

## I. CERTIFICATION OF COMPLIANCE

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

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

## 2. ROLL CALL

Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Percal

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. PLAN REVIEW ITEMS

- 1. SP 1963** (Variance Requested)  
Applicant: Lakewood Cheder School  
Location: Southwest corner of Clifton Avenue & Courtney Road  
Block 101 Lots 1, 3 & 18  
Preliminary & Final Major Site Plan for proposed junior high school

### **Project Description**

The applicant is seeking Preliminary and Final Major Site Plan approval for the construction of a two-story junior high school building and associated parking mainly on Lots 3 and 18 in Block 101. An existing school building, trailers, and parking lots on Lot 1 in Block 101 will remain. The two (2) school buildings will be separated by an access driveway connecting a proposed parking lot behind the junior high school to Clifton Avenue. The proposed junior high school will mainly consist of classrooms, tutor rooms, some offices, a computer room, small library, and gymnasium. The architectural plans indicate the proposed first floor of the junior high school building will contain ten (10) classrooms, six (6) tutor rooms, and two (2) offices. The second floor will contain ten (10) classrooms, six (6) tutor rooms, a library, and an office. Therefore, the proposed building will require thirty-six (36) parking spaces. The site plans indicate the existing school building contains forty-four (44) offices and classrooms, thereby requiring forty-four (44) parking spaces. Based on this information, a total of eighty (80) spaces are required for the site. The site plans indicate there are forty-four (44) existing parking spaces. An interior parking area consisting of an additional fifty

(50) parking spaces is proposed. Therefore, (94) total spaces will be provided, exceeding UDO requirements. The site is located in the northern portion of the Township at the southwest intersection of Courtney Road and Clifton Avenue. The project also has limited frontage on Madison Avenue (Route 9). The tract consists of three (3) lots that total 3.665 acres in area. Curb and sidewalk exist across the entire frontage of the project. The project is serviced by sanitary sewer and potable water. Lot 1 is a very irregular shaped property and contains an existing school building, trailers, asphalt parking areas, and other site improvements. Access to the existing school building and parking is afforded from the Courtney Road frontage. A one-way bus drop-off area in front of the building exists along Courtney Road. The property has limited frontage on Madison Avenue (Route 9), but no vehicular access. The lot also has limited frontage on Clifton Avenue. Lot 3 is a rectangular, basically vacant property fronting Clifton Avenue. It is situated on the southeast side of Lot 1 and acts to square off the site. Any existing minor improvements on Lot 3 will be removed for the proposed construction. Lot 18 is a rectangular residential property fronting Clifton Avenue. It is situated on the south side of Lot 3. It contains an existing one-story frame dwelling and a couple of above ground pools. The existing one-story structure and all other improvements will be removed for the proposed construction. Except for the cemetery on the north side of Courtney Road, the surrounding land is mostly developed. 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. 5. C14 - Tree Protection Management Plan. Except for Lot 3 which is vacant and cleared, the project is a developed site consisting of most of Block 101. Topographic features, contours, and man-made features are shown on-site and on all fronting roads. Due to the developed nature of the site, the lack of existing trees, and the detail of the Existing Conditions Plan, we support the granting of the requested waivers. II. Zoning 1. The parcels are located in the R-12 Residential District. Public and private schools are permitted uses in the zone. 2. A variance is being requested for Maximum Building Coverage. A 34.6% building coverage is proposed, while a twenty-five percent (25%) building coverage is permitted. 3. Per review of the Site Plan and the zone requirements, the following variance is required for the proposed project: • 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 the southerly property line (adjacent to Lots 4 and 17), where relief is necessary. The plans proposed a buffer of about ten feet (10') with a single row of Green Giant Arborvitae. Landscaping should be provided to the satisfaction of the Board. III. Review Comments A. Site Plan/Circulation/Parking 1. The General Notes state that outbound and topographic information was obtained from a topographic survey plan. A signed and sealed copy of an Outbound and Topographic Survey must be provided. 2. Additional proposed dimensions are required on the Site Plan, to confirm zoning compliance. 3. The Schedule of Bulk Requirements should include existing and proposed building square footage since a variance is being requested for Maximum Building Coverage. 4. Our review indicates a fifty (50) space parking lot with two (2) van accessible handicapped spaces being provided for the proposed junior high school. Our interpretation of the architectural plans is that thirty-six (36) off-street parking spaces are required for the proposed junior high school. 5. The Schedule of Bulk Requirements states there are forty-

four (44) off-street parking spaces required for the existing school building. The site plan shows there are forty-four (44) existing off-street parking spaces. However, three (3) of the spaces are not delineated and no handicapped spaces are indicated. Per communications with the applicant's professionals, this issue will be addressed. 6. It is not clear whether the existing and proposed parking lots will connect. Per communications with the applicant's professionals, revisions will be provided to connect these parking lots. 7. Testimony is necessary from the applicant's professionals regarding site operations, such as how the bus drop off and parking areas will be used, including but not limited to times, sizes, and types of vehicles anticipated (i.e., buses, vans, cars, others). 8. No refuse enclosures are depicted on the site. Testimony is required from the applicant's professionals addressing who will collect the trash. If Township pickup is proposed, approval from the DPW Director is necessary. Any waste receptacle area shall be screened and designed in accordance with Section 18-809.E. of the UDO. 9. The limits of proposed site improvements need to be clarified. Proposed pavement, sidewalk, aprons, and curbing must be shown. Gymnasium doors are opening directly to an access drive. Layout revisions are required. 10. Per communications with the applicant's professionals, new handicapped ramps will be provided per Township requirements along the Courtney Road frontage and where existing handicapped ramps are not in compliance. 11. The Courtney Road frontage, particularly at the driveway intersections is in poor condition. Corrective work should be considered. 12. A note should be added to the plans to replace deteriorated or damaged existing curb and sidewalk. Much of the existing on-site sidewalk is either settled or in poor condition. 13. Depressed curb from old driveways along Clifton Avenue shall be replaced with proposed full height curb. 14. Sight triangles have not been provided at the intersection of Courtney Road and Clifton Avenue or any access driveways. Testimony on sight triangles should be provided. 15. Shade trees, along with shade tree and utility easements have not been provided. Unless provided, waivers will be required from the Board. 16. Survey data must be provided for any proposed easements. 17. A Legend should be added to the Site Plan sheet. 18. The site plan does not show all the proposed building access points. B. Architectural 1. Architectural plans have been provided for the proposed junior high school. The set includes floor plans and elevations. The proposed building is a slab on grade construction and includes two (2) floors. Being the proposed building is only two-stories, it is less than the allowable building height of thirty-five feet (35'). 2. The applicant's professionals should provide testimony regarding the facades and treatments of the proposed new building. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. 3. As noted on the proposed architectural plans, the first and second floors contain numerous facilities. Testimony should be provided on the specific uses for the individual floors and handicapped accessibility. 4. Proposed water and sewer connections are shown for the proposed junior high school building. Per communications with the applicant's professionals, the proposed building will include a sprinkler system. 5. We recommend that the location of proposed air conditioning equipment be shown. Said equipment should be adequately screened. C. Grading 1. A grading plan is provided on Sheet 4. The proposed grading has been designed to generally slope towards a storm water management detention/recharge system in the parking lot behind and north of the junior high school building. 2. Per review of the existing elevations and per review of site conditions during our 8/23/11 site inspection, the undeveloped portion of the site generally slopes to a depression where Lots 3, 4, and 17 intersect. 3. Per review

of the proposed grading plan, the design concept is feasible. Final grading will be addressed during compliance review if/when approval is granted. 4. Based on the architectural plans, the proposed first floor elevation should be four inches (4") above the outside grade. 5. Proposed spot shots are required for the handicapped spaces to insure code compliance. 6. No soil boring locations are indicated on the drawings. Therefore, we cannot confirm the elevation of the seasonal high water table information for the storm water management detention/recharge system. D. Storm Water Management 1. A proposed storm sewer management system has been designed. A combination of proposed underground detention/recharge system is located beneath the parking area behind the junior high school building and continues beneath the access driveway on the north side of the building. An eighteen inch reinforced concrete pipe (18" RCP) from a proposed on-site outlet structure connects to the Township's existing system in Clifton Avenue. Collection of runoff will be from proposed inlets within the on-site paved areas. Per review of the design, the storage volume of the system needs to be increased and can be finalized during compliance review if/when board approval is granted. 2. The Narrative Section of the Storm Water Management Report needs to address more design matters, such as permeability testing and water quality. 3. The locations of Soil Borings #1, #2, and #3 are not shown on the plans. Therefore, we cannot determine whether a two foot (2') separation will be maintained from the seasonal high water table elevation to the bottom of the recharge bed. 4. Predevelopment and Post Development Drainage Area Maps have been provided to assist in the review of the design. 5. Storm water collection for the roof of the proposed junior high school building has been designed. 6. A Storm Water Management Facilities Maintenance Plan must be provided. Confirming testimony shall be provided that the operation and maintenance of the proposed on-site storm water management system will be the responsibility of the applicant. E. Landscaping 1. A dedicated landscaping plan is provided with the submission; proposed landscaping is depicted on Sheet 6 of the plans. 2. No shade tree and utility easements are proposed across the frontages of the property. Three (3) existing shade trees are shown within the Clifton Avenue right-of-way and some ornamental trees are proposed in front of the junior high school. 3. The proposed landscaping in front of the proposed junior high school building is comprehensive. 4. Confirming testimony should be provided that compensatory landscaping is not necessary. Our site investigation revealed no existing trees of consequence would be removed. 5. Landscaping should be provided to the satisfaction of the Board. 6. A final review of landscaping can be conducted during compliance, should site plan approval be granted. F. Lighting 1. A dedicated lighting plan is provided with the submission; proposed lighting is depicted on Sheet 6 of the plans. 2. The lighting plan proposes two (2) twenty-four foot (24') high pole mounted lights and five (5) wall mounted lights for the proposed parking area and access driveway. The proposed point to point lighting calculation diagram indicates the "new" portion of the site should be adequately illuminated by the design. 3. Our site investigation noted missing site lights along the Courtney Road bus drop off. The adequacy of existing site lighting on the already developed portion of the site should be addressed. 4. Lighting should be provided to the satisfaction of the Board. 5. Final lighting design can be reviewed during compliance should site plan approval be granted. G. Utilities 1. The General Notes should be corrected to indicate the future junior high school will be served by public water and sewer. Proposed water service to the future junior high school building from Clifton Avenue is depicted on the plan. A proposed sanitary sewer lateral for the new

junior high school is shown connecting to the existing system in Clifton Avenue. 2. Approvals will be required from the New Jersey American Water Company for water and sewer since the project is within their franchise area. H. Signage 1. No signage information is provided. A full signage package for free-standing and building-mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. 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 was requested from submission of an Environmental Impact Statement (EIS) due to the developed nature of the project site. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The data layers were reviewed to evaluate potential environmental issues associated with development of this property. No environmentally-sensitive areas exist per available mapping. Per communications with the applicant's professionals, there are no known areas of environmental concern (i.e. fuel tanks, fuel spills, etc.) that exist within the property. 2. We recommend that all on-site materials from the proposed demolition activities be removed and disposed in accordance with applicable local and state regulations. 3. A waiver was requested from submission of a Tree Protection Management Plan because virtually no existing trees will be removed with the construction of the project. I. 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. Developers Agreement at the discretion of the Township; b. Township Tree Ordinance (if applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; and e. All other required outside agency approvals.

A motion was made by Mr. Banas, seconded by Mr. Follman to grant waivers for this application.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Percal

Mr. Penzer, Esq. on behalf of the applicant. In regard to the variance that we are seeking, Bais Faiga is a neighbor. The school had to maximize every inch for classrooms which took away computer, tutor classrooms and gyms. This is an effort to replace it and to make the children have more breathing room. In addition to that, in the center behind the building, there will be fifty four additional parking spaces so that we meet the parking requirements. Unfortunately, there was one neighbor that was slighted. If there are any other neighbors, we are available to sit down and talk and address the concerns and be a good resident. We can meet all the requirements that are necessary in Terry's report.

Mr. Neiman asked if there were any issues the neighbors may have.

Mr. Penzer stated that there was an agreement with Bais Faiga concerning the wedding hall to have people make sure that the driveways were not blocked. It is Mr. Penzer's understanding that we were good until about two or three years ago and we haven't done that. The conditions that we have made before, we have to live up to those conditions and it is Mr. Penzer's understanding the new administration will which is a major concern by the people that are here. The wedding hall had certain conditions including an eleven o'clock curfew and to make sure there was parking etc. which have been neglected and will be reinstated. Another question was the parking, which we will have. The other issue is in regard to the busing. We are trying to have the busing on Courtney Road but there will be a spillover that will be along Clifton Avenue. Mr. Penzer suggested to Aharon Rottenberg that perhaps the Township or Board could assist us to close off Courtney Road so the kids could use that as a playground.

Mr. Penzer does not know if they could do that without permission and would like to get the Board's recommendation. There is a cemetery entrance on Courtney Road, which is the main entrance, and they may object.

Mr. Neiman asked if there is another entrance to the cemetery.

Mr. Banas stated there was another entrance on Clifton Avenue.

Mr. Neiman asked if there was any outdoor recreation with this new school.

Mr. Penzer said they are sharing an area. That is why Courtney Road is important.

A motion was made and seconded to move the application to September 20, 2011.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Percal

Mr. Jackson stated that this application was moved to the September 20, 2011 meeting at 6:00 pm, in this room. No further notice is required.

2. **SP 1965** (No Variance Requested)  
Applicant: Route 70 Real Estate Holdings  
Location: Route 70  
Block 1248 Lot 8  
Preliminary & Final Major Site Plan approval for a proposed addition to an existing medical building

### **Project Description**

The applicant is seeking Site Plan approval to construct a two-story addition to the existing building within a proposed seventeen thousand eight hundred square foot (17,800 SF) footprint. Most of the addition floor space, approximately fourteen thousand eight hundred square feet (14,800 SF), will house oncology treatment equipment. New office space, about six thousand seven hundred square feet (6,700 SF), is also proposed. Site improvements are proposed to be constructed to provide additional parking for client use. The site is located in the southeastern portion of the Township and fronts on Route 70

eastbound, east of Leisure Village's Buckingham Drive. Access to the site is afforded from the Route 70 frontage, Route 70 is a State Highway. The property contains 3.107 acres. A two-story medical building exists on-site with associated parking and site improvements. It is proposed to expand the property into a larger medical facility. Parking will be increased to provide one hundred nine (109) off-street parking spaces. The property slopes to an existing flared end section in the southwest corner of the site. Additional storm water management facilities have been designed to incorporate the additional impervious area proposed for the site. The surrounding lands are all improved. Leisure Village abuts the project site to the south and west, but no housing units are in close proximity. The other surrounding land uses are all commercial properties. The site is located in the B-5 Highway Development Zone. I. Zoning 1. The site is situated within the B-5, Highway Development Zone. Testimony shall be provided on the proposed uses. 2. No variances have been requested. Per review of the Site Plan and the zone requirements, it appears no variances are required for the proposed project. 3. Per review of the site plans and application, the following design waivers should be considered: • Curb is incomplete along the long access drive. • Existing on-site sidewalk connects Leisure Village to the commercial property to the east. • There are existing shade trees between the front property line and the parking lot which are not shown on the plans. • Any and all other design waivers deemed necessary by the Board. II. Review Comments A. Site Plan/Circulation/Parking 1. General Note #2 describes the bench mark used for the topography. The datum of this bench mark shall be provided. 2. The Parking Requirements indicate that one (1) space for every one hundred fifty square feet (150 SF) of office space is required for medical office use. The existing building is listed as having 9,649 square feet of office space, requiring sixty-four (64) off-street parking spaces. The proposed addition lists six thousand seven hundred square feet (6,700 SF) of new office space, thereby requiring an additional forty-five (45) spaces. Therefore, the total number of spaces required is shown to be one hundred nine (109), and one hundred nine (109) spaces are being provided. 3. Our review indicates there are one hundred nine (109) proposed parking spaces on-site, six (6) of which are handicapped spaces. All of the handicapped spaces will continue to be located in front of the existing building. The spaces need to be delineated; the field conditions do not match what is shown on the plans. Detectable warning surface must be added for all existing handicapped curb ramps. 4. There are two (2) existing reserved parking spaces on the site. The site plans should show whether these two (2) parking spaces will remain reserved. 5. There is an existing shed on-site which is an accessory structure. The future disposition of this shed has not been indicated. 6. The site plan shows a proposed refuse enclosure at a turn of a vehicular access aisle near the rear of the site. Testimony is required regarding the removal of recyclable material and solid waste. The refuse area shall be screened and designed in accordance with Section 18-809.E. of the UDO. 7. Dimensions should be added from the property lines to the proposed curb lines for layout purposes during construction. 8. A copy of the latest Survey completed by Professional Design Surveying, L.L.C., used for preparing the plans has been provided. The survey shows various existing on-site and off-site easements. The dedicated parties of the easements should be added. 9. Our site investigation on 8/19/11 revealed the two hundred foot (200') swath of land between Route 70 and the project slopes toward the site in question. Topography for this area should be provided since the runoff will have to be accounted for in the storm water management design. 10. Testimony should be provided on the Lease Line shown on the survey. 11.

Utility poles are proposed within an existing fifty foot (50') wide access easement. Per communications with the applicant's professionals, there are no known restrictions with utilizing this easement. Documentation will be provided. 12. A storm water management area is proposed in the southwest corner of the site which crosses the existing fifty foot (50') wide access easement. Per communications with the applicant's professionals, there are no known restrictions with utilizing this easement. Documentation will be provided. 13. Proposed building access should be coordinated between the site plans and architectural plans. B. Architectural 1. Architectural floor plans and elevations have been provided for the existing building and proposed addition. The existing building contains two (2) floors with possibly some attic space. The proposed addition will be two (2) stories with no attic space. The building height is not indicated, but it is less than the fifty feet (50') allowed. 2. The applicant's professionals should provide testimony regarding the facades and treatments of the proposed new building. Per communications with the applicant's, the existing façade will be continued. We recommend that renderings be provided for the Board's review and use prior to the public hearing, at a minimum. 3. New proposed water and sewer connections will service the building addition. The final design will have to meet applicable fire protection requirements. 4. The architectural plans show roof-mounted equipment is proposed for the addition. The equipment will be adequately screened. 5. The final building design will have to meet applicable ADA accessibility requirements. C. Grading 1. Per review of the proposed grading plan, the design concept is feasible. 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 8/19/11 site inspection, on-site grades generally slope to an existing flared end section in the southwest corner of the site. D. Storm Water Management 1. A proposed storm water management system has been designed utilizing a combination of piping and curb cuts to convey storm water runoff into a proposed storm water management basin. The proposed basin is located to the southwest of the proposed site improvements. As indicated in the Storm Water Management Narrative, impervious area will be increased by more than 0.25 acres and disturbance will exceed one (1) acre, thereby classifying the project as major development. 2. The proposed design is feasible, but requires revisions that can be addressed as a condition of Board approval. Per communications with the applicant's professionals, these items can and will be addressed. 3. An emergency spillway should be designed to allow runoff to flow from the storm water management basin should there be a failure of the proposed system. 4. We recommend access be provided to the proposed storm water management basin to facilitate maintenance. 5. Additional storm sewer should be provided to alleviate a low lying area where a paved access drive connects to an adjoining commercial site to the east. 6. A Storm Water Management Operations and Maintenance Manual must be provided. Confirming testimony shall be provided that the operation and maintenance of the proposed storm water management system will be the responsibility of the applicant. E. Landscaping 1. A Landscaping Plan has been provided for review. The plan does not consider the existing landscaping on the site and thereby shows proposed plantings in conflict with existing plant material. Corrections can be made as a condition of Board approval, if/when forthcoming. 2. Existing and proposed utilities should be added to the plan to eliminate proposed planting conflicts. 3. Existing and proposed easements should be added to the plan to eliminate proposed planting conflicts. 4. The landscape design is subject to review and approval by the Board. 5. Final review of

the landscaping design can take place during compliance should site plan approval be granted. F. Lighting 1. A Lighting Plan with a point to point diagram has been provided for review. The plan adds five (5) pole mounted "Town and Country" lights to the site of the same nature as the existing fixtures. 2. The point to point diagram indicates areas where existing and proposed lighting must be supplemented to meet the standards. 3. The lighting design is well prepared, and subject to review and approval by the Board. 4. Final review of the lighting design can take place during compliance should site plan approval be granted. G. Utilities 1. The project is within the franchise area of the Lakewood Township Municipal Utilities Authority. The site plan shows new public water and sewer services proposed for the building addition. H. Signage 1. Existing signs are mapped, but not identified on the site plan. 2. Per communications with the applicant's professionals, no new signage is proposed at this time. I. Environmental 1. Environmental Impact Statement An Environmental Impact Statement (EIS) report was prepared and submitted for the project, and addresses environmental concerns as applicable. Some minor revisions are required. The report summarizes the steps to be taken to avoid or minimize adverse environmental impacts. Our office is in concurrence with the opinions rendered. 2. Tree Management A Tree Protection Plan has not been submitted and is required. The plan shall locate existing trees having a diameter greater than ten inches (10"). An inventory is required, compensatory planting must also be addressed. The Plan may be a condition of approval, should site plan approval be granted by the Board. 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. III. 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 (as applicable); c. Ocean County Planning Board; d. Ocean County Soil Conservation District; e. New Jersey Department of Transportation (if applicable); and f. All other required outside agency approvals.

Committeeman Ackerman arrived at the meeting.

Mr. Penzer, Esq. on behalf of the applicant. Most of the building is equipment for the oncology and there will be some general offices. He asked if they could be on the September 20<sup>th</sup> meeting because of the time factor. There are no variances.

A motion was made and seconded to move the application to September 20, 2011.

Affirmative: Mr. Franklin, Mr. Neiman, Committeeman Ackerman, Mr. Follman, Mr. Percal  
Abstained: Mr. Banas

Mr. Jackson stated that this application was moved to the September 20, 2011 meeting at 6:00 pm, in this room. No further notice is required.

- 3. SD 1820** (Variance Requested)  
Applicant: Congregation K'Hal Zichron Yaakov  
Location: James Street, west of Hearth Court

Block 284.04            Lots 1 & 41  
Minor Subdivision to create three (3) lots

**Project Description**

The applicant seeks minor subdivision approval to subdivide two (2) existing lots totaling 45,133 square feet (1.036 acres) known as Lots 1 and 41 in Block 284.04 into three (3) proposed residential lots designated as proposed Lots 1.01 – 1.03 on the subdivision plan. Existing Lot 1 is a residential corner lot with a two-story frame dwelling containing 15,930 square feet (0.366 acres). Existing Lot 41 is a wooded vacant parcel, and contains 29,203 square feet (0.670 acres) with frontages on an improved street and an unimproved street. Freshwater Wetlands have been mapped in the rear of existing Lot 41 with a fifty foot (50') transition area. The overall tract technically has frontages on three (3) streets. The project is situated in the western portion of the Township on the northwest corner of the intersection of Hearth Court, an improved municipal street bordering the site to the east, and James Street, a County Road on the south side of the tract. An unimproved street, Evelyn Avenue, borders the northwest corner of the property. In fact, a portion of Evelyn Avenue that previously connected to James Street has been vacated with some of that area becoming part of existing Lot 41. James Street is fully improved across the frontage of existing Lot 1. A dedication is proposed across existing Lot 41 to bring the half width right-of-way to thirty feet (30'). Furthermore, James Street will be widened across the frontage of existing Lot 41 to a paving half width of twenty feet (20'). The improvements will include the extension of curb and sidewalk which exists in front of Lot 1. The unimproved street, Evelyn Court, is not being improved. Hearth Court is already fully improved, including curb and sidewalk. The existing two-story dwelling on existing Lot 1 will remain and be located on proposed Lot 1.01 which will become a twelve thousand square foot (12,000 SF) lot with the subdivision. This proposed subdivision lot will continue to access Hearth Court. Access would be restricted from the County Road. The existing shed on Lot 1 would be moved to a conforming location on proposed Lot 1.01. Portions of the fence on existing Lot 1 would be removed and placed along the westerly line of proposed Lot 1.01. Both proposed Lots 1.02 and 1.03, containing 15,687 and 16,849 square feet respectively, will front James Street. Turnaround type driveways will be provided for the off-street parking on these lots to prevent backing out onto James Street. Lot width variances for the proposed lots fronting James Street will be required to create this subdivision. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are a mix of vacant, residential, and industrial uses. 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. Per review of the Subdivision Map and the zone requirements, the following variances are required: Minimum Lot Width (proposed Lots 1.02 and 1.03, 86.57 feet and 86.56 feet respectively, 90 feet required) – proposed condition. 3. 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. II. Minor Subdivision Review Comments 1. A Boundary & Topographic Survey has been provided to our office for review. An existing

fence encroachment extending onto adjoining Lot 2 shall be addressed. The area of Lot 41 shall be corrected to include the vacated portion of Evelyn Avenue that has been added to the original lot. 2. Freshwater Wetlands has been mapped in the rear of existing Lot 41. Testimony should be provided on the status of the Letter of Interpretation. 3. A fifty foot (50') wide transition area has been mapped for the Freshwater Wetlands. The individual lot buffer areas shall be provided for proposed Lots 1.02 and 1.03. The 5,069 square foot area shown is the total for both of these lots. 4. Proposed Lot 1.03 will have limited frontage on an unimproved street. This limited frontage on Evelyn Avenue is within a freshwater wetlands transition area. 5. 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 Schedule proposes four (4) off-street parking spaces per dwelling unit. 6. The existing two-story frame dwelling to remain on proposed Lot 1.01 has enough driveway space to park three (3) vehicles. The existing dwelling also has a one-car garage. Therefore, four (4) off-street parking spaces are being provided for proposed Lot 1.01. 7. Testimony should be provided as to whether basements are proposed for the future dwellings on Lots 1.02 and 1.03. If so seasonal high water table information will be required. Parking shall be provided in accordance with parking ordinance 2010-62. 8. Road widening improvements are required for James Street and a design should be submitted. The pavement taper shown should be eliminated and the proposed widening should meet the existing pavement which is not shown in front of the vacated portion of Evelyn Court. 9. A proposed handicapped ramp is required at the northwest corner of the Hearth Court and James Street intersection. 10. Some existing damaged sidewalk requires replacement and a note should be added to the plans. 11. Testimony is required on the disposition of storm water from development of proposed Lots 1.02 and 1.03. 12. Testimony is required on proposed lot grading. 13. The Plan notes that "future dwellings to be serviced by the New Jersey American Water Company". The project is located within the New Jersey American Water Company franchise area. Both water and sewer are shown in James Street. The existing dwelling is already serviced by public water and sewer as evidenced by mark outs on Hearth Court. 14. The proposed lot numbers should be assigned by the Tax Assessor and the map signed by the Tax Assessor. 15. A Sight Triangle Easement dedicated to Ocean County is indicated at the intersection of Hearth Court and James Street. 16. Proposed six foot (6') wide shade tree and utility easements are shown along all the property frontages. Bearings, distances, and areas have been provided for the proposed easements on the individual proposed lots. The word "County" shall be deleted from the dedication. 17. No shade trees are shown within the proposed six foot (6') wide shade tree and utility easements on the subdivision plan. Shade trees should be provided along the Hearth Court frontage to the satisfaction of the Board (or a waiver sought), and should conform to recommendations from the Township Shade Tree Commission as practical. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. 18. The three (3) dead pine trees located along the James Street frontage of proposed Lot 1.01 shall be removed since they are within the proposed Sight Triangle Easement. 19. The Approval Certification shall list the "Lakewood Planning Board". 20. The Secretary's Certification shall be corrected to the "Planning" Board. Other typographical errors should be corrected, including the filing date. 21. Compliance with the Map Filing Law is required. 22. Monuments have not been set. 23. The Sidewalk Detail section view shall be revised to show the correct offsets based on the plan dimensions. 24. The Concrete Curb Detail shall

eliminate the joint between the curb and pavement since asphalt will be used for the pavement. 25. The Typical Road Widening Detail requires corrections. 26. Construction details shall be added for driveway aprons and depressed curb. 27. If subdivision approval is granted, final review of construction details will be conducted based on the site improvements required by the Board. 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 American Water (sewer and water); and e. All other required outside agency approvals.

Mr. Loigman, Esq. on behalf of the applicant.

Mr. Neiman asked if he reviewed the comments in Terry's letter.

Mr. Rosati affirmed and has no issues with the letter.

Mr. Percal asked if in terms of area does the lot have enough square footage.

Mr. Rosati said the area will be conforming on all lots.

A motion was made and seconded to move the application to October 25, 2011.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Committeeman Ackerman, Mr. Follman, Mr. Percal

Mr. Jackson stated that this application was moved to the October 25, 2011 meeting at 6:00 pm, in this room. No further notice is required.

- 4. SD 1822** (No Variance Requested)  
Applicant: Yaakov Mandelbaum  
Location: Northwest corner of Marlin Avenue & Salem Street  
Block 1159.01 Lot 30  
Minor Subdivision to create two (2) lots

**Project Description**

The applicant proposes to subdivide the existing tract into two (2) separate lots. There is an existing one-story masonry dwelling, garage, and in ground pool on the existing lot, all of which will be removed. Proposed Lot 30.01 would be a fully compliant lot fronting on Marlin Avenue. Proposed Lot 30.02 would be a fully compliant lot with frontage on both Marlin Avenue and Salem Street. Public water and sewer is not available. The site is situated in the southern portion of the Township at the northwest intersection of Marlin Avenue and Salem Street. The surrounding area is predominantly single-family residential. Marlin Avenue is a paved road with about a twenty-five foot (25') wide cart way that has an existing right-of-way width of fifty feet (50'). Salem Street is also a paved road with a pavement

width of approximately twenty-six feet (26') and an existing right-of-way width of fifty feet (50'). Curbing and sidewalk does not exist along the property frontage, but is proposed by the applicant (per note #13 on the subdivision plan). The existing 200' X 218', forty-three thousand six hundred square foot (43,600 SF) property falls within the R-20 Single Family Residential Zone. No variances are requested for this proposed subdivision. We have the following comments and recommendations: I. Waivers 1. The applicant has requested waivers from providing topography, contours and wooded areas for completeness purposes. Our office has no objection to the granting of these waiver requests for purposes of the minor subdivision approval. 2. The applicant has requested a waiver from depicting the location of existing and proposed wells and septic systems. Per communications with the applicant's professionals, this item will be addressed at time of plot plan review. II. Zoning 1. The property is located within the R-20 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. 2. No variances are requested for this project. III. Review Comments 1. An Outbound & Topographic Survey has been referenced in the General Notes. A signed and sealed copy of this survey shall be provided to our office for review. 2. The existing chain link fence shown between Lots 30 and 31 shall be corrected to a stockade fence. The existing fence shown between Lots 13 and 30 shall be identified as chain link. The fence encroachments at these locations should be addressed. 3. The General Notes indicate horizontal and vertical datum is assumed. A bench mark shall be provided. 4. Proposed Lot 30.02 will have frontages on two (2) streets. The Zoning Table should be revised to list only a one hundred foot (100') provided Lot Width and a thirty foot (30') provided Front Yard. The provided Aggregate Side Yard should be listed as Not Applicable. 5. 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 schedule indicates that four (4) off-street parking spaces are required and will be provided for the proposed future dwellings. 6. Per communications with the applicant, basements are proposed for the future dwellings on Lots 30.01 and 30.02. If so seasonal high water table information will be required. 7. General Note #12 should be deleted as no proposed buildings are shown. 8. A six foot (6') wide shade tree and utility easement is proposed along the property frontages of Lots 30.01 and 30.02. 9. No shade trees are shown within the proposed six foot (6') wide shade tree and utility easements on the subdivision plan. Shade trees should be provided to the satisfaction of the Board (or a waiver sought). 10. Our site investigation on 8/23/11 indicates there are many existing trees on the property, none of which are large. 11. General Note # 13 indicates the applicant proposes to install curb and sidewalk along the property frontages of Lots 30.01 and 30.02. Road widening plans, as necessary will be required with the proposed curb and sidewalk design at time of plot plan review. 12. General Note # 13 also indicates that drywells will be built for the disposition of storm water from the development of proposed Lots 30.01 and 30.02. Said information will be required at time of plot plan review. 13. A Sight Triangle Easement dedicated to Lakewood Township should be provided at the corner of Marlin Avenue and Salem Street. 14. Proposed lot numbers have been assigned by the tax assessor's office and the map shall be signed by the tax assessor. 15. Monuments have not been set and the Monument Certification has not been signed. 16. A proposed monument must be added at the intersection of the future side property line of Lots 30.01 and 30.02 with the right-of-way of Marlin Avenue. 17. Per communications with the applicant the cost of improvements will be bonded or placed in escrow at time of Building Permit review. 18. Compliance with the

Map Filing Law is required. IV. 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 (well and septic system approvals); and e. All other required outside agency approvals.

Mr. Penzer on behalf of the applicant. Since the lots are so large and will include basements they will have four parking spaces per house. Everything else will be met.

Mr. Banas asked where County Road 623 was. It appears that it is Vermont Avenue but that street does not go through there.

Mr. Penzer said they will clear that up.

A motion was made and seconded to grant waivers and move the application to October 25, 2011.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Percal  
Abstained: Committee Ackerman

5. **SP 1954** (No Variance Requested)  
Applicant: Harley Davidson of Ocean County  
Location: Route 70, east of Vermont Avenue  
Block 1086 Lot 16  
Amended Site Plan for proposed additional parking

This application is tabled and will be rescheduled for the October 4, 2011 meeting in this room at 6 p.m. No further notice is required.

## 5. CORRESPONDENCE

1. Correspondence from Abraham Penzer, Esq. regarding  
Congregation Meor Hatefillah, Inc.  
Corner of Powderhorn Drive & Flintlock Drive

Mr. Penzer, Esq. on behalf of the applicant. This congregation has been in existence for the past four years on Flintlock Drive and Powderhorn Drive. The shul started, being that it was less than 800 sq ft, it did not need any parking. The shul as existing has an "L" shaped shape. We would like to fill in the "L" shape so that it looks like a complete rectangle. By doing that we will now have 900 sq ft. Mr. Penzer walked and measured it and saw on three sides that in front of the shul there is 310 ft on one side, on the other side of the schul there is approximately 233 ft. There is more than enough for thirty one cars for on street parking. Mr. Penzer sent out notices and published the letter in the Asbury Park Press. Three neighbors came forward. One neighbor is the immediate neighbor behind it, Mr. Rotberg. We spent many hours and we wrote out an agreement, for example, there would be no brisses because of extra parking and there would also be no night studies. Mr. Penzer

would like the request to be granted because there are no variances and the only issue would be a parking issue and here there is plenty of on street parking and we have the neighbors blessing.

Mr. Banas stated that Mr. Penzer should follow the UDO.

Mr. Penzer stated he has followed the UDO. He has sent out notices and has explained what he is doing.

Mr. Neiman asked why we couldn't do this in a meeting.

Committeeman Ackerman stated the neighbors don't have an opportunity to present themselves.

John Jackson, Esq. stated that it was his understanding that there is provision that says if you do a 1,500 sq ft addition that can be approved without a hearing.

Mr. Kielt stated when Mr. Penzer notified the owners within 200 feet, he did that so if anyone had any concern they can come look at the plan and they can come to the meeting and ask questions. It doesn't appear that anyone is here to do that. I believe he has filled his requirement with that. If he was to come back to another meeting with the same plan and letter, I'm not sure what that would gain.

Mr. Neiman asked that the neighbors knew there was correspondence tonight.

Mr. Penzer said yes, that is why we noticed.

Mr. Banas was not sure why the Board was voting on this.

Mr. Penzer said because it was more than 800 feet we wanted the Board's approval.

Mr. Kielt stated because of the zoning meetings in the past, we discussed that at minimum the public should be aware of what is going on which we have achieved. Now by doing that I will do an administrative approval. Mr. Kielt said the question could have been if there was a parking variance. Until Mr. Penzer outlined the on street parking that eliminated that variance and we wanted that to be done in front of the Board.

**2. SD 1680**

Applicant: Jacob Lipschitz

Location: Old Brook Road

Block 175                      Lots 8 & 99

Applicant requests minor changes to approved plan to accommodate review comments from NJDEP

**Project Description**

The Board granted preliminary and final major subdivision approval to subdivide two (2) existing lots into thirteen (13) new lots, along with associated site improvements including a new proposed roadway, storm water facilities, and utilities. Eleven (11) of the lots are proposed for residential purposes. New Lot 8.12 is to be utilized for the storm water detention basin and dedicated to Lakewood Township. New Lot 8.13 will be retained by the applicant/owner. The tract includes an existing dwelling fronting on Old Brook Road which will be removed. Each proposed residential lot will be serviced by individual wells and individual septic disposal systems. The subject project is located on the southerly side of the North Branch of the Metedeconk River in the northeastern portion of the Township adjacent to Howell Township, along Old Brook Road. The property includes an easement and cleared area along the southern portion of the lot for electrical/transmission lines, with the bulk of the remainder of the property wooded and/or freshwater wetlands. The site is approximately 31.5 acres in area. The proposed subdivision has been modified to comply with NJDEP flood hazard regulations. Accordingly, Riverside Court has been redesigned to be located outside the three hundred foot (300') Riparian Buffer. In an attempt to minimize the relocation, only the portion of Riverside Court closest to Old Brook Road has been moved. However, this redesign has reduced the angle of the intersection to approximately forty-five (45) degrees. NJRSIS does not permit intersections at less than seventy-five (75) degrees. Therefore, this project is being returned to the Planning Board for a determination of how to proceed with approval of the revisions undertaken to receive the NJDEP Permits. Furthermore, a request for a de minimus exception from RSIS standards is being made to the New Jersey Department of Community Affairs. The following items have been submitted for review: 1. Copy of the approved Final Plat entitled "Final Plat - Major Subdivision, Lots 8 & 99, Block 175", prepared by Charles Surmonte P.E. & P.L.S., signed and sealed by Charles Surmonte P.E. & P.L.S., revised through 7-16-09. 2. Copy of the proposed Final Plat entitled "Final Plat - Major Subdivision, Lots 8 & 99, Block 175", prepared by Charles Surmonte P.E. & P.L.S., signed and sealed by Charles Surmonte P.E. & P.L.S., revised through 8-12-11. 3. Copy of the proposed Improvement Plan entitled "Preliminary & Final Major Subdivision, Lots 8 & 99, Block 175", prepared by Charles Surmonte P.E. & P.L.S., signed and sealed by Charles Surmonte P.E. & P.L.S., revised through 8-12-11. 4. Copy of a transmittal letter prepared by Charles Surmonte P.E. & P.L.S., to the New Jersey Department of Community Affairs on De Minimus Exception Request, Riverside Court Subdivision, dated August 15, 2011. 5. Copy of a letter prepared by John Paul Doyle, Esq., to the Lakewood Township Planning Board on changes to the Riverside Court Subdivision, dated August 16, 2011. I. Zoning 1. The Board granted two (2) Minimum Lot Width Variances. A minimum lot width of one hundred feet (100') is required, whereas 83.07 feet is proposed for new Lot 8.06 and 76.17 feet is proposed for new Lot 8.12. The revised subdivision proposal has no affect on the Minimum Lot Width Variances granted. 2. The Board granted the creation of new Lot 8.13 with no street frontage. The revised subdivision proposal has no impact on proposed Lot 8.13 which is without street frontage. 3. The applicant requests a waiver from the half width widening improvements to Old Brook Road, including a waiver from constructing curb and sidewalk along Old Brook Road. Our office supports the waiver request for the portion of Old Brook Road north of the proposed intersection with Riverside Court. It is recognized this section of Old Brook Road is within

the Riparian Buffer and future development of this part of Old Brook Road is unlikely. We recommend that Old Brook Road be widened with curb and sidewalk south of the proposed intersection with Riverside Court. 4. The applicant requests a design waiver to permit a proposed street intersection angle of forty-five (45) degrees, which is less than the permitted minimum of seventy-five (75) degrees. Department of Community Affairs approval is also required for this exception. Our office supports this waiver request based on the proposed controls for the intersection shown on the Improvement Plan. Stop signs and stop bars are proposed for both cul-de-sac legs entering the intersection. Also, traffic at this proposed intersection will be minimal since it is improbable that Old Brook Road will be extended north due to environmental constraints. II. Review Comments 1. An NJDEP Permit grants permission to construct two (2) single-family dwellings on proposed Lots 8.10 & 8.11 within the riparian zone of the North Branch of the Metedeconk River. Proposed Riverside Court has been relocated to be outside of the three hundred foot (300') Riparian Buffer. 2. An 8.5' dedication to the Township is being provided along the Old Brook Road frontage of the entire project. At the Plan Review Meeting, the applicant indicated they would seek Township concurrence to maintain the existing pavement width of Old Brook Road. However, this matter was not addressed at the Public Hearing or in the Resolution of Approval. The matter of a half width improvement to Old Brook Road should be revisited. It is noted, that if improvements are required to Old Brook Road, a Modification to the NJDEP Permit would be required since the improvements would be within the three hundred foot (300') Riparian Buffer. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Ocean County Planning Board; b. Ocean County Soil Conservation District; c. Ocean County Board of Health (well and septic); d. Jersey Central Power & Light; e. New Jersey Department of Community Affairs; f. New Jersey Department of Environmental Protection; and g. All other required outside agency approvals. Ocean County Planning Board granted a conditional approval on November 4, 2009. Ocean County Soil Conservation District certified the project on March 31, 2010. Ocean County Board of Health approval is required for well and septic. New Jersey Department of Environmental Protection granted a Flood Hazard Area Verification, Flood Hazard Area Individual Permit, and Freshwater Wetlands Transition Area Waiver on May 4, 2011. Evidence of all other outside agency approvals must be submitted when they are obtained. IV. Resolution Resolution of the Lakewood Township Planning Board, memorialized September 16, 2009. The conservation easement referenced in the original resolution of approval is now a drainage easement to be dedicated to the Township. Any amended resolutions prepared for this project shall consider the noted change.

Mr. Vogt discussed his review letter.

Mr. Neiman asked about public works equipment getting to that site.

Mr. Vogt said they have not met with public works. If the Board wanted to act favorably on that, that could be one of the Board conditions.

Mr. John Doyle Esq. on behalf of the applicant stated they talked about a template and they showed turning mechanisms by vehicles including oversized vehicles that the DPW could make that turn.

Mr. Vogt said that is something we could follow up on if the Board acts favorably.

Mr. Doyle affirmed.

Mr. Neiman asked if the lot lines will create variances.

Mr. Vogt and Mr. Doyle both stated they would not.

Mr. Doyle said they started with an eleven lot subdivision and we will still have an eleven lot subdivision. The building envelopes will be in the same place. Riverside Court and the buffer line changed. So we had to change the mouth of it so the two lots most directly affected there had minimal changes in the lot lines. It did not effect the building envelope for the fact there were no variances. The rest down to the cul-de-sac those seven lots all stayed the same. The turn on this road changed the angle. The only thing was the RSIS issue and the statement in the letter said "your request must be reviewed and acted upon by the municipality and if approved it must be by resolution". This subdivision is off of Old Brook Road which goes from 526 out through Squankum area out into Howell Township. Old Brook Road is a dead end road that has one house on it which is all it will have because of DEP regulation. Riverside Court is the one street we proposed in which we will have sidewalks. We did need a waiver for sidewalks along Old Brook Road. The distance between Riverside Court and Old Brook Road's intersection to where Old Brook Road meets Brook Road is about a quarter of a mile in which there are no houses that would ever be built. We went through DEP for two years since the Planning Board's approval, it was subject to that and we come back because there is a change in the lot lines.

Mr. Vogt stated that they have gone over this in detail. Part of what we are talking about, John has shown the plans, that there is going to be stop signage as well.

Mr. John Doyle stated that they will have to put up extra signage because of the angle and we are going to do that.

Mr. Banas asked if there was anyone else affected by this change?

Mr. Doyle said the only other thing was the JCP&L easement and we put them on notice and spoke to someone there.

Mr. Jackson stated the operative standard is whether this is a material change. If it is not a material change then it can be done administratively in this manner. If these changes are in the Board's judgment material have to notice and go through the whole process.

Mr. Neiman stated that based on what Mr. Vogt has stated they are de minimis enough that there are no material changes.

A motion was made and seconded to approve the changes.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Committee Ackerman, Mr. Follman, Mr. Percal

## **6. PUBLIC PORTION**

**7. APPROVAL OF MINUTES**

A motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Percal

Abstained: Committee Ackerman

**8. APPROVAL OF BILLS**

A motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Committee Ackerman , Mr. Follman, Mr.

Percal

**9. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary