

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

Regular meeting, Wednesday, October 4, 2023, 6:00 PM, Engineering Conference Room, Third Floor, 129 Hooper Avenue, Toms River, New Jersey.

Chairman Tirella read the Open Public Meetings Act Statement of compliance.

Chairman Tirella presiding. Attending: Earl Sutton, Joe Bilotta, Elaine McCrystal, Joseph Marra, John Ernst, Mat Thompson, Esq., Tony Agliata and Veronica Tompkins.

On a motion by Ms. McCrystal, seconded by Mr. Marra, Mr. Sutton abstaining, the minutes of the meeting of September 20, 2023 were moved for approval. The motion was unanimously carried

SUBDIVISION AND SITE PLAN REVIEW

JACKSON: Lots 1 Block 4901 (JT1758) Johnson Holdings, LLC c/o David Zajac

This six-lot major subdivision is for six single family residential dwellings to be located on a local road, Cook Road. Ocean County requires the applicant to address the following conditions of approval: (1) provide a north arrow, three corner coordinates, and a Land Surveyor's signature and seal on the final plat per the Recordation Act, (2) submit a copy of the NJDEP Letter of Interpretation for the wetland delineation as indicated on the plans, (3) submit a traffic report (waiver requested), (4) submit a drainage report (waiver requested), (5) pay an off-tract drainage improvement fee in an amount to be determined by the Ocean County Engineer, (6) 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 requests.

A letter dated September 19, 2023 was read from Bill Stevens of Professional Design Services requesting a waiver from providing a traffic report. Individual driveways for each of the six proposed lots are proposed to provide access to the project from Cook Road. A waiver was also requested from providing a stormwater report. The project will not extend or widen any roadways. Individual underground recharge systems are proposed for each of the six proposed lots to mitigate increased runoff under the review of the Municipal Planning Board.

On a motion by Mr. Ernst, seconded by Mr. Bilotta the Board granted a waiver from providing a full traffic report and accept the applicant's trip generation statement. The Board also granted a waiver from providing a drainage report as there is no increase in impervious coverage or impact to County facilities. The major subdivision was given final approval contingent upon the applicant to fulfill the following conditions: (1) provide a north arrow, three corner coordinates, and a Land Surveyor's signature and seal on the final plat per the Recordation Act, (2) submit a copy of the NJDEP Letter of Interpretation for the wetland delineation as indicated on the plans, (3) pay an off-tract drainage improvement fee in an amount to be determined by the Ocean County Engineer, (4) 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. The motion was unanimously carried.

LACEY: Lot 4.01, Block 409 (LT878A) Wells Fargo Bank, N.A.

This site plan is for upgrades to an existing Wells Fargo Bank located on Route 9 and Musket Road. Upgrades include ADA accommodations, sidewalk upgrades, parking lot reconstruction, and striping. County facilities will not be impacted. On a motion by Ms. McCrystal, seconded by Mr. Bilotta this site plan was given final approval. The motion was unanimously carried.

LAKEWOOD: Lots 1, 4, Block 45 (LAT1022H) Beth Medrash Govoha of America

This site plan is for the demolition of two residential houses that have been converted into office buildings for Georgian Court University and the construction of a parking lot for 108 spaces at the corner of Eighth Street, Ninth Street, and Lakewood Avenue. On a motion by Ms. McCrystal, seconded by Mr. Bilotta this site plan was given final approval contingent the applicant to address

the following conditions of approval: (1) the project descriptions in the traffic report do not match the plans. Revise accordingly. All of the above conditions must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. The motion was unanimously carried.

LAKWOOD: Lot 1, Block 46 (LAT1022J) Beth Medrash Govoha of America

This site plan is for the demolition of a facilities maintenance building for Georgian Court University and the construction of five-story dormitory and an 84 space parking lot for Beth Medrash Govoha of America at the corner of Eighth Street, Seventh Street, and Lakewood Avenue. On a motion by Mr. Bilotta, seconded by Ms. McCrystal this site plan was given final approval contingent the applicant to address the following conditions of approval: (1) the project descriptions in the traffic report do not match the plans, revise accordingly, (2) provide proposed building square footage on the plan. All of the above conditions must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. The motion was unanimously carried.

LAKWOOD: Lots 7.02, 56 & 60, Block 440 (LAT1105C.05) Yeshiva Chemdas Hatorah

This 78-lot major subdivision is for 60 duplex units and 11 single family dwellings with four parking spaces each, a 4,800 s.f. community shul building with 45 parking spaces, two HOA storm water detention basin lots, one HOA parking lot, one HOA buffer lot, two unimproved lots, and local road improvements with cul-de-sacs to be located at the northwest corner of Massachusetts Avenue and Cross Street. The applicant proposes two new intersections to Cross Street and one new intersection to Massachusetts Avenue. The applicant has requested to vacate an existing County drainage easement that traverses the property from Massachusetts Avenue to Cross Street. The applicant will provide and maintain an onsite underground drainage system to handle the volume of run-off currently directed towards the existing County drainage easement from the County road. The future five-lane section of Cross Street will have the edge of the travel lane located at 28' from centerline plus 3' shoulders. The retaining wall and slope of the stormwater detention basin are outside of the clear zone for the five-lane section of Cross Street. Ocean County requires the applicant to address the following conditions of approval: (1) since the existing right-of-way half width of Cross Street is less than 43' from centerline, submit a Deed of dedication and metes and bounds description for an additional right-of-way dedication to 43' from centerline to Ocean County (including future Block 440.01 Lot 1), (2) provide a 10' wide road easement and metes and bounds description for a future right turn lane on southbound Massachusetts Avenue to 43' from centerline from the proposed Wedge Avenue to the Cross Street intersection. The right turn lane will start at the PT of the curb return for Wedge Avenue, (3) provide a corner clip right-of-way dedication at the County road intersection as shown on the Pennoni road improvement plans to Ocean County, (4) submit a sight right easement forms and metes and bounds descriptions for 30'x100' sight triangle easements at the proposed intersections to the County roads and at the Massachusetts Avenue/Cross Street intersection in accordance with county standards to Ocean County, (5) submit a copy of the CAFRA Permit or a Jurisdictional Determination letter from the NJDEP (waiver requested), (6) revise the County road cross-sections to include existing edge of pavement elevations - to be reviewed and approved by the Ocean County Engineer, (7) provide a drainage design to be reviewed and approved by the Ocean County Engineer (see drainage memo dated 10/4/2023), (8) revise the guiderail warrant analysis calculations to identify the correct average daily traffic of 11004, (9) address the following traffic comments: a) revise Norstrand island to be 2' offset from projected edge of pavement per previous plan, (10) revise the plans to show utility poles to be located at 34.5' from centerline of Cross Street, (11) finalize the County drainage easement vacation documents, (12) enter into a Hold Harmless Agreement with the Ocean County Board of Commissioners with regard to the co-mingling of storm water, (13) enter into a Developers Agreement with the Ocean County Board of Commissioners with regard to the developer's share of the proposed County road improvements. Provide a cost estimate using County bid prices for the frontage improvements for pavement widening from 26' to 31' from centerline, (14) pay an off-tract drainage improvement fee in an amount to be determined by the Ocean County Engineer, (15) 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 conditions and the Board's decision on the waiver request.

A letter dated July 12, 2023 was read from Glenn Lines of NewLines Engineering requesting a waiver from providing a CAFRA Permit or a Jurisdictional Determination letter. Per 7:7-2.2(a)4 a development located beyond 500' landward of the mean high water line and which is located within the boundaries of a qualifying municipality of the fourth class with a population over 30,000

persons would require a CAFRA Permit. A project having 75 or more dwellings, this project is proposing 71 dwellings. A commercial development having 150 or more parking, this project is not a commercial development and a public development or industrial development, this is not a public development or industrial development. On a motion by Mr. Ernst, seconded by Ms. McCrystal the Board acknowledges and accepts the applicant's professional's interpretation that the project does not exceed the CAFRA threshold. This major subdivision was given final approval contingent upon the applicant to address the following conditions: (1) since the existing right-of-way half width of Cross Street is less than 43' from centerline, submit a Deed of dedication and metes and bounds description for an additional right-of-way dedication to 43' from centerline to Ocean County (including future Block 440.01 Lot 1), (2) provide a 10' wide road easement and metes and bounds description for a future right turn lane on southbound Massachusetts Avenue to 43' from centerline from the proposed Wedge Avenue to the Cross Street intersection. The right turn lane will start at the PT of the curb return for Wedge Avenue, (3) provide a corner clip right-of-way dedication at the County road intersection as shown on the Pennoni road improvement plans to Ocean County, (4) submit a sight right easement forms and metes and bounds descriptions for 30'x100' sight triangle easements at the proposed intersections to the County roads and at the Massachusetts Avenue/Cross Street intersection in accordance with county standards to Ocean County, (5) revise the County road cross-sections to include existing edge of pavement elevations - to be reviewed and approved by the Ocean County Engineer, (6) provide a drainage design to be reviewed and approved by the Ocean County Engineer (see drainage memo dated 10/4/2023), (7) revise the guiderail warrant analysis calculations to identify the correct average daily traffic of 11004, (8) address the following traffic comments: a) revise Norstrand island to be 2' offset from projected edge of pavement per previous plan, (9) revise the plans to show utility poles to be located at 34.5' from centerline of Cross Street, (10) finalize the County drainage easement vacation documents, (11) enter into a Hold Harmless Agreement with the Ocean County Board of Commissioners with regard to the co-mingling of storm water, (12) enter into a Developers Agreement with the Ocean County Board of Commissioners with regard to the developer's share of the proposed County road improvements. Provide a cost estimate using County bid prices for the frontage improvements for pavement widening from 26' to 31' from centerline, (13) pay an off-tract drainage improvement fee in an amount to be determined by the Ocean County Engineer, (14) 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. The motion was unanimously carried.

LAKEWOOD: Lot 16, Block 1086 (LAT1111D) 300 Rt 70 LLC

This two-lot minor subdivision is located on Route 70 and Locust Street. On a motion by Mr. Sutton, seconded by Ms. McCrystal this minor subdivision was given final approval contingent upon the applicant to address the following conditions of approval: (1) dimension the existing right-of-way half width and full width of Locust Street on the plan, and if the half width is less than 33' from centerline, submit a deed of dedication and metes and bounds description for an additional right-of-way dedication to 33' from centerline to Ocean County, (2) dimension the County road pavement half width and full width, (3) indicate the proposed curb is to be built 23' from centerline in accordance with Section 612, (4) revise the cross section for County road pavement to be 6" Dense-Graded Aggregate Base Course, 4" Hot Mix Asphalt 19M64 Base Course, and 2" Hot Mix Asphalt 12.5M64 Surface Course, (5) provide a 9"x18" concrete curb detail in accordance with County standards, (6) revise the plans to remove the bold print from the existing inlets in the County road, (7) add to the plans Ocean County standard notes for projects located on County roads: a) the developer is required to obtain a Road Opening Permit from the Ocean County Engineering Department prior to the start of construction of any improvements or soil erosion control measures within the County right-of-way, b) the developer shall obtain a letter of final acceptance from the Ocean County Engineer for the County road improvements prior to the issuance of a TCO/ CO from the municipality and release of any bond or other financial surety posted with the municipality for the completion of said improvement, (8) add a note to the plan stating: "there shall be no cross access connection between proposed lots 16.01 and 16.02, access from Route 70 to Locust Street is strictly prohibited as per the previous approval LAT1111C on 7/18/2012". All of the above conditions must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. The motion was unanimously carried.

LAKEWOOD: Lots 170.50 & 170.54, Block 548.06 (LAT1196C2) Engel, Sholom

This two-lot minor subdivision is for a lot line adjustment between a retail supermarket located on Cedar Bridge Avenue and a residential dwelling located on Dune Court. On a motion by Ms. McCrystal, seconded by Mr. Sutton this minor subdivision was given final approval contingent

upon the applicant to address the following conditions of approval: (1) dimension the existing right-of-way half width and full width of the County road on the plan, and if the half width is less than 40' from centerline, submit a deed of dedication and metes and bounds description for an additional right-of-way dedication to 40' from centerline to Ocean County. All of the above conditions must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. The motion was unanimously carried.

LAKWOOD: Lots 1, 2, 3/ 1, 3, 4, Block 1098/1099 (LAT2168A.01) Yeshiva Nesivois Hatorah

This two-lot major subdivision is located on Caldwell Avenue, Fulton Avenue, Gates Avenue, and Rockaway Avenue. The applicant is required to construct Caldwell Avenue for paved access to the new lots. The applicant has provided County road improvement plans for the Caldwell Avenue and Chestnut Street intersection. On a motion by Ms. McCrystal, seconded by Mr. Bilotta this major subdivision was given final approval contingent upon the applicant to address the following conditions of approval: (1) provide a final plat for the major subdivision including three corner coordinates in accordance with the Recordation Act. All of the above conditions must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. The motion was unanimously carried.

LAKWOOD: Lots 1, 2, 3/ 1, 3, 4, Block 1098/ 1099 (LAT2168B.01) Nesivos Hatorah

This site plan is for a 35,636 s.f. school and a 9,000 s.f. gym with 115 parking spaces to be located on Caldwell Avenue, Gates Avenue, Fulton Avenue, & Rockaway Avenue. The applicant has provided County road improvement plans for the intersection of Caldwell Avenue and Chestnut Street for site access. Lots will be consolidated into Lots 1.01 and 1.02 under a separate major subdivision LAT2168A.01 application. On a motion by Mr. Bilotta, seconded by Ms. McCrystal this site plan was given final approval contingent upon the applicant to address the following conditions of approval: (1) address the following traffic comments: a) provide school bus turning templates at Chestnut Street and Caldwell Avenue to demonstrate no conflicts; reconstruct easterly curb return radius per Section 610:E, b) provide ITE trip generation criteria for comparison with information provided by the applicant, c) label number of stories and total building area on all plans and report, and d) the report incorrectly refers to Oak Street & Funston Avenue. Revise accordingly, (2) revise the plans to show the corner clip right-of-way dedication on Block 1096 Lot 2 for the intersection improvements, (3) revise the plans to show the existing "A" inlet to be reconstructed as a manhole, (4) revise the plans to show the full extent of the existing underground 18" CCP crossing under the County road and the end of the culvert on the opposite side of Chestnut Street, (5) provide a copy of the NJDEP Letter of Interpretation for the mapped wetlands located within 150' of the project limits or provide a copy of the NJDEP Freshwater Wetlands Permit for the intersection improvements within the wetland buffer, (6) provide a horizontal and vertical profile for the County road indicating safe sight distance at the proposed intersection in accordance with County standards - to be reviewed and approved by the Ocean County Engineer, (7) if necessary to provide a clear line of sight at the County road intersection, provide a 30'x100' sight easement from Block 1097 Lot 2, (8) provide a drainage design to be reviewed and approved by the Ocean County Engineer (see drainage dated 1/19/2022), (9) the existing half width to the edge of pavement on the opposite side of Chestnut Street on the existing condition plans sheet is dimensioned at 16.26' from centerline, and the existing half width to the edge of pavement on the opposite side of Chestnut Street on the improvement plan sheet is dimensioned at 12.7', yet the centerline is not changing and there is no proposed opposite side widening proposed, revise accordingly, (10) provide cross sections for the County road to maintain a uniform 1%-3% cross slope for the entire half width of the roadway and positive gutter flow in accordance with section 611.B.1, provide County stationing, existing centerline and edge of pavement elevations, proposed curb elevations, limit of full depth pavement reconstruction - to be reviewed and approved 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. The motion was unanimously carried.

LAKWOOD: Lot 47, Block 174.01 (LAT802D.03) Yeshivah Gedolah Keren Hatorah

This site plan is for a 22,149 s.f. addition to an existing school with five proposed parking spaces (19 total) on Brook Road. The plans show the future edge of pavement at 20' from the centerline of the County road. The previous site plan LAT802D.02 has expired, although the conditions of approval have been met in a plan set revised 8-12-2021. On a motion by Mr. Bilotta, seconded by Mr. Sutton this site plan was given final approval. The motion was unanimously carried.

MANCHESTER: Lots 14.01, 14.02, 15.01, Block 109 (MT534) US Home, LLC

This four-lot minor subdivision is located on Lacey Road and Cherry Street. New Lot 14.03 will be purchased by the Ocean County Natural Lands Trust Fund. The applicant has provided a Pinelands Commission Certificate of Filing. On a motion by Mr. Sutton, seconded by Ms. McCrystal this minor subdivision was given final approval contingent upon the applicant to address the following conditions of approval: (1) dimension the existing right-of-way half width and full width of the Lacey Road on the plan, and if the half width is less than 40' from centerline, 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 the Cherry Street on the plan, and if the half width is less than 30' from centerline, submit a deed of dedication and metes and bounds description for an additional right-of-way dedication to 30' from centerline to Ocean County, (3) provide a 20' wide drainage easement to Ocean County centered about the new lot line between proposed Lots 14.04 and 14.05, (4) provide a copy of the Pinelands Commission "no further review" letter. All of the above conditions must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. The motion was unanimously carried.

TOMS RIVER: Lots 3 Block 173 (TRT3517) 2121 Lakewood Road, LLC

This site plan is for a 10,000 s.f. warehouse and 46 parking spaces to be located on Route 9 (Lakewood Road). The applicant has provided a copy of the NJDOT Access Permit. Ocean County requires the applicant to address the following conditions of approval: (1) label the NJDOT "desired typical section" for this section of NJ Route 9 and show the "desired typical section" line across the front of the property, (2) submit a copy of the CAFRA Permit or a Jurisdictional Determination letter from the NJDEP (waiver requested), (3) pay an off-tract traffic improvement fee in an amount of \$2,875.00. Approval recommended upon fulfillment of the above contingencies and the Board's decision on the waiver request.

A letter dated October 3, 2023 was read from Bryan Murphy of FWH Associates requesting a waiver from providing a CAFRA Permit. The site would be exempt since only 46 stalls are proposed and under the CAFRA requirement 49 would be required.

On a motion by Mr. Ernst, seconded by Mr. Bilotta the Board acknowledges and accepts the applicant's professional's interpretation that the project does not exceed the CAFRA threshold. Ocean County requires the applicant to address the following conditions of approval: (1) label the NJDOT "desired typical section" for this section of NJ Route 9 and show the "desired typical section" line across the front of the property, (2) pay an off-tract traffic improvement fee in an amount of \$2,875.00. All of the above conditions must be addressed in order to obtain Ocean County Planning Board approval stamp and signature. The motion as unanimously carried

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THE OCEAN COUNTY ENGINEER HAS DETERMINED THAT THE FOLLOWING APPLICATIONS WERE INCOMPLETE FOR REVIEW

- JACKSON: Lots 24.02 Block 1102 (JT1613A.01) WB Ocean 26 LLC**
- LAKEWOOD: Lots 2-5 Block 1086 (LAT1999B.01) MLMS Holdings, LLC**
- LAKEWOOD: Lots 1.02/2 Block 396/402 (LAT2166A) Bais Shaindel**

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CORRESPONDENCE:

BRICK: Block 106 Lot 1; (BRT1999A) Lombardi Residential, LLC

This site plan was given final approval on 4/21/2021. Condition #9 was to pay an off-tract drainage improvement fee in an amount to be determined by the Ocean County Engineer. Condition #10 was to pay an off-tract traffic improvement fee to be determined by the Ocean County Engineer. The County Engineer has determined that both the off-tract drainage improvement fee and the off-tract traffic improvement fee to be zero. On a motion by Mr. Ernst, seconded by Mr. Bilotta, the off-tract drainage improvement fee and the off-tract traffic improvement fee has been assessed at zero. The motion was unanimously carried.

JACKSON: Block 23001, Lots 20.05, 20.06, 20.07 (JT1152E.01) Earle Investments, LLC

This site plan was given final approval on July 6, 2023. Condition #7 was to pay an off-tract drainage improvement fee in an amount to be determined by the Ocean County Engineer. Condition #8 was to pay an off-tract traffic improvement fee in an amount to be determined by the Ocean County Engineer. The County Engineer has determined that the off-tract drainage improvement fee to be \$6,000.00 and the off-tract traffic improvement fee to be \$25,833.00. On a motion by Mr. Ernst, seconded by Mr. Bilotta the off-tract drainage improvement fee has been assessed at \$6,000.00 and the off-tract traffic improvement fee to be \$25,833.00. The motion was unanimously carried.

JACKSON: Block 5301, Lot 12 (JT1664.03) 146 N. County Line LLC

This site plan was given final approval 12/7/2022. Condition #6 was to pay an off-tract drainage improvement fee to be determined by the County Engineer. Condition #7 was to pay an off-tract traffic improvement fee to be determined by the County Engineer. The County Engineer as determined that the off-tract drainage improvement fee to be \$6,000.00 and the off-tract traffic improvement fee to be \$20,625.00. On a motion by Mr. Ernst, seconded by Mr. Bilotta the off-tract drainage improvement fee has been assessed at \$6,000.00 and the off-tract traffic improvement assessed at \$20,625.00. The motion was unanimously carried.

JACKSON: Block 7306 Lot 5 (JT1735) Dazey Investors, LLC c/o Food Friend

This site plan was given final approval on 3/2/2022. A letter dated September 13, 2023 was read from Mr. Stevens of Professional Design Services requesting a waiver from providing a right-of-way dedication. On a motion by Mr. Ernst, seconded by Ms. McCrystal, the Board granted a waiver to accept an 8' wide road easement in lieu of a right-of-way dedication. The motion was unanimously carried.

JACKSON: Block 4601 Lots 4 & 5 (JT1742) GM Equities, LLC

This site plan was given final approval on November 16, 2022. Condition #9 is to pay an off-tract traffic improvement fee to be determined by the Ocean County Engineer. The County Engineer has determined that the off-tract traffic improvement fee to be \$11,042.00. On a motion by Mr. Ernst, seconded by Mr. Bilotta the off-tract traffic improvement fee is assessed at \$11,042.00. The motion was unanimously carried.

LAKEWOOD: Block 44 Lot 1 (LAT1022F) Beth Medrash Govoha of America

This site plan was given final approval on 1/18/2023. The minutes were amended on 8/16/2023 to require an off-tract traffic improvement fee to be assessed by the Ocean County Engineer. The County Engineer has determined that the off-tract traffic improvement fee to be \$107,917.00. On a motion by Mr. Ernst, seconded by Mr. Bilotta the off-tract traffic improvement fee has been assessed at \$107,917.00. The motion was unanimously carried.

LAKEWOOD: Block 961.02 Lot 1.08 (LAT944Z7) Spire One Equity

This site plan was given final approval on 4/19/2023. On a motion by Mr. Ernst, seconded by Ms. McCrystal the minutes are amended to require the applicant to enter into a Developers Agreement for the design of a traffic signal at Boulevard of Americas and New Hampshire Avenue intersection.

The minutes are also amended to require the applicant to re-construct the concrete medium island to allow for minimum 150' left lane turn from Cedarbridge Avenue to America Avenue and increase the left turn lane storage for Cedarbridge Avenue to Avenue of the States. The motion was unanimously carried.

LAKEWOOD: Block 961.02 Lot 1.09 (LAT944Z8) Spire Two Equity

This site plan was given final approval on 4/19/2023. On a motion by Mr. Ernst, seconded by Ms. McCrystal the minutes are amended to require the applicant to enter into a Developers Agreement for the design of a traffic signal at Boulevard of Americas and New Hampshire Avenue intersection.