

**OCEAN COUNTY PLANNING BOARD
PO Box 2191
129 Hooper Avenue
Toms River, New Jersey 08754**

Regular meeting, Wednesday, August 1, 2018, 6:00 PM, Engineering Conference Room, Third Floor, 129 Hooper Avenue, Toms River, New Jersey.

Chairman Russell presiding. Attending: Donald Bertrand, Elaine McCrystal, Earl Sutton, Joseph Bilotta, John Ernst, Laura Benson, Anthony Agliata and Robin Florio.

Chairman Russell asked if the Planning Board meeting was in compliance with the Open Public Meetings Act. Ms. Florio advised the Chairman that adequate notice of this meeting was provided.

On a motion by Mr. Bertrand, seconded by Ms. McCrystal, the minutes of the meeting of July 18, 2018 were moved for approval. The motion was unanimously carried.

SUBDIVISION AND SITE PLAN REVIEW

BRICK: Lots 4 Block 26 (BRT1982) Osborn Sea-Bay Condo Association

This site plan is for a multi-family residential development for six individual condominium units with 13 proposed parking spaces to be located on West Marion Street between Route 35 northbound and Route 35 southbound. Ocean County requires the applicant to address the following items: (1) submit a traffic report (waiver requested), (2) submit a CAFRA permit or a Jurisdictional Determination letter from the NJDEP (waiver requested), and (3) The NJDOT "desired typical section" for this section of NJ Route 35 in accordance with the current NJDOT access code shall be indicated on the plans. Approval recommended upon fulfillment of the above contingencies and the Board's decision on the waiver requests.

A letter dated July 17, 2018 was read from Sean Savage of Matrix NEWorld requesting waivers. A waiver is requested from submitting a traffic report. Prior to Superstorm Sandy, the subject site contained seven single family homes which were completely destroyed by the storm. This application is being made to rebuild six of the seven single family homes on the subject lot. It is anticipated that the development will not have any negative impact on traffic. A waiver is requested from submitting a CAFRA permit or Jurisdictional Determination. The proposed development is located within the CAFRA area beyond 500 feet landward of the mean high-water line and is located within the boundaries of a municipality that has a population of over 30,000 persons, but it is a residential development having less than 75 or more dwelling units. Based on the number of dwelling units proposed, a CAFRA permit is not required for this site.

On a motion by Mr. Ernst, seconded by Mr. Bertrand, the Board granted a waiver from submitting a traffic report and CAFRA permit or Jurisdictional Determination; this site plan was given final approval contingent upon the applicant to: (1) The NJDOT "desired typical section" for this section of NJ Route 35 in accordance with the current NJDOT access code shall be indicated on the plans. The above condition must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. Construction shall not commence until all conditions have been met. The motion was unanimously carried.

LAKEWOOD: Lots 39.01, 39.41 & 39.42 Block 1077 (LAT1542D) 1303 River Holdings, LLC

This eight-lot major subdivision is for seven duplex units with 28 residential parking spaces and one commercial lot that fronts on Route 9 (River Avenue) with an unidentified number of parking spaces. The NJDOT "desired typical section" for this section of NJ Route 9 is indicated on the plans. Ocean County requires the applicant to address the following items: (1) submit a CAFRA Jurisdictional Determination letter from the NJDEP (waiver requested), and (2) pay an off-tract traffic improvement fee in an amount of \$5,833.00. Approval recommended upon fulfillment of the above contingencies and the Board's decision on the waiver request.

A letter dated July 26, 2018 was read from Glenn Lines of NewLines Engineering requesting a waiver from submitting a CAFRA Jurisdictional Determination letter from the NJDEP. The

application is for six residential units and one vacant lot. The six lots front on Blue River Way, which is a residential development with 42 dwelling units under construction. The result is a subdivision of 48 residential lots. There are no plans for the vacant lot at this time. The vacant lot will be subject to Ocean County Planning Board approval when development is proposed in the future. A CAFRA permit determination will be prepared when an application is submitted. In accordance with the CAFRA permit regulations. This project is for six new units resulting in a total project of 48 units. A CAFRA permit is not required since it is less than 75 or more dwelling units. This is not a commercial development, nor a public development or an industrial development, therefore a CAFRA permit is not required. Based on the three triggers for a CAFRA permit, the development does not meet any of the triggers.

On a motion by Mr. Ernst, seconded by Ms. McCrystal, the Board granted a waiver from submitting a CAFRA Jurisdictional Letter from the NJDEP; this major subdivision was given preliminary and final approval contingent upon the applicant to: (1) pay an off-tract traffic improvement fee in an amount of \$5,833.00. The above condition must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. Construction shall not commence until all conditions have been met. The motion was unanimously carried.

LAKEWOOD: Lots 1.01 & 1.02 Block 1035 (LAT1917A) Miz Construction

This minor subdivision is for a lot line adjustment on a local road within the Oak Street Corridor project. County facilities are not impacted. On a motion by Ms. McCrystal, seconded by Mr. Sutton, this minor subdivision was given final approval. The motion was unanimously carried.

LAKEWOOD: Lots 125, 126, 182.01, 182.02, 185.01, 185.02 Block 189 (LAT2008A) 121 Somerset LLC

This major subdivision is for ten proposed lots for eight duplex buildings and two single family dwellings with 44 proposed parking spaces on the west side of Cherry Street. A separate major subdivision application by the same applicant is currently being heard as LAT2008 for Block 189, Lots 118-123, 164-167 on the east side of Cherry Street. Ocean County requires the applicant to address the following items: (1) prepare a final plat in accordance with the Recordation Act (revise the zoning map to reference the proper lots), (2) obtain and submit a CAFRA permit or a Jurisdictional Determination letter from the NJDEP (waiver requested), (3) pay an off-tract drainage improvement fee in an amount to be determined by the Ocean County Engineer, and (4) pay an off-tract traffic improvement fee in an amount to be determined by the Ocean County Engineer. Approval recommended upon fulfillment of the above contingencies and the Board's decision on the waiver request.

A letter dated July 26, 2018 was read from Glenn Lines of NewLines Engineering requesting a waiver from submitting a CAFRA permit or Jurisdictional Determination letter from NJDEP. NewLines has two applications that are both fronting Cherry Street. The Lakewood Township Planning Board required these two applications to be submitted as two separate projects since there is a Township right-of-way in between the two projects and the parcels are not contiguous. The total proposed units to be constructed is ten, therefore this project does not fall under CAFRA jurisdiction as the CAFRA limit is 75. If you were to combine the two proposed unit counts, it still would not fall under CAFRA jurisdiction. This is not a commercial development nor a public development or an industrial development, therefore a CAFRA permit is not required. Based on the three triggers for a CAFRA permit, the development does not meet any of the triggers.

On a motion by Mr. Ernst, seconded by Mr. Bertrand, the Board granted a waiver from submitting a CAFRA permit or Jurisdictional Determination from the NJDEP; this major subdivision was given final approval contingent upon the applicant to: (1) prepare a final plat in accordance with the Recordation Act (revise the zoning map to reference the proper lots), (2) pay an off-tract drainage improvement fee in an amount to be determined by the Ocean County Engineer, and (3) pay an off-tract traffic improvement fee in an amount to be determined by the Ocean County Engineer. All of the above conditions must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. Construction shall not commence until all conditions have been met.

LAKEWOOD: Lots 7 Block 1016 (LAT2026) Edgecomb Duplex, LLC

This four-lot minor subdivision is for two duplex buildings (four dwelling units) and 16 proposed parking spaces to be located on a local road. County facilities are not impacted. On a motion by Mr. Sutton, seconded by Mr. Bilotta, this minor subdivision was given final approval. The motion was unanimously carried.

LAKEWOOD: Lots 3 Block 1037 (LAT2027) SGKL, LLC

This six-lot minor subdivision is for three duplex buildings (six dwelling units) and 24 proposed parking spaces to be located on a local road. County facilities are not impacted. On a motion by Ms. McCrystal, seconded by Mr. Bilotta, this minor subdivision was given final approval. The motion was unanimously carried.

LAKEWOOD: Lots 5 Block 1027 (LAT2028) ABGK, LLC

This four-lot minor subdivision is for two duplex buildings (four dwelling units) and 16 proposed parking spaces to be located on a local road within the Oak Street Corridor development. County facilities are not impacted. On a motion by Mr. Bertrand, seconded by Ms. McCrystal, this minor subdivision was given final approval. The motion was unanimously carried.

LAKEWOOD: Lots 13, 42, 14 Block 538 (LAT2029) 570 Ocean LLC

This six-lot minor subdivision is located on Route 88 (Ocean Avenue). On a motion by Mr. Bilotta, seconded by Ms. McCrystal, this minor subdivision was given final approval contingent upon the applicant to address the following item: (1) The NJDOT "desired typical section" for this section of NJ Route 88 in accordance with the current NJDOT access code shall be indicated on the plans. The above condition must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. Construction shall not commence until all conditions have been met. The motion was unanimously carried.

LAKEWOOD: Lots 5 Block 536 (LAT521B) Baile, Shravan

This site plan is for a 9,158 s.f. retail liquor store and 15 proposed parking spaces located on Ocean Avenue (Route 88). On a motion by Mr. Sutton, seconded by Ms. McCrystal, this site plan was given final approval contingent upon the applicant to address the following items: (1) the NJDOT "desired typical section" for this section of NJ Route 88 in accordance with the current NJDOT access code shall be indicated on the plans, (2) submit a copy of the NJDOT access permit and/or NJDOT drainage permit, and (3) pay an off-tract traffic improvement fee in an amount to be determined by the Ocean County Engineer. All of the above conditions must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. Construction shall not commence until all conditions have been met. The motion was unanimously carried.

MANCHESTER: Lots 1 & 7 Block 1.306 (MT496) Jerman, Jeffrey

This two-lot minor subdivision is for a lot line adjustment on a local road. County facilities are not impacted. On a motion by Mr. Bertrand, seconded by Mr. Bilotta, this minor subdivision was given final approval. The motion was unanimously carried.

OCEAN: Lots 5 Block 186 (OT258A) Green, Lorraine

This two-lot minor subdivision is located on a local road. County facilities are not impacted. On a motion by Mr. Sutton, seconded by Mr. Bilotta, this minor subdivision was given final approval. The motion was unanimously carried.

PLUMSTED: Lots 70.01 Block 77 (PT376E) Wawa, Inc.

This site plan application is for the installation of a diesel fuel tank at an existing Wawa convenience store. No improvements are proposed along County Route 539 and County Route 528. On a motion by Mr. Sutton, seconded by Mr. Bertrand, this site plan was given final approval contingent upon the applicant to address the following items: (1) dimension the existing right-of-way half width and full width of the County Route 539 on the plan, if less than 40 feet from

centerline then submit a deed of dedication and metes and bounds description for an additional right-of-way dedication to 40' from centerline to Ocean County, (2) dimension the existing right-of-way half width and full width of County Route 528 on the plan, if less than 33 feet from centerline then submit a deed of dedication and metes and bounds description for an additional right-of-way dedication to 33' from centerline to Ocean County, (3) revise the plans to show all existing features within 200 feet of the site, including existing features on the opposite side of the road and existing striping in the County road, (4) submit a trip generation statement for the site, and (5) revise the plans to restrict left turns in/out of the driveway along Route 528 due to its proximity to the signalized intersection and its multi-lane approach. Redesign the driveway to be right-in/right-out only. All of the above conditions must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. Construction shall not commence until all conditions have been met. The motion was unanimously carried.

PT. PLEASANT: Lots 4 Block 163 (PPB757A) Celco Partnership d/b/a Verizon Wireless

This site plan application is for the addition of Verizon Wireless antennas and equipment cabinets to an existing Borough of Point Pleasant 151' water tank. County facilities are not affected. On a motion by Mr. Bertrand, seconded by Mr. Sutton, this site plan was given final approval. The motion was unanimously carried.

PT. PLEASANT: Lots 19 Block 139 (PPB784) Catala, Scott

This two-lot minor subdivision is located on a local road. County facilities are not impacted. On a motion by Mr. Bilotta, seconded by Ms. McCrystal, this minor subdivision was given final approval. The motion was unanimously carried.

PT. PLEASANT: Lots 1 Block 136 (PPB785) 604 Ocean Shores LLC

This two-lot minor subdivision is located on Route 88 and a local road. County facilities are not impacted. On a motion by Ms. McCrystal, seconded by Mr. Bertrand, this minor subdivision was given final approval. The motion was unanimously carried.

TOMS RIVER: Lots 21.07 Block 172 (TRT620E) OWL Properties

This site plan is for a 28,968 s.f. two-story office building with 122 proposed parking spaces to be located on Route 9 and Silverton Road. The plans indicate that the existing half width right-of-way of Silverton Road is 30' from centerline. On a motion by Mr. Sutton, seconded by Ms. McCrystal, this site plan was given final approval contingent upon the applicant to address the following items: (1) submit a sight triangle easement form and metes and bounds description for sight triangle easements at the proposed access point/intersection in accordance with County standards to Ocean County, (2) address the following traffic comments: a) show existing striping on Silverton Road, b) provide vehicle turning templates at Silverton Road entrance, (3) submit a CAFRA permit or a Jurisdictional Determination letter from the NJDEP, (4) indicate the proposed curb is to be built 18 feet from centerline in accordance with Section 612:B, (5) the standard cross section for County roads is 6" Dense-Graded Aggregate Base Course, 4" Hot Mix Asphalt 19M64 Base Course, and 2" Hot Mix Asphalt 12.5M64 Surface Course, (6) construct additional pavement widening and tapers along the County road in accordance with Section 611:E-1, (7) remove the proposed parking from within 20' of the County right-of-way in accordance with Section 603.A, (8) construct drainage facilities behind the curb line along the County road to address the increase of stormwater runoff volume from the road widening for water quality and groundwater recharge in accordance with N.J.A.C. 7:8-5.4, in a design to be reviewed and approved by the Ocean County Engineer, (9) submit road improvement plans for the County road indicating County stationing, existing centerline and edge of pavement elevations, proposed curb elevations, limit of pavement reconstruction, and cross sections to maintain a uniform 1%-3% cross slope for the entire half width of the roadway and positive gutter flow, to be reviewed and approved by the Ocean County Engineer, (10) pay an off-tract drainage improvement fee in an amount to be determined by the Ocean County Engineer, (11) pay an off-tract traffic improvement fee in an amount to be determined by the Ocean County Engineer, (12) add to the plans Ocean County standard notes for projects located on County roads: a) Any utility pole relocations within the limits of the proposed road widening on the County road are to be completed prior to the issuance of the road opening permit from the Ocean County Engineer's Office, b) "County road improvements must have base pavement course prior to the issuance of Certificate of Occupancies.", and (13) the NJDOT "desired typical section" for this section of NJ Route 9 in accordance with the current

NJDOT access code shall be indicated on the plans. All of the above conditions must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. Construction shall not commence until all conditions have been met. The motion was unanimously carried.

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CORRESPONDENCE:

LAKEWOOD: Block 445, Lot 9.19 (LAT1998.01) Prospect St. Holdings, LLC. This minor subdivision received conditional approval on May 16, 2018. Condition #3 required the payment of an off-tract traffic improvement fee in an amount to be determined by the Ocean County Engineer. The Ocean County Engineer has determined the off-tract traffic improvement fee to be \$3,333.00. On a motion by Mr. Ernst, seconded by Mr. Bertrand, the Board required the payment of an off-tract traffic improvement fee in the amount of \$3,333.00. The motion was unanimously carried.

LAKEWOOD: Block 189, Lots 118-123, 164-167 (LAT2008) 121 Somerset, LLC. This major subdivision received conditional preliminary and final approval on May 2, 2018. A letter dated July 26, 2018 was read from Glenn Lines of NewLines Engineering requesting a waiver from submitting a CAFRA permit or Jurisdictional Determination letter from NJDEP. NewLines has two applications that are both fronting Cherry Street. The Lakewood Township Planning Board required these two applications to be submitted as two separate projects since there is a Township right-of-way in between the two projects and the parcels are not contiguous. The total proposed units to be constructed is ten, therefore this project does not fall under CAFRA jurisdiction as the CAFRA limit is 75. If you were to combine the two proposed unit counts, it still would not fall under CAFRA jurisdiction. This is not a commercial development, nor a public development or an industrial development, therefore a CAFRA permit is not required. Based on the three triggers for a CAFRA permit, the development does not meet any of the triggers. On a motion by Mr. Ernst, seconded by Mr. Bertrand, the Board granted a waiver from submitting a CAFRA permit or Jurisdictional Determination from the NJDEP. The motion was unanimously carried.

LAKEWOOD: Block 961.01, Lots 2.02 & 2.03 (LAT944N.01) RD Lakewood, LLC. This site plan received conditional approval on May 18, 2016. On a motion by Mr. Ernst, seconded by Mr. Sutton, the minutes are hereby amended to add the condition that County road improvement plans with cross sections are required to be submitted due to the widening along New Hampshire Avenue for a southbound right turn lane and traffic signal plans are required to be submitted for the modifications to the traffic signal at New Hampshire Avenue and Pine Street, and drainage improvements are required as a result of pavement widening. The motion was unanimously carried.

LAKEWOOD: Block 232, Lot 12 (LAT569G.02) Mansour, Aharon. This major subdivision received conditional approval on June 6, 2018. A letter dated July 30, 2018 was read from Brian Flannery of FWH Associates requesting a waiver from submitting a NJDEP Flood Hazard Area permit for proposed construction within the Category One Waterway 300' buffer. The referenced paragraph in the NJDEP Flood Hazard Area Verification approval states "please note that altering land cover or topography in a flood hazard area, as well as clearing, cutting and/or removing vegetation within a riparian zone, is regulated by the Flood Hazard Area Control Act rules, and may be prohibited or restricted in some cases. A Flood Hazard Area permit is required prior to undertaking any regulated activity within a flood hazard area or riparian zone described at N.J.A.C. 7:13-2.4. Some projects may qualify for a permit-by-rule at N.J.A.C. 7:13-7, a general permit by certification at N.J.A.C. 7:13-8, a general permit at N.J.A.C 7:13-8, a general permit at N.J.A.C 7:13-9, or an individual permit at N.J.A.C. 7:13-10. Projects situated entirely outside both the flood hazard area and riparian zone do not require a flood hazard area approval". The subject property was developed with a commercial building and parking lot many years ago. The clearing and pre-existing parking lot is within ten (10) feet of the Cabinfield Branch Floodway. Additionally, the pre-existing parking lot occupies a strip of approximately 3,600 s.f. of the Flood Hazard Area as delineated by the Flood Hazard Easement Line, along the Park Avenue frontage. The major subdivision plans prepared by NewLines Engineering dated 8/24/16, revised through 7/12/18 indicate a pre-development impervious area of 23,185 s.f. which is 75% of the buildable area of the site (area outside of the easement area to Lakewood Township encompassing the floodway). The plans indicate a post development impervious area of 13,515 s.f. which is 44% of the buildable area of the site. This results in a 41% reduction in the impervious coverage of the site.

Additionally, the plans propose recharge tranches to receive the roof runoff. The stormwater calculations indicate a substantial reduction in the off-site storm water runoff for the post development condition. Clearly, the proposed development will benefit downstream properties, the environmental features and the general welfare. The NJDEP referenced note indicates regulated activities in two (2) designated areas, being the "Flood Hazard Area" and "Riparian Zone". The "Flood Hazard Area" is delineated on NewLines plan, noted as "Flood Hazard Area Design Flood 55.4". The "Riparian Zone" is the area with three-hundred feet of the Cabinfield Branch, which incorporates the entire property. With reference to the "Riparian Zone", this is a developed property. The buildable area of this site is fully developed. The only vegetated area of the site is the perimeter vegetation which is noted on the plans as to remain. The applicant does not propose any clearing, cutting and/or removing vegetation. The Drainage and Grading Plan, Sheet 4 of 7 clearly depicts that the topography is not proposed to be altered in any area of the site. Therefore, in accordance with the NJDEP regulations and referenced note, regulated activity in the "Riparian Zone" is not proposed. With respect to the "Flood Hazard Area", which is delineated consists of the floodway along the Cabinfield Branch and the aforementioned strip of pre-existing parking along Park Avenue. There is no development proposed along the floodway. Additionally, the applicant does not propose to construct any structures or alter the topography in the "Flood Hazard Area". There will be driveways in the strip along Park Avenue, replacing the pre-existing parking area. In my opinion, this is compliant with the stipulation of not altering land cover. As proposed, the only altering of land cover is to replace a de-minimus amount of impervious cover with pervious ground cover, which is a benefit for all. Strict compliance would require leaving the entire pre-existing parking strip as impervious. This is possible and it can be incorporated but it is not consistent with the intent of the regulations and it serves no environmental or public good. It actually would be contrary to the environmental and public good. It is my opinion that the applicant is not proposing any regulated activity and on behalf of my client, requesting that this condition be waived. On a motion by Mr. Ernst, seconded by Mr. Bilotta, the Board waived the requirement to submit a NJDEP Flood Hazard Area permit for proposed construction within the Category One Waterway 300' buffer since there will be less impervious coverage. The motion was unanimously carried.

PT. PLEASANT: Block 100, Lot 31 (PPB782) Rosato, Joe. This site plan received conditional approval on October 4, 2017. Letters dated June 25, 2018 and July 16, 2018 were read from Robert C. Burdick, PE, referencing a waiver request from May 2, 2018 wherein most of the requested relief was granted with the exception of the removal of two of the parking spaces adjacent to Arnold Avenue. The plan has been revised to show the removal of those spaces but relief is still required to request a waiver to 13.5' to the right-of-way dedication and 18.5' to the right-of-way. The imposition of a 20' setback would be a hardship on the applicant requiring a variance for deficient parking from the zoning board. On a motion by Mr. Ernst, seconded by Mr. Bertrand, the Board granted a waiver to allow parking at 18.5' from the County right-of-way where 20' is required. The motion was unanimously carried.

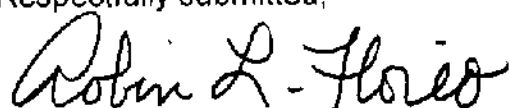
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THE FOLLOWING PLANS HAVING BEEN GIVEN CONDITIONAL APPROVAL AT A PREVIOUS MEETING HAVE NOW MET THE CONTINGENCIES AND CAN BE SIGNED:				
MUNICIPALITY:	LOT:	BLOCK:	MEETING DATE:	CONTINGENCIES MET:
EAGLESWOOD ET105D	9.01	25.01	03/26/18	07/19/18
LAKEWOOD LAT1897	6	435	05/03/17	07/26/18
LAKEWOOD LAT1973.02	36	416	02/07/18	07/30/18
LAKEWOOD LAT1972.02	35	416	02/07/18	07/30/18

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There being no further business, on a motion by Mr. Bertrand, seconded by Mr. Bilotta, the meeting was adjourned. The motion was unanimously carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Robin L. Florio". The signature is written in a cursive, flowing style.

Robin L. Florio, Secretary
Ocean County Planning Board

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