn into Ridge Avenue.

Ms. Donato reiterated that this is clearly a right-of-way. Once you start allowing right-of-ways to be part of the lot area you are increasing the density significantly.

Mr. Penzer stated that they would remove one duplex for a total of three duplexes. they would have no variances and each lot would be a dimension of 93 feet wide.

Mr. Percal asked if this would entail a new application.

Mr. Jackson thinks that this is a very material change and they would need revised plans.

Mr. Schmuckler said that they should pull the application or the Board will vote on it now.

Mr. Neiman believes that only have three duplexes will not change the testimony.

A motion was made by Mr. Percal, seconded by Mr. Schmuckler to deny the application.

Affirmative to deny: Mr. Franklin, Mayor Ackerman, Mr. Banas, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Percal

5. PLAN REVIEW ITEMS

- 1. SD 1878** (Variance Requested)
Applicant: Tovia Halpern
Location: Squankum Road
Block 104 Lot 20
Minor Subdivision to create two lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing property totaling 25,216 square feet (0.58 acres) in area known as Lot 20 in Block 104 into two (2) single family residential lots, designated as proposed Lots 20.01 and 20.02 on the subdivision plan. The site contains a one-story dwelling which is to be removed. Public water is available, but public sewer is not. The site is situated in the north central portion of the Township on the northwest side of Squankum Road, northeast of Milton Street. Squankum Road is an improved County Road in poor condition without existing curb and sidewalk in front of the site. The survey shows the road has an existing half right-of-way width of sixteen and a half feet (16.5') in front of the site. A thirteen and a half foot (13.5') Road Widening Easement is proposed to Ocean County. The existing pavement width is about thirty-eight feet (38'). No road widening or construction of curb and sidewalk is proposed with this application. Proposed Lot 20.01 would become an

irregular lot and contain an area of 13,198 square feet. Proposed Lot 20.02 would become an irregular lot and contain an area of 12,017 square feet. The proposed lots would each have fifty feet (50') of frontage on Squankum Road. The lots are situated within the R-12 Single Family Residential Zone. As presently configured, lot width and side yard variances are being requested for proposed Lots 20.01 and 20.02. We have the following comments and recommendations:

I. Zoning

1. The parcel is located in the R-12 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone.
2. Per review of the Subdivision Map and the zone requirements, the following variances are required:
 - Minimum Lot Width – Proposed Lots 20.01 and 20.02, fifty feet (50') proposed, ninety feet (90') required – proposed condition.
 - Minimum Side Yard Setback – Proposed Lots 20.01 and 20.02, seven and a half feet (7.5') proposed, ten feet (10') required – proposed condition.
 - Minimum Aggregate Side Yard Setback – Proposed Lots 20.01 and 20.02, fifteen feet (15') proposed, twenty-five feet (25') required – proposed condition.
3. A thirteen and a half foot (13.5') Road Widening Easement is proposed to Ocean County. Should the County require a right-of-way dedication instead of accepting the easement, the site would not have enough area for both proposed lots to meet the twelve thousand square foot (12,000 SF) minimum lot area requirements.
4. Curb and sidewalk will be required unless a waiver is granted by the Board.
5. The applicant must address the positive and negative criteria in support of the requested variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.

II. Review Comments

1. A Boundary and Topographic Survey has been submitted.
2. The survey should be revised since it does not show the Squankum Road topography indicated on the base map.
3. Any fence encroachments should be rectified as a condition of approval.
4. The markers found and the bench mark shown on the survey should be provided on the Minor Subdivision and Improvement Plan.
5. A soil boring location has been added to the Improvement Plan along with a soil log and seasonal high water table information.
6. General Note #2 references the Boundary and Topographic Survey submitted. The survey date should be corrected in the note, along with the date in the Surveyor's Certification.
7. A proposed six foot (6') wide Shade Tree and Utility Easement to Lakewood Township is shown directly behind the proposed Ocean County Road Widening Easement along Squankum Road. Proposed easement areas shall be shown on an individual lot basis.
8. Proposed asphalt driveways with turnarounds provide vehicular access to both new lots.
9. A Legend should be added.
10. The General Notes indicate that four (4) off-street parking spaces will be required for each unit and that four (4) off-street parking spaces will be provided for each unit. The Improvement Plan shows that the parking configuration will provide four (4) off-street parking spaces per unit. The proposed turnarounds for the parking spaces will be behind the rear of the spaces. Off-street parking shall be in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided.
11. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor.
12. The Improvement Plan proposes two (2) "Green Vase Zelkova" street trees near the edges of the site. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation notes some existing trees on-site. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 20.01 and 20.02.
13. The proposed dwellings would be substantially setback from Squankum Road to allow septic systems to be constructed in the front yards. Approval will be required for the Ocean County Board of Health.

14. Testimony is required on the disposition of storm water from the development. The Improvement Plan proposes dry wells for the roof drainage of the future dwellings. However, calculations have not been provided to review the design. Revisions are required to reduce the amount of runoff being directed to neighboring Lot 33. 15. Testimony should be provided on proposed site grading. Proposed grading is indicated on the Improvement Plan and is generally well designed. Proposed first floor and basement floor elevations should be added. The applicant's engineer should contact our office to review proposed grading revisions. 16. Water will be provided by New Jersey American Water Company since the project is within their franchise area. The existing water main on the northwest side of Squankum Road should be added to the Improvement Plan. 17. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 18. Proposed outbound corner marker monuments should be added. 19. Compliance with the Map Filing Law is required. 20. Construction details should be added to the Improvement Plan. 21. The "call out" for the stakes on the Deciduous Tree Planting Detail needs to be corrected. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health; and e. All other required outside agency approvals.

Mr. Vogt stated that variances are required for minimum lot width, minimum side yard setback, minimum aggregate side yard setback and a road widening easement.

Mr. John Doyle, Esq. on behalf of the applicant stated that because of the irregular shape of the lot to narrow the lots and have minimal side yard setbacks. He noted that they would put in sidewalks but do ask for a waiver for curbs.

A motion was made by Mr. Herzl, seconded by Mr. Follman to advance the application to the March 19, 2013 meeting.

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

- 2. SD 1879** (No Variance Requested)
Applicant: Coldstream Developments, LLC
Location: Gudz Road
Block 11.10 Lot 69
Minor Subdivision to create two lots

Project Description

The applicant is proposing to subdivide one (1) existing residential property into two (2) conforming single family lots. Existing Lot 69 in Block 11.10 would be subdivided into proposed Lots 69.02 and 69.03 as designated on the subdivision plan. Existing Lot 69 is a 200' X 300' rectangular tract containing sixty thousand square feet (60,000 SF), or 1.38 acres and has an existing two-story dwelling with a garage and shed. The subdivision would create two (2) new proposed rectangular building lots of 100' X 300' containing thirty thousand square feet (30,000 SF) or 0.69 acres. The existing dwelling and garage would be removed and the existing shed would remain on proposed Lot 69.03. The site is situated in the northwestern portion of the

Township on the northwest side of Gudz Road, west of Miller Road. Most of the property has been cleared. Large coniferous trees exist in the front of the site and the rear of the land is wooded. The property slopes generally downward to the northwest, towards freshwater wetlands. A three hundred foot (300') riparian buffer is proposed from an off-site open water body. Gudz Road is an improved municipal road with a fifty foot (50') right-of-way. The street has been patched from trenching to install utilities. Curb in fair condition exists, but sidewalk does not. However, new sidewalk is proposed. Potable water and sanitary sewer are both available. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are residential. We have the following comments and recommendations:

I. Zoning 1. The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. 2. No variances or waivers are requested for this proposed subdivision. II. Review Comments 1. A Boundary and Topographic Survey has been provided for Lot 69. The survey should be revised to include the Gudz Road topography and existing utilities shown on the base map. Also, an existing sidewalk to the southwest of the site must be added. 2. Coordinates are provided on three (3) outbound corners. Horizontal datum has been assumed. 3. A bench mark must be provided. The Minor Subdivision indicates an assumed vertical datum. 4. Zones and Zone Boundary Lines must be added to the Minor Subdivision and Area Maps. 5. The existing shed to remain would be located on proposed Lot 69.03. Accordingly, accessory structure setbacks have been provided in the Zoning Data Table. 6. Bearings and distances must be added to the proposed riparian buffer. Pins shall be set where the riparian buffer line intersects property lines and at any changes in direction of the buffer line. New Jersey Department of Environmental Protection should be added to the list of outside agency approvals in General Note #9. 7. The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. The Zoning Data indicates that four (4) off-street parking spaces are required and being provided. The proposed asphalt driveways shown on the Improvement Plan are large enough to accommodate four (4) vehicles. Testimony should be provided on the number of bedrooms anticipated for the proposed dwellings on Lots 69.02 and 69.03. Testimony on off-street parking shall be provided. 8. The Improvement Plan notes that seasonal high water table was encountered at 110" (elev. 89.8) as per soil boring performed on 11-16-12. The soil boring location and log must be provided. A minimum two foot (2') separation must be provided from seasonal high water table should basements be proposed for the new dwellings. Testimony should be provided on whether any basement proposed will be unfinished. 9. A proposed six foot (6') wide shade tree and utility easement is shown along the property frontage. Areas should be provided for the proposed easement on an individual lot basis. 10. Proposed dimensions for size and location will be required for the construction of sidewalk on the Improvement Plan. The proposed sidewalk shall meet the existing sidewalk to the southwest of the site. Proposed sidewalk shall be five feet (5') wide, unless pedestrian bypass areas are designed. 11. The Improvement Plan proposes drywells for the roof drainage of the future dwellings. The plan notes that proposed drywells shall be sized at the time of plot plan submission. Testimony should be provided on the disposition of storm water management for the proposed development of Lots 69.02 and 69.03. 12. Based on the existing topography, any proposed curb replacement along Gudz Road would require minor isolated reconstruction. Our site investigation indicates drainage will not be necessary along the existing curb line. 13. The Improvement Plan shows proposed site grading. The proposed lot grading is feasible and should maximize the direction of runoff to Gudz Road and minimize runoff directed towards adjoining properties. Proposed floor elevations, building corner elevations, and spot shots should be added. 14. The project is located within the New Jersey American Water Company

franchise area. The future dwellings will be connected to the existing water main on the northwest side of Gudz Road shown on the Improvement Plan. The existing sanitary sewer in Gudz Road will be extended for the future dwellings. 15. New lot numbers should be assigned by the Tax Assessor. The map shall be signed by the Tax Assessor should approval be granted. 16. Four (4) Green Vase Zelkova shade trees are shown within the proposed six foot (6') wide shade tree and utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. 17. Our site investigation indicates there are some large coniferous trees in the front of the property. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 69.02 and 69.03. 18. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 19. Compliance with the Map Filing Law is required. 20. Construction details must be included on the Improvement Plan. Construction details will be reviewed after plan revisions are submitted. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. New Jersey Department of Environmental Protection; and e. All other required outside agency approvals.

Mr. Doyle confirmed that there are no variances requested.

A motion was made by Mr. Herzl, seconded by Mr. Follman to advance the application to the March 19, 2013 meeting.

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

- 3. SD 1880** (No Variance Requested)
Applicant: Mordechai & Chanie Eichorn
Location: Coral Avenue
Block 1159.02 Lot 21

Minor Subdivision to create two lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing 200' X 218' rectangular property totaling forty-three thousand six hundred square feet (43,600 SF) or 1.0 acres in area known as Lot 21 in Block 1159.02 into two (2) single family residential lots. The two (2) rectangular lots would be 100' X 218' twenty-one thousand eight hundred square foot (21,800 SF) properties designated as proposed Lots 21.01 and 21.02 on the subdivision plan. The proposed lots would each have one hundred feet (100') of frontage on Coral Avenue. The site contains a one-story dwelling which is to be removed. Public water and sewer is not available. The site is situated in the south central portion of the Township on the west side of Coral Avenue, north of Salem Street. Coral Avenue is a paved municipal road in fair to good condition without existing curb and sidewalk in front of the site. Construction of curb and sidewalk is proposed with this application. The survey shows the location of individual trees on the site. The topography indicates the property to be very flat with minimal slope. In addition to the dwelling, a shed and a well have been located. However, no existing septic system is shown, but is probably located on the southeast side of the existing dwelling, based on the individual tree locations. The proposed lots are situated within the R-20 Single Family Residential Zone. The

surrounding uses are entirely residential. No waivers or variances are being requested for proposed Lots 21.01 and 21.02. We have the following comments and recommendations: I. Zoning 1. The parcel is located in the R-20 Single-Family Residential Zone District. Single Family Detached Housing is a permitted use in the zone. 2. No waivers or variances have been requested for this subdivision. II. Review Comments 1. An Outbound and Topographic Survey has been submitted. 2. The survey should be revised to call out four (4) individual tree locations and add an existing tree for the sixteen inch (16") pine call out. 3. The bench mark shown on the survey should be referenced on the Minor Subdivision Plan. 4. General Note #2 references the Outbound and Topographic Survey submitted. Horizontal and vertical datum has been assumed. 5. A proposed six foot (6') wide Shade Tree and Utility Easement to Lakewood Township is shown along Coral Avenue. Proposed easement areas shall be shown on an individual lot basis. 6. The text on the proposed rear setback lines of both new lots should be revised to twenty feet (20'). 7. The future status of the existing shed should be addressed. 8. A proposed outbound corner marker should be added to the northwest corner of the site. 9. A Legend should be added. 10. The General Notes indicate that four (4) off-street parking spaces will be required for each lot and that four (4) off-street parking spaces will be provided for each lot. The Improvement Plan shows that the parking configuration will provide at least four (4) off-street parking spaces per lot. The proposed driveways should be dimensioned. Off-street parking shall be in accordance with the Township Parking Ordinance. A minimum of four (4) off-street parking spaces for a dwelling unit with a basement is to be provided. 11. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office. If approved, the map shall be signed by the tax assessor. 12. The Improvement Plan proposes four (4) street trees within the shade tree and utility easement. The types of proposed street trees should be identified. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation notes the larger existing trees on-site have been located on the survey. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 21.01 and 21.02. 13. Four (4) soil profile locations have been shown on the Improvement Plan. However, no soil profile logs have been provided to justify the seasonal high water table information. The plan notes that seasonal high water table was encountered at 110" (elev. 42.4) as per soil investigation conducted on 11-29-12. 14. The proposed dwellings would be substantially setback from Coral Avenue to allow septic systems to be constructed in the front yards. The existing well can remain on proposed Lot 21.02 since it would be more than one hundred feet (100') from the future disposal field. An individual potable well will be required for proposed Lot 21.01. Approvals will be required from the Ocean County Board of Health. 15. Testimony is required on the disposition of storm water from the development. We note that runoff will be trapped along the side property line with neighboring Lot 12. 16. Testimony should be provided on proposed site grading. Proposed grading is indicated on the Improvement Plan and must be revised. As noted previously, the site is very flat and runoff will accumulate on and off site. Proposed floor elevations, building corners, and spot shots should be added. 17. Proposed four foot (4') wide concrete sidewalk will be provided along Coral Avenue according to the Improvement Plan. Unless the proposed sidewalk is widened to five feet (5'), a pedestrian bypass will have to be designed. 18. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 19. Compliance with the Map Filing Law is required. 20. The proposed concrete curb design along Coral Avenue will require minimal gutter reconstruction. However, plan view limits and a construction detail must be provided on the Improvement Plan. 21. Construction details should be added to the

Improvement Plan for concrete sidewalk and asphalt driveways. 22. The “call out” for the stakes on the Deciduous Tree Planting Detail needs to be corrected. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; d. Ocean County Board of Health; and e. All other required outside agency approvals.

Mr. Surmonte stated there are no variances and no issues with the review letter.

A motion was made by Mr. Herzl, seconded by Mr. Follman to advance the application to the March 19, 2013 meeting.

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

- 4. SD 1881** (Variance Requested)
Applicant: Barbara Flannery
Location: Massachusetts Avenue
Block 443 Lots 3, 4, 7, & 8
Major Subdivision to create twelve lots

Project Description

The applicant is seeking a Preliminary and Final Major Subdivision approval. The applicant proposes the subdivision of four (4) existing lots to create twelve (12) proposed lots. The twelve (12) proposed lots would be developed as zero lot line properties with six (6) duplex structures. The existing four (4) lots known as Lots 3, 4, 7, and 8 in Block 443 are proposed to be subdivided into proposed Lots 3.01 – 3.12 on the Major Subdivision Plan. The subdivision would create a cul-de-sac for the project, which is proposed to be called Kielt Way, upon which all residential lots would front. The subject property is located on the westerly side of Massachusetts Avenue, an improved County Road with a sixty-six foot (66’) wide right-of-way, in the southwest portion of the Township across from Blue Jay Way. The existing 1.42 acre property has three hundred feet (300’) of frontage on Massachusetts Avenue. Claremont Street, an unimproved municipal street with a fifty foot (50’) wide right-of-way borders the tract to the south. The existing tract has two hundred feet (200’) of frontage on Claremont Street. Bushwick Avenue, an unimproved municipal road with a fifty foot (50’) wide right-of-way borders the site to the west. The proposed development is contingent upon a three hundred twenty foot (320’) length of Bushwick Avenue being vacated across frontage of the property. This vacation would increase the proposed project area to seventy thousand square feet (70,000 SF) or 1.61 acres. There is no existing curb and sidewalk along any site frontage. Curb and sidewalk is proposed along Massachusetts Avenue and the new cul-de-sac with the development of the project. The site is currently wooded and vacant. A ridge runs through the property and approximately half the site slopes to the west and the other half to the east. Massachusetts Avenue slopes to the south across the frontage of the site. Proposed storm water management facilities and utilities are associated with this project. The proposed drainage system consists of a conventional storm sewer collection system that collects and directs runoff to underground recharge systems. Proposed sanitary sewer will connect to an existing system in Massachusetts Avenue. Proposed potable water for the subdivision will be extended from an existing main on the east side of Massachusetts Avenue. Four (4) off-street parking spaces are

proposed for each unit. The preliminary architectural plans show five (5) bedroom units with basements. The project is also proposing curb and sidewalk for the proposed cul-de-sac. The subject site is located within the R-M Multi-Family Residential Zone District. Therefore, zero lot line duplex housing is a permitted use in the zone district. The lands on the east side of Massachusetts Avenue are predominately residential. Except for the school site under construction to the south, most of the area on the west side of Massachusetts Avenue is vacant. We have the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 - Topography within 200 feet thereof. 2. B4 - Contours of the area within 200 feet of the site boundaries. 3. C13 - Environmental Impact Statement. 4. C14 - Tree Protection Management Plan. Topographic features and contours are shown on the site and all adjoining right-of-ways. We support the granting of the requested B-Site Features waivers, the Environmental Impact Statement waiver, and the Tree Protection Management Plan waiver for completeness purposes. The survey work is more than adequate for final design. The site is lightly wooded uplands. A Tree Protection Management Plan should be required prior to any construction. II. Zoning 1. The site is situated within the R-M, Multi-Family Zone District. Duplex Housing is a permitted use. Zero lot line subdivisions for duplexes are permitted in the Zone. 2. According to our review of the Major Subdivision Plan and the zone requirements, the following variances are requested for the subdivision approval: • Minimum Lot Area – The combination of proposed Lots 3.01/3.02, 3.03/3.04, 3.05/3.06, 3.09/3.10, and 3.11/3.12 are 9,576 SF, 8,656 SF, 9,551 SF, 9,536 SF, and 9,883 SF respectively; where ten thousand square feet (10,000 SF) is required. • Minimum Front Yard Setback to Massachusetts Avenue – Proposed setbacks from Massachusetts Avenue of corner Lots 3.01 and 3.12 are twenty feet (20'), where twenty-five feet (25') is required. • Minimum Front Yard Setback to Claremont Street – The proposed decks encroach into the front yard setback along Claremont Street for Lots 3.01 through 3.06. The proposed decks are setback fifteen feet (15') from Claremont Street, where a minimum front yard setback of twenty-five feet (25') is required. • Minimum Combined Side Yard Setback – The combined side yard setbacks for the combination of proposed Lots 3.05/3.06 and 3.07/3.08 are fourteen feet (14'), where fifteen feet (15') is required. • Minimum Rear Yard Setback – The proposed rear yard setback for the deck on Lot 3.10 is twelve feet (12'), where twenty feet (20') is required. • Maximum Building Coverage – The proposed building coverage of the combination of Lots 3.01/3.02, 3.03/3.04, 3.05/3.06, 3.09/3.10, and 3.11/3.12 are 33%, 37%, 33%, 33%, and 33% respectively; where thirty percent (30%) is permitted. 3. A waiver is required for non-radial lot lines. Most of the proposed lot lines are non-radial to the new cul-de-sac. However, all of these non-radial lines are either parallel or perpendicular to the tract boundaries. Therefore, we recommend approval of these non-radial lines for layout simplicity. 4. The applicant must address the positive and negative criteria in support of the required variances. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. III. Review Comments A. General 1. As currently configured, Subdivision approval is contingent upon the vacation of a three hundred twenty foot (320') length of Bushwick Avenue. The applicant shall request the Lakewood Township Committee to vacate this portion of Bushwick Avenue north of Claremont Street. 2. Off-street parking: According to the plans provided, the applicant is proposing four (4) off-street parking spaces per unit which is enough to be in compliance with the RSIS and Township standards of four (4) off-street parking spaces required. Five (5) bedrooms per unit with a basement are proposed for this project which is in compliance with parking ordinance 2010-62. 3. The applicant shall confirm that trash and recyclable collection is to be provided by the Township of

Lakewood. 4. A new road name, Kielt Way, has been proposed for the project. 5. The proposed lot numbers shall be approved by the Tax Assessor. The Final Plat shall be signed by the Lakewood Tax Assessor. 6. The requirements in 18-821 (Building Uniformity in Residential Developments) are being addressed. A minimum of two (2) basic house designs are provided for this development consisting of between four (4) and six (6) homes. 7. 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. Said agreement must be filed as part of this application to obtain the zero lot line subdivision approval from Lakewood Township. B. Plan Review 1. A Boundary and Topographic Survey was submitted. The bench mark referenced on the survey is not shown on the plan. The referenced bench mark may longer be in place due to recent construction. The bench mark shall either be shown or a new bench mark provided. 2. We have reviewed the legal description for the outbound and believe Lot "4" listed in Courses "3 and 4", should be Lot "8". 3. The proposed use in the General Notes should be revised to six (6) duplex buildings on twelve (12) zero lot line properties. 4. The Schedule of Bulk Requirements should be revised. The R-M Zone is Multi-Family Residential. 5. "Vacated Bushwick Street" should be revised to "Portion of Bushwick Avenue to be Vacated", since the vacation has not taken place. 6. Proposed Sight Triangle Easements to the County of Ocean at the intersection of Kielt Way with Massachusetts Avenue are in accordance with AASHTO standards. The sight triangle easements are subject to approval by the County of Ocean. 7. Four (4) Drainage Easements to the Township of Lakewood are proposed for the project. Department of Public Works approval will be required. 8. Dimensions should be provided for all the proposed building boxes, especially since maximum lot coverage variances are being sought. 9. The Site Development Plan should have typical dimensions and road stationing added. 10. Curb and sidewalk is proposed throughout the development. Proposed sidewalk should be increased to a width of five feet (5') along Massachusetts Avenue. Proposed sidewalk width shall be dimensioned along with distances from face of curb and right-of-ways. 11. Proposed curb ramps shall be added to the Site Development Plan at the intersection of Massachusetts Avenue and Kielt Way. C. Grading 1. Grading is provided on a Grading & Drainage Plan which is Sheet 4 of 13. A storm sewer collection system is proposed to collect runoff and recharge it within three (3) proposed recharge systems. 2. A detailed review of the grading can be completed during compliance submission; if/when this subdivision is approved. D. Storm Water Management 1. A proposed storm sewer collection system has been designed to convey storm water runoff into recharge systems. Three (3) proposed recharge systems have been designed, the largest located under the unimproved Claremont Street right-of-way. An overflow from the three (3) proposed recharge systems would connect to the existing County drainage located on the east side of Massachusetts Avenue. If approval is granted, a meeting with the Department of Public Works will be necessary during compliance to review proposed maintenance responsibilities. 2. Soils information has been provided within the proposed project to confirm the seasonal high water table is deep. A field permeability test was done for use in the recharge calculations. 3. The Storm Water Management Report and Design will be reviewed in detail during compliance, if/when approved. E. Landscaping 1. Ten (10) Red Sunset Maple shade trees have been provided on Sheet 6 of 13. 2. The proposed ten foot (10') wide Shade Tree and Utility Easement shall be added to the Landscaping Plan. Proposed Sight Triangle Easements shall also be added. Proposed shade trees should not be located in the sight triangle easements. 3. The overall landscape design is subject to review and approval by the Board and should conform to recommendations from the Shade Tree Commission as practicable. The entire site will be

cleared for the construction of the project. Compensatory plantings shall be addressed with a Tree Protection Management Plan. 4. Landscaping shall be reviewed in detail after compliance submission should subdivision approval be granted. F. Lighting 1. Lighting has been provided for the proposed cul-de-sac on Sheet 6 of 13 and the title of the sheet should be revised to "Landscaping and Lighting Plan". 2. Proposed lighting has been provided for the cul-de-sac area. The Plan indicates that three (3) Cobra Head, one hundred watt (100W) high pressure sodium pole mounted fixtures are proposed. A detail shows the proposed height of the fixtures to be thirty feet (30'). 3. A point to point diagram must be provided to verify the adequacy of the proposed lighting. 4. It is anticipated that all lighting will be owned and maintained by the Township after installation since all fixtures will be within public right-of-ways. Confirming testimony should be provided regarding street lighting ownership. 5. Lighting shall be reviewed in detail after compliance submission should subdivision approval be granted. G. Utilities 1. Potable water and sanitary sewer service will be provided by the New Jersey American Water Company. The project is within the franchise area of the New Jersey American Water Company. 2. The proposed sanitary sewer will connect to an existing system in Massachusetts Avenue. The proposed design will be deep enough to provide gravity service to the basements. 3. Potable water is proposed to be extended from an existing main on the east side of Massachusetts Avenue. 4. The plans should state that all proposed utilities are to be provided underground. H. Signage 1. Proposed regulatory signage has not been shown on the plans and should be added. Regulatory sign details have been provided. 2. No project identification signs are proposed. 3. All signage proposed that is not reviewed and approved as part of this application, if any, shall comply with Township ordinance. I. Environmental 1. Site Description Per review of the site plans, aerial photography, and a site inspection of the property, the site is wooded and vacant. A ridge bisects the property. Half of the existing on-site topography slopes to the east towards Massachusetts Avenue. The other half of the existing topography slopes to the west towards Bushwick Avenue. The existing pavement edge along Massachusetts Avenue slopes southward. Telephone poles front the site along Massachusetts Avenue. 2. Environmental Impact Statement A waiver was requested from submitting an Environmental Impact Statement (EIS) for the project. 3. Tree Management Prior to construction, a Tree Protection Management Plan in accordance with the current ordinance shall be submitted. J. Construction Details 1. Construction details are provided on Sheets 11, 12, and 13 of 13. 2. All proposed construction details must comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. 3. Final review of construction details will take place after compliance submission, if/when this project is approved by the Board. K. Final Plat (Major Subdivision) 1. The proposed use in the General Notes should be revised to twelve (12) zero lot line properties. 2. The Schedule of Bulk Requirements should be corrected to indicate that the R-M Zone is Multi-Family Residential. 3. "Vacated Bushwick Street" should be revised to "Portion of Bushwick Avenue to be Vacated", since the vacation has not taken place. 4. The proposed Easements that encumber multiple lots should provide areas on an individual lot basis. 5. The proposed "Notary Public" language should be corrected. 6. Compliance with the Map Filing Law is required. 7. The Final Plat will be reviewed in detail after design revisions are undertaken for the project. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Committee (street vacation); b. Developers Agreement at the discretion of the Township; c. Township Tree Ordinance; d. Ocean County Planning Board; e. Ocean County Soil Conservation District; and f. All other required outside agency approvals. New Jersey American Water Company will be responsible for constructing potable water and sanitary sewer facilities.

Mr. Flannery stated he will satisfy the engineer's comments.

Mr. Vogt stated the waivers are ok as long as a tree protection management plan would be required prior to construction.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to approve the requested waivers.

A motion was made by Mr. Herzl, seconded by Mr. Follman to advance the application to the March 19, 2013 meeting.

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

5. **SP 1998** (No Variance Requested)
 Applicant: Congregation Birchas Chaim
 Location: Vine Street
 Block 1130 & 1131 Lots 1 & 1
 Major Site Plan for a new school

Project Description

The applicant is seeking Preliminary and Final Major Site Plan approval. This site plan is for the construction of a new school and related facilities on a vacant site. The proposed project is located in the south central portion of the Township on the east side of Vine Street between Surf Avenue and Grand Avenue. Vine Street is an improved municipally owned collector road in good condition having a fifty foot (50') right-of-way. Surf Avenue and Grand Avenue are unimproved streets having fifty foot (50') right-of-ways. Approximately the first hundred feet of Surf Avenue from its intersection with Vine Street will be improved to provide an additional means of access to the site. The proposed project design is based on a nineteen thousand square foot (19,000 SF) area of Mermaid Avenue east of Vine Street being vacated. The fifty foot (50') wide by three hundred eighty foot (380') length of Mermaid Avenue would be added to the site. Township Committee approval will be required for the street vacation. Mermaid Avenue is an unimproved street. The site plans and architectural plans propose a school building. An interior parking area consisting of eighteen (18) parking spaces, two (2) being van accessible handicapped, and site improvements are also proposed within the property. The minimum parking space size will be 9' X 18' with a twenty-four foot (24') wide two-way access aisle. Access to the proposed school site is provided from Vine Street and Surf Avenue. A counterclockwise a one-way bus drop-off area has been designed with the buses entering the site from the Vine Street driveway and exiting from the improved Surf Avenue stub. Sidewalk on the south side of the Surf Avenue stub is proposed, curb is proposed on both sides of Surf Avenue, along with the road improvements. Curb exists along Vine Street and sidewalk is proposed across part of the Vine Street frontage. The plans indicate the proposed project would be serviced by a septic system. Potable water has not been addressed, but our site investigation noted public water in the vicinity of the Vine Street and Essex Avenue intersection. The project site is surrounded by vacant land. There is a recreation complex on the west side of Vine Street. We offer the following comments and recommendations: I. Waivers A. The following waivers have been requested from the Land Development Checklist: 1. B2 -

Topography within 200 feet thereof. 2. B4 - Contours of the area within 200 feet of the site boundaries. 3. B10 - Man-made features within 200 feet thereof. 4. C13 - Environmental Impact Statement. The Survey and Site Plan does not show topography on the north side of Surf Avenue and within two hundred feet (200') of the site. As long as the Survey and Site Plan are revised to show additional topography to the north side of the Surf Avenue right-of-way, there is more than enough information provided to prepare the design. Therefore, we can support the "B-Site Features" requested waivers subject to the additional topography being provided for Surf Avenue. A waiver has been requested from the submission of an Environmental Impact Statement. Our site investigation on 1/21/13 revealed the property appears to consist of wooded uplands with no wetlands. We can support the requested waiver from C13. The existing property is completely wooded. A tree sample area has been surveyed for completion of a Tree Protection Management Plan which must be provided as a condition of approval to comply with the Township's Tree Ordinance. II. Zoning 1. The proposed school building is located in the R-40/20 Cluster Zone. Private schools are a permitted use in the zone. 2. Per review of the Site Plan and the zone requirements of Section 18-902B of the UDO, no variances are being requested for the proposed project. 3. Testimony should be provided as to whether relief is required from any design waivers. 4. The applicant must address the positive and negative criteria in support of any variances that may be required. At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area. III. Review Comments A. Site Plan/Circulation/Parking 1. As currently configured, Site Plan approval is contingent upon the vacation of a portion of Mermaid Avenue. The applicant shall request the Lakewood Township Committee to vacate a portion of Mermaid Avenue east of Vine Street. 2. A Survey for the property has been provided. The following revisions are required: a. The plan must be to scale with a graphic scale added. b. Existing bearings, distances, and areas shall be provided for Lot 1 in Block 1130 and Lot 1 in Block 1131. c. Mermaid Avenue shall be shown as an unimproved right-of-way for its entirety. The vacation to be requested is a Site Plan matter for which a separate parcel map will be required. d. Existing topography must be extended to the northern edge of the Surf Avenue right-of-way since a portion of the street will be improved. e. Pole numbers shall be added to the utility poles for identification since a nail in one of the poles is an assumed vertical bench mark. f. The cross section shots and drainage facilities for Vine Street must be to the hundredth of a foot for design purposes. 3. The General Notes indicate boundary and topography taken from a survey by Robert S. Yuro Associates, dated 11-19-12. A horizontal datum for the survey should be provided. 4. The General Notes indicate vertical elevation based on an assumed datum. A bench mark of elevation 50.00 being a nail in a pole has been provided. The pole number must be added. 5. The provided lot area shall be corrected to one hundred eighty-five thousand square feet (185,000 SF) in the General Notes and the Zoning Data. 6. Proposed setback lines shall be added to the Site Plan. Accordingly, the Zoning Data shall be revised. The provided one hundred foot (100') lot width is probably incorrect. 7. A proposed off-street parking breakdown should be added to the Zoning Data. 8. A Zone Boundary Line shall be added on the centerline of Vine Street. 9. A one-way bus drop off area is proposed in front of the school building. Buses will turn into the site from Vine Street. The buses will then proceed in a counterclockwise direction, exiting at the access driveway on Surf Avenue. The proposed bus drop off spaces shall be increased in width to twelve feet (12') in accordance with the ordinance. Three (3) spaces for bus drop off are proposed. Testimony should be given regarding proposed circulation with the site layout (parking, bus drop off area, access, etc.). The traffic flow arrows should be revised to show a counterclockwise movement for the buses. 10. Testimony is

necessary from the applicant's professionals regarding how the proposed bus drop off area will be used, including but not limited to times, sizes, and types of vehicles anticipated (i.e., buses, vans, cars, others). 11. Coordination between the site plans and architectural plans is required for the proposed two-story building, such as access points and handicapped ramps. The main access stairs on the site plan need to be pushed westward and sidewalk added to access the sides of the staircases. Proposed building square footage should be added on a per floor basis. It is not clear whether a basement is proposed. 12. Proposed dimensions and radii must be completed on the site plan for the sizes and locations of improvements. 13. The General Notes indicate solid waste and recycling to be collected by the Township. A refuse enclosure is depicted on the site. Testimony is required from the applicant's professionals addressing trash and recycling collection. Since Township pickup is proposed, approval from the DPW Director is necessary. The proposed waste receptacle area shall be screened and designed in accordance with Section 18-809E of the UDO. 14. Regulatory signage should be completed on the site plan, such as stop signs, handicap, and directional restriction signs. 15. Pedestrian bypass areas shall be designed for the proposed sidewalk along the site frontages since it will be four feet (4') wide. A partial waiver will be required unless the proposed sidewalk along Vine Street is extended to Grand Avenue. Proposed sidewalk and curb will not be required along unimproved streets. 16. Some proposed Sight Triangle Easements are shown on the project. Proposed Sight Triangle Easements complete with bearings, distances, and areas shall be provided at all intersections (including paper streets) such that the Board Attorney and Engineer may review and approve deeds of easements prior to filing with the Ocean County Clerk. 17. A proposed Shade Tree and Utility Easement has been provided across the Vine Street project frontage. Proposed Shade Tree and Utility Easements shall be provided along all project frontages (including paper streets). Proposed bearings, distances and areas shall be added such that the Board Attorney and Engineer may review and approve deeds of easements prior to filing with the Ocean County Clerk. 18. The site plan shows a proposed unidentified easement between the school building and Vermont Avenue. 19. A basketball court is proposed behind the school building for recreation. 20. Subsequent to the street vacation being approved by the Township Committee, the lots for the project should be consolidated. 21. Testimony should be provided on loading and deliveries proposed for the site. B. Architectural 1. Preliminary architectural plans have been provided for the proposed school. The set includes floor plans and elevations. The proposed building includes two (2) floors. The proposed first floor elevation is four foot eight and a half inches (4'-8½") above grade. The proposed building height will be less than the allowable building height of thirty-five feet (35'). 2. The first floor contains classrooms, a main office, and other facilities. The second floor contains mainly dormitories. 3. The applicant's professionals should indicate whether the proposed building will include a sprinkler system. 4. The location of proposed HVAC equipment is shown behind the building on the site plan. Said equipment should be adequately screened. 5. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. C. Grading 1. Per review of the proposed grading plan, the design concept is feasible. However, the following should be addressed: a. Additional proposed elevations for accessible routes and the handicapped parking spaces to insure slope compliance. b. Additional proposed elevations provided at control points, such as building landings, curb corners, and curb returns. c. Completion of proposed contour lines. Final grading can be addressed during compliance review if/when approval is granted. 2. Per review of the existing elevations and per review of site conditions during our 1/21/13 site investigation, on-site grades generally slope to the south. 3. The proposed grading should be coordinated with the architectural plans. The architectural plans indicate a first floor elevation of four feet eight and a half inches (4'-8½") above grade. 4.

Profiles are required for Surf Avenue and storm sewer. D. Storm Water Management 1. A proposed storm water management system has been designed. The design proposes a storm sewer collection system with an underground recharge system and an infiltration basin located on the site. The project qualifies as major development and must meet the requirements of the New Jersey Department of Environmental Protection Storm Water Management Rules (NJAC 7:8). Per review of the design, it is feasible and can be finalized during compliance review if/when board approval is granted. 2. Seasonal high water table information is required to justify the proposed depth of the storm water recharge system. The results of Soil Logs should be provided to indicate that a two foot (2') separation will be maintained from the seasonal high water table elevations to the bottoms of the recharge beds. 3. The Drainage Calculations indicate a permeability rate of five (5) inches/hour was used for the proposed recharge system. Permeability testing results must be provided to justify the design. 5. A design is required for the storm water collection piping for the roof of the proposed school building. 5. Predevelopment and Post Development Drainage Area Maps should be provided to assist in the review of the design. 6. Pipe design calculations should be provided. 7. Storm sewer profiles should be added to the plans. 8. An end section and riprap should be added for the proposed infiltration basin in front of the site. 9. The submission of a Storm Water Management Operation & Maintenance Manual will be required. The Manual can be provided during compliance submission should site plan approval be granted. E. Landscaping 1. A dedicated landscaping plan is provided with the submission; proposed landscaping is depicted on Sheet 3 of the plans. 2. In accordance with Section 18-906A of the UDO, a twenty foot (20') wide perimeter landscape buffer is required from residential uses and zones. Said buffer is required along some of the property lines. It should be noted the lands surrounding the project are residentially zoned. The perimeter landscape buffer provided should be to the satisfaction of the Board. 3. Additional landscaping should be provided. Shade trees should be added along the improved portion of Surf Avenue. Screening should be added around the refuse enclosure. Foundation plantings are only provided along the front wall of the school building. 4. The overall landscape design is subject to review and approval by the Board and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. 6. We recommend all proposed sight triangles, utilities, and easements be added to the plan to prevent any planting conflicts. 7. A detailed review of the landscape design will be undertaken when plan revisions are submitted. F. Lighting 1. A lighting design has been provided on Sheet 3. The site lighting design proposes two (2) pole mounted fixtures for the improved portion of Surf Avenue. The design also proposes four (4) pole mounted fixtures for the project site. A point to point diagram will be required for review. 2. The overall lighting design is subject to review and approval by the Board. 3. According to the details provided, all proposed lighting will have a mounting height of sixteen feet (16'). 4. A detailed review of the lighting design will be undertaken when plan revisions are submitted. G. Utilities 1. The plans indicate the site will be served by a proposed septic system. 2. An area proposed for a septic disposal field has been designated on the north side of the site. 3. Potable water has not been addressed. A fire hydrant exists on the west side of Vine Street near Essex Avenue. The project is within the New Jersey American Water Company franchise area. H. Signage 1. Per review of the design documents, no signage is proposed at this time. A full signage package for free-standing and building-mounted signs identified on the site plans must be provided for review and approval as part of the site plan application. 2. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. I. Environmental 1. A waiver from preparing an Environmental Impact Statement (EIS) was requested for this project. To assess the site for environmental concerns, our office performed a limited natural resources search of

the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. Data layers were reviewed to evaluate potential environmental issues associated with development of this property. Testimony should be provided on any known areas of environmental concern that exist within the property. 2. A Tree Sample Area was surveyed for the development of a Tree Protection Management Plan. The existing property is wooded. Trees with a diameter of at least six inches (6") were located within the Tree Sample Area. A Tree Protection Management Plan must be provided as a condition of approval to comply with the Township's Tree Ordinance. J. Construction Details 1. All proposed construction details must comply with applicable Township and/or applicable standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete. A detailed review of construction details will occur during compliance review; if/when this application is approved. IV. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Committee (street vacation); b. Developers Agreement at the discretion of the Township; c. Township Tree Ordinance (as applicable); d. Ocean County Planning Board; e. Ocean County Soil Conservation District; f. Ocean County Board of Health; and g. All other required outside agency approvals.

Mr. Penzer stated that there are several waivers requested.

Mr. Vogt said they support the waivers as long as they receive additional topography for Surf Avenue.

Mr. Penzer stated that the applicant does not currently own the property. This is a property bought in auction that once they receive the approval they will close on the property.

Mr. Jackson said that the applicant should show proof at the public hearing confirming that.

Mr. Lines stated that he will send a letter to Mr. Vogt addressing the review items.

A motion was made by Mr. Schmuckler, seconded by Mr. Follman to advance the application to the February 19, 2013 meeting.

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

6. CORRESPONDENCE

- 1. SP 1990AA** – Approved site plan exemption for Nefesh Hachaim illustrated a proposed trailer. An existing modular building, which requires approval by the planning board for permanence, was not clearly defined on the site plan as separate from the existing building footprint. As such the applicant seeks revision of the Resolution of Approval to clearly indicate that there are to be a total of two permanent trailers on the site.

Mr. Rennert and Mr. Percal stepped down.

Mr. Penzer stated that when this application was brought forth you approved a modular unit. When the Board approves an application, they approve everything on the plan and that was said at the meeting as well. The Building Department did not feel that everything was approved so they asked the applicant to specify exactly what was approved by the Board.

7. PUBLIC PORTION

8. APPROVAL OF MINUTES

9. APPROVAL OF BILLS

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Sarah L. Forsyth
Planning Board Recording Secretary