

I. CERTIFICATION OF COMPLIANCE

Mr. Kielt called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and 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. REORGANIZATION

OATH OF OFFICE

Committeeman Miller stated the Township Committee appointed the following members at the reorganization meeting of January 1, 2009:

- Class I Member- one year appointment to December 31, 2009-Mayor Singer
- Class II Member- one year appointment to December 31, 2009-Committeeman Miller
- Mayor’s Designee to serve to December 31, 2009-Mrs. Koutsouris
- Class III Member- one year appointment to December 31, 2009-Mr. Franklin
- Planning Board Member alternate #2 (2 year term) to December 31, 2010-Mr. Percal

All the nominated members rose and took the oath of office by Mr. Jackson.

ELECTION OF OFFICERS FOR THE CALENDAR YEAR OF 2009

- Chairman

Michael Neiman was nominated by Mr. Schmuckler seconded by Mr. Percal. Mr. Banas said no, he could not accept, he just wants to be a member. Mr. Miller reiterated his nomination

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

Mr. Neiman said it is an honor to be the Chairman and it was an honor to sit beside Mr. Banas for the last 12 years and for the last 5 years as a Vice Chair. He said he has learned a lot from Mr. Banas and said if he could mimic the enthusiasm, consistency and dedication that he has learned from his mentor that is his goal for this year and he thanked everyone for nominating him as the Chairman and he hopes to meet their expectations.

■ Vice Chairman

Stanley Banas was nominated by Mr. Miller seconded by Mr. Percal. Mr. Banas said no he just wants to be a member. Mr. Miller nominated him anyway and it was seconded by Mr. Percal

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes, Mr. Banas said no, he respectfully declines the nomination.

■ Secretary

Kevin Kielt was nominated by Mr. Miller seconded by Mr. Schmuckler

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

■ Recording Secretary

Chris Johnson was nominated by Mr. Miller seconded by Mr. Herzl

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

Mr. Miller mad a motion to go into closed session to discuss the next item, which is the selection of consultants and other personnel, seconded by Mrs. Koutsouris

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

Mr. Miller made a motion to go back into open session, seconded by Mr. Herzl

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

SELECTION OF CONSULTANTS AND OTHER PERSONNEL

▪ Attorney

John Jackson was nominated by the Planning Board for the year 2009

▪ Planner & Engineer

Remington, Vernick & Vena Engineers was nominated by the Planning Board for the year 2009

Motion was made by Mr. Schmuckler, seconded by Mr. Akerman, for the above nominations

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

3. ROLL CALL

4. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in

5. WAIVER REQUEST

1. **SP# 1900A (Variance Requested)**
Applicant: Primax Properties-Advance Auto Parts
Location: River Avenue-north of Locust Street
Block 534 Lots 8 & 10
Preliminary and Final Site Plan for Auto Parts Store

Waiver request from checklist item:

**C13 – Environmental Impact Statement
C14 – Tree Protection Plan**

Mr. Vogt recommended granting the waiver request based on the proximity of the property. It is in a fairly developed area. At site plan review they will look that they minimize clearing to the maximum amount practical in lieu of a full tree protection plan. They have no problem with the EIS as long as the Environmental Commission is also comfortable with that. Mr. Kielt said they get a letter from the Environmental Commission but Mr. Franklin said they do not do any studies. Mr. Vogt said they may ask for a study as part of the planning board application but they can grant a waiver of a full EIS as part of the application. With the site contamination issue, if there is potential contamination they would recommend phase I but that would be something they would address with the site plan.

Mr. Banas questioned the Tree Protection Plan and asked if that would they would be protected in any way to eliminate a denuding of the entire piece of property and Mr. Vogt said that is the importance of looking at the site grading plan. They have looked briefly at the plan and based on the current plan is they are making a reasonable attempt not to grade any more than they have to. When the application comes in, they will do a site inspection of the property and if they see anything out there that they feel can be protected as part of this concept; they will make them incorporate that in the design. Mr. Banas said he was of the impression that if they grant a waiver they wouldn't look at it again and Mr. Vogt said as part of any site plan review, they do a site inspection and if they see features on the property that they feel are not being addressed properly they will bring that up in their design review.

Motion was made by Mr. Akerman, seconded by Mr. Herzl, to agree with the recommendations of the professional and grant the waivers.

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

Mr. Kielt stated there were several changes to the agenda. Item #4- SP#1905 Congregation Bnei Giborei Yisroel Item #- SD # 1657 Shmuel Friedman Item #7 – SP# 1908 Shmuel Friedman Item #8 – SP # 1909 Shmuel Friedman. All four items will be tabled to the February 3rd Technical Meeting because there was deficient notice. There will be a new notice for each.

Motion was made by Mr. Miller, seconded by Mr. Schmuckler, to table the 4 applications to February 3, 2009

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

6. NEW BUSINESS

1. SD # 1633A (Variance Requested)
Applicant: Paradise Realty Group LLC
Location: Squankum, 9th & Monmouth Ave triangle (old VFW building)
Block 154 Lot 1
Preliminary and Final Major Subdivision for 10 multi family units

Mr. Penzer said they appeared back in September and there was discussion and Mr. Slachetka raised an issue of whether jurisdiction was with the planning board or with zoning. They went to the Zoning Board and received resolution appeal #3686 which states this application is a multi family product and has jurisdiction at the Planning Board. To save the time from reading the reports, Mr. Penzer stated they can agree to all the points.

Mr. Vogt said he was aware there was an issue as to whether it belonged to this board or the Zoning Board. In terms of the technical issues, there are 2 reviews that were done by T&M Assoc. one dated December 30th and one dated December 31st. The only issue Mr. Vogt said should be talked about now is the issue of parking because what is shown is based on the RSIS standard of 2.3 spaces per individual unit and there are 23 parking spaces proposed, 2 per townhome and 3 additional spaces. It is his understanding talking to some of the board professionals that there is an informal policy or guideline that typically for this type of development the board looks for a higher ratio, perhaps 4 parking spaces per unit. The letters were not read into record but are entered into the minutes in their entirety.

Mr. Peters drafted a letter dated December 31, 2008. The applicant is seeking a Preliminary and Final Site Plan approval to construct a multi-family, townhouse style, building containing ten (10) residential dwellings and other associated site improvements on Lot 1, Block 154. The architectural plans show each townhouse unit contains four (4) bedrooms. A basement floor (BF) elevation is provided on the Grading and Drainage Plan, and it appears that no separate entrances to the basements are proposed. An existing building and its associated site improvements will be removed as a part of this project. The property has frontage along Monmouth Avenue, Ninth Street, and Squankum Road. The site is situated within the R-M, Multi-Family Residential Zone. The applicant is requesting a front yard setback variance for Lot 1.01; 25 FT is required, where, according to the Schedule of Bulk Requirements, 20 FT are provided. The plans show that the applicant is providing 22 FT to the building front and 18 FT to the porch front. The applicant should also request the following variances: Rear yard setback; 21 FT is proposed (1.01.01), where 25 FT is required. Side yard setback; 9 FT with an aggregate of 40 FT is proposed, where 25 FT with an aggregate of 50 FT is required. The applicant should revise the Schedule of Bulk Requirements reflect that Lot 1.01 has two frontages, one (1) along the Monmouth Avenue and another along Ninth Street. The applicant should also revise the Schedule of Bulk Requirements to provide all required information on the plans. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District will be required. Evidence of the approvals will be made conditions of Planning Board Approval. The proposed dwellings will be served by public water and sewer. The applicant has used 2.3 parking spaces/unit as the design number, which, based on the

Residential Site Improvement Standards (RSIS) corresponds to Townhouse with an unknown number of bedrooms; however, the architectural plans show four bedrooms for each proposed unit. The RSIS standards for Townhouse parking space requirements top out at 2.4 parking spaces for townhouse units with three (3) bedrooms. To comply with this standard a total of 22 parking spaces will be required. The applicant has indicated in the Schedule of Bulk Requirements that 20 driveway parking spaces and three (3) additional off-street parking spaces for a total of 23 parking spaces are proposed; however, the plans only show 19 driveway spaces and three (3) additional off-street parking spaces, for a total of 22 parking spaces being provided. The applicant should address this discrepancy. It appears that no separate entrances are proposed for the proposed basement. The board should determine how many parking spaces will be required for the proposed development. The applicant should provide testimony regarding the ownership and maintenance responsibility of the public portions of the site. The applicant shall provide testimony on how solid waste generated from the proposed development will be stored and how it will be removed from the site. The plans note the existing lot is Lot 1 and the proposed lot is Lot 1.01. We question the change in lot number when there is no subdivision proposed. The applicant shall provide clarification on this issue. The applicant is providing new concrete sidewalk along the site's frontage to Ninth Street. Existing sidewalk along the site's frontages of Monmouth Avenue and Squankum Road will remain. Existing concrete curbing is present along all three site frontages. A note shall be added to the plans stating any damaged or deteriorated concrete curb or sidewalk shall be replaced as directed by the Township Engineer. The applicant should provide the information from the three (3) soil borings performed on-site to the Board Professionals for review. The applicant should include the appropriate site triangles and site triangle easements, for the intersections of all three (3) roads on which the site has frontage. A Stormwater Management Report should be provided to the Board Professionals for review. It appears that more than 0.25 of new impervious coverage is being provided as a part of the site development.

Mr. Slachetka drafted a letter dated December 30, 2008. The applicant seeks Preliminary and Final Major Subdivision and Site Plan Approval for a proposed townhouse development at the above referenced site. The property is 31,150 square feet (0.715 acres) in area and has street frontage on all sides. The site is the former VFW property. The applicant proposes to construct ten (10) residential townhouse units on the site, on nine (9) proposed lots. The applicant proposes a driveway for each unit. All units are within one building structure, with eight out of ten units separated vertically from the next unit, and two of the units above/below one another. The property is located in the RM Multifamily Residential Zone, and townhouse units are permitted in the RM Multifamily Residential Zone. The applicant received an interpretation of the Zoning Board that the Planning Board has jurisdiction of this application. A copy of the pertinent portion of the minutes of the October 6th meeting is attached. Off-street parking: It appears that each unit will have 5 bedrooms each, with the exception of Unit One, which will have 2 bedrooms. The Planning Board should decide if the proposed 23 parking spaces are adequate for this residential development. We calculate a minimum of 26 spaces based on the Planning Board's and RSIS standards. Previously, the Planning Board has required a minimum of 2.5 off-street spaces for a five bedroom townhouse. (The NJ RSIS requires at least 2.3 parking spaces for a 3 bedroom townhouse but does not provide a required number of spaces over 3 bedrooms.) The applicant should also provide testimony regarding basements since the elevation indicate that each unit with one exception will have a basement. We note that it appears that access to the basement will be limited to interior access (i.e., no exterior access). It should be noted that unit 1.01.04 proposes 2 separate driveways for one unit which is not

desirable. The applicant should discuss the proposed number of driveways. Sidewalk is proposed along the Ninth Street frontage. We recommend that all sidewalks along the property frontage be replaced since the majority of it will be disturbed given the number utility installations and driveways. The applicant should discuss where garbage will be stored for each unit since an area is not provided for each unit. Additionally, given the grade change of 2-3 feet in the front yards, and the number of retaining walls and driveways proposed, it is unclear where garbage cans would be stored. One of the units is proposed without a deck. The applicant should discuss the lack of sufficient private outdoor space. Given the proposed layout, the rear decks may be visible from Squankum Road. The applicant has proposed landscape buffering to minimize visibility of the decks. The applicant should testify regarding the visual effect of the decks and the proposed buffering. Landscaping, labeled "annual color," is proposed within Monmouth Avenue and Ninth Street right-of-way. The applicant should be aware that this landscaping will not be maintained by the Township. The right-of-way on Squankum Road is 41.8 feet. A road widening or right-of-way dedication or easement may be necessary. The plan should be revised to indicate ADA ramps at all intersections. The shade tree easement is depicted and labeled on sheet 3; however, it is not depicted on sheet 6 which is the landscape plan. The shade tree easement should be depicted, since it appears that the majority of the proposed shade trees are outside of the easement. The shade trees should be relocated to the easement. We also recommend that the proposed utilities be depicted on the landscape plan to confirm that there are no conflicts between trees and laterals. The proposed development has been classified as a multifamily development. However, the units are essentially town homes and the applicant should be "guided" by some of the townhouse requirements of the Ordinance. They are as follows: Section 18-900H10: A structure shall not have more than two (2) connected townhouse units on one facade without providing a variation in setback of at least two (2) feet. It appears that currently the townhouses do not meet this requirement. Section 18-900H16: All units shall be designed with a unified architectural style. The applicant should testify regarding the architectural style of the units. Section 18-900H17: Variations in setback and building facades shall be provided. The architectural plans should be revised to comply. Section 18-900H18: All HVAC equipment shall be located in rear or side yards and shall be buffered from adjoining properties and units, or shall be placed on rooftops. The plans should be revised to indicate HVAC equipment and any appropriate buffer. Section 18-900H14 states that all areas put into common ownership for common use by all residents shall be owned by a non-profit homeowners association in accordance with the requirements of the Department of Community Affairs and the following: Deed restrictions and covenants shall be provided in accordance with the requirements and standards of the Department of Community Affairs. The homeowners association shall be responsible for the ownership and maintenance of all common space not accepted by the Township. This organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, except to another organization conceived and established to own and maintain the common open space and non-dedicated streets. The homeowners association shall be established prior to any certificates of occupancy being issued. Membership of the association shall be automatic and mandatory for each owner of a dwelling unit and any succeeding owner thereto, being accomplished by the purchase of a dwelling unit in the development. The association shall guarantee access to all the common areas to all persons legally residing in the development. The association shall be responsible for liability insurance, taxes certificate of incorporation shall contain provisions so that adequate funds will be available for maintenance. The documents establishing the association shall provide a plan for the maintenance of all common areas. The applicant should verify in testimony that they will comply. We defer to the Board

Attorney for further comment. Given the number of proposed utility trenches we recommend that the applicant repave the entire width of Monmouth Street and Ninth Street along the property frontages. Outside agency approvals which will be required include: Ocean County Planning Board; Soil Conservation District; and, Sewer and water utilities,

Mr. Flannery said he agrees the issue is parking and the applicant would like direction with respect to that. They have provided 23 parking spaces and the reason they did that is because they made some changes that were directed by the board. They used to have the building going around the side and had lot lines and the board the lot would be a lot more useable for recreation so they eliminated the lot lines and pulled the building around. One of the things that did not show up in the application that will be clear when they resubmit is the front setback, the Squankum Road portion where it turns, they made that 10 ft. from the right of way line; at that point the distance from the right of way line to the center line is 35 ft. so that is widened in that area. They left the corner area open for additional green area and recreation. Additional parking can fit in there but they feel the parking that is proposed is adequate. There was another comment with respect to parking and it is at the one unit that ties the two streets together has two driveways in front of it: it has a central door and they thought it was nice having that door, some grass, a walk going down and a driveway on each side. He said they can put those driveways together or reconfigure it and look to the advice of the board on those issues. Mr. Penzer said the Environmental Commission said it was the nicest plan they have ever seen.

Mr. Vogt said the planning letter had a statement based on the calculations stating it should be 26 spaces; he said he has not done an RSIS analysis and Mr. Flannery said the 23 spaces are based on 2.3 spaces per unit. Typically the board has requested more and they do have an area where they can put them. Mr. Neiman said there are 10 multi family dwellings and there are no exterior entrances for the lower level except for one and Mr. Flannery said because one unit is located in the lower level. Architectural plans submitted show the access to the other units is internally. Mr. Neiman said if there are going to be families living down there then 23 or 26 spots is not going to be enough and you will have to reconfigure the whole thing. Mr. Flannery said one of those units only has 2 bedrooms. Mr. Neiman said that parcel is an island and he does not want to see children crossing that street; he also does not want to see cars backing out onto Squankum Road. He has an issue with the two corner driveways, they are very close to the intersection and Mr. Flannery said the previous configuration had all the driveways on Squankum and Mr. Neiman said this way is the better of the two.

Mr. Vogt asked for the spaces that they would be adding, where would their location be and Mr. Flannery said the corner of Monmouth and 9th Street. Mr. Franklin agreed they needed more parking. Mr. Schmuckler said the interior triangle where the greenery is, how much space is that because with 10 homes sharing that, what is the square footage and Mr. Flannery said it is about 10,000 sf, Mr., Akerman asked how many spots can they get in that corner and Mr. Flannery said if they put 3 spaces there they can still maintain that green area. Mr. Neiman asked Mr. Flannery, as a planner and engineer in town, if this area is a little bit too condensed and Mr. Flannery said for the area it is in keeping with the area. It is a RM zone which encourages the multi family residential. Mr. Penzer suggested land banking and making that pavers so that they keep the green and if they need it they can have parking in the corner.

Mr. Banas said from past experience they won't have enough parking spaces if they put 30 spaces there, so there is no sense making a green bank, you need actual spaces. Mr. Penzer said it is not a busy block and there are spaces. The UDO provides that you can go and count parking spaces within 1,000 feet. He said nobody parks on the nursing home side and no one is on the other side. Mr. Banas said frankly he could sacrifice one of those units and provide more space and Mr. Penzer said unfortunately they can't. He said they can provide 7 additional spaces by eliminating the greenery on both sides and putting pavers and Mr. Banas said once you identify that area as a green area people are going to be using that area as uninhabited; they might even use in lieu of the established parking spaces. Mr. Flannery said it does give a townhouse appearance and that is where the 4 parking spaces comes from; when they are in the RM zone and they go with multi family the board has never required 4 parking spaces per unit and the 4 parking spaces per unit makes sense when it is a townhouse with a basement that is going to be rented. This is a multi family and Mr. Neiman said they are not asking for 4 parking spaces per unit, they are not even asking for 3 parking spaces per unit. Mr. Akerman asked about Squankum Road, if you cut away a few feet from Squankum Road and put parking over there, and Mr. Flannery said they had shown driveways on Squankum but if you are talking about parallel parking, they could put a designated parallel parking lane all along Squankum and Mr. Neiman said there is no parking on Squankum and Mr. Flannery said they would pull it in on their property, put an 8 ft. wide spot and get 9 parking spaces there, Mr. Neiman said you are killing that whole area for the kids to play back there and Mr. Flannery said you would be taking it predominately in the right of way; they have 25 ft. from the center of the right of way and if they give a 5 ft. strip along their property line they get 9 more parking spaces and virtually don't impact the play area for the kids.

Mr. Banas said he envisions some child playing in the green area and the ball bounces between the parked cars and then he stopped talking. Mr. Flannery said the entire area would be fenced so it would have to be a child jumping over a fence going out into the road and they still have that even without the parked cars there. Mr. Schmuckler agreed with Mr. Banas and said you are taking 5 ft. away then you have your shrubbery which is about 8-10 ft. the 10,000 ft. gets 3,000 ft. taken off because of parking. He would rather have the parking in the top corner than over there.

Mr. Neiman said they have heard the boards' views and they have the opportunity to come back at the public hearing and either alter it a little bit or see what the board does. Mr. Flannery said they would discuss it with their client. Mr. Neiman asked about the other recommendations such as sidewalks and Mr. Penzer said no problem and Mr. Flannery said there was a comment about repaving the streets in the entirety and said they would like to do that at the direction of the Township Engineer so that if it is necessary to have to proper roadway they would do that.

Mr. Vogt said looking at the engineers' letter of December 31, 2008 and there was some discussion about the setbacks. They talked about the potential variance for rear yard and side yard and Mr. Penzer acknowledged them but Mr. Flannery disagreed and said they would address when they resubmit and said when looking at this property it is one lot; it has 3 front yard setbacks, there are no rear, there are no sides and they will straighten out the variances and make it clear when they resubmit plans.

Motion was made by Mr. Herzl, seconded by Mr.--- , to advance the application to the meeting of February 17, 2009.

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

2. SP# 1801A (No variance requested)
Applicant: Yeshivat Keter Torah
Location: Apollo Road, west of Squankum Road
Block 104 Lots 57 & 60
Amended Site Plan for proposed school

The letters below were drafted by T&M Associates and entered into the minutes in their entirety. Mr. Peters drafted a letter dated December 22, 2008. The applicant is seeking amended Final Site Plan approval for a previously approved school building and its associate site improvements on Lots 57 and 60 of Block 104. The property has frontage along Apollo Road Extension. The site is situated within the R-12 Zone. The applicant has revised the plans to clarify the phasing of the project. A 6 foot high chain link fence will separate the active school from the construction area. The applicant was previously granted a variance for minimum sign setback; 15.5 FT is proposed, where 34 FT is the minimum required. The applicant has indicated on the plans that the building height of the proposed school will be 35 FT, which conforms to the requirements for the R-12 zoning district, as listed in the Lakewood UDO. The submitted architectural plans had shown a proposed building height of 38 FT. The applicant shall provide testimony to address this issue. Outside agency approvals from the Ocean County Planning Board, Ocean County Soil Conservation District will be required. Evidence of the approval shall be made a condition of the final Planning Board approval. The submitted NJDEP wetland letter of interpretation has been expired. In addition, the applicant shows on the plans changes in the wetland fill areas have been made. A new NJDEP wetland permit and letter of interpretation will be required. These approvals will be made a condition of the final Planning Board approval. The project is proposed to be built in two phases, between the two phases, 33 parking spaces are required; the applicant has proposed 54 parking spaces. The Board should determine if the proposed number of parking spaces will be adequate. The applicant shall provide testimony on status of the wetland buffer markers at the rear of the property. The applicant shows on the revised plans the markers are to be set. It has been three years since the site plan was originally approved, requiring the markers be set along the buffer. The applicant indicates on the revised plans extension of Apollo Road and a stormwater discharge pipe are to be done by others. The applicant shall provide update on the status of the construction of the roadway and the will perform the construction. The applicant shows on the Improvement Plan (Phase I) the site will be accessed from the adjacent lot, Lots 61(existing) and 53.17 (proposed), during phase I of the construction. The applicant will require a temporary easement to access the neighboring lots. The applicant shall provide those easement agreements to the Board for review prior to the Final Site Plan Approval. The stormwater management report states the proposed inlets will be fitted with stormwater filters to remove oil and sediment from the stormwater runoff prior to discharge to the infiltration system. The filters shall be noted on the plans and added to the inlet details. The applicant shall provide testimony on where classes will be held during phases I and II of the construction.

Mr. Slachetka drafted a letter dated December 30, 2008. The applicant is seeking amended site plan approval to construct a school complex for a boys' elementary school. The proposed elementary school is a two-story building that will include a glass atrium and a gymnasium. The applicant notes that the proposed elementary school will be constructed in three phases. The first phase includes construction of the eastern portion of the school building, placement of

stormwater and drainage for Phase I, a construction access drive, and a temporary chain link fence. Phase II includes the construction of the additional school wing and the gymnasium. Lastly, Phase III includes construction of the glass atrium. The proposed plan also notes that the complex will include a future high school and dormitory. Currently, there is a one-story structure and ten (10) temporary school trailers on the site. The plan also shows an existing paved parking area and a basketball court. The site is located at the end of the cul-de-sac on Apollo Road and is 5.06 acres in area. Preliminary and Final Site Plan was granted by the Planning Board by a resolution memorialized on May 17, 2005. The Board approved the construction of the gymnasium as part of the initial phase. In this application, the gymnasium is proposed to be constructed in Phase II. The site is located at the northern border of the Township, west of Squankum Road. Educational uses and related accessory uses are permitted in the R-12 District. No variances are requested; however, it appears that a variance is required from the buffer requirement. Please refer to Item D.1. Prior Variances. The applicant was previously granted a variance for maximum building coverage and the proposed sign setback as follows: Maximum building coverage. The applicant is permitted a maximum building coverage of 25 percent. In the prior site plan, the applicant received a variance for building coverage as they had proposed a building coverage of 31.7 percent. The applicant has removed this variance condition for this application and has proposed a building coverage of 16.5 percent. The applicant should specify whether the building coverage provided includes the future high school and dormitory. Sign setback. Lakewood Township Code requires a setback of 34 feet where 15.5 feet is proposed. The proposed sign is at the entrance of the driveway. Review Comments. Conditions of Site Plan Approval (May 17, 2005). Access Easement. As in the prior approval, the applicant has proposed to access the property for construction for Phase I via Lot 53.17. The applicant must submit a copy of the access easement agreement from the adjoining landowner as part of this approval. Apollo Road. The prior approval was expressly contingent upon Apollo Road being approved by the Lakewood Township Committee and constructed in accordance with the plans. The applicant should provide an updated status report to the Planning Board concerning the approvals/authorizations and construction schedule of Apollo Road. Safety Fence. The applicant was required to provide a safety fence around the construction site during construction. The applicant has proposed a six-foot high temporary chain link fence on the site plan. Buffer. A twenty-foot (20') vegetative buffer is required for properties that are located within a residential district (Section 18-906). In the prior approval, buffer landscaping was a condition of approval by the Board. The applicant has proposed a ten-foot buffer along the western edge of the school which appears to adjoin a buffer on the abutting property. Buffering, consisting of vegetation and fencing, is now proposed on the eastern edge of the property. An additional requirement of the Township buffer requirements is that parking not be permitted in the buffer. The applicant has proposed parking and the driveway in the buffer area. The applicant shall provide testimony regarding compliance with Township buffer requirements. In regards to buffer landscaping, the applicant should consider providing additional variety of vegetative species for the site. Parking. In the prior site plan, the applicant was required to discuss compliance with the ordinance parking requirements for the school for all phases. On the site plan, the applicant has indicated parking requirements for the two phases of the project. Based on the site plan, the applicant is providing 54 parking spaces. Based on our computations, 36 spaces are required. The applicant should confirm that adequate parking will be provided. In addition, the applicant shall specify parking needs for the intended future use of the site. As there are no standards provided for gymnasiums and dormitories, the applicant should specify how they intend to provide sufficient parking for these uses. Site Plan Checklist. The Board discussed the following waiver requests

on August: Environmental. The applicant requested that an Environmental Impact Statement be waived. The Board requested a copy of the NJDEP Letter of Interpretation (LOI). The applicant submitted a copy of the LOI obtained for Lots 55 & 57. The intermediate resource wetland is delineated on the lot directly to the north of the site. A NJDEP LOI jurisdiction determination is valid for five years from the date of the letter. On the site plan, the applicant notes that freshwater wetlands/water boundary line is pending. The copy provided to the Board is dated August 5, 2005. The applicant shall indicate the correct date to the Board and on the site plan. Compliance with all NJDEP Freshwater wetlands is required. The applicant has proposed to locate the gymnasium partially in the wetland area. The applicant should consider placing the delineated wetland areas within a conservation easement. As applicable, the applicant must comply with all applicable Surface Water Quality Standards for Category One waterways. Tree Protection Plan. The applicant requested that a Tree Protection Plan be waived. The Board previously granted this waiver. Recreation Areas. There are provisions for an outside recreation area on the east side of the school site. The applicant should provide further information concerning fields or play areas. Bus Loading/Unloading. The applicant indicates that all students will be bussed and that no student shall be permitted to drive to and from school. The pick up and drop off times proposed are between 8:30 and 5:30 pm. Lakewood Agency Comments. The applicant received comments from Lakewood Fire District No. 1 on August 19, 2008 regarding the island at the entrance to the site. Compliance with the Lakewood Fire District No. 1 comments is required. Architectural Plans. The applicant should provide architectural renderings for the proposed gymnasium for Board review. Sequencing. The applicant should provide testimony addressing the sufficient and appropriate site improvements for each phase. The time frame for the use of the temporary trailers gym and the demolition of the existing structure should be clearly specified. The applicant also should specify when the intended high school and dormitory is proposed. Occupancy of each wing of the school should be linked to improved access and sufficient parking. Utilities. The applicant should specify how water and sewer will be provided. Lighting. The applicant's lighting plan is subject to review by the Board Engineer. Trash/Refuse. The applicant should specify whether the proposed solid waste management facility is sufficient for all the proposed uses on the site. Site plan approval will be required for the future buildings. The site plan should be revised to substitute "Building Coverage" for "Lot Coverage" in the Zoning Chart. The appropriate data should be provided. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Lot Consolidation. The subject lots should be consolidated by deed. Agency Approvals. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; Sewer and water utilities, prior to construction permits; NJDEP; and, all other required Outside Agency approvals.

Mr. Dennis Kelly Esq. appeared on behalf of the applicant. The applicant was in front of the board at 2 prior occasions and this application is for an amended site plan. The original approval was never actually constructed and they are coming back to amend the approval because the school has come up with some changes. During the course of the previous presentations there was some questions as to how the school was going to operate during construction and at the previous hearings they had the opportunity to review T&M letters they indicated they had no objection to those comments. The purpose of this evening's presentation is to come back and show with more specificity exactly how it was going to work logistically; how the students were going to go from the buses to the buildings that are there now. Mr. Surmonte is the engineer and Mr. Neiman told him to save the exhibits for the public meeting

but asked what is going to be with those trailers after phase I is completed and how are you going to complete phase I and still keep those kids that are in those trailers safe. Where is the staging going to be, is it going to be fenced in, how are the buses going to get in....these are all the things that the board has concerns and that is why you came back to us. Mr. Neiman asked for a brief synopsis now and said those are the issues.

Mr. Surmonte said they are proposing to construct fencing (chain link) shown in brown in the exhibit and that is designed to separate the construction activities associated from the Phase I and it will be set into the ground into a foundation. Mr. Franklin asked what page he is working from and Mr. Surmonte told him page 4. Mr. Surmonte showed the members page 2, which is the current conditions plan and showed them the paved area and the trailers that exist. Mr. Banas asked if that is as it is today and Mr. Surmonte said it is as it was about one month ago. Mr. Banas asked if they had an opportunity to clean the site up from the debris and garbage and Mr. Kelly said he believes it has been. Mr. Banas asked if they could tell the board how so many trailers were authorized for construction. Mr. Kelly said after the original approvals, the applicant coordinated with the existing building and approval and acquired the trailers through Lakewood trailers and they are inspected annually through Lakewood regulations and the Fire codes and they were put there by the school to be used temporarily while they are building this. During that timeline the school changed what they are showing the board in this application some of the design. For the most part, the application is similar to what was approved in 2004; there is an addition on the back but the trailers were put there to allow the school to operate during the time. Mr. Banas asked about the as built and said he had difficulties finding walks from one building to the other the way it is currently. Mr. Surmonte said all these walks exist presently and said there were some areas by the front trailers that did not have paved walkways but there is a walkway that leads into the center of the trailer area. Mr. Banas asked if it has been put there since their last meeting and Mr. Surmonte said they have been there and Mr. Banas asked about the front and Mr. Surmonte said there are no paved walks at the present time or as of one month ago. Mr. Banas asked if they are using it as a walkway and Mr. Surmonte said no the main access is in another spot. Mr. Kelly said the as built shows a series of temporary structures but they are linked and you can go from one to the other within the units and there is not separate access to the each one of the units. The existing paved area will come up to a walkway and come up to a main entrance building so where Mr. Banas is asking, there is no access there.

Mr. Surmonte showed sheet 4 of the plans which shows the cul de sac which is an existing condition. Mr. Surmonte said they are looking to slightly expand the existing pavement and delineate and designate a drop off area for the students at the lower portion of the cul de sac. He then said they would extend the walkway (pointed to the map) where there is presently a break in it due to informal parking lot located there now and extend it to the classrooms. They will be constructing an access drive along the easterly side of the property to access all the construction activity associated with the easterly half of the proposed building. He has indicated the fence that is going to separate that construction activity from all the student activities and said temporary utility services will be brought up that construction access road. Mr. Neiman asked where they plan on staging all the equipment and supplies and Mr. Surmonte said the parking lot (he pointed to the map) will be constructed at the end so he said that side of the parking lot will probably be the staging area for the construction and that is all behind the fencing. Buses will be come around the cul de sac, the students will be dropped off and picked up from the drop off area (pointed to the map) and they will take a walkway directly to the

classroom areas. Mr. Neiman asked if there was going to be a need for the trailers once the Phase I is completed and Mr. Kelly said it is the intent that the trailers be removed after Phase I and before Phase II is started. Mr. Surmonte showed sheet 5 which is Phase II which is the balance of the school building and the gymnasium and they are proposing to continue to utilize the temporary construction access solely for the activities associated with the gymnasium. They plan on constructing a temporary driveway into the parking area so that the teachers and staff can park within that completed parking area. The students will still continue to be dropped off in the same area (pointed to the map) and then walk to the school through a walkway here (pointed) and said the fencing will be placed as indicated in that location. The last part of Phase II will be the construction of the main driveway and Apollo Road.

Mr. Neiman said this board has seen this plan for a long time and they do not remember approving any of the trailers that are there and the thinks they have to realize they are dealing with kids here and with these fences and this safety and the Phase I and Phase II; he knows they are not the enforcement board but they do give resolutions and they do expect resolutions to be followed and the feel they have is that it has not been followed up until now and they want that resolution to be followed. They want what you have presented tonight, if what you said is going to happen, then it looks good, but there is a bad taste is some of the boards' mouth because it hasn't been the way it said it was going to be. When there is resolution compliance, when there is a fence to be constructed, when there is to be a clean up that should happen. Mr. Kelly said the applicant certainly echoes the boards' concerns and they will take every precaution they can to protect the student that come to their school. As far as resolution compliance, the applicant never proceeded with the 2004 approval because the money was available to move forward and the trailers were added as a temporary measure.

Mr. Akerman asked about the recreation area after Phase I because they will not have anything and the gym will not be built yet and what did they have in mind and Mr. Surmonte said once they move into Phase I there might be a way to utilize and Mr. Neiman said if they can't find it now, when they come back for the public portion address that point then.

Motion was made by Mr. Herzl, seconded by Mr. Akerman to advance the application to the meeting of February 17, 2009.

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

3. SD # 1649 (No variance Requested)
Applicant: Lakewood Realty Assoc./EZ Storage
Location: New Hampshire Avenue, north of Route 70
Block 1160.03 Lot 44
Minor Subdivision – two lots

The letters below were drafted by T&M Associates and entered into the minutes in their entirety.

Mr. Peters drafted a letter dated December 30, 2008. The applicant is seeking a Minor Subdivision Approval to subdivide one lot into two new lots, to be known as Lots 44.01 and 44.02. The site contains an existing self storage facility on proposed Lot 44.02; proposed lot 44.01 is mostly unimproved only containing an access drive to the self storage facility. No new construction is proposed under this application. The property has frontage along New Hampshire Avenue, Salem Street, and State Highway Route 70. The site is situated within the M-1 zoning district. No variances are required for the subdivision. Outside agency approval from Ocean County Planning Board is required. Evidence of the approval shall be provided prior to signature of the Final Plat. Concrete curb and sidewalk are existing along the site's frontage on New Hampshire Avenue. No curbs or sidewalks existing along the property frontage of Salem Street and Route 70. A 6' utility and shade tree easement along the property frontage are usually required to be dedicated to the township. The Board should determine if such easements will be required. An access easement through proposed Lot 44.01 near the southern property line of the lot is proposed to give access from Lot 44.02 to New Hampshire Avenue. The easement agreement shall be submitted to the township engineer, and solicitor for review. A dashed line is located 30 feet from the property line along New Hampshire Avenue, running parallel to the property line. The line shall be identified on the plan or removed. The applicant shall remove the site plan approval signature blocks from the Cover Sheet and revise the signature block on the Subdivision Plan to call out Subdivision Approval rather than Site Plan Approval. The applicant shall transfer the Key Map and the general information block containing zoning schedule to the Minor Subdivision Plan, since the subdivision plan is the document to be filed. All outbound corner monuments shall be set prior to signature of the surveyor's certificate, as the certificate states in the Map Filing Law. The applicant shall set all the outbound corner markers and revise the Minor Subdivision Plan to show the corner markers have been set.

Mr. Slachetka drafted a letter dated December 30, 2008. The applicant seeks minor subdivision approval to subdivide Lot 44 into two oversized lots. The site currently has frontage on three streets: Route 70, New Hampshire Avenue and Salem Street. New lot 44.02 will be 9.5 acres in area and have frontage on Route 70 and Salem Street. New Lot 44.01 will have an area of 7.3 acres and will have frontage on New Hampshire Avenue and Salem Street. New Lot 44.01 is a vacant wooded parcel and new lot 44.02 contains self storage buildings. The access to the self storage facility will continue to be from New Hampshire Avenue; however, an access easement is necessary. The property is 16.87 acres in area in the southern sector of the Township. The surrounding land uses are a mixture of commercial and light industry. No construction is proposed at this time and any future development of the lot will require site plan approval by the Planning Board. This application previously received subdivision and site plan approval by the Planning Board. However, the lots were merged by the Tax Assessor because the access easement was not filed. The project site is located in the M-1 Industrial Zone. No variances are requested. A front yard setback of 50 feet is shown. Evidence of approval of the Industrial Commission is required. The applicant proposes an access easement for the driveway. The appropriate easement documents should be submitted to the Board Attorney for review and filed with the County Clerk's office. The plat should be revised to show the correct side yard setback of 30 feet on one side and a total of 70 feet. The proposed lot numbers on the plat should reflect the numbers assigned by the Lakewood Tax Assessor. Compliance with the Map Filing Law is required. Ocean County Planning Board approval is required. A copy of the proposed subdivision plat should be filed with the NJDOT. The Planning Board should decide if a conservation easement on the wetlands area is appropriate on the proposed lots.

Lou Felicetta Esq. from the firm of Carluccio, Leone, Dimon, Doyle & Sacks, appeared on behalf of the applicant. He said they are here to correct an error. This is a previously approved Site Plan and Minor Subdivision and as a condition of approval there was to be filed an easement that was to be reviewed by the board's professionals and then recorded on the land records. For whatever reason, that was not done and because of that the Lakewood Township Tax Assessor merged these two lots so they are here to re-subdivide the two lots.

Mr. Jackson asked why couldn't it be one lot and Mr. Felicetta said the applicant would like to have it be 2 lots. Mr. Neiman said there would not be any variances created by the subdivision.

Motion was made by Mr. Herzl, seconded by Mr. Schmuckler to advance the application to the meeting of February 17, 2009.

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

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

Tabled to February 3, 2009

5. SD # 1656 (Variance Requested)
Applicant: Stanislawa Rybska
Location: 768 Albert Avenue, north of Salem Street
Block 1159 Lot 61
Minor Subdivision – two lots (1 flag lot)

The letters below were drafted by T&M Associates and entered into the minutes in their entirety. Mr. Peters read from a letter dated December 30, 2008. The applicant is seeking a Minor Subdivision Approval to subdivide one lot into two new Lots to be known as, Lots 61.01 and 61.02. An existing 2 story dwelling on Lot 61.01 will remain. A 2 story dwelling is to be constructed on Lot 61.02, a flag lot. An existing above ground pool and three metal sheds are to be removed. The property has the frontage along Albert Avenue. The site is situated within the R-20 zoning district. The applicant is requesting the following variances: Minimum lot area for Lot 61.01; 20,000 SF is required, where 19,986 SF are provided. Minimum lot width for Lot 61.01; 100 FT is required, where 95 FT are provided. Minimum side yard setback for an accessory structure on Lot 61.01; 10 FT is required, where 9.8 FT are provided. This is an existing condition. Minimum rear yard setback for the same accessory structure; 10 FT is required, where 9.4 are provided. Minimum side yard setback for Lot 61.02; 20 FT is required for a flag lot, where 11 FT are provided. Outside agency approvals from Ocean County Planning

Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. The applicant states on the plan 2.5 parking spaces are required and 3 parking spaces are provided. The applicant stated on the plan dwellings on Lots 61.01 and 61.02 have unknown numbers of bedrooms; however, the applicant shows on the architectural plans the proposed dwelling on Lot 61.02 will have four bedrooms and a basement. The applicant shall revise the subdivision plan to show four bedrooms are proposed for the dwelling on Lot 61.02. In accordance with the New Jersey RSIS standards, 2.5 parking spaces are required for single dwelling with four bedrooms and single dwelling with unknown number of bedrooms. The applicant shall provide testimony on use of the proposed basement. The Board should determine if the parking spaces provided for each lot will be adequate. As shown on the plan, both lots are able to provide a minimum of four parking spaces at the proposed driveways. The applicant shows on the plan curb and sidewalk are proposed along Albert Avenue at the property frontage. Prior to signature of the final plat the applicant will be required to post a bond for the construction of the sidewalk in front of Lot 61.01. A 6' utility and shade tree easement along the property frontage is proposed to be dedicated to the Township. The existing above ground pool that spans between the two lots shall be removed prior to signature of the subdivision plan or a bond posted to ensure the prompt removal of the structure. The property will be served by individual wells and septic systems. The applicant shows on the plan a proposed disposal field on neighboring Lot 62 is located 25 FT away from the proposed disposal field on Lot 61.02. In accordance with the N.J.A.C. regulations, a 50 FT separation is required between individual disposal fields and a 100 FT separation is required between a disposal field and a well. The application shall address this issue. Furthermore, if the neighboring lot, Lot 60 is served by individual well and septic system, locations of the disposal field and well shall be shown on the plan to show the required separations will be provided. The applicant shows on the plan existing fences located within the footprint of the proposed dwelling on Lot 61.02. The applicant shall revise the plan to label these fences as to be removed. The side yard setback lines for the flag lot, Lot 61.02 shall be revised to be 20 feet as required. An arrow that appears to be a dimension line is shown in front of the dwelling on Lot 61.01. This arrow shall be removed or its purpose clarified. Map Filing Law comments will be provided prior to public hearing.

Mr. Slachetka read from a letter dated December 24, 2008. The applicant seeks minor subdivision approval to subdivide the subject lot into two lots, one of which will be a flag lot. The subject parcel is 44,194 square feet (1.01 acres) in area and contains a single-family residence. A new dwelling is proposed on the flag lot to the rear of the existing dwelling. A number of accessory structures on the flag lot will be removed. The land uses to the north, east and south of the parcel are single-family residences. The lands to the west are currently vacant. Zoning and Variances. The lot is located in the R-20 Residential Zone District and single-family residences are a permitted use. The following variances are requested: Lot Area. The proposed lot area of new Lot 61.01, the lot in the front, is 19,986 square feet. A minimum of 20,000 square feet is required for this zone. Lot Width. The width of new Lot 61.01 is 95 feet and a minimum of 100 feet is required. Accessory building setback. The side setback of a frame shed on new Lot 61.01 is 9.8 feet and a minimum of 10 feet is required. This is an existing condition. The rear setback of the shed is 9.4 feet and a minimum of 10 feet is required. This is a variance created by the new lot line. Side Setback of Lot 61.02. The proposed side yard setback of the new dwelling is 11 feet and a minimum of 20 feet is required. The applicant should address the positive and negative criteria for the required variances. Review Comments. The applicant should address the following Ordinance requirements in testimony: Flag lots shall be created

only in conjunction with an overall development plan. The applicant shall demonstrate a need, consistent with good planning principals, for the creation of a flag lot. The applicant should demonstrate that normal subdivision techniques are not practical, because of topography, lot or land configurations, or other physical characteristics or constraints of the land. Sidewalk is proposed along the site frontage. The existing and the new dwelling will be served by private well and septic system. The applicant should provide testimony as to the location of the nearest public sewer and water lines. The sufficiency of the proposed lots to allow such facilities should be addressed. The architectural plans indicate that the proposed dwelling will have four (4) bedrooms; therefore, three (3) parking spaces are required. The plat should be revised to indicate the correct required side yard setback of 20 feet along the north and south property lines of new Lot 61.02. The proposed lot numbers should be submitted to the Lakewood Tax Assessor for approval. Evidence of the approval should be provided to the Planning Board. Compliance with Map Filing Law is required. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board of Health approval is necessary for the water well and septic system prior to issuance of construction permits.

Mr. Vogt said one comment in the planning letter concerns providing testimony as to the justification of a flag lot.

Mr. Flannery appeared on behalf of the applicant said they will address the comments in the professionals letters and will provide the testimony at the public hearing. Mr. Neiman asked him about the variances and Mr. Flannery said they could make the application conforming with an easement but they went with fee simple because they know the board prefers that. The only exception is the 11 ft. in the back where 20 ft. is required and at the public hearing they will have testimony. Mr. Flannery said they will address the remaining comments. Mr. Neiman asked about the buffers and Mr. Flannery said there is buffering and there is a landscaping plan. Mr. Akerman said it usually goes all the way around and asked why it does not go to the rear and one of the sides and Mr. Flannery said they felt it was not necessary to further buffer it and said the ordinance says you buffer between the 2 lots and if the board feels they need more they will take a look at it and revise the plans. Mr. Akerman asked what was on the adjoining properties and Mr. Flannery said they were typical of Albert Avenue properties, houses in the front, trees in the back. Mr. Flannery said Lot 14 is a Township owned property and they cannot purchase a portion of that land to get access onto Rockaway Avenue which is a paper street and eliminate the flag.

Mr. Banas said he thinks they need a buffer around the entire perimeter.

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

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

6. SD # 1657 (Variance Requested)
Applicant: Shmuel Friedman
Location: River Avenue & Cushman Street
Block 430 Lots 9 & 54

Minor Subdivision to reconfigure lot line

Tabled to February 3, 2009

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

Tabled to February 3, 2009

8. **SP # 1909 (Variance Requested)**
Applicant: Shmuel Friedman
Location: Cushman Street, off Route 9
Block 430 Lot 54.01
Preliminary & Final Site Plan for auto dealership with service bays

Tabled to February 3, 2009

9. **SP # 1910 (Variance Requested)**
Applicant: Oorah Inc.
Location: 1805 Swarthmore Avenue, east of New Hampshire Avenue
Block 1609 Lot 4
Minor Site Plan to add temporary day care

The letters below were drafted by T&M Associates and entered into the minutes in their entirety. Mr. Peters read from a letter dated December 30, 2008. The Applicant is seeking Preliminary and Final Site Plan Approval for Block 1609, Lot 4. The applicant has proposed a temporary school trailer and its associated site improvements. The property has frontage along Swarthmore Avenue. The project is situated within the M-1 zoning district. The applicant stated in the application form that the proposed use of the site will be school and warehouse/office. The applicant shall provide testimony on grade level of the proposed school, the number and age of the students, and the proposed hours of operation. The use of the existing warehouse shall be provided as well. Operation of the warehouse should not be interfered with school activities or cause a hazardous condition to students of the proposed school. No variance is requested by the applicant at this time. The applicant has shown on the site plan a zoning schedule that states 47 parking spaces are provided and 46 parking spaces will be required with the installation of the school trailer. The schedule shows 10.3 and 34.2 as the required number of parking spaces for the on-site warehouse and office spaces respectively. The Township UDO requires one parking space per every thousand square foot of warehouse use and one parking space per three hundred square foot of office space. The applicant shall provide square

footages of the warehouse and office spaces to backup the parking calculations. In addition one parking space has been provided for the proposed school trailer. The site will be serviced by public utilities. No outside agency approvals are required. Neither curb nor sidewalk is shown on the plan along Swarthmore Avenue at the property frontage. The Board should determine if curb and sidewalk will be required. The applicant shall revise the plan to add a north arrow to the location map. The applicant shall revise the plan to show an access way from the existing parking lot to the proposed trailer. The applicant shall revise the plan to add a note stating the proposed ramp to the temporary school facility shall be constructed in accordance with ADA standards and regulations. Stop bar and stop sign shall be provided at the entrance of the site along Swarthmore Avenue. The outbound and topo survey plan provided is not signed or sealed by a licensed professional surveyor. A copy of the signed and sealed plan shall be submitted to the Township. The applicant shall revise the survey plan to clearly state the lot numbers. The plan shows two lots labeled as Lot 2 and one lot containing two lot numbers. The applicant shall provide testimony on the anticipated amount of solid waste generated by the proposed school trailer. If additional trash storage and disposal area will be required, the applicant shall revise the plan to show the proposed area. The proposed trash enclosure shall be designed in accordance with section 18-809.E. of the UDO. The applicant shall provide testimony on if any play area will be provided. Any proposed play equipment shall be shown on the plan. Currently no proposed play area is shown on the plan. The applicant shall provide testimony on how the proposed school and existing warehouse are to be remained separate.

Mr. Slachetka read from a letter dated December 31, 2008. The applicant seeks site plan waiver approval from the Planning Board to install a trailer at the referenced site for purposes of a school/daycare. No other changes are proposed at the site. The proposed trailer is 728 square feet in area and will be located to the rear of the masonry building. The property contains a one-story masonry building which is listed as an office/warehouse. The parcel is located in the M-1 Zone. Child care centers for which a license is required by the NJ Department of Human Services are a permitted use in all zoning districts pursuant to 18-900.F of the UDO. The applicant should provide testimony as to the license status of the proposed child care center. The existing building is 29.8 feet from the eastern property line and a minimum side yard setback of 30 feet is required. This is an existing condition not worsened by the application. The applicant should provide testimony addressing the need for the site plan waiver. The applicant should clarify the use of the trailer. It was our understanding that the use was only daycare for on-site employees. If a school use is anticipated or existing, then other provisions of the UDO may be applicable. The applicant should provide testimony addressing the operation of the school/day care, number of children/students, staff, hours of operation and relationship to the existing use. The use of the trailer should be discussed; provision for utilities, heating and cooling facilities, and the time frame the trailer will remain. Also clarify the location and access to the bathroom facilities. Clarify the reference to bus drop-off area. The Planning Board needs to decide if the information submitted by the applicant and verbal testimony is sufficient upon which to allow the proposed trailer for child care, or if a complete site plan should be prepared for the review of the Board. We note that the site plan does not indicate any walkways from the drop off area, or if the trailer is accessible from a rear door of the existing building. Any Board approval is subject to any applicable outside agency approval.

Mr. Penzer Esq. appeared on behalf of the applicant. He said the applicant wishes to place a trailer for use as a day care for the use of the employees of Oorah Inc. Originally, Mr. Mack had

no problem signing off on it and suddenly had a change of heart and said they needed to go to the Planning Board. The applicant will be coming in with a full blown Site Plan for offices and the day care will go in there. Mr. Peters report is valueless because he did not get the right information; this is not a school, this is a day care for the mother's use and there is no buses and nobody is coming in from outside. This is for employees only. It is an approved trailer, a self contained unit with a heating/cooling and bathroom. They will hook the bathroom to the existing plumbing and sewer and the trailer will remain in the back of the property until the construction takes place and then it is gone. The trailer is accessible from the existing rear door and they will make a temporary walkway.

Mr. Jackson said if it is less than 1500 sf and a Minor Site Plan with no variances, if the board is inclined to approve they can approve it right now. Mr. Penzer said it is 728 sf. and Mr. Jackson said it is covered under Minor Site Plan exemption. Mr. Banas asked why not go to the new zoning officer and Mr. Penzer said she does not want to go against Mr. Mack. Mr. Neiman said he would be okay with having the approval done tonight under the guidance of Kevin and John. Mr. Banas said he is not. Mr. Schmuckler said why should they push it off to another meeting.

Motion was made by Mr. Schmuckler, seconded by Mr. Percal to approve this application with no further action required.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; no, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

7. CORRESPONDENCE

- None at this time

8. PUBLIC PORTION

Mr. Franklin said the Voice had an excellent article in it about a week ago and it affects what they are doing here on the Planning Board. It is called the Homeowner's Association and it is on page 20 and is about 5 pages and he said it really shows the problem that the young people are having once they move into these homeowner's association and said he thinks the board has to start thinking of some of the approvals they have given. The board says the town won't accept the roads, they won't accept the drainage and then they are stuck paying for it and it sounds in the article that they were never prepared for it because it sounds like their attorney never fully warned them of what these costs were going to be. They now have the burden and they are trying to get together and come back and have to township take these things over. The only reason we gave these things approvals for the densities that they got and the grades that they used was for them to do this and by doing that it did save them a lot of money in the cost of the building. Mr. Neiman said it saved the builder the money and Mr. Franklin said it saved what the finished cost would be but they don't see that saving, all they see is every month I

have to get that money together for my association. It is going to take a while to read it and comprehend it. Mr. Franklin said maybe before they start passing some other projects they should start looking at this. He said he gets a lot of phone calls from the different developments asking why he isn't doing this or that and this will help that.

Mr. Schmuckler wanted to second what Mr. Franklin said and added that the builder will be able to sell the house for XX amount of dollars going with the real estate values. He is going to maximize the amount no matter what and if he can do it for cheaper he will make more money on it. He believes they should stop allowing private roads and when they come to the Planning Board, they should make them do it the way the board wants. If they have to knock off one house let them knock off one house. Mr. Franklin said the board has to have the board engineer, when he is reviewing the plans, know what the board is looking for so they can do the review with the board's wishes in mind. Mr. Franklin said it is not only the width of the road but also the drainage and that is the major problem. Right angle parking is a problem and they cannot accept roads with that because cars pull out into a travel lane, they are parking lots for all intent purposes. Mr. Neiman said what they are recommending is to treat every road as a public road and they should conform. Mr. Franklin said they have done a lot of damage by some of the things they have approved and they just can't throw their hands up and say give it to them.

Mr. Vogt said what he is hearing is they want to make sure that every road, even if they come in as part of a privately owned multi family concept, to hold to the township standards. Mr. Franklin said there were sites that had poor drainage and they ran drainage lines and yard drains down the backs of houses and the Public Works Dept. can't get to them; they have done a lot of porous pipe between houses where they have stacked them and in about 15-20 years these pipes are going to be shot and Public Works will not be able to clean them, someone will have to dig them up and it will be very costly.

Mr. Schmuckler wanted to make a recommendation that John, Kevin and Terry put together some sort of information page for them so they know what to look for in the future. He wants the developer to be informed that this board is looking for the 28-30 ft streets and no longer want the back yard drains and the ways of the past are no longer.

Mr. Kielt suggested Mr. Franklin get together with Mr. Vogt to review everything and Mr. Vogt can grasp it at the first review letter. Mr. Franklin said they should let the engineers know what they are looking for because they are spending a lot of money on drawings that they could very possibly turn down. It doesn't take much to get the word out and Mr. Flannery was in the audience to hear it so the word started getting out.

Mr. Akerman said if they are going to do this should there be something in writing to the Township Committee and Mr. Jackson said the way to notify is through the ordinance. The engineers are reading the ordinance and they are designing their developments based on what the ordinance allows. Mr. Franklin said not really and Mr. Jackson said he is thinking of the hammerhead turnaround which they said was fully complying, etc.

Mr. Neiman said even before it goes as an ordinance, they as a board have to go along with it.

Mr. Vogt said what they see in other towns is other governing standards including the RSIS and it depends on what the towns want to follow. Mr. Neiman said parking is very important, there

are some areas in town that you cannot park. They will sacrifice a tree to gain parking. Sidewalks are also a requirement.

Mr. Vogt said parking can be negotiated within reason but if you begin to dictate road design standards without ordinances to back them up some developers, in good will may do it, others may not. They can certainly ask for it but they have to be aware that depending upon what is backing the board up, you may not have the right legally. Mr. Banas also suggested he put in his review something dealing with pollution of site. He has a real horror every time he goes down James Street and sees the development that was approved at the NJAWACO; in the span of 3 blocks there are 3 different kinds of fences and that should never be.

9. APPROVAL OF MINUTES

- Minutes from December 9, 2008 Special Planning Board Meeting
- Minutes from December 16, 2008 Planning Board Meeting

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

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

10. APPROVAL OF BILLS

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

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

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary