

**RESOLUTION  
OF THE  
LAKEWOOD TOWNSHIP PLANNING BOARD**

**SD# 1971**

**RESOLUTION OF THE PLANNING BOARD OF  
THE TOWNSHIP OF LAKEWOOD, COUNTY OF  
OCEAN, STATE OF NEW JERSEY APPROVING A  
MINOR SUBDIVISION APPLICATION WITH  
ASSOCIATED VARIANCES FOR PROPERTY  
LOCATED ON ASHLEY AVENUE, ALSO KNOWN  
AND DESIGNATED AS BLOCK 774.04, LOTS 14.03  
& 14.04 FOR NAFTOLI EISEN**

**WHEREAS**, Naftoli Eisen has made application to the Lakewood Township Planning Board for minor subdivision approval with associated variances for Block 774.04, Lots 14.03 and 14.04 as shown on the Lakewood Township Tax Maps; and

**WHEREAS**, the Lakewood Township Planning Board conducted a plan review meeting on September 9, 2014 and a public hearing on said application on October 21, 2014; and

**WHEREAS**, the Lakewood Township Planning Board has reviewed the application, documents, plans and exhibits as submitted and having listened to the applicant and the applicant's experts and after having received information from its professional staff, the Lakewood Township Planning Board does hereby make the following findings of fact and law:

**A.** The subject site consists of two adjacent lots, 14.03 and 14.04, with frontage on Ashley Avenue, a partially improved street. The applicant seeks minor subdivision approval to allow for the subdivision of these two existing lots into two new lots, 14.05 and 14.06, along with retaining lot 14.03 with a lot line adjustment. Proposed new lot 14.05 would become a 10,762 square foot irregular lot with limited frontage on Ashley Avenue. Proposed new lot 14.06 would become 12,000 square foot irregular lot

without street frontage. Existing Lot 14.03 would be reduced in area from 12,750 square feet to 11,866 square feet. The existing lots, 14.03 and 14.04, are now vacant.

B. A portion of the proposed new lots, 14.05 and 14.06, shall have a 25 foot wide access easement. The area of the access easement on lot 14.05 will be 1,537.50 square feet.

C. The subject site is located in the central portion of Lakewood Township on the southern side of the terminus of Ashley Avenue and northern side of Pine Street. The surrounding area is predominantly residential. The subject site is also located within the R-10 Single-Family Residential Zoning District wherein single-family detached housing is a permitted use in this zone.

D. In addition to minor subdivision approval, the applicant also seeks the following variances:

1. Lot Frontage on an Unimproved Street: Lot frontage is required, whereas no lot frontage is present for proposed lot 14.06;

2. Minimum Lot Width: 75 feet is required, whereas 61.50 feet for new lot 14.05 and 63.52 feet for new lot 14.06 are proposed.

3. Minimum Side Yard Setback: 10 feet is required, whereas 5 feet is proposed for both lots 14.05 and 14.06.

4. Minimum Aggregate Side Yard Setback: 25 feet is required, whereas 10 feet is proposed for lots 14.05 and 14.06.

5. Minimum Aggregate Side Yard Setback: 25 feet is required, whereas the existing lot 14.03 proposes a 15 foot setback.

D. Terence Vogt, P.E., P.P., CME of Remington, Vernick & Vena Engineering, prepared an engineering and planning review letter to the board dated

October 14, 2014 which is attached hereto as Exhibit A. The board hereby adopts the findings in that letter and incorporates the same by reference. All conditions in that letter not expressly waived are hereby made conditions of approval.

E. The board reviewed certain maps and other materials in support of this application as specifically outlined in Mr. Vogt's review letter.

F. At the public hearing, the applicant presented the testimony of Brian Flannery, P.E., the project engineer. Mr. Flannery was recognized as an expert in the field of engineering and his testimony was credited by the board as accurate. Based upon the representations and/or testimony provided by the applicant and/or the applicant's professionals, the board made the following findings of fact:

1. The applicant requests minor subdivision approval to subdivide a parcel of two adjacent lots into three lots for single-family or small duplex development.

2. The development of two lots in the back would be an extension off of Ashley Avenue. An easement across these back two lots would provide access to Ashley Avenue, a partially improved roadway.

3. The applicant requires variance relief for lot frontage on an unimproved street, minimum lot width, minimum side setback lines of the proposed new lots and minimum aggregate side yard setbacks which are creative in design and would enable the applicant to create more useable units for proposed future owners.

4. The applicant would agree to comply with all the comments contained within the engineering review letter attached hereto.

**G.** Members of the public were provided an opportunity to ask questions and comment upon the application. John Brown of 203 Pine Street appeared, was sworn in and offered concerns about the traffic entering and exiting onto Ashley Avenue from the easement.

**WHEREAS**, after reviewing the testimony provided by the applicant and its experts, and after reviewing the application, maps and exhibits as provided, and after offering an opportunity for comment from any interested members of the public, the board discussed the merits of the granting of this application and so makes the following conclusions of law:

**H.** The applicant's request for minor subdivision approval has met the requirements of 40:55D-47 and is generally conforming to the requirements of the Lakewood Township Zoning Ordinance.

**I.** The board further finds that the requested variances are warranted under NJSA 40:55D-70.C.2. The requested variances permit the development of residential lots in an area zoned for that purpose and also provides for the creation of additional and modernized housing opportunities on lots that are sufficient in size for the proposed purpose.

**J.** The board further finds that there will be no detrimental impact on the surrounding property owners. The creation of residential lots within an area zoned for residential use is consistent with the intent and purpose of the zoning ordinance and master plan and the creation of these proposed new lots would cause no substantial detriment to the public good.

**K.** The variances further the purposes of the Municipal Land Use Law including encouraging the development of appropriate uses, including residential, in appropriate locations and establishing appropriate population densities.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Lakewood, on this 21<sup>st</sup> day of October, 2014 that the applicant's request for minor subdivision approval with associated variance and waiver relief is hereby granted subject to the terms and conditions of the engineering and planning review letter, subject to the representations made by the applicant and/or its professionals at the public hearing and the plan review meeting and subject to the conditions set forth herein; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded by the Planning Board Secretary, to the Applicant's Attorney, the Township Clerk and the Building Department; and

**BE IT FURTHER RESOLVED** that notification of this favorable approval be published in an official newspaper of the Lakewood Township Planning Board by the Planning Board Secretary within 10 days of its passage; and

**BE IT FURTHER RESOLVED** that this approval is subject to the following conditions:

1. The applicant shall comply with all representations made before the Planning Board, by the applicant and/or its attorney and its expert(s). In the event that the resolution does not embody any stipulations that were made by the applicant or its witnesses and/or experts during the hearing or by the board in approving the motion, those stipulations shall nevertheless be applicable. It shall be the responsibility of the applicant to comply with all stipulations and conditions made at the hearing.

2. If required, applicant shall obtain certification by the Local Soil Conservation District of a plan for soil erosion and sediment control in accordance with N.J.S.A. 4:24-39 et seq., commonly known as the “Soil Erosion and Sediment Control Act.”

3. All materials, methods of construction and details shall be in conformance with the current engineering and building requirements of the Township of Lakewood, which are on file in the office of the Township Engineer.

4. Applicant shall obtain all approvals required by any Federal, State, County or Municipal agency having regulatory jurisdiction of this development. Upon receipt of such approval(s), the applicant shall supply a copy of the permit(s) to the Board. In the event that any other agency requires a change in the plans approved by this Board, the applicant must reapply to the Lakewood Township Planning Board for approval of that change.

5. Applicant shall resubmit this entire proposal for re-approval should there be any deviation from the terms and conditions of this resolution or the documents submitted as part of this application, all of which are made a part hereof and shall be binding on the applicant.

6. Applicant shall provide a statement from the Lakewood Township Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any condition(s) of this Resolution.

7. Prior to the issuance of a construction permit, the applicant shall furnish the Township Clerk with a cash bond and performance guarantee in an amount to be determined by the Township Engineer.

8. Applicant shall post an inspection fund with the Township Clerk in an amount to be determined by the Township Engineer.

9. Unless specifically modified herein, the applicant shall comply with all terms and conditions of all prior resolutions of the Lakewood Township Planning Board regarding this application.

10. The applicant shall reimburse the Lakewood Township Planning Board for all professional fees extended or expended with regard to this application.

11. The applicant shall comply with all the provisions of the engineering and planning review letter of Remington, Vernick & Vena Engineering dated October 14, 2014, (Exhibit A), or unless specifically modified by the motion at the meeting wherein the Board approved the application.

12. The applicant shall comply with any and all easement provisions as specifically expressed in the engineering review letter attached hereto as Exhibit A and/or represented in the approved plan. Any proposed easement documents shall be subject to the review and approval by the planning board attorney with the attached legal description subject to the review and approval by the planning board engineer prior to being recorded with the Ocean County Clerk.

13. The applicant shall comply with the Lakewood Township Tree Ordinance.

14. The subdivision shall be perfected either by a deed clearly defining said approval or by plat in accordance with the Map Filing Law

#### **CERTIFICATION**

I hereby certify that I, the undersigned, am the secretary of the Planning Board of the Township of Lakewood, County of Ocean, State of New Jersey and I hereby certify

that the foregoing Resolution was adopted by the Planning Board of the Township of Lakewood at a regular meeting held on the 21<sup>st</sup> day of October, 2014 and memorialized at the meeting held on November 18, 2014.



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**ALLY MORRIS, SECRETARY**  
**Lakewood Township Planning Board**



## **EXHIBIT A**

Engineering and Planning Review Letter from  
Remington, Vernick & Vena Engineering  
dated October 14, 2014

# REMINGTON & VERNICK ENGINEERS AND AFFILIATES

EDWARD VERNICK, PE, CME, President  
CRAIG F. REMINGTON, PLS, PP, Vice President

## EXECUTIVE VICE PRESIDENTS

Michael D. Vena, PE, PP, CME (deceased 2006)  
Edward J. Walberg, PE, PP, CME  
Thomas F. Beach, PE, CME  
Richard G. Arango, PE, CME

**DIRECTOR OF OPERATIONS  
CORPORATE SECRETARY**  
Bradley A. Blubaugh, BA, MPA

## SENIOR ASSOCIATES

John J. Cantwell, PE, PP, CME  
Alan Dittenhofer, PE, PP, CME  
Frank J. Seney, Jr., PE, PP, CME  
Terence Vogt, PE, PP, CME  
Dennis K. Yoder, PE, PP, CME, LEED  
Charles E. Adamson, PLS, AET  
Kim Wendell Bibbs, PE, CME  
Marc DeBlasio, PE, PP, CME  
Leonard A. Faiola, PE, CME  
Christopher J. Fazio, PE, CME  
Kenneth C. Ressler, PE, CME  
Gregory J. Sullivan, PE, PP, CME  
Richard B. Czekanski, PE, CME, BCEE

## Remington & Vernick Engineers

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Haddonfield, NJ 08033  
(856) 795-9595  
(856) 795-1882 (fax)

## Remington, Vernick & Vena Engineers

9 Allen Street  
Toms River, NJ 08753  
(732) 286-9220  
(732) 505-8416 (fax)

3 Jocama Boulevard, Suite 300-400  
Old Bridge, NJ 08857  
(732) 955-8000  
(732) 591-2815 (fax)

## Remington, Vernick & Walberg Engineers

845 North Main Street  
Pleasantville, NJ 08232  
(609) 645-7110  
(609) 645-7076 (fax)

4907 New Jersey Avenue  
Wildwood City, NJ 08260  
(609) 522-5150  
(609) 522-5313 (fax)

## Remington, Vernick & Beach Engineers

922 Fayette Street  
Goshohocken, PA 19428  
(610) 940-1060  
(610) 940-1161 (fax)

1000 Church Hill Road, Suite 220  
Pittsburgh, PA 15205  
(412) 263-2200  
(412) 263-2210 (fax)

Univ. Office Plaza, Bellevue Building  
262 Chapman Road, Suite 105  
Newark, DE 19702  
(302) 266-0212  
(302) 266-6208 (fax)

## Remington, Vernick & Arango Engineers

The Presidential Center  
Lincoln Building, Suite 600  
101 Route 130  
Cinnaminson, NJ 08077  
(856) 303-1245  
(856) 303-1249 (fax)

300 Penhorn Avenue, 3rd Floor  
Secaucus, NJ 07094  
(201) 624-2137  
(201) 624-2136 (fax)

**October 14, 2014**

Ally Morris  
Planning Board Administrator  
Lakewood Township Planning Board  
231 Third Street  
Lakewood, New Jersey 08701

**Re: Naftoli Eisen - Revised Submission  
Minor Subdivision with Variances  
Block 774.04, Lots 14.03 & 14.04; Ashley Avenue and Pine Street  
R-10 (Single-Family Residential Zone)  
RVV File #1515-P-574  
Application # SD-1971**

Dear Planning Board Members:

We have reviewed a revised submission for the above referenced application, consisting of the following items:

## FWH Associates, P.A.

<u>Sheet</u>	<u>Title</u>	<u>Date/Last Revised</u>
1 of 1	Survey Lot 14.03 (Anthony B. Koval, P.L.S.)	04-16-14/09-18-14
1 of 1	Survey Lot 14.04 (Anthony B. Koval, P.L.S.)	07-29-14
1 of 1	Minor Subdivision (Anthony B. Koval, P.L.S.)	07-29-14/09-19-14
1 of 1	Filed Map K3913 (Anthony B. Koval, P.L.S.)	07-07-14

- Lakewood Township Planning Board Application.
- Point by point response letter, prepared by FWH Associates, P.A., signed by Vincent Hatt, dated September 24, 2014.

## Project Description

The revised plan amends the application to subdivide Lots 14.03 and 14.04 in Block 774.04, which were created by Filed Map K3913, into two (2) new lots and a lot line adjustment to Lot 14.03. Existing Lots 14.03 and 14.04 are now vacant.

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The applicant proposes to subdivide the existing tract, Lots 14.03 and 14.04 in Block 774.04, into two (2) separate lots, designated as new Lots 14.05 and 14.06 on the subdivision plan and also provide a lot line adjustment to Lot 14.03. Proposed Lot 14.05 would become a 10,762 square foot irregular lot which would have limited frontage on Ashley Avenue, a partially improved street. Proposed Lot 14.06 would become a twelve thousand square foot (12,000 SF) irregular lot without street frontage. Existing Lot 14.03 would be reduced in area from 12,750 square feet to 11,866 square feet. Public water is available from the terminus of Ashley Avenue and public sewer is available from an existing manhole in Ashley Avenue on the north side of Wynatt Street. Public water and sewer is also available in Pine Street.

The site is situated in the central portion of the Township, south of the terminus of Ashley Avenue and on the north side of Pine Street. The surrounding area is predominantly residential. The northeast corner of the tract has limited frontage (half the right-of-way width) on the terminus of Ashley Avenue. Ashley Avenue is a partially improved municipal road that has an existing right-of-way width of fifty feet (50'). A dead end stub of Ashley Avenue, south of Wynatt Street almost extends to the site. Potable water exists under the sidewalk on the west side of the stub. There is a new trench for an underground gas line in the west side of the pavement. Overhead electric exists within the east side of the right-of-way. The closest sanitary sewer manhole was observed on Ashley Avenue, north of Wynatt Street. The south side of the tract has frontage on Pine Street. Pine Street is an improved municipal road that has an existing right-of-way width of sixty-six feet (66'). Curb and sidewalk exist along Pine Street and all utilities are readily available within the Pine Street right-of-way.

Most of the existing 0.795 acre property falls within a valley. There are many small trees on the site. The tract is located in the R-10 Single Family Residential Zone. Variances are requested to create this subdivision.

***We have the following comments and recommendations per testimony provided at the 9/9/14 Planning Board Plan Review Meeting and comments for our initial review letter dated September 5, 2014:***

**I. Zoning**

1. The property is located within the R-10 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. ***Statements of fact.***
2. ***All lots must have frontage on an improved street. Therefore, a variance is required for proposed Lot 14.06. Proposed Lot 14.05 will have limited frontage, half right-of-way width, on the terminus of Ashley Avenue, which is a partially improved street. The street condition appears to meet the requirements of a "Public Street" as defined per Subsection 18-200 B of the Lakewood UDO. Twenty-five foot (25') wide access easements are proposed for new Lots 14.05 and 14.06. A note has been added that proposed Lot 14.06 requires a variance for lot frontage on an unimproved street. The Board shall take action on the required variance.***

3. The following variances are being requested for proposed Lots 14.05 and 14.06:
  - Minimum Lot Width - 61.50 feet for new Lot 14.05 and 63.52 feet for new Lot 14.06, seventy-five feet (75') required - proposed condition.
  - Minimum Side Yard Setback – five feet (5') proposed, ten feet (10') required – proposed condition.
  - Minimum Aggregate Side Yard Setback – ten feet (10') proposed, twenty-five feet (25') required – proposed condition.

***The Board shall take action on the required variances.***

4. ***The addition of Lot 14.03 to the application requires another variance. A fifteen foot (15') Minimum Aggregate Side Yard Setback is proposed, whereas twenty-five foot (25') is required. The Board shall take action on the required aggregate side yard setback variance.***
5. 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. Review Comments

1. ***Surveys for Lots 14.03 and 14.04 have been submitted with the revised Minor Subdivision Plan. The Survey for Lot 14.04 erroneously shows access easement information which does not yet exist. A corrected survey shall be supplied with resolution compliance submission should approval be granted.***
2. ***The Survey for Lot 14.03 incorrectly shows a fence offset to the west. A corrected survey shall be provided with resolution compliance submission should approval be granted.***
3. ***The revised Minor Subdivision Plan shows an existing fence on proposed Lot 14.06 to be relocated. However, it does not address the fence encroachment onto neighboring Lot 13. This matter shall be addressed with resolution compliance submission should approval be granted.***
4. Environmental Constraints Mapping indicates the possibility of freshwater wetlands on this site. Per communications with the applicant's professionals, the applicant agrees to provide wetlands assessment by a qualified professional as a condition of approval, if/when granted. ***Statements of fact.***

5. ***The applicant must demonstrate that the proposed Lots 14.05 and 14.06 can be serviceable by emergency and public vehicles such as garbage trucks. The applicant's professionals indicate that testimony will be provided.***
6. The General Notes indicate that four (4) off-street parking spaces are to be provided for each future dwelling. Proposed dwellings are not shown for new Lots 14.05 and 14.06. The applicant should provide testimony detailing the number of bedrooms for the proposed dwellings on new Lots 14.05 and 14.06, to have the off-street parking requirements on the record. Off-street parking must be provided to the satisfaction of the Board. ***The revised plan indicates that four (4) off-street parking spaces are to be provided for each dwelling on Lots 14.03, 14.05, and 14.06. The applicant's professionals indicate that testimony will be provided on the number of bedrooms for the proposed dwellings.***
7. Testimony should be provided as to whether basements will be proposed for the future dwellings on the proposed lots. If basements are proposed, seasonal high water table information will be required. ***The applicant's professionals indicate that testimony will be provided on basements.***
8. Twenty-five foot (25') wide access easements are proposed on the portions of new Lots 14.05 and 14.06 where Ashley Avenue was vacated. The plan does not show the dedicated party. Furthermore, the proposed area of the access easement on new Lot 14.05 shall be corrected to 1,537.50 square feet. The Planning Board Attorney should review the Access Easement Notes. ***Notes showing the dedicated party for the easements have been added. The proposed area for the access easement on new Lot 14.05 has been revised. The Planning Board Attorney shall review the Access Easement Notes prior to map filing should approval be granted.***
9. The subdivision is located within the franchise area of New Jersey American Water Company. The plan indicates that public water and sewer are to be provided. ***Statements of fact.***
10. Many corrections are required to the Schedule of Bulk Requirements. ***The following corrections are required to the Schedule of Bulk Requirements:***
  - a. ***The area of Lot 14.03 should be 11,866 square feet. The area of proposed Lot 14.06 should be twelve thousand square feet (12,000 SF).***
  - b. ***The lot width for proposed Lot 14.06 should be 63.52 feet.***
  - c. ***The front yard setback of proposed Lot 14.05 should be thirty feet (30').***

- d. ***The combined side yard setback for Lot 14.03 should be fifteen feet (15') with a variance denoted.***
  - e. ***The allowable maximum building coverage should be thirty percent (30%).***
- 11. Our site investigation indicates there are many existing small trees on the property. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 14.05 and 14.06. ***Since Lot 14.03 has been added to the application, this development if approved must comply with the Township Tree Ordinance at time of Plot Plan review for Lots 14.03, 14.05, and 14.06.***
  - 12. An Improvement Plan with construction details shall be provided during compliance review, if/when granted. ***The Improvement Plan shall include Lot 14.03.***
  - 13. Existing topography and proposed grades will be required for the improvements connecting to Ashley Avenue. ***Existing topography and proposed grades will also be required along Pine Street, should approval be granted.***
  - 14. Testimony is required on grading and the disposition of storm water from the development of the proposed lots. ***The applicant's professionals indicate that testimony will be provided.***
  - 15. Proposed lot numbers must be assigned by the tax assessor's office. ***The tax assessor has approved the lot numbers. The map shall be signed by the tax assessor prior to filing should approval be granted.***
  - 16. Compliance with the Map Filing Law is required. ***Statement of fact.***

### III. Regulatory Agency Approvals

Outside agency approvals for this project may include, but are not limited to the following:

- a. Township Tree Ordinance (as applicable);
- b. Ocean County Planning Board;
- c. Ocean County Soil Conservation District;
- d. New Jersey Department of Environmental Protection; and
- e. All other required outside agency approvals.

Lakewood Township Planning Board  
October 14, 2014  
Re: # SD-1971  
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Should you have any questions regarding this matter, please do not hesitate to contact Dave Magno of our office at 732-955-8000.

Very truly yours,



Terence M. Vogt, PE, PP, CME  
Senior Associate, Regional Manager

DRM/TMV/ef

cc: John Jackson, Esq. (Via Facsimile: 732/477-1304)  
Naftoli Eisen, 321 Pine Street, Lakewood, NJ 08701  
Abraham Penzer, Esq. (Via Facsimile: 732/905-1793)  
Christopher Rosati, P.E. (Via Facsimile: 732/797-3223)