

1. 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 Meeting 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 the 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 criteria of the Open Public Meetings Act.”

2. ROLL CALL

Roll Call Mr. Franklin, Mrs. Koutsouris, Mr. Banas, Mr. Neiman, Mr. Percal, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

4. PLAN REVIEW ITEMS

1. **SP 1960** (No Variance Requested)
Applicant: Bais Medrash of Asbury Park, Inc.
Location: Southwest corner of Salvatore Drive & Vermont Avenue
Block 1081 Lot 14.01, 14.02 & 8
Conceptual change of use Site Plan to change from residential to proposed school, dormitory and parsonage

Project Description

The applicant is seeking Site Plan exemption/Change of Use approval for conversion of an existing property, and several dwellings and buildings, for a high school “boys school”, including classrooms, a 12-room dormitory, cafeteria and apartment per Section 18-906.B of the UDO. As currently proposed, there are no site improvements associated with the use conversion, with the exception of water and sewer laterals to service the dormitory building, striping of parking spaces and two (2) new sections of interior sidewalk. The following building conversions are proposed for the requested Change of Use: (1) The existing 2-story dwelling located within the front portion of Lot 8 will contain a Shul and a cafeteria is proposed on the first floor, and two (2) offices and two (2) classrooms on the second floor. Per a note on the architectural plans, a “future Kitchen and Dining Room” are proposed in the basement of this building. (2) The existing 1-story building located in the rear portion of Lot 8 will be converted into a boys’ dormitory, with twelve (12) rooms designated

as "Sleeping Area"s identified on the floor plan. The dorm building will be finished with stucco on the front façade and painted (block) on the remainder of the exterior. (3) The existing 2-story dwelling on Lot 14.01 will be converted to contain a "Rabbi's apartment, a library, a "recreation room" and two (2) offices. The site is located in the southern portion of the Township, on the west side of Vermont Avenue, south of its intersection with Salvatore Drive (an existing residential cul de sac). The tract is irregular in shape, and is 3.34 acres in area. Single family residential development exists north and south of the site, and multifamily residential development exists east of the site. (I) **Zoning** (1) The property is located in the R-20/R-12 Residential District. Schools are a permitted use in the zone, subject to the requirements of Section 18-906 of the UDO. (2) Per review of the Site Plan and the zone requirements, the existing and proposed layout complies with the Bulk requirements of the R-20/R-12 zone. (3) No bulk variances appear necessary for the change of use request. (II) **Review Comments** (1) Testimony should be provided by the applicant for the Board to determine the adequacy of existing site improvements to support the proposed change in use, including but not limited to the following issues: (a) How many students are proposed at the school (and in the dormitory) (b) Will any students drive and park at the school. (c) Are buses proposed (if so, how many). (d) How students will be dropped off and picked up (by car). (e) How many staffers (rabbi, schoolteachers, cooks, maintenance, etc.) will be at the site at any one time. Based on the above referenced testimony and other information requested, the Board will need to determine if existing parking (8 spaces once striped) and vehicular access are suitable for the requested change of use, or whether additional parking and access improvements are necessary. (2) We recommend that the local Fire Code official review the proposed dormitory to confirm that it is accessible for fire-fighting purposes, or whether additional access to this building would be necessary. (3) A 10-foot wide landscape buffer line is depicted along the southerly property line. Per Section 18-906A(2) of the UDO, a 20-foot buffer is required from residential uses. Based on the existing adjacent (residential) use, a 20-foot wide buffer is necessary (unless waived by the Board). (4) Per Section 18-906A(3) of the UDO, the required buffer shall be landscaped with trees, shrubs and other suitable plantings for screening, providing and adequate screening of at least six(6) feet in height where existing vegetation is inadequate. Landscaping shall be provided to the satisfaction of the Board. (5) Testimony should be provided as to how trash will be stored (and picked up), as well as proposed locations for trash cans, recyclable containers and/or dumpsters. (6) Testimony should be provided regarding proposed lighting. Lighting shall be provided to the satisfaction of the Board. (7) Testimony should be provided regarding the proposed "Recreation Area" depicted behind in the existing asphalt area behind the proposed dormitory. (8) Construction details for all proposed site improvements in accordance with Township standards. (9) Architectural information on necessary revisions to the building for the proposed school use, including but not limited to ADA accessibility and Fire Code compliance.

(10) Information and/or testimony that existing utilities serving the building are adequate for the proposed school use. (11) Any information necessary to document compliance with Section 18-906, "Public and Private Schools" of the UDO. Depending upon the Board's consideration of the above referenced information and testimony, additional site plan improvements may be necessary. The request for Site Plan exemption should be considered based on additional improvements (if any) deemed necessary to support the requested change in use.

Mr. Adam Pfeffer Esq for the applicant with regard to the review comments #1 the amount of students proposed for the school there will be no more than 46 students, their ages are between 18 and 20 and they are not allowed to have a car on the premises, there will be no busing, the students are allowed out once a month for a free weekend and will be picked up and dropped off, they come and go as they please otherwise. There will be no more than three staffers there at one time.

Mr. Glenn Lines stated that on the property as of right now there are two existing houses the property is on the southerly end of Vermont Ave. On lot 8 there is a house, a pool and a building in the back that will be renovated into a dormitory and then the houses will be used as classrooms on lot 8 and the house on lot 14.01 will be a library, offices a recreation room and upstairs will be a full time residence for a rabbi. There are no new buildings we are just doing interior renovations of all the buildings. We have read the report and there are no comments that we could not address.

Mr. Vogt stated that there was testimony on part of the letter on review comment #1 your testimony is that the eight parking spaces that are delineated are sufficient because there are no student drivers, there is no busing and only three staffers maximum, obviously the Board has to agree or you may need site plan improvements. Mr. Pfeffer stated that is correct. Mr. Vogt stated there was a concern with regard to access to the proposes dormitory for purpose of fire protection, that is comment #2, our recommendation was if the Board sees fit to grant the site plan conversion approval, that that be conditioned to fire code review if there are issues with access you may have to come back. Mr. Pfeffer stated they have no objection to that. Comment #3 and #4 pertain to landscape buffer requirements in the UDO for school facilities, they require 20 foot buffers from residential uses which you have here adjacent to it. Mr. Lines stated that they can provide the 20 feet along the southerly boarder, the back portion of lot 8 is fairly well wooded, we may need some supplemental planning back there and lot 14.02 is still a wooded lot. Mr. Vogt stated if the Board grants approval would they be willing to work with us and upgrade the buffer. Mr. Lines stated yes and there is some existing landscaping out there that we would like to use as part of the buffer. Mr. Pfeffer stated that there is an attorney here, Susan Demera for Harrogate, I have spoken with them, they are on Vermont and we told them that we should work with them to make sure there is sufficient buffering to make them happy. Chairman Neiman asked if before the public meeting if Mr. Pfeffer could work those things out with them. Mr. Pfeffer stated that they would. Mr. Vogt mentioned comment #5 as to how trash is going to be stored and picked up. Mr. Lines stated that they were planning to use cans as

opposed to dumpsters. They will be stored in a garage or if they are outside they will be put in an enclosure. Mr. Schmuckler asked if they were going to make an enclosure for the cans why don't they just use a dumpster with 46 students living there the Township supplies it so there is a lot of land there so it may work better. Mr. Lines said they will talk to DPW about the pick-ups. Mr. Vogt mentioned comment #6 about lighting. Mr. Lines stated that one property has lamp posts every 30 feet along the driveway and the other has numerous light posts, he believes the lighting is sufficient especially since there is no nighttime traffic in and out of the site. There are some lights on the back of the house which would be sufficient from getting from the school to the dormitory. Mr. Vogt stated there are no nighttime activities that they are aware of that may require additional lighting. Mr. Lines stated no. Mr. Vogt asked about a recreation area. Mr. Lines stated there is an existing asphalt area next to the dormitory in the rear that can be used for basketball or other activity. Mr. Vogt stated that construction detail is a condition. Architectural information will have to be supplied upon the Boards approval, for ADA accessibility as well as fire code compliance. Are the existing utilities adequate to the best of your knowledge? Mr. Lines stated that there are additional service connections to the existing facilities. They are tying into water and sewer and they checked with MUS and it is sufficient. Mr. Vogt stated that this is their site plan waiver request this is their hearing per say. If the Board feels comfortable with the improvements that are here based on the testimony you may want to consider a site plan waiver if you are not comfortable with what is being proposed you may not want to grant a site plan waiver. Chairman Neiman stated that he would be comfortable granting the waiver if he was able to hear from the attorney from Harrogate.

Ms. Susan DeMaria Esq. representing Harrogate stated that she had spoken to Mr. Penzer before the meeting and explained the clients concerns with getting the buffering along Vermont Ave. and he indicated that he would work with us, we don't have anything worked out at this time. Chairman Neiman asked if she would be satisfied if it was put in the resolution that the applicant will work with them on the buffer.

Mr. Douglas Robinson, 9 Salvatore Dr., a resident of the adjacent property, he received a notice about the school and dorm. What he didn't hear tonight was how large a population. Chairman Neiman stated there will be 46 students post high school age. Mr. Robinsons concern was for his property value as the area remaining as it is. How are you allowed to put a post high school in a residential area like this, it will detract from the neighborhood value. Chairman Neiman stated that all of this was answered during testimony. If the applicant plans on expanding in the future they would have to come back before the board and the neighbors will be notified.

Ms. Shawna Wyatt, 29 Salvatore Dr. Would like to know what type of water will be provided because the water lines that the homeowners have are not sufficient there were pumps that were put in our homes specifically and those pumps are not maintained by the Township they are maintained by the homeowners, without those pumps we basically have no water, if you are bringing 46 additional people into that area we will have no water. Also my home does back up to the property in question and with that 20 foot buffer where is it. Mr. Vogt explained that the way the ordinance is written that for this property where it abuts a residential use there is

suppose to have a 20 foot wide buffer, there is another section in the ordinance that deals with schools that talks about how you actual landscape that, it talks about landscaping with trees, shrubs and other suitable plantings for screening and providing an adequate screening which is at least 6 feet in height, you may be able to supplement with fencing. The buffer itself is measured from the property line and dependent on the use. In your case being a residential use it is going to be a 20 foot wide buffer that will be supplemented vertically. Ms. Wyatt explained that currently all of the neighbors do not have fencing they only have landscaping. She then asked if there is any type of a regulation that states that this is becoming a campus situation and there are minor children in the area so is there a ruling that they have to be gated in so that the minor children can not go there and the students of the campus can not venture out into the area also. Mr. Jackson stated that he does not know if there are any rules about that that would be for the applicant to find out. Ms. Wyatt explained that her children attend a private school and the school is accredited, is this school accredited and if so are there any stipulations as to the fencing rule. Mr. Pfeiffer stated that they are a 501C3 non-profit organization, a private post high school. Ms. Wyatt would like to know what the stipulations are for this private school. How do they meet the requirements for a dormitory? Mr. Jackson and Mr. Vogt explained that if this Board were to give approval of this site plan waiver there is a stipulation that states that that approval does not supersede any other approvals needed, so if a fence were a requirement of any other approvals this applicant would need they would have to comply. Mr. Banas stated that in all his years on the Planning Board, the main reason for fencing was to protect the child from hurting himself or from hurting his neighbor. I don't think the testimony was such that we needed a fence here, I would be interested if we had a problem similar to this as your question. I would be looking for a fence to be running parallel with Vermont Ave. because that is where the traffic comes and the kids could run into the traffic or on well Salvatore drive I don't think is very busy I am not familiar with it, but to put a fence up for fence we have never done that really unless there was some reason for it. Mr. Jackson stated that people can ask questions but that does not mean the applicant has an interest to satisfy you and it doesn't mean that the Board is going to require that, right now that is the status to this question. Mr. Vogt stated that the first question dealt with the adequacy of water and sewer, a valid question but it is not something that this Board typically handles, typically the Board's approval if they grant approval is going to be contingent on the Lakewood MUA basically verifying the utility adequacy. Mr. Jackson stated that they would need a permit from the MUA and that is outside this Board's expertise. Ms. Wyatt asked what is the procedure from this point on. Mr. Vogt stated the Board can ask tonight if they feel comfortable with the information or they can table the application. Mr. Percal stated that finding in favor does not take away any of the permits that the applicant needs to get. Specifically the water in the area, if the MUA finds a problem in that area the permit may not be granted.

Mr. Lines PE was sworn in at this point.

Mr. Larry Butterfield, 17 Salvatore Dr was sworn in stating is the Board aware of they are going to put 90 units in the back of this and now they are going to put in a school with 46 students.

Mr. Lines stated that there were townhouse units proposed and approved by the Zoning Board not this Board. Mr. Butterfield asked when is this all going to stop he paid a lot of money for his house he has lived in Lakewood 69 years and now is it time to run me out of Lakewood because you want to build all around me what is going to be next. What do the people in this neighborhood do now. Chairman Neiman stated that the Township Committee makes the ordinances this Board must follow these ordinances, the ordinance has schools as a permitted use in a neighborhood they have to provide by codes and any regulations. Mr. Butterfield stated that the value of the property will go down because of this action, somebody has to care about this. Mr. Banas stated that he understands what he is stating but you have to look at it from a practical stand point, you are looking at it from your practical standpoint, we have to look at it from a practical standpoint from another direction, we must follow the rules and the laws that are on the existing table. You purchase a piece of property wherever it is you pay a fair price for that property it is undeveloped or partially developed you have an opportunity to develop that within the constraints of our codes that are involved and if we took that away that right of you to develop a piece of property we would be doing an injustice to each one of us in the community as well as everyone in the United States, Lakewood first then the State of New Jersey. Everyone has the freedom to purchase a piece of property and then they have the next condition to go and to develop that property to the best that they can within the confines of the code. I don't know what is going to happen to the value of the land and I could get as excited as you if I lived there but we can not look at it that way, we look at the property by site plan that is presented to us we confine all of our thoughts and actions to that piece of property with the changes or modifications that you have, if there is a traffic problem and last week I learned of a severe traffic problem in Lakewood, which I knew but it was expressed very well by the people from the public. We had to go and base our decision not of the traffic but of the development of that site. That is all we can do unfortunately. I think if you would like to talk to another agency that has more power than this Board, that is the Township Committee, they have open mics just as we have open mics. Make your case before them but please understand they are still under the same codes we are and will probably say the same thing. Mr. Butterfield stated that he believes the value of our property will go down. Mr. Banas stated that the property taxes went down this year and will be going down next year also, I heard this from our Deputy Mayor announced at one of our meetings I was privileged to attend and with that that is because our property base is increasing, when you see that kind of movement it is hard to go and say that property values will go down.

Mrs. Inez Butterfield, 17 Salvatore Dr. we bought our house in 2005 and it was my understanding that this is a development for homes and not schools or colleges or whatever you are trying to make it to be, a dormitory, if I would have known that I would have never bought the house. As far as you saying that the property taxes are down, I would like to see the bill because my property taxes did not go down. I don't appreciate having a school with a dormitory at the end of my street, there must be some kind of way that you can build somewhere else. Mr. Banas stated that one of our ordinances that we have on the books indicates that schools are permitted in every zone in our community. That basically gives us no way of moving whatsoever

there are schools that go into the Industrial park there are schools that are developed throughout all the areas of Lakewood. Our code of UDO gives us that permission and gives you the permission should you desire to do that, it is there and it is available for everyone. We have the opportunity to build a school in any zone in Lakewood. Mrs. Butterfield stated so what you are saying is that we have no control of it, of what comes in my neighborhood. Mr. Banas stated he goes back to the statement that there is some place to voice that type of a question and that is the Township Committee. Mrs. Butterfield stated that there are a lot of small children in the area and like the other neighbor was saying she was worried that you are going to have grown men roaming around the development, no one wants their child to be a rape victim or murder victim, I'm not saying that is going to happen but parents don't want that for their small kids. That is why we want the fences. We don't want any basketball court or lighting in our quiet neighborhood. Mr. Pfeffer stated that there is no proposed additional lighting and the rec area which is labeled on the plan is an existing blacktop area that we just labeled as a rec area to show the Board what it is, right now there is no plan for it. Mrs. Butterfield stated that at any time they can put up lights there if they want. Mr. Banas stated that he does not know what to say. Mrs. Butterfield stated just don't build it then.

Mr. Steven Chang 2350 Vermont Ave, Toms River was sworn in and stated my house is bordered with Lakewood, lot 16.25 in Toms River, Mr. Schmuckler asked if there is a fence on his property, Mr. Chang stated he has the vinyl fence at the end of his property. His property fronts on Vermont Ave in Toms River. One of his driveways of stone is in Lakewood and is owned by the school. He also has a driveway on Vermont in Toms River. Mr. Lines explained that to get to the dormitory in the back of the property there is a concrete stone wall around an existing pool and the gravel drive that belongs to the school but is also used by Mr. Chang goes behind it and they would have to go onto Mr. Chang's property slightly to get to the dormitory. It can be modified so that they will not go onto his property. Mr. Banas stated that based on a use of a driveway by an owner and a non-owner do we need a cross easement here. Mr. Jackson stated that if they are going to use any of his property the answer is yes, unless you have an easement or a license to go through there you can't go over someone else's property. Mr. Lines stated that right now there is a gravel driveway with no existing easement as far as he knows based on the survey that they did, there was no easement for his gravel driveway that is on our property. Mr. Vogt stated that as he understands that the applicant will be bringing in an emergency access off of Salvatore Dr. and not using any of Mr. Chang's property.

Ms. Shawna Wyatt stated we are back to the buffering issue if the applicant is going to use Salvatore Dr for emergency vehicles. Chairman Neiman asked the applicant if he would be willing on Salvatore to put some type of fencing on Salvatore and any other area except Vermont, where it is going to go into the existing neighborhood. Mr. Lines stated that the area is very heavily wooded and it is virtually impossible to see these houses. Where they are talking about putting the emergency access along the boundary line of lots 14.01 & 14.02 which would be about 115 feet from the nearest residential property line. Mr. Vogt stated that the emergency access would be only for emergency vehicles and it could be gated. Mr. Lines stated

that his client is proposing emergency access from Vermont Ave. only and they will use only their property to gain that access. He also stated that his client can provide fencing and landscaping as needed for the neighbors, it will be part of the buffer and we will discuss it with Mr. Vogt.

This portion of the meeting was closed to the public.

A motion was made by Mr. Schmuckler to approve the waiver with the following stipulations, speak to DPW about garbage, all driveways and access will be on you property only, the emergency access to the dorm building will be from Vermont Ave., buffering and fencing will be left to the Township Engineers discretion, and there will be no lights on the recreation area, fire code review for the proposed dormitory. Seconded by Mrs. Koutsouris.

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

2. SP 1961 (No Variance Requested)

Applicant: Lakewood Cheder School

Location: Vassar Avenue, south of South Oberlin Avenue
Block 1601 Lot 4

Conceptual change of use Site Plan to change from vacant warehouse to proposed school

Project Description

The applicant is seeking Site Plan exemption/Change of Use approval for conversion of a portion of an existing unused warehouse building and property, and several dwellings and buildings, for the Lakewood Cheder Boys School, including classrooms, a Shul, several offices and amenities per Section 18-906.B of the UDO. As indicated in the site plan and architectural documents, less than 30,000 of an existing warehouse building will undergo a conversion ('fit-out') to the proposed educational facilities, identified as "Phase I" of the proposed facility conversion. As indicated on Note #10 of the Change of Use Site Plan, the remainder of the facility will be converted at a future date, and will be subject to a full site plan application(s) and review(s) at that time. As noted and illustrated on the Change of Use Site Plan, the facility's existing northerly access drive from Vassar Avenue will be used for vehicular access. An existing 56-space paved parking lot near Vassar Avenue will be used for facility parking, including the easterly portion (10 spaces) of a larger parking lot immediately to the west of the 56-space lot. Including four (4) handicap accessible spaces near the building, 66 total parking spaces are proposed with the Boys School conversion. Additionally, the larger parking lot will provide for bus circulation and access to a proposed Bus Drop off area in front of the school

building. As noted on the Change of use plan, minimal site improvements are proposed to support the requested Change of Use, including the following: (1) Delineation of the above-referenced Bus drop-off area and 6-foot wide concrete sidewalk in front of the school building. (2) Use of an existing asphalt area as a "Proposed Play Area". (3) Restriping of ten (10) parking spaces as detailed on the Change of Use Plan. Per the applicant's professionals, existing infrastructure on-site, including existing storm water management facilities are adequate to support the request Change in Use. The site is located in the Industrial Park, on the West side of Vassar Avenue, immediately south of its intersection with Oberlin Avenue South. The tract is irregular in shape, and is 12.84 acres in area. Commercial and light industrial sites surround the property. (I) **Zoning** (1) The property is located in the M-1 (Industrial) Zone. Schools are a permitted use in the zone, subject to the requirements of Section 18-906 of the UDO. (2) Per review of the Site Plan and the zone requirements, the existing and proposed layout complies with the Bulk requirements of the M-1 zone. (3) No bulk variances appear necessary for the change of use request. (II) **Review Comments** (1) Testimony should be provided by the applicant for the Board summarizing the proposed use of the school, including but not limited to the following: (a) How many students are proposed at the school. (b) Will any students (or parents) drive and park at the school. (c) How many buses are proposed (d) Will any students will be dropped off and picked up (by car). We note that per information provided on the Change of Use Plan and architectural plan, existing parking designated for this use will exceed UDO requirements as outlined in Section 18-906. (2) We recommend that the local Fire Code official review the proposed dormitory to confirm that it is accessible for fire-fighting purposes, or whether additional amendments (e.g., fire lanes, other) are necessary. We also note that per the architectural plans, there appears to be an existing sprinkler system installed with the prior use. (3) As noted on the Change of Use application, virtually all site improvements necessary to support the change in use are pre-existing, and within the industrial park. The Board should determine if additional buffer landscaping (per UDO Section 18-906) is warranted. Landscaping (if any) shall be provided to the satisfaction of the Board (e.g for trash storage per comment #4, below). (4) Testimony should be provided as to how trash will be stored (and picked up), as well as proposed locations for trash cans, recyclable containers and/or dumpsters. Per Note #8 on the Change of Use Site Plan, Township pickup is proposed with dumpster locations as determined necessary by Public Works (DPW). At the Board's discretion, landscaping and/or other screening should be provided for future dumpster facilities. (5) Testimony should be provided regarding existing (or proposed) lighting. Lighting shall be provided to the satisfaction of the Board. (6) Testimony should be provided regarding the proposed "Play Area" depicted within the asphalt area near Oberlin Avenue South. We recommend that a demarcation or barrier be considered between the play area and the asphalt parking lot proposed to be used for bus circulation for the school. (7) Confirming testimony should be

provided by the applicant's engineer that the bus circulation route as depicted is adequate for the largest school buses that will serve the facility. (8) Construction details for all proposed site improvements in accordance with Township standards (including the play area if upgrades are proposed). (9) Architectural information on necessary revisions to the building for the proposed school use, including but not limited to ADA accessibility and Fire Code compliance. (10) Information and/or testimony that existing utilities serving the building are adequate for the proposed school use. (11) Any information necessary to document compliance with Section 18-906, "Public and Private Schools" of the UDO.

Mr. Neiman and Mr. Schmuckler recused themselves from this application because they have children in the School. Committeeman Akerman joined the dais at this time. Mr. Banas acted as Chairman on this application.

Mr. Michael Grosse, Esq for the applicant.

Mr. Ron Gasiorowski for JD Commercial LLC, Polanski Realty, Harold Import Company and UPS.

Mr. Grosse stated that this is an exempt site plan under the Township Ordinance, it is an opportunity for the public to comment on this application, we have had the opportunity in the last week of speaking to our neighbors, they have been very cooperative, we want to be good neighbors since we are moving into the neighborhood and we are hopefully going to continue that dialog with our neighbors in the future as you will hear.

Mr. Brian Flannery, PE was sworn in stating that the application we are here for this evening is for the 7th and 8th grades. It is an existing industrial building on Vassar Ave. there would be a total of eight busses that will serve it, there would be a maximum of 400 students, currently they have 348 with a total staff of 26. We have met with the neighbors in order to make things a lot smoother for the Board and what we have agreed to is that we would put a 6 foot board on board fence along the southerly property line. The school portion of the sight is going to be limited to access to the northern parking lot, that is where the busses will pull in and drop off, there is also a parking lot there with a capacity for 56 parking spaces and the school would be limited to that driveway, the southern driveway would not be used for school purposes. The applicant has agreed to maintain the property in agreement with the neighbor. Mr. Grosse stated there was a request for no parking, no stopping and no standing signs on Vassar Ave. The eight busses that would come in the morning and would drop off around 7:30 am and it would be staggered in the afternoon, the first pick-up would be 5:15 to 5:30 pm and the second pick-up would be at 6:30 pm.

Mr. Gasiorowski stated that this was negotiated predicated upon the representations by the applicant, who in fact I have been very cooperative in negotiating this with the concerned neighbors, that this proposal as it stands is only for the application before you which is for students in the 7th and 8th grade with a total of 350 to 400 students. The applicant has indicated that in the future it is their intention to expand the student body, if in fact they do that they

would have to come back before this board and any objections which the neighbors might have would be preserved for that second coming back.

Mr. Grosse stated that they certainly agree with that statement and they are not planning on coming back before the Board for at least a year, and hopefully they will have resolved any problems of concerns of the neighbors.

Mr. Vogt stated that the Industrial Commission had issued a July 1st memo recommending additional access and egress. Mr. Grosse stated that he was aware of this memo and when they come back with an additional phase they would certainly address this matter. Mr. Flannery stated that he is comfortable for the proposed access for the Shul in it's current condition, it will be 8 busses and the site plan shows the turning area and the drop off area which is all in accordance with good engineering standards.

Mr. Flannery stated that the applicant would have no problem with the Board Engineers comments and it meets with his approval.

Mr. Banas opened this portion to the public, seeing no one he closed this portion of the application.

Mr. Akerman made a motion to approve this application. Mr. Percal seconded it.

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Committeeman Akerman, yes, Mr. Percal, yes.

- 3. SD 1815** (Variance Requested)
Applicant: John Sasooni
Location: Northwest corner of Central Avenue & Circle Place
Block 12.04 Lot 51
Minor Subdivision to create two (2) lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing corner property totaling 21,150 square feet (0.486 acres) known as Lot 51 in Block 12.04 into two (2) proposed residential lots designated as proposed Lots 51.01 and 51.02 on the subdivision plan. The existing property, Lot 51, is vacant, mostly cleared, and contains some large trees. The tract has frontages on three (3) streets. An unnamed, unimproved street exists on the west side of the property. Circle Place, an improved municipal street, borders the site to the east. Central Avenue, a County Road, fronts the south side of the tract. The site is situated in the western portion of the Township on the northwest corner of Central Avenue and Circle Place. Central Avenue is a newly reconstructed County Road with curb and drainage, having a

pavement width of forty-six feet (46') and a sixty-six foot (66') wide right-of-way. No sidewalk exists, but sidewalk is being proposed. There is a depressed curb at the Circle Place intersection to allow for a future handicapped ramp. Both the unimproved street and Circle Place have forty foot (40') right-of-ways. Five foot (5') wide right-of-way easements are proposed for each street. The unimproved street is not being improved, while Circle Place is being widened to have a half pavement width of fifteen feet (15'), including curb and sidewalk. The existing pavement on Circle Place is in poor condition. The proposed subdivision lots will access Circle Place. Access would be restricted from the unimproved street and the County Road. Both proposed lots will be 75' X 141' rectangular properties, containing 10,575 square feet. Lot area and lot width variances 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 predominantly residential. 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) Five foot (5') right-of-way easements to Lakewood Township are proposed for the frontages of the unnamed, unimproved street and Circle Place. The Board shall determine whether to accept the easements instead of right-of-way dedications. The bulk requirements will be impacted should right-of-way dedications be required. (3) Per review of the Subdivision Map and the zone requirements, the following variances are required: (a) Minimum Lot Area (proposed Lots 51.01 and 51.02, 10,575 SF each, 12,000 SF required) – proposed condition. (b) Minimum Lot Width (proposed Lots 51.01 and 51.02, 75 feet each, 90 feet required) – proposed condition. (4) 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. The status of the existing stockade fence extending into the right-of-way of the unimproved street shall be addressed. The existing fence shown on adjoining Lot 53 shall be identified as chain link. (2) The General Notes should be corrected to indicate the existing use as "vacant". (3) General Note #10 states "the size and location of structures within 200' of the property are approximate". However, no structures are shown and must be added. (4) Proposed Lot 51.01 will have frontages on three (3) streets. Therefore, the proposed lot will only have one (1) side yard and no rear yard. The proposed northern setback line for Lot 51.01 shall be corrected to a side setback line of ten feet (10') (5) The following corrections are required to the Schedule of Bulk Requirements: (a) Proposed Lot 51.01, minimum side yard setback of ten feet (10'). (b) Proposed Lot 51.01, minimum rear yard setback, "not applicable". (6) 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. (7) Testimony should be provided as to whether basements are proposed for the future dwellings on Lots 51.01 and 51.02. If so seasonal high water table information will be required. Parking shall be provided in accordance with parking ordinance 2010-62. (8) There is a large tree within the Circle Place right-of-way which could possibly be saved. If so, the proposed sidewalk location could be impacted and a sidewalk easement required. (9) The existing pavement of Circle Place is in poor condition. Road widening improvements are required for Circle Place and a design should be submitted. (10) Testimony is required on the disposition of storm water from development of proposed Lots 51.01 and 51.02. (11) Testimony is required on proposed lot grading. (12) 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. Our site investigation on 6/17/11 noted that public water is readily available to the site. However, testimony should be provided on sanitary sewer service. No existing sanitary sewer manholes were observed in the vicinity. (13) The proposed lot numbers should be assigned by the Tax Assessor and the map signed by the Tax Assessor. (14) A Sight Triangle Easement dedicated to Ocean County is indicated along the Central Avenue frontage. (15) Proposed six foot (6') wide shade tree and utility easements are shown along all the property frontages. We recommend a waiver be granted from providing the easement along Central Avenue since it falls within the sight triangle easement. Bearings, distances, and areas should be provided for the proposed easements on the individual proposed lots. (16) 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), and should conform to recommendations from the Township Shade Tree Commission as practical. A waiver from providing shade trees along Central Avenue should be granted because of the proposed sight triangle easement required. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan Review for the proposed lots. (17) Compliance with the Map Filing Law is required. (18) Monuments have not been set. (19) The Sidewalk Detail section view shall be revised to show the correct offsets. If the Board approves the right-of-way easements, the property line should be indicated as property line or easement line. (20) The Concrete Curb Detail shall use Class B Concrete. (21) 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) Ocean County Board of Health (if applicable); (e) New Jersey American Water (sewer and water); and (f) All other required outside agency approvals. **A revised submission should be provided**

addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Adam Pfeffer, Esq. for the applicant stated the applicant has no problem addressing all of the comments made in the Engineers letter.

A motion to move this application to the August 16th Public Hearing meeting was made by Mr. Percal and seconded by Mr. Akerman

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Jackson announces this application is moved to the August 16, 2011 6:00 this meeting room. No further notice is required.

- 4. SD 1816** (Variance Requested)
Applicant: Iris Road, LLC
Location: Southeast corner of Iris Road & Arbutus Drive
Block 20 Lot 11
Minor Subdivision to create two (2) lots

Project Description

The applicant seeks minor subdivision approval to subdivide an existing irregular property totaling 0.636 acres in area known as Lot 10 in Block 20 into two (2) new residential lots, designated as proposed Lots 10.01 and 10.02 on the subdivision plan. The site contains an existing dwelling to remain on proposed Lot 10.02. The existing driveway and garage from the dwelling to remain will be removed since these improvements would encroach onto proposed Lot 10.01. Public water and sewer is available. The site is situated in the northwestern portion of the Township on the southeast corner of Iris Road and Arbutus Drive. Iris Road is a paved road in fair condition with trenching from sanitary sewer running down the center. Arbutus Drive is a paved road also in fair condition. The streets both have existing right-of-way widths of fifty feet (50'), and pavement widths of about thirty feet (30'). These streets intersect Oak Knoll Road which runs diagonally to the northwest of the intersection. Proposed Lot 10.01 would front Iris Road and be an 80' X 150' rectangular tract containing twelve thousand square feet (12,000 SF). Proposed Lot 10.02 would be a 125' X 130' rectangular corner property, except for the large fifty foot (50') radius at the intersection. Proposed Lot 10.02 would contain 15,713.50 SF. The proposed subdivision will require a width variance for Lot 10.01 and a side yard variance for Lot 10.02. Curb exists along the street frontages, but sidewalk does not. However, new sidewalk is proposed. The lots are situated within the R-12

Single Family Residential Zone. 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: (a) Minimum Lot Width (proposed Lot 10.01, 80 feet, 90 feet required) – proposed condition. (b) Minimum Side Yard (proposed Lot 10.02, 7.2 feet, 10 feet required) – proposed condition. (3) Existing Lot 10 has a non-conforming front yard setback. The northwest corner of the existing dwelling is only 27.6 feet from the front property line radius at the intersection, where thirty feet (30') is required. This non-conforming condition will continue on proposed Lot 10.02 with the granting of this subdivision approval. (4) 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) The General Notes indicate the coordinates and vertical datum are assumed. A bench mark should be provided. (2) The Certifications reference a Land Survey dated 5/25/11. A signed and sealed copy of the Survey should be provided. (3) Runoff is being trapped at the intersection of Iris Road and Arbutus Drive. Review of the existing curb and gutter grades provided on the plan indicates the only solution would be the addition of storm sewer. (4) The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The Schedule of Bulk Requirements is requiring and providing four (4) off-street parking spaces per dwelling. A future Plot Plan for Lot 10.01 must show the required off-street parking. The proposed driveway for the dwelling to remain on Lot 10.02 is large enough to accommodate the four (4) off-street parking spaces required. Testimony should be provided on the number of bedrooms for the proposed dwelling on Lot 10.01, and in the existing dwelling to remain on Lot 10.02. (5) Testimony should be provided as to whether a basement is proposed for the future dwelling on Lot 10.01. If a basement is proposed, we recommend a minimum of four (4) spaces be provided. Parking shall be provided to the satisfaction of the Board. (6) If a basement is proposed for Lot 10.01, seasonal high water table information is required. General Note #10 indicates that seasonal high water table information will be provided at time of plot plan submittal. (7) A proposed handicapped ramp is shown to allow for the crossing of Arbutus Drive. A proposed handicapped ramp should be added to allow for the crossing of Iris Road. (8) The existing curb on the site is in fair condition. A note should be added to the Improvement Plan that any damaged curb shall be replaced at the direction of the Township Engineer. (9) Testimony should be provided as to whether a Sight Triangle Easement should be provided at the intersection. We note the right-of-way at the intersection has a fifty foot (50') radius. (10) The General Notes indicate the new lots are to be serviced by public water and sewer. The existing dwelling to remain must

already be connected to public water and sewer. The project is within the New Jersey American Water franchise area for both water and sewer. (11) Proposed lot numbers have been assigned by the tax assessor's office. The tax assessor's signature is required. (12) Shade tree and utility easements are proposed along the property frontage. The proposed shade tree and utility easements for the proposed lots are correct. (13) Seven (7) October Glory Maple shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable (14) The Plan indicates many existing large trees on the site. Our site investigation on 6/17/11 confirmed the presence of the large trees that are mapped. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plan for proposed Lot 10.01 submitted for Township review should include tree protective measures to save mature vegetation where practicable. (15) Testimony should be provided on proposed storm water management. No measures for the increase in runoff from Lot 10.01 have been proposed. (16) Testimony should be provided on proposed grading. The Improvement Plan shows site removals and some proposed improvements, but no proposed grading. (17) Due to no construction of the new dwelling on proposed Lot 10.01 at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. (18) Compliance with the Map Filing Law is required. (19) The following corrections are required to the construction details. (a) The limits of the eighteen inch (18") dimension shall be corrected on the depressed curb detail. Also, the contraction joints should be expansion joints. (b) The section view on the concrete sidewalk detail should be corrected. (c) Handicapped ramp details must be in accordance with the latest NJDOT Standard Details. (d) A pavement replacement detail should be added. (20) Final review of construction details will depend on the 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 (if necessary); and (d) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mr. Glenn Lines this is just for a sub division there is an existing house on the corner and we will be taking down to garage and that is where we get the 7.2 foot side yard setback, that is to what is the house. Chairman Neiman stated that the applicant is going to have to meet the requirement for 25 feet, the 10 and 15 side setbacks. Mr. Lines stated that is correct. The applicant can meet all the comments in the Engineers letter.

A motion to move this application to the August 16th Public Hearing meeting was made by Mr. Percal and seconded by Mr. Akerman

Roll Call Mr. Franklin, yes, Mr. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Jackson announces this application is moved to the August 16, 2011 6:00 this meeting room. No further notice is required.

- 5. SD 1814** (Variance Requested)
Applicant: J & J Group, LLC
Location: Cushman Street, west of River Avenue (Route 9)
Block 430 Lot 60
Minor Subdivision to create four (4) zero lot line lots (2 duplex's)

Project Description

The applicant seeks minor subdivision approval to subdivide an existing irregular property totaling 0.4773 acres in area known as Lot 60 in Block 430 into four (4) new residential lots, designated as proposed Lots 60.01 – 60.04 on the subdivision plan. The site is vacant and will be subdivided to construct two (2) zero lot line duplexes on the four (4) lots. Public water and sewer is available. The site is situated in the southern portion of the Township on the north side of Cushman Street, west of Route 9. The tract is lightly wooded and the land slopes from northwest to southeast. Cushman Street is an improved road with new pavement in front of most of the site from a recent sanitary sewer extension. The street has an existing variable right-of-way width, being a minimum of fifty feet (50') and increasing to sixty feet (60') wide. The existing pavement width is about thirty feet (30'). Curb exists, but sidewalk does not exist along the street frontage of the property. The proposed lots will be rectangular, except for Lot 60.02 which will be irregular since the right-of-way width changes at this location. The proposed zero lot line duplexes have been design such that each pair of lots exceed ten thousand square feet (10,000 SF) in area. No variances are requested to create the proposed subdivision. The lots are situated within the HD-7 Highway Development Zone. We have the following comments and recommendations: (I) **Zoning** (1) The site is situated within the HD-7, Highway Development Zone District. "Duplexes" are listed as a conditional use. Therefore, the provisions of Section 18-1014 apply for "duplexes". (2) No variances are being requested. The applicant must address the positive and negative criteria in support of any 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) The

plans reference a 2007 Survey. A signed and sealed copy of the survey should be provided. (2) Coordinates are required on at least three (3) outbound corners. (3) The General Notes indicate the vertical datum is assumed. A bench mark should be provided. (4) Based on the lot dimensions provided, the correct lot areas are as follows: (a) Existing Lot 60 - 20,790.56 SF (b) Proposed Lot 60.01 - 4,999.68 SF (c) Proposed Lot 60.0 - 5,025.60 SF (d) Proposed Lot 60.00 - 5,382.64 SF (e) Proposed Lot 60.04 - 5,382.64 SF (5) The proposed front yard setbacks in the Zoning Requirements shall be corrected to thirty feet (30'). (6) The proposed rear yard setbacks in the Zoning Requirements shall be corrected to thirty-two feet (32') for Lots 60.01 and 60.02, and forty-two feet (42') for Lots 60.03 and 60.04. (7) The NJ R.S.I.S. requires 2.5 off-street parking spaces for four (4) bedroom single-family dwellings. The Schedule of Bulk Requirements is requiring three (3) off-street parking spaces for four (4) bedroom units and providing four (4) off-street parking spaces per dwelling. The proposed driveways for the duplex off-street parking have been designed to accommodate four (4) side by side spaces for each half of the duplex. (8) Testimony should be provided as to whether basements are proposed for the future dwellings on Lots 60.01 – 60.04. If basements are proposed, the minimum of four (4) spaces being provided will comply with the Township Parking Ordinance. Parking shall be provided to the satisfaction of the Board. (9) If basements are proposed for Lots 60.01 – 60.04, seasonal high water table information is required. (10) Existing curb along the Cushman Street frontage of the project is being replaced with depressed curb for the off-street parking. The lengths of the areas being replaced with depressed curb shall be corrected. The proposed limits of depressed curbing are not clear. (11) The plan indicates the new lots are to be connected to existing public water and sewer lines. The project is within the New Jersey American Water franchise area for both water and sewer. (12) The curb replacement and new water and sewer connections will disturb the new pavement in front of the site. Once the curb replacement and utility connections are complete, Cushman Street should receive a full width overlay, the same as the new adjacent townhouse project to the west. Construction details for Cushman Street are required. (13) Proposed lot numbers have been assigned by the tax assessor's office and the map has been signed. (14) Shade tree easements are shown along the property frontage. The proposed easements shall be revised to shade tree and utility easements. Proposed bearings, distances, and areas must be added for the shade tree and utility easements on a per lot basis. (15) The notes indicate shade trees will be planted as per Lakewood Township Ordinance. Three (3) shade trees are proposed between the parking areas. Proposed landscaping is indicated between the parking and the units. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations from the Township Shade Tree Commission as practicable. (16) The Plan does not indicate any existing trees on the site. Our site investigation on 6/17/11 observed the site to be lightly wooded. Testimony should be provided regarding whether there are any

specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans for proposed Lots 60.01 – 60.04 submitted for Township review should include tree protective measures to save mature vegetation where practicable. (17) Testimony should be provided on proposed storm water management. No measures for the increase in runoff have been proposed. (18) Testimony should be provided on proposed site grading. No proposed grading is indicated on the plan. (19) Due to no construction of the new dwellings on proposed Lots 60.01 – 60.04 at this time, the Board may wish to require the cost of the improvements to be bonded or placed in escrow to avoid replacing them in the future. (20) The proposed front property corner monument between new Lots 60.03 and 60.04 must be added. The Monument symbols must be added at the rear outbound property corners. (21) Compliance with the Map Filing Law is required. (22) Construction details are required for proposed improvements. (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 (if necessary); and (d) All other required outside agency approvals. **A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.**

Mrs. Weinstein Esq. for the applicant stated that there are no variances and the applicant can meet all of the comments in the Engineers letter.

A motion to move this application to the August 16th Public Hearing meeting was made by Mr. Percal and seconded by Mr. Akerman

Roll Call Mr. Franklin, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Jackson announces this application is moved to the August 16, 2011 6:00 this meeting room. No further notice is required.

5. PUBLIC HEARING ITEMS

1. SD 1525A

Applicant: Levy Isaacson
Location: New York Avenue
Block 223 Lot 95.02

Second reconsideration of a condition of a prior minor subdivision approval

Mr. Franklin is recusing himself on this application.

Mrs. Miriam Weinstein Esq. on behalf of the applicant, this was brought up at a hearing about a month ago, the applicant had already presented his case where upon Mr. Jackson suggested that this is a material change to the previous plan that the applicant go ahead and notice the neighbors and then come back after that. We have done that, our case has not changed, what we have in a nut shell is what went on over here is we have a flag lot sub division, the landscaping plan that was submitted with the flag lot at the time that it was approved was in our opinion rather over kill and actually if you tried I don't think that all of the landscaping that is on that plan would fit on this lot. The applicant visited the site with Mr. Franklin and Mr. Franklin was in agreement with the proposed landscaping plan that was submitted on the revision.

Mr. Levy Isaacson, New York Ave, was sworn in.

Mr. Vogt stated looking at the two plans along the easterly property line you originally had landscaping shown on the approved plan that is not shown based on effect that that is what is there now. Mr. Isaacson stated that it is a very wooded lot and he presented a letter to Mr. Kiert stating that that neighbor did not care that there was no landscaping in that area. Mr. Vogt stated that along the southerly lot line you had trees and shrubs and you are still proposing the trees but not the shrubs. Mr. Isaacson stated that is correct and they are changing the types of trees proposed from arborvitaes and Leland cypress, it is a very shaded area and we proposed hemlocks which would go better in the shaded areas. Mr. Vogt stated that the only other change that he can see is that originally there were arborvitaes and Leland cypress between lot four and the swelling and now you are proposing white pine. Mr. Vogt stated that the board would have to look at the new plan and see if they were comfortable with the changes. Chairman Neiman stated we created landscaping on a flag lot for a reason and we got rid of flag lots for a reason. I just know that it is there for the protection of the home in the front until I hear otherwise that is what the landscaping is there for and the person in the front knows that there is going to be landscaping between the two properties. Mrs. Weinstein stated that they did notice the neighbors and the person in the front property is not here tonight and he was noticed. There is one neighbor that is present who would like to speak. Mr. Isaacson stated that in his naiveté he did not know what he was getting into, he was told by the person from whom he bought the property that he could change the landscaping. The original application was for two duplexes there are now two single family homes on the lot, the original landscaping that was submitted id not possible to fit. I know Mr. Franklin has recused himself but he was at the site and he agreed that the second plan is much better. Mr. Banas stated that he is looking at both plans and what we are talking about is probably an error made by the person who drew the drawing as I recall what we asked for is to buffer these areas around a flag lot at that purpose with both the tree and a low shrub, these shrubs should not be a line unto their own they should be underneath the tree which would then offer a better anti peek thru or whatever

have you. Likewise I don't see any shrubs or any trees in the new drawing facing lot 91. I don't think that I would even consider approval of this new approach. Mr. Isaacson stated he has submitted to the Township in letter from the owner of lot 91 there is a dense forest, that is a 360 foot deep lot, we don't approve flag lots anymore and there is nothing more that could be on there except for one house and I have a letter from the owner stating that he is indifferent to the landscaping back there I submitted pictures as well. Mr. Banas stated that Mr. Franklin recused himself and Mr. Isaacson can not use things that he said as part of this application. Mr. Isaacson stated that at the last meeting both Mr. Banas and Mrs. Koutsouris stated that if Mr. Franklin was OK with the landscaping that they would agree also. Mr. Banas stated that there are several things since we see the two drawings, you had this flag lot approved under ordinance we had when we allowed a flag lot, our conditions were such that you need to meet those conditions, I would expect that you would follow thru, I don't see that the new drawing is better. Mr. Isaacson stated that the first drawing had errors. Mr. Banas stated he is not going to argue. Chairman Neiman stated that between the two homes keep it the way it is and the left side of the property we can work with but between the two homes leave it the way it was. Mr. Vogt stated that if he understands the new plan they are showing a number along there and what they did was they were going to alternate a Leland cypress and an arboviati, the Leland cypress are way to big for that area. To get what the board wants is to do tight spacing of arborvitaes and more importantly in the long run they have to be maintained. Mr. Isaacson stated he will be putting in a sprinkler system. Chairman Neiman asked Mr. Vogt if he would be OK with that plan, the buffer would not be at its best when it is planted but within a period of two to three years it would be adequate.

Mr. Jorge Esmart, 410 E. 7th Street was sworn in stating that he did not see the first plans but he was more concerned with the run off from the property because his property id lower that the property. Mrs. Weinstein stated that the grading will not change. Chairman Neiman stated that this plan does not change the grading and should not change the run off.

This portion was closed to the public.

Mr. Banas asked about lot 91 is it no occupancy, in Lakewood we need all the land we can for homes, eventually there are going to be homes there and why are we not having a buffer there now. Mr. Isaacson stated he has a letter from the current owner of the property that he does not care if there are no trees, secondly even if a new house was developed there the lot is 360 feet deep and I don't imagine someone will build there house all the way to the back of the property where they will be able to see into mine, it will be a backyard. Mrs. Weinstein stated if you look at that lot it fronts on Ridge Ave. and the front of the lot is very far away from what we are talking about, this lot only backs up to lot 91 at the very rear of that lot which is 360 feet deep.

Mr. Percal stated that he was concerned about the gentleman that spoke before in the public section, it is his understanding that if you begin things right they usually end right, if you begin

things wrong the outcome is not always the best. He suggested that the applicant talk to the neighbor and work things out.

A motion to approve the landscaping plan between the two lots 95.01 and 95.02 is staying as the old plan and along the pole we would allow the change if they are planted about 5 feet apart, as shown on the new plan. The driveway is arborvitae only no Leland cypress. Committeeman Akerman seconded the motion.

Roll Call Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Committeeman Akerman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

6. PUBLIC PORTION

7. APPROVAL OF THE MINUTES

NONE

8. APPROVAL OF BILLS

NONE

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Margaret Stazko
Planning Board Recording Secretary