

**LAKWOOD PLANNING BOARD
MINUTES
JANUARY 8, 2008**

I. CERTIFICATION OF COMPLIANCE

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

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

2. REORGANIZATION

OATH OF OFFICE

- Class I Member- one year appointment to December 31, 2008 – Mayor Ray Coles
- Class II Member- one year appointment to December 31, 2008 – John Franklin
- Mayor’s Designee to serve to December 31, 2008 - none
- Class III Member- one year appointment to December 31, 2008 – Menashe Miller
- Class IV Members-(3 appointments) 4 year appointment to December 31, 2011 – Stanley Banas, Yechiel Herzl, Carl Fink
- Planning Board Member alternate #1 (2 year term) – Joshua Schmuckler

John Jackson read the oath of office to the members of the Planning Board, who repeated the oath and were sworn in.

ELECTION OF OFFICERS FOR THE CALENDAR YEAR OF 2008

- **Chairman- Motion made by Mr. Miller to nominate Mr. Banas, seconded by Mr. Percal**

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

- **Vice Chairman- Motion made by Mr. Miller to nominate Mr. Neiman, seconded by Mr. Akerman**

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

• **Secretary- Motion made by Mr. Miller to nominate Mr. Kielt, seconded by Mr. Herzl**

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

• **Recording Secretary- Motion made by Mr. Miller to nominate Ms. Johnson, seconded by Mr. Herzl**

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

SELECTION OF CONSULTANTS AND OTHER PERSONNEL

Motion was made by Mr. Miller, seconded by Mr. Neiman, to go into closed session to choose the professional staff.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Motion was made by Mr. Miller, seconded by Mr. Herzl, to go back into open session

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Attorney -Motion made by Mr. Miller to nominate King, Kitrick & Jackson, seconded by Mr. Fink

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Planner - Motion made by Mr. Percal to nominate T&M Associates, seconded by Mr. Fink

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Engineer- Motion made by Mr. Franklin to nominate T&M Associates, seconded by Mr. Fink

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

3. ROLL CALL

Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Neiman, Mr. Banas, Mr. Akerman, Mr. Fink, Mr. Schmuckler, Mr. Percal

4. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Slachetka were sworn in.

Mr. Kielt stated there were changes to the agenda. Item #3 SP 1860 – Congregation Avreichim, there was a request to be tabled to the meeting of January 29, 2008

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to carry to the meeting of January 29, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Item #4 SP 1874 Saraella Holdings LLC, there was a request to carry to the meeting of January 29, 2008

Motion was made by Mr. Akerman, seconded by Mr. Fink, to carry to the meeting of January 29, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Item #10 SD 1616 – S&H Builders c/o Sam Bauman, a request was made to be carried to the meeting of January 29, 2009

Motion was made by Mr. Akerman, seconded by Mr. Miller, to carry to the meeting of January 29, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

5. NEW BUSINESS

1. SD # 1607 (VARIANCE REQUESTED)

APPLICANT: 319 CEDAR BRIDGE LLC

Location: Cedar Bridge Avenue, across from Lakewood Corporate Park
Block 548 Lots 170, 187, 191-195, 297

Preliminary & Final Major Subdivision-60 single family dwellings, 2 open space lots, and 2 commercial lots

Mr. Peters said after the technical meeting they received a lot yield plan for this project (it is in the cluster zone) and there were some questions raised with that would be a planning issue and he recommends they go right to the planners report to discuss those and these issues might kick this application back for some redesign.

Mr. Slachetka said they had prepared an extensive report dated January 7, 2008 but as Mr. Peters stated there is one issues that the board needs to address and make a determination as to whether or not further analysis an evaluation needs to be undertaken before they should proceed on this application. One of the requirements for the cluster subdivision is a presentation of a lot yield plan. They received late Friday a lot yield plan and they have some concerns with regards to what was represented in that plan with respect to the required 300 ft. buffers with adjoining C1 waterway. This afternoon we received a revised yield plan. We still have some concerns, although some of the buildings have been moved out of the 300 ft. buffer, some of the yard areas are located within that and we feel that we need to have a further evaluation of whether or not that the yield plan is being present appropriately and it reflects in actually what would be permitted if a standard subdivision would be submitted consistent with current DEP regulations. We may need to have further dialogue and discussion with the applicant and their professionals to ensure that the representation of the number of lots is an accurate representation, based on our subdivision regulations and DEP requirements. That is an issue for the Board's consideration and he is sure the applicant has something to add.

Mr. Banas asked Mr. Slachetka when he received the revised plans and Mr. Slachetka stated he received them on Friday and Mr. Peters received them on Monday. Mr. Slachetka also said they were faxed a subsequent revised lot yield plan this afternoon. Mr. Banas asked if the plans were sufficient enough for the planners to make a sound decision on the project and Mr. Slachetka said he thought they needed to have further review and discussion of the lot yield plan to ensure that we are all on the same page as to whether some of the lot that are represented on the lot yield plan are actually permissible lots pursuant to DEP regulations which would require some follow up and research on their part.

Mr. Banas said they would not be able to render a decision tonight on this proposal and Mr. Slachetka and he said certainly not on the number of lots that could be yielded from this cluster subdivision.

Mr. Shea addressed the board and gave some background on the application. In 2005, Mr. Flannery and himself got together with the applicant, Dov Gluck, and made a rezoning proposal to the governing body. This property was known as the Wilenta farm and as part of the rezoning proposal, we submitted a yield plan, the same one we submitted in support of this application. The governing body sent it down to the planning board for your approval and you looked at it and concurred that this was the appropriate thing to do and favorably recommended it to the governing body and they passed the zoning ordinance to change it from A1 to B6 in the front and R15 in the back with a R10 cluster. T&M brought it to the attention of Flannery's office and Mr. Flannery agreed and stated that T&M reviewed the lot yield plan under current regulations and said that the DEP had changed its regulations since the 2 years. He said the 60 lots they are proposing are all out of that area and it is his position that they are showing 60 lots that are outside of the 300 ft. buffer and Mr. Slachetka is pointing out that the rear yards of those units are within the 300 ft buffer. It is his opinion that it complies with the intent of the DEP and what the governing body envisioned when they approved the zoning change.

Mr. Slachetka said the issue is the determination as to the correct amount of lots that would be permitted based on the lot yield plan. They need to evaluate and look at whether or not the lots as represented, which include portions of lots that are within the 300 ft buffers are would be permitted pursuant to DEP regulations. Once they can confirm that, as the applicant states is permitted, then they can proceed on the number that the applicant is proposing. He thinks it would be prudent to do that evaluation so we don't run into problems moving forward.

Mr. Shea stated the applicant is willing to be carried to the meeting of January 29, 2008 to give the professionals and applicants' professionals the opportunity to review the plans.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to carry to the meeting of January 29, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

No changes in the existing plans at this time.

2. SD # 1585 (VARIANCE REQUESTED)
APPLICANT: ARBORETUM PROPERTIES LLC
Location: Arboretum Parkway and County Line Road West
Block 25.07 Lots 54 & 60
Minor Subdivision for 3 lots

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide two residential lots into three residential lots. The property contains two existing dwellings, which will be removed. Three new single family homes are proposed. The property is located at corner of Arboretum Parkway and County Line Road West, within the R-12

zone. The applicant is requesting variances on lot areas. Each of the proposed lots has an area less than 12,000 S.F which is required by the Lakewood UDO. Proposed lot sizes range from 10,623 S.F to 11,000 S.F. The applicant proposes to dedicate a 6 ft wide shade tree and utility easement to the Township of Lakewood along Arboretum Parkway and County Line Road West. The applicant proposes to dedicate a 1,609 S.F sight triangle easement to Ocean County. Evidence of Ocean County Planning Board approval should be provided prior to signature of the final plat. The water and sewer services will be provided by New Jersey American Water Company. The applicant has showed on the plans existing curbs and sidewalks along County Line Road West and existing curbs along Arboretum Parkway. The applicant has provided sidewalks along Arboretum Parkway. The curb detail shown on the Development plan has a 2" thick stabilized base. We commend a minimum of 3" thick stabilized base. The existing dwelling shall be removed prior to signature of the final plat or a bond posted to ensure its prompt removal after the subdivision is completed. Each of the proposed dwellings contains a one car garage, and room to park three cars in the driveways on Lots 60.02 and 60.03. The proposed Lot 60.01 has room for four cars to park in the driveway. The board should determine if the off-street parking spaces provided are adequate. The official tax map shows the 3' alley extending to County Line Road West, which is different from what is shown on the plan. The applicant shall address this discrepancy to the Planning Board. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated June 12, 2007. The applicant seeks minor subdivision approval to subdivide existing Lots 54 and 60 into three (3) non-conforming new lots, located within Block 25.07. Both lots currently contain existing one (1) story frame dwellings. Approximate lot sizes for the existing lots are as follows: Lot 54: 0.38 acres, Lot 60: 0.36 acres. The total size of the tract is 32,539 square feet in area (0.75 acres). The property is located in an R-12 Zone in the northern part of the Township, just north of Georgian Court University. Zoning for the tract and surrounding properties is R-12 (Residential). The surrounding land uses are residential in nature. Part of the tract borders County Line Road West, which in this portion of the Township is bordered by residential uses. The applicant has submitted plans revised through April 11, 2007 addressing the comments of the Planning Board and its professionals. Single-family detached housing is a permitted uses in the R-12 Zone. The applicant has requested the following variances: Minimum Lot Area: 12,000 square feet required: 11,000 square feet proposed (Lot 60.01); 10,916 square feet proposed (Lot 60.02); and 10,623 square feet proposed (Lot 60.03). The applicant did not request variances for minimum lot width, which is 90 feet in the R-12 Zone. We note that the Lakewood UDO specifies that, in addition to minimum lot width measured at the front setback line, the mean width shall not be less than the required lot width; "mean" is commonly defined as the average value of a set of numbers. A review of the subdivision plat indicates that the mean lot widths of the interior proposed lots are less than 90 feet. As the mean lot width is not permitted to be less than the required lot width, variances may be required for Lot 60.02 and 60.03. The positive and negative criteria for the required bulk variances should be addressed. The applicant has requested a waiver from orienting lot lines at right angles to Arboretum Parkway. The applicant should explain why it is not practical to have the new side lot lines at right angles to Arboretum Parkway. The current lot line between Lot 54 and Lot 60 is at an approximate right angle to Arboretum Parkway, which, though it curves slightly at the intersection with County Line Road, is on a relatively flat plane with most of the frontage for the tract. The

maximum height listed in the zoning bulk chart (30 feet) is incorrect for the R-12 Zone. The applicant must revise the chart to reflect the correct maximum height of 35 feet. The applicant should discuss the dimensions of the proposed lots and the contemplated land use(s) in comparison with current lot sizes and uses in the surrounding area. The submitted architectural plans are for a five (5) bedroom house (Lot 60.01) and two (2) six bedroom homes (Lots 60.02 & 60.03). Parking for all proposed lots must comply with NJ RSIS standards. Confirm that sufficient area is provided for three (3) vehicles, and revise the zoning bulk charts on the plat to reflect three (3) provided spaces for Lot 60.03. Proposed sidewalks are indicated on the revised improvement plan. Street trees are not indicated on the subdivision plat or proposed improvement plan. Shade tree/utility and sight triangle easements are indicated on the plat and plans. We note a 3-foot wide alley bordering the rear yard of 60.02 and 60.03, and a notation for Lot 63. The applicant should discuss the discrepancy between the filed maps to confirm that there is no adverse impact on the subject lots. We will defer to the Board Engineer's determination on this issue. The plat indicates existing dwellings on Lot 54 and Lot 60. The dwelling and existing improvements must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. The remaining comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. This application has been around since March of 2007 from the technical meeting. There are two objecting attorneys, Mr. Rube Silverman representing Ben Bell and Miss Klein is representing Arthur Schwartz. He would like to mark into evidence was an exhibit A-1 which is an aerial exhibit of lots 54 and 60 and Mr. Flannery stated the property is unique because on this block there are 9 other lots that are not conforming. In the adjoining block to the west a large number of undersized lots of similar configuration and across the street there is three lots also shown. Directly across the street is a pump house from NJAWCO, which is a commercial use. There is no definition of the mean lot width in the ordinance and if Mr. Slachetka says they need a variance for it they will request one, and they feel it is diminimus. He feels they will not have detrimental impact on the zone plan or zoning ordinance. From an aesthetic standpoint these houses will fit in with the character of the neighborhood, the dwellings that are proposed to be constructed will be an enhancement to the neighborhood. The stormwater management and traffic have all been provided for in the subdivision plan and they are providing sufficient parking and proper grading and drainage for the lots. Mr. Banas asked how many parking spaces were they providing and Mr. Penzer stated they promised 4 spaces at the technical meeting and would provide that. Mr. Flannery said the lot density is 90% of what is required and also provided adequate air, light, and open space.

Mr. Peters wanted clarification on the parking and Mr. Flannery stated it would be 3 parking spaces and the garage. Mr. Flannery went on to explain why it was not practical to have the lot lines at right angles and submitted exhibit A-2 which was a rendering of the subdivision map, proposed improvement plan, and said in order to balance the areas the non radial lot lines are a better alternative given the nature of the configuration of the property. Mr. Banas said it appears you are bending the lines to make your case. Mr. Flannery said they are bending the line to have the lot areas that are the most suitable for the residents and he feels that is a good goal. Mr. Banas questioned what will happen to that piece of property on County Line Road, between your property, that wedge piece,

and Mr. Flannery said it would remain as it is, it is not theirs. There were a lot of unusual pieces of property left as the road was widened during the years and this might be one of them. Mr. Banas was concerned with who would be maintaining the property and keeping it clean and Mr. Penzer stated they would take care of it and Mr. Banas said they would encroach on it and Mr. Penzer said no but they would cut the grass and maintain it but unless the owner would like to sell it to them, but they do not own it. Mr. Banas said if they were to buy it, it would change the configuration of the lots. Mr. Flannery said they property would just go to the corner owner. They agreed to provide sidewalks and utility easements and site triangle easements. There is an error in the tax maps about the 3ft wide alley and the survey and subdivision map depict correctly the configuration in that area and it will not adversely affect any of the property owners. They own to their property line. They will provide street trees. They agree to the remainder of the comments in the planners reports.

With regards to the engineers report, they agree to the comments and have already discussed most of the items in the planners report.

Mr. Banas said the wedge piece still bothers him. The variances they are asking for might give them a closer reality to what the 12,000 sf might be if they could purchase and they could have pretty straight lines and go along with the planner and eliminate some of the variances if they could by not having it. Mr. Flannery said by a purely technical stand point he was correct but as a practical matter for the public and the homeowners that little triangle really isn't going to make a difference. Mr. Penzer said he didn't have a problem trying to negotiate but what Mr. Flannery is saying, even if they are successful, it would only affect that one lot. Mr. Banas disagreed and said you could straighten the other 2 out. Mr. Miller asked the applicant to submit a letter asking the Township or county (the owner) requesting to purchase the lot. Mr. Banas said then they could make the plans fit. Mr. Penzer said it is not an easy feat to find out the ownership.

Mr. Silverman, Esq. appeared representing Mr. Bell and his wife, who own adjoining property to where the lots are going to be. He asked Mr. Flannery when the engineering start and the planning become active in presenting this presentation to the board and Mr. Flannery said he is licensed in both so as the application proceeded in engineering issues, he gave engineering testimony, and when there was planning issues, he gave planning testimony. Mr. Silverman asked if he planned it first, or did he engineer it first and Mr. Flannery said he planned it first. Mr. Silverman said that when he planned it then, he decided it was no longer good for 2 lot of 6 bedrooms each, but it would be wonderful for 3 lots, 2 for 6 bedrooms each, and 1 for 5 bedrooms and Mr. Flannery said they looked at the property and the surrounding area and they said what would be a consistent use and they came up with the 3 lots as shown. Mr. Silverman asked him if he was the adjoining property owner to the south if he would be happy to have the monstrosity of a house built next door to him and Mr. Jackson objected to him using the term monstrosity and Mr. Flannery said if they left it as 2 lots they could have built much larger homes on these lots and Mr. Silverman asked if he meant hotels and Mr. Flannery said no but that in Lakewood there have been homes built that are substantially larger than what is proposed. They referred to exhibit A-1 and the parcels in green and Mr. Silverman questioned the conformance of the neighboring homes. Mr. Silverman then questioned Mr. Flannery on the dimensions of the adjoining homes to the subject property and whether they were 2

story homes, colonial etc. and who the owners were. Mr. Flannery said most of the homes on Tanglewood are 1 store and there are a few 2 story homes in that area. Mr. Silverman then questioned Mr. Flannery on the traffic and the difficulty of making turns onto County Line Road and Mr. Banas interrupted and told Mr. Silverman to deal only with the Site Plan in front of the board, not the traffic pattern. Mr. Silverman disagreed and said with 2 -6 bedroom homes and 1- 5 bedroom home there could possibly be up to 24 people in the home. Mr. Banas said they only deal with the number of parking spaces, not the traffic. Mr. Silverman questioned the number of buses that would come to pick up the children and Mr. Flannery said the difference between 2 or 3 houses would not be impacted by the number of buses. Mr. Silverman continued questioning irrelevant to planning and engineering aspects of the application but in respect to monetary aspects and Mr. Jackson advised him that it was irrelevant. Mr. Banas explained what the boards suggestions are when an application is submitted, such as the lot lines that were drawn and the possible purchase of additional land. Mr. Silverman asked about the site triangle easement and Mr. Flannery explained the benefits of the site triangle easement on this application. His remaining questions dealt with the driveway, the width of the driveway, and the garage.

Eileen Margolin Klein Esq. appeared on behalf of Arthur Schwartz, a resident on Arboretum. She referred to exhibit A-1 and noted that the undersized properties were all on Tanglewood Lane. She said there is also one on Arboretum. She questioned the sizes of the homes in the area and asked if the homes on Arboretum were in a different neighborhood. She had a statement from Mr. Schwartz that she wanted to read but Mr. Banas said it could not be read into the minutes because he is not here to be cross examined. Mr. Jackson said as his attorney, she can state what he is objecting to and she stated he is objecting in his opinion, if the variance is granted, it will change the character of the block and there will be a lot more traffic, an increase in the number of buses. In particular, if you create 3 houses, where there are now 2 small houses, it would negatively impact the spacing, and the general appearance. She knows Mr. Flannery said it is a pump station but she has been advised that it is an attractive building, it is a brick building, it is well maintained and does not deter from the block. Mr. Schwartz is also concerned with a noise issue with building 3 houses and has a major concern with basements in Lakewood. Many houses that are built with basements legally or illegally do have apartments in the basements and up to six families could be living there instead the current 2 families and 4 cars. The only basis that he sees for a hardship here is one that the owner of the property would have created for himself, they believe the only real benefit here would be financial benefit to the current owner and they have no problem with building 2 houses on the property, but not 3 and they oppose the variance.

Mr. Banas opened the microphone to the public

Larry Simons, 7 Schoolhouse Court was sworn in. He asked if a variance is requested, notification must be sent out to all owners within 200 ft of the property. Mr. Flannery said he did not know the owner of the piece of wedge, yet notice had to go out, so help him understand who the owner is. Mr. Penzer said when an application is submitted Kevin gives them a list of property owners within 200 ft. and whatever he gives them, they notice, there is no notification for them to find it. It could be a void or a gore or a part of the right of way, there is no lot or block number.

Seeing no one else, this portion was closed to the public

Mr. Silverman said this is not a unique situation in Lakewood. Why do they ask for a variance for a parcel of 2 to get 3. This is the year 2008. What has happened though variances being given by this board and by the zoning board has emasculated the zoning ordinances. Here we are starting a new year and up before the first week in the Township we have the same thing, I need 3 for 2. Does a person who buys a single family lot come in and say I need 2 for 1? It doesn't happen. There a major subdivisions, buy as many lots as you want. But this is not the way, in my opinion in over 52 years of practicing law in Lakewood, that you don't give everybody a variance because they ask for it. The infrastructure is shot, you will not have water in a couple of years and he thinks as an example, the people he represents, the Bells, when they bought land and built a house that was too large, they bought an adjoining lot. They don't do that now. He is suggesting that these people do not get their variances, they should not get permits for more than the 2 houses that they purchased, and it would be a step to notify all people. You get what you bought and you are entitled to what you have, but you are not entitled to a bonus.

Mr. Penzer is aware of Arboretum Parkway. He does not believe these homes will be the biggest homes. One additional home will not cause the additional traffic and buses jams that the objectors are concerned with.

Motion was made by Mr. Fink, seconded by Mr. Herzl, to approve this application with the conditions to try to purchase the additional property.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

3. SP # 1860 (VARIANCE REQUESTED)
APPLICANT: CONGREGATION AVREICHIM
Location: 10th Street @ northeast corner of Clifton Avenue
Block 112 Lot 11.02
Preliminary & Final Major Site Plan for house of worship

Tabled to January 29, 2008

4. SP # 1874 (NO VARIANCE REQUESTED)
APPLICANT: SARAELLA HOLDINGS LLC
Location: Cedarbridge Avenue @ corner of Airport Road
Block 1160.12 Lot 261
Preliminary & Final Site Plan for office, terminal and warehouse building

Tabled to January 29, 2008

5. SD # 1610 (VARIANCE REQUESTED)
APPLICANT: MOSES STERN
Location: Bruce Street @ corner of Pearl Street
Block 248.02 Lots 31-34
Minor Subdivision for 4 lots

Mr. Peters stated the Applicant is seeking Minor Subdivision Approval to re-configure four (4) existing lots into four (4) new lots. Existing dwellings are located on the old Lots 31, 33, and 34. Existing Lot 32 is currently vacant. The dwellings and garages on Lots 33 and 34 are to be razed. The dwelling and garage on the Lot 31 will remain. No new dwellings are proposed on the new lots under this application. The property is situated at the corner of Pearl Street and Bruce Street, within the R-7.5 Zoning District. The applicant is requesting the following variance for proposed Lot 31.01: Front yard setback; 25 ft is required, where 24.8 ft is provided to Bruce Street. Front yard setback for the garage, 25 ft is required where 20 ft is required. Rear yard setback for the garage; 7 ft is required, where 6.5 ft is provided. In addition to the above variances, the applicant is requesting a wavier for providing a 40 ft street R.O.W on Pearl Street, where 50 ft R.O.W is required. If required by the Board, additional R.O.W dedication or easements would take away from the parking area for Lot 31.01. All the variances and the wavier are for existing conditions. The applicant has revised the plan to show three (3) parking spaces to be provided per unit for duplex and single family dwellings with an unknown number of bedrooms. The Board should determine if the three (3) parking spaces provided will be sufficient for the proposed use. The board should be aware that a minimum lot area of 10,000 sf is required in the R-7.5 zoning district in accordance with Lakewood UDO, if two family/duplex structure is proposed in the future. Ocean County Planning Board approval will be required. Evidence of approval shall be made a condition of final subdivision approval. The existing dwellings and garages on old Lots 33 and 34 shall be removed prior to signature of the final plat or a bond posted to ensure prompt removal of these existing structures. Six (6) foot wide shaded tree and utility easements are proposed to be dedicated to the Township along the Bruce Street and Pearl Street frontage of the property. A sight triangle easement is to be dedicated to the Township at intersection of the two streets frontage of the property. Curbs and sidewalks are existing along Bruce Street and Pearl Street frontage of the property. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated December 17, 2007. The applicant is seeking minor subdivision approval to consolidate Lots 31, 32, 33, and 34 and create four building lots. The property is 39,876.6 square feet (0.915 acres) and situated in the R-7.5 Residential Zone. The subject property is located at the northwest corner of the intersection of Bruce Street and Pearl Street in the northern part of the Township. The tract contains three existing dwellings, two of which will be removed. Two detached garages will also be removed. The Board considered the application at its October 9, 2007 meeting. The revised plans take into account the comments of the Board and the Board professionals. Single-family dwellings are a permitted use in the R-7.5 Zone. The following variances are requested: Front Yard Setback: The existing dwelling on proposed Lot 31.01 has a front yard setback of 24.8 feet (Bruce Street) and a minimum of 25 feet is required. Front Yard Setback/Accessory Building: The existing two-car garage on proposed Lot 31.01 has a

front yard setback of 20 feet (Pearl Street) and a minimum of 25 feet is required. Rear Yard Setback/Accessory Building: The existing garage on proposed Lot 31.01 is setback 6.5 feet from the rear property line, and a minimum of 7 feet is required. The applicant should provide testimony on the positive and negative criteria for the requested variances at the public meeting. Review Comments. The applicant has provided a note on the subdivision plan that any deteriorated curb or sidewalk will be replaced as directed by the Board Engineer along the frontage of the subject lots on both Bruce Street and Pearl Street. Street trees are not proposed along the frontage of the subject lots. The applicant has noted compliance with the off-street requirements of the NJRSIS for the existing development as well as for the proposed subdivided lots. For the proposed subdivided lots, the applicant has provided standards for both. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. With regard to the planners report, he stated all the variance are pre existing with the dwellings, they are not creating them. They agree to meet the remaining comments. With regards to the engineers report, Mr. Flannery testified the waiver requested is for providing additional right of way along Pearl Street which is 40 ft. wide and close proximity to the existing structure. The additional right of way would create smaller setbacks to the existing structure so they respectfully request a waiver. The remainder of the comments in Mr. Peters report will be complied with.

Mr. Banas wanted to discuss the street trees and Mr. Flannery said they would provide them. Mr. Franklin asked where were they going to provide them and Mr. Flannery said one every 50 ft. and he would put them back in on the property since there are power poles out in front. Mr. Banas asked about the chain link fence running down along Lot 31.03 and Mr. Flannery said it is an existing fence to be removed. Mr. Banas asked if they were going to keep the fence around the north side of the boundary Mr. Flannery said yes and Mr. Banas asked the condition of that fence and Mr. Flannery said he did not know.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to approve the application

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

6. SD # 1611 (NO VARIANCE REQUESTED)

APPLICANT: DAVID FLAM

Location: southeast corner of Pearl Street & Bruce Street
Block 246 Lots 47-50

Minor Subdivision for 3 lots

Mr. Peters stated the Applicant is seeking Minor Subdivision Approval to realign four (4) existing lots to create three (3) new lots. Existing dwellings are located on old Lots 47, 49, and 50. Existing Lot 48 is vacant. All existing structures are to be razed within the

property limit. No new construction is proposed for this project. The property is located at the corner of Pearl Street and Bruce Street, within the R-7.5 Zoning District. No variances are requested by the applicant. The applicant should request a waiver for providing 40 ft street R.O.W on Pearl Street, where 50 ft R.O.W is required. The applicant has proposed a road widening easement to yield a 25' half width equivalent. Ocean County Planning Board approval will be required. Evidence of approval shall be made a condition of final subdivision approval. All existing structure to be removed shall be removed prior to signature of the final plat or a bond posted to ensure prompt removal of these existing structures. The applicant has revised the plan to show three (3) parking spaces are to be provided per unit for duplex and single family dwellings with an unknown number of bedrooms. The Board should determine if the three (3) parking spaces per unit provided will be sufficient for the proposed use. The board should be aware that minimum lot area of 10,000 sf is required in the R-7.5 zoning district if two family/duplex structures are proposed in the future. A six (6) foot wide shaded tree and utility easement is proposed to be dedicated to the Township along the Bruce Street and Pearl Street frontages of the property. A sight triangle easement is to be dedicated to the Township at intersection of the two streets at the frontage of the property. A 5' wide road widening easement is proposed to be dedicated to the Township along the pearl Street frontage of the property. The applicant has revised the plan to show proposed sidewalk along the Bruce Street frontage of the property. The shading that represents the proposed sidewalk shall be revised to a lighter color or a different type of shading so it doesn't cover other contents of the plan. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated December 14, 2007. The applicant is seeking minor subdivision approval to consolidate Lots 47, 48, 49, and 50 and create three (3) building lots. The property is 30,000 square feet (0.68 acres) and situated in the R-7.5 Residential Zone. The subject property is located at the southeast corner of the intersection of Bruce Street and Pearl Street in the northern part of the Township. The tract contains two existing dwellings and several accessory buildings, all of which will be removed. The subject property is located in the R-7.5 Zone and single-family dwellings are a permitted use. No variances are requested. Review Comments. The plat indicates that lot numbers have been approved for the subject lots. Street trees are not proposed along the frontage of the subject lots. Compliance with the off-street requirements of the NJRSIS is required. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. Street trees will be provided, and they will be put in an area that Mr. Franklin will be satisfied. They will comply with the remaining comments in Mr. Slachetka's report. They agree with the comments in Mr. Peters's report.

Mr. Banas questioned the parking requirements and the 2 family duplex question. Mr. Flannery they are only going for a subdivision right now but said it would 3 parking spaces per dwelling unit, so if it were to be duplexes, there would be 6 parking spaces and any application for a duplex would have to show that number on the plans and would have to comply. Mr. Franklin asked if there was a pond back there on that property and a pipe back there for the flooding and there is a major drainage problem there. Mr. Penzer said to put it into the resolution that there is a problem and the applicant should be aware of it. Mr. Flannery said it is a simple subdivision with no building, and Mr. Franklin said before it

is approved it should be looked at further, because it is a potential drainage and flooding problem and the Township may have to take it over before it is divided and it is in a cheaper state. Mr. Flannery said it would not be fair to an applicant to hold up a subdivision so that the Township can condemn the property at a lower price. Mr. Franklin said that is not what he is saying, he is saying not to advance it. Mr. Jackson said Mr. Franklin is saying he is familiar with the site and he knows there is a drainage pipe there, it is in a low lying area, there is flooding, and before we do anything, let's look into it. Mr. Flannery is refuting that they are not planning on building anything that will adversely impact the situation. Mr. Flannery said right now there are existing dwellings to be taken down.

Mr. Banas said he respects what Mr. Franklin has indicated and he thinks they should table it until the Township Engineer can look at it.

Motion was made by Mr. Franklin, seconded by Mr. Percal, to table the application and reconvene January 29, 2008 to give the Township engineer has an opportunity to inspect the area.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

7. SD # 1613 (VARIANCE REQUESTED)

APPLICANT: JOHN BROWN

Location: Pine Street, west of Arlington Avenue
Block 774.03 Lot 2.03

Minor Subdivision to create 3 lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide Block 774.03, Lot 2.03 into three new lots. The existing dwelling on new Lot 2.04 will remain. No construction is proposed under this application. New lot 2.04 fronts on Pine Street with a 25 f. access strip to Ashley Avenue in the rear. Lot 2.05 and Lot 2.06 have frontage along Arlington Avenue (unimproved). The site is located within the R-10 zoning district. The applicant is requesting the following variances: Minimum lot width: Lots 2.05 and 2.03; 72.95 ft are proposed, where 75 ft are required. Minimum side yard setback: Lot 2.04; 9.4 ft is proposed, where 10 ft is required, this is an existing condition. Outside agency approval from Ocean County Planning Board is required. Evidence of the approval shall be made a condition of minor subdivision approval. The proposed development will be served by public sewer and water lines. The applicant has revised the zoning schedule to show four (4) off street parking spaces have been provided for new lots 2.05 and 2.06. In addition, a note shall be added to the plan stating that a minimum of four (4) off-street parking spaces shall be provided for each of the two lots, when dwellings are proposed. The applicant shows on the plan the dwelling on lot 2.04 has a stone access drive to both Pine Street and Ashley Avenue. The lot arrangement classifies Lot 2.04 as a thru lot. Thru lots are permitted to access only one road frontage in accordance with section 18-805.F of the Lakewood UDO. The section also requires landscaped buffers to be provided along the secondary frontage for newly created thru lots. The Planning Board should determine if buffer will be required for the Lot 2.04, since the thru lot is an existing condition. The

applicant shows on the plan a 10' wide existing shade tree and utility easement along Arlington Avenue frontage of Lots 2.05 and 2.06. The applicant shall provide a Road Improvement Plan with proposed street trees, curb, and sidewalk for review. At the technical meeting, the applicant's engineer stated they would discuss the Arlington Avenue turn around area with the Director of Public Works. The applicant shall inform the board outcome of the discussion. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 3, 2008. The applicant seeks minor subdivision approval and associated variance to subdivide existing Lot 2.03 into three (3) new lots. The parcel contains one single-family dwelling which will remain on new Lot 2.04. Two new lots will have frontage on Arlington Avenue which is only partially improved. The total area of the property is 65,925 square feet (1.5 acres). The property is located in an R-10 Residential Zone on the north side of Pine Street. The surrounding land uses are generally residential. The applicant has submitted revised plans addressing comments at the November 13th Plan Review meeting. Single-family detached housing is a permitted use in the R-10 Zone. The following variance is requested: Lot width. The proposed lot width of both Lots 2.05 and 2.06 is 72.95 feet, where a minimum of 75 feet is required. Review Comments. A copy of all pertinent plans, resolutions and correspondence for the extension of Arlington Avenue should be submitted to the Board Engineer to confirm prior approval prior to the signature of the plat. The subdivision plat should be revised to better identify the road improvement plan for Arlington Avenue. Off-street parking for all proposed lots must comply with NJ RSIS standards. Sidewalk and street trees should be addressed in the Arlington Avenue improvement plan. The remaining comments are technical in nature.

Mr. Silverman Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer for the applicant. Mr. Flannery stated the lot width variance requested is diminimus in nature. Public sewer and water will be provided. 4 parking spaces will be provided on each of the lots. Lot 2.04 is a through lot because it has access to both Pine Street and Arlington and they would request a waiver from the through lot provisions of the ordinance because Mr. Brown's lots is a beautiful lot, well landscaped, it fits in well with the area, this is a situation that has existed for many years with no adverse impact and it is his testimony that there would be no further adverse impact from allowing it to remain as is. The comments relating to the road improvement plan, they are proposing curb and sidewalk along the frontage of the property, he did meet with Mr. Franklin with respect to the turn around. The applicant had previously requested to post a bond for the improvements up to his property, and it was Mr. Franklin's suggestion that we continue an extension out to Pine Street, we would not provide curb and sidewalk along there, we would do a reduced width, just adequate to provide that access, and Mr. Brown agreed to it. So we will be complying with the comments in Mr. Peters report and will submit those plans to his satisfaction. With regards to the planners report, he lists the same variances, and we agree to his review comments, and will provide sidewalks and street trees along the frontage of the property.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Akerman, seconded by Mr. Percal, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

8. SD # 1614 (VARIANCE REQUESTED)

APPLICANT: 962 FINCHLEY LLC

Location: Finchley Boulevard, east of Netherwood Drive
Block 430 Lot 37

Preliminary & Final Subdivision for 32 lots, 2 single family homes and 29 townhomes

Mr. Peters stated the applicant is seeking Preliminary and Final Major Subdivision Approval to subdivide Block 430, Lot 37 into 32 new residential Lots. Lot 37 is currently vacant and bisected by a zoning boundary line. Two new Lots, 37.01 and 37.02, fronting Finchley Boulevard are located in the R-12 zoning district. A single family dwelling is being proposed on each of these lots. The remainder of the proposed lots are located in the HD-7 zoning district. Four townhouse structures which will yield a total of 29 units are proposed within the 3.8 acre area. A private road is proposed to provide access from Finchley Boulevard to the townhouse community. The single family homes are proposed to contain six (6) bedrooms and a basement with a separate entrance. The townhouse units are proposed to contain five bedrooms and a basement with a separate entrance. The applicant is requesting the following variances for Lot 37.01 and 37.02: Minimum lot area; 10,382 SF and 10,430 SF are proposed, where 12,000 SF are required. Minimum lot width; 80 ft are proposed, where 90 ft are required. Minimum front yard setback; 15 ft is proposed, where 30 ft is required. Proposed Lot 37.01 shall be deeded to have access on the Finchley Boulevard only. NJDEP permits for Treatment Works Approval, Water Main Extension and wetland filling are required. Evidence of the approvals and a copy of the NJDEP stamped approved wetlands location plan shall be provided prior to signature of the Final Plat. The proposed dwellings will be served by public water and sewer. The applicant has provided an average of 4.8 parking spaces for the Townhouse units, a four car driveway is provided for each unit and an additional 24 community spaces are provided. The applicant shows on the architectural plans, garages are proposed for the single family dwellings. The applicant also shows 40 ft x 14.5 ft driveways which will provide two (2) off-street parking spaces. The combination of the driveway and garage count as two and half (2.5) off-street parking spaces. The Planning Board should determine whether the proposed off-street parking spaces will be sufficient. Public portions of the site are to be owned and maintained by a homeowners association. The homeowner association (H.O.A) documents shall be submitted for review by the Planning Board Engineer and Solicitor. The applicant shows on the Final Plat two 20' wide drainage easements on Lot 37.01 and 37.02 to be dedicated to the Township. The Board should determine if the Township will accept the drainage easements. In addition, the applicant shows on the Grading Plan underground recharge trenches are proposed. Ownership of the drainage system shall be determined. If the ownership goes to the home owners, the ownership of the system shall be included in the H.O.A documents. The applicant has revised the plans to show two sight triangle easements at the intersection of Shayas Road and Finchley Boulevard. A 6' wide shade tree and utility easement is shown on the plans along the Finchley Boulevard frontage to be dedicated to the Lakewood Township. The applicant has added vertical curb to the plans near the entrance to the development. The

plans shall be revised to show where the transition from vertical curb to mountable curb will be. In addition, a detail for the vertical curb shall be added to the plans. The applicant has proposed a recreational area to be dedicated to a homeowner association. At the technical review meeting the Board requested the applicant petition the Township Council to install a traffic signal at the intersection of New Jersey State Highway Route 9 and Finchley Boulevard. The applicant has provided copies of correspondence in which the request was made by the applicant. Two (2) additional dumpsters are proposed at south end of the development to provide services to south portion of the community. The proposed stop sign at the corner of the proposed road and Finchley Blvd. is show in the sidewalk. The sign shall be relocated adjacent to the stop bar. The applicant has revised the plans to show 15' x 30' hammer head to provide better turn around area. The applicant will provide testimony regarding this issue. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 3, 2008. The applicant proposes to construct two (2) single-family dwellings and four (4) townhouse structures (29 units) for a total of 31 residences at the above-referenced location. Associated site improvements are also proposed. Access to the proposed development will be provided by a private roadway, which will intersect with Finchley Boulevard. The single-family dwellings will front on Finchley Boulevard and the townhouses will front on the new private road. The tract is 2.48 acres in area and is a wooded site. The property is located in the south central portion of the Township on the west side of River Avenue (Route 9). The surrounding land use consists of single-family residences to the west, north and south. A commercial establishment is situated to the east of the site. The Board considered the application at its November 13, 2007 Plan Review meeting. The revised plans take into account the comments of the Board and the Board professionals. Zoning. The parcel is located in the R-12 and HD-7 Zones. Single-family residences are permitted in the R-12 Zone, and townhouse units are permitted conditional uses in the HD-7 Zone. The following variances are requested: Lot Area (R-12 Zone): A minimum of 12,000 square feet is required. The applicant has provided an area of 10,382 square feet on proposed Lot 37.01 and an area of 10,430 square feet on proposed Lot 37.02. Lot width (R-12 Zone): A minimum of 90 feet is required and Lots 37.01 and 37.02 both provide 80 feet. Front Setback (R-12 Zone): a minimum of 30 feet is required for proposed Lot 37.01 which has two front yards on Finchley Boulevard and Shayas Road. The applicant has proposed a 15 foot front yard setback. The positive and negative criteria should be addressed. The applicant should be prepared to have a tax map exhibit showing the lot areas and lot widths of the lots in the surrounding area. The tax map exhibit should be submitted to the Planning Board. In addition, the Board should consider an increase in the front yard setback on Shayas Road for Lot 37.01. Review Comments. The site plan indicates that a portion of Lot 37 has been determined to be freshwater wetland and wetland buffer areas. The applicant has received a NJDEP LOI on July 10, 2007 (NJDEP File#1514-07-0009.1, Activity #FWW070001) which specifies that the wetlands on and adjacent to the site are of intermediate resource value and require a 50 foot buffer. The NJDEP LOI file number and the corresponding text should be added to the site plan as directed by NJDEP's LOI letter regarding their determination. The wetlands that are not proposed to be filled should be placed in a conservation easement and deeded to the Township. The limits of the wetland areas and permitted activities within the wetland areas should be disclosed to prospective purchasers of the townhouses. Copies of these deed restrictions shall be provided to the

Board prior to application approval. As noted in the prior development review letter, it appears that the wetlands will be filled. The applicant indicates a GP#6 permit has been submitted to NJDEP and is pending at this time. Upon receipt of approval, the applicant should submit a copy of the permit to the Board. Copies of plans and correspondence with the NJDEP upon receipt of approval should be submitted to the Planning Board and the Board professionals for review and information. Addressing our prior comment about the off-street parking area located at the entrance of the townhouse community, at the November 13, 2007 meeting, the applicant agreed to provide additional screening at this location. A total of four (4) Green Mountain Silver Linden and eighteen (18) Emerald Green Arborvitae were proposed in the prior submission. The applicant has now proposed an additional eight (8) Emerald Green Arborvitae for a total of 26 at this location. The evergreen trees wrap around the entire parking location. The four (4) Green Mountain Silver Linden remain as previously proposed. The architectural drawings indicate that the townhouse buildings will have unfinished basements. The applicant revised the architectural drawings to include side and rear elevations as requested. The applicant should provide testimony indicating compliance with Chapter 18-1010.B.5. This requires "a variation in setback of at least two feet" for every two townhouse units. The applicant indicates testimony will be provided at the public hearing regarding this standard. Compliance with the Map Filing Law is required. The applicant indicates that the Zoning Board Secretary has approved the proposed street name of Shayas Road for the private road. The applicant should address compliance with Chapter 18-1010.9., which requires that commonly-owned areas for the enjoyment of all townhouse residents and their guests be owned and maintained by a non-profit homeowners association. The Township UDO identifies specific requirements as well as requiring that the applicant adhere to the New Jersey Department of Community Affairs (NJCA) requirements. The document must be filed with the NJCA. The applicant indicates that documents related to compliance with this provision for homeowners associations will be provided during the Board's resolution compliance stage. Public water and sewer services will be provided by the NJ American Water Company. Buffering is required by §18-803.E. The site plan should be revised to provide the required 30-foot wide buffer in the northwest corner and southeast corner of the tract. The Planning Board has discretion to reduce the buffer to 15 feet in width if the applicant provides a dense landscaping screen. The applicant has provided a dense landscaping screen that is approximately 30 to 40 feet in width in the northwest corner and approximately 25 feet in width in the southeast corner. The applicant has revised its planting schedule to include a greater diversity of species. In addition, the applicant has replaced some of the White firs with different tree species as recommended by the Shade Tree Commission. However, the Key name "PG" on the northeastern side of the tract has not been identified in the table. The Shade Tree Commission recommended on November 7, 2007, that the applicant replace White firs with Leyland cypress, Colorado blue spruce, and White spruce. The Commission also recommended replacing the Compact winged euonymous with Blue chinese wisteria, flowering shrubs, and Northern bayberry. A Tree Protection Management Plan is required for this application. Our office has not received the required plan. As required by Chapter 18-1010.B.6., the applicant is required to obtain Department of Public Works approval for the proposed location and size of the individual trash and recycling enclosures for the townhouse development. The applicant has met with Mr. John Franklin to discuss the residential trash enclosures and will present additional comments at the next public hearing regarding the Board's comments. The applicant has proposed two angled residential trash enclosures at the entrance of the

townhouse section of the site. We defer to the Board Engineer and Mr. Franklin. We have a concern regarding the location of the trash enclosures. It appears there will be an approximate 7 foot setback from the trash enclosure to the driveway on Lot 37.31. We note that the landscaping plan has not been revised to take note of the two additional dumpsters (i.e., angled ones), and no landscaping has been proposed to adequately screen them. In addition, there may be conflict with the location of the residential trash enclosure on the southeastern side of Shayas Road and proposed buffering required of the applicant to screen adjoining residential uses at this location. This apparent conflict should be revised. The applicant should provide an adequate screen for the residential trash enclosures on the southwestern side of Shayas Road to screen the enclosure from the proposed single-family dwelling on Lot 37.01. Chapter 18-808 requires that applicants who are proposing residential development projects over 25 units are required to preserve not less than 5 percent of the tract land area as common open space, or dedicate the area to active recreation or community facilities for residential development projects. The tract is 4.28 acres, of which 0.21 acres (9,384 square feet) are dedicated to residential uses; 5% of 4.28 acres is 9,311 square feet (rounded up). For this application, the open space standards appear to be met with the area of the proposed playground (Lot 37.32). The applicant is proposing off-street parking of four stacked spaces in front of each unit and three parking areas which will provide off-street parking of 24 spaces. The proposed townhouse units will contain five bedrooms each. Based on the extrapolated RSIS requirements, a minimum of 2.6 spaces are required for each town home unit. An Environmental Impact Statement (EIS) has been submitted for Planning Board Review. The EIS does not make note of the impact of the proposed wetlands fill activity on the tract. The applicant has submitted two letters to the Township Committee requesting assistance for transportation-related safety issues on the site. The applicant is requesting that the Committee make an application to NJDOT for a traffic signal to be placed at the intersection of Route 9 and Finchley Boulevard/Ford Avenue. In addition, the applicant is requesting that the Committee consider placing a "No Left Turn" at the intersection of Route 9 and Finchley Boulevard/Ford Avenue. We note that the applicant has proposed sidewalks and curbing along Finchley Boulevard on the site plan. Inconsistent with the site plan, the final plat has indicated the curbing only on Finchley Boulevard and has stubbed the sidewalks at the intersection of Finchley Boulevard and Shayas Road. For consistency, the provision of sidewalks should be included on the final plat. The remaining comments are technical in nature.

Mr. Panzer Esq. appeared on behalf of the applicant. He stated the sidewalks will not be stubbed, there will be complete sidewalks there. A lot of the comments that were raised by the professionals, Mr. Franklin was helpful and met with Mr. Flannery and told him where the garbage should be. Mr. Palmieri is the chairman of the Environmental Commission, and is also a neighbor, and they met with him on this application, and the applicant will be installing security cameras. Unfortunately, they will not have direct access to the police at this time, they do not have that program yet, but the applicant agrees to hooking up the cameras to a computer and different people can monitor the computer and can call directly to the police department. Mr. Palmieri also had additional points he wanted to bring up to the board. Mr. Palmieri was sworn in as a neighbor, gave his address as 965 Claire Drive and stated he is in favor of the application and he commends this developer and said he contacted him and the neighbors and asked how he could make this development work for the neighborhood. He hopes that maybe the

Township can provide some signage indicating that there is 24 hour security cameras installed in the Hearthstone neighborhood and that might also be a deterrent to crime. Mr. Banas asked how many cameras were being installed and Mr. Penzer said he thought there were 4 high tech, and a few additional ones (someone else in the audience mentioned the additional ones). The locations were already discussed. Mr. Palmieri also said that the sidewalks are not contiguous on Finchley Boulevard and the lighting is poor and the applicant has agreed to extend the sidewalks in both directions on Finchley Boulevard and upgrade the lighting to a higher intensity. Also at the southwest corner at Finchley Boulevard they will upgrade the lighting at the parking area. They also discussed the 30 ft. buffer at the northwest corner of the property, Mr. Flannery had his landscaper locate all the mature trees and they would like those trees to be preserved and have additional fencing. Mr. Palmieri thought there was a possibility of potential for an accident for cars backing out when they park at the corner of Finchley Boulevard and the intersection of the development and suggested they eliminate some of those parking spaces because it is a far walk. Mr. Penzer said the board suggested the additional spaces and the applicant will do whatever the board wishes. Mr. Palmieri also stated a lot of the mature trees are along the northwest corner and along the northern property line and would like to see the northwest cluster of townhouses be moved somewhat south to accommodate some of the mature trees if would make the development nicer. He showed them on the map. Mr. Penzer agreed but Mr. Franklin asked them what would it do to the drainage field and Mr. Flannery said they would have to shift it accordingly. Mr. Flannery said the building on the southwesterly side would be shifted along with the play area. They have an underground recharge system and Mr. Franklin said they have 42 ft. from the side of the building to the property line and of that it looks like they are using 36 ft. of it for the drainage area, so you would be taking away from that drainage area to slide that. Mr. Flannery said they would be taking away from some of the separation on the drainage area and possibly we could pick up additional drainage area. Mr. Flannery thinks what Mr. Palmieri is suggesting is a minor change to accommodate trees and they will work with the board's professionals as well as with the neighbors to accommodate that as best as possible. Mr. Fink was concerned with the hammerhead turn and the safety issue. He would rather see a cul de sac. Mr. Akerman also thought a smaller turn around might work. Mr. Flannery said there is drainage in there, they are trying to accommodate a certain lot yield and the hammerhead was enlarged which is suitable for the public works vehicles. There is no argument that a cul de sac is an easier turning movement, but the RSIS does indicate that the hammerhead are a suitable turnaround, even though the board does not like to hear it. In order to accommodate a cul de sac, they would have to reduce the buildings and they are coming in with an application that is less than what is permitted by the ordinance. Mr. Percal said he was the one at the Master Plan that proposed eliminating all hammerhead turns and his second reason was for the children. We know that school buses will not go into this development, and it will be a hardship for them to walk a distance to get to the bus. Mr. Penzer said they were going to put up a bus shelter and showed them on the map on a neighboring property for all the neighbors to use and one neighbor at a time would be watching and they would alternate. Mr. Akerman asked what the distance was from the last home to where the bus shelter would be and was told it was 460 ft.

Mr. Banas wanted to go through the letters from the professionals. Mr. Flannery said the variances they are requesting for the 2 single family lots along Finchley Boulevard. They

are in the R-12 zone and they are requesting 10,382 sf. and the homes in the Hearthstone Development are cluster and the typical lot is 8,000 sf. so in comparison these are slightly larger. Lot width, 90 ft. is required, they are providing 80 ft. which is consistent with the majority of the lots in Hearthstone. The front setback of 30 ft. and the variance of 15 ft. they are requesting for the corner lot is really an access drive to what would be the cul de sac and that fits in to the character of the neighborhood. It is a drive that goes to the neighborhood, a home that will be constructed when you are traveling along Finchley Boulevard and it will sit well with the other Hearthstone lots. The positive criteria is the all of the benefits that they will be providing for the neighborhood, the bus shelter, the sidewalk that will connect the missing piece from Route 9 to Hearstone and the security cameras. Mr. Banas said the bus shelter is not on the plans and Mr. Flannery said that is because they have been talking with the neighbors to find the best place to put the shelter and they still do not know where it is. They want to put it where it will best serve the neighborhood as well as this development, and it seems to be at Princewood & Finchley. Mr. Banas asked who owns the property and Mr. Flannery said they would have to do it on the right of way or they would have to acquire an easement and that is an issue that is an issue that has to be resolved, the applicant will pay for the bus shelter, they have to figure out a) where the best place is and b) how we get the authority to put it there. The variances only pertain to the single family homes, the townhouses fully conform. The positive criteria is they are providing 2 residential opportunities in the neighborhood, units that provide the open space to light the air, drainage system provided, parking, the driveways are drawn 14 ½ wide but they will make them 18 ft. wide to accommodate 4 cars, so the positive far outweighs the negative criteria associated with this.

Mr. Banas said if you a putting a bus shelter, it should be adjacent to or on this property. This is the property that will be served by that. Mr. Flannery said if the board feels that way, but they should listen to the public testimony first. They could certainly remove a few parking spaces on their site to accommodate a bus shelter. They have applied for a general permit to fill the wetlands, it is an isolated wetland, and they will provide that information when they receive it. They will provide the additional landscaping for the off street parking that is requested. The neighbors also want additional landscaping, we will provide that also. We will meet with your professionals in the field to provide landscaping satisfy them. The townhouses have unfinished basements, but we have also provided 4.8 bedrooms per townhouse which would accommodate any bedrooms in the bedrooms. As far as the variance in the setbacks, typically the units are jogged 2 ft. or the architecture of the units provides jogs in it. The architecture of these units does provides the jogs so that where each unit doesn't jog, architecture provides those jogs, and it is his testimony that it complies with the intent of the variation of the front setback. The will comply with the map filing law. The will provide the HOA documents to the board as a condition of approval. The will revise the plan to show buffers and put the fence in item 9 of the planner's report. They will provide the greater diversity of plantings that are asked for and will submit a tree management plan to the planner. The met with Mr. Franklin and he suggested they incorporate additional dumpsters and he has shown them on the plans and they agree to any additional buffering or landscaping the board recommends. They have provided the required recreational area and an EIS.

In regard to the engineers report and what was not covered in the planner's report, they would agree to access on Finchley Boulevard only. They would like to make the

stipulation that the TWA be on building permit and not on the signing of plat. They are providing public sewer and water. They are providing 4.8 parking spaces per unit. The driveways on the single family units will be enlarged to be 40 ft by 18 ft. to accommodate 4 cars in each of the driveways. The drainage easements will be given to the HOA and they will have maintenance responsibilities for them. The recreational area will be dedicated to the homeowners association. They will provide the stop sign. They have enlarged the hammerhead turn to accommodate the vehicles. Mr. Flannery had a discussion with the applicant and they will be able to put a cul de sac where a vehicle could turn around. A school bus needs a 55 ft. radius and we don't have room for that but we could put one in for vehicles and if the board felt. Mr. Penzer took a moment to have a discussion with his client. He said they were trying to find a way to do the cul de sac. One suggestion was to reduce the recreational and move something over, move the garbage and put it somewhere else (he was pointing to the map, so the visual is not known) and said a bus could not turn there, but at least a car or a small truck could.

Mr. Banas said he is also listening to the members on the planning board and they are pretty adamant about that cul de sac. Mr. Rosenbaum's idea was to make the single family lot smaller, more conforming to Hearthstone and then you would have more room. Mr. Banas said he would hate to have to ask for a vote at this time. Mr. Akerman suggested they pull it and think it over, it sounds like if there is no 55 ft. cul de sac it may not pass, you may have to loose some units. Mr. Flannery agreed except for the size of the cul de sac. The members discussed the fact that this was a private road and buses were not going to go down it anyway, but ambulances and fire trucks would. Mr. Franklin also added with all the head in parking there would be no place to put the snow, you have drainage coming from the back of the yards, etc. and there was much discussion among the members. Mr. Penzer said their alternative would be to get rid of the variances by eliminating the one house and making it the bus shelter and it would be a conforming application without variances. Mr. Banas asked the professionals if they wanted to see that suggestion on paper and Mr. Slachetka asked Mr. Penzer to repeat the revision and show which house and he pointed on the map. Mr. Banas said there are things that Mr. Flannery indicated that are not on the plans now that he would like to see and he would like to see what it will look like and he is sure that the board members would like to see the plans also. Mr. Franklin said if they are going to shift things to save some trees down at the other end, there are a lot of big changes, let's see what happens to that drainage field now and what happens with that house, how is the bus going to get around that, is there going to be a road pattern around that lot, how is the shelter going to work.

Mr. Slachetka said he and Mr. Peters were looking at the plans and the concept of eliminating one of the single family houses and moving the recreation facility and creating the bus shelter the reconfiguration of the drainage, you might be able to take the northwesterly most section of townhomes and move it closer to the other section and a partial cul de sac could be accommodated, but he would also like to see revised plans. He would also like to neighbors to see the changes that they make on the plans. Mr. Penzer asked Mr. Flannery if they could meet with the neighbors and get everything drawn and make a smaller cul de sac and get something back by the 29th of January and Mr. Kielt said there was not enough time for the professionals to get it for review. It was decided it could be done by the February 19th meeting.

Mr. Banas stated if an application comes before the board that is a fully conforming application, it meets the requirement of state laws and UDO, there is nothing the board can do to with the project except approve unless we there is clear violations of safety or health or welfare. Mr. Jackson said if there was specific design problems, such as a hammerhead, they could take their chances with that being a denial.

Motion was made by Mr. Herzl, seconded by Mr. Schmuckler, to table it to the meeting of February 19, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

9. SP # 1877 (VARIANCE REQUESTED)

APPLICANT: K LAND CORP.

Location: Route 70 West and Vermont Avenue
Block 1077 Lot 21

Preliminary & Final Site Plan for construction of 53,326 sf furniture store with associated parking and stormwater management

Tabled to the meeting of January 29, 2008

Mr. Peters stated The applicant is seeking Preliminary and Final Major Site Plan Approval to construct a 53,326 S.F furniture store with parking lot and loading area. Three stormwater infiltration basins are proposed. The property is situated north of State Highway Route No.70 and west of Vermont Avenue, in the B-5 zoning district. The applicant is requesting the following variance for the proposed sign. Maximum area for freestanding signs; 120 S.F is the maximum permitted, where 433 S.F is proposed. Maximum height for freestanding sign; 22 F.T is the maximum permitted, where 35 F.T is proposed. Maximum area for wall signs; 60 S.F is the maximum permitted, where 446 S.F is proposed. Outside agency approvals from NJDOT, Ocean County Planning Board, and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Site Plat.

The applicant shows on the plans 285 parking spaces are proposed for the development, 202 of the proposed spaces are land banked spaces, and will not be constructed at this time. The applicant shall provide testimony to justify the need for only 83 parking spaces instead of the 265 parking spaces, which are required by the Lakewood UDO, for retail stores. Twenty-five (25) of the land banked parking spaces are shown within the footprint of one of the proposed basins. The applicant will provide underground recharge trenches underneath of the front parking lot to compensate the lost volume of the basin, if the 202 parking spaces are to be built. The applicant shows on the Existing Conditions Plan, an access way through the site from Route 70 to an existing dwelling to the north of the site is to be removed. A new access way is proposed to be construction to provide access from Colonial Drive to the dwelling. Written documentation shall be provided to demonstrate the owner of Lot 32 has agreed to the proposed construction on their property. The Township plans to reconstruction the Vermont Avenue Route 70 intersection and extend Vermont Avenue north. We recommend the Board make a condition of approval that the

applicant contribute half of the cost of the intersection improvements, and half of the costs of the roadway improvements along the frontage of the property. The township engineer has estimate the contribution should be in the amount of \$163,625, as determined in the attached spread sheet. The applicant shall provide testimony on how the solid waste storage and removal will be addressed, whether it will be public or private collection. In addition, the footprint of any proposed trash enclosures shall be shown on the plan with adequate dimensions, and a detail of the enclosure shall be added to a Construction Detail Sheet. The applicant shows on the plan an area for future development on the eastern portion of the site. The applicant shall clarify what type of development may be constructed in the future. The applicant has proposed sidewalk along a section of the State highway Route No 70 at the property frontage. The applicant shall provide curbs and sidewalks along the Route No 70 property frontage. The applicant shall show on the Geometric Plan the start and end points of the proposed flush curb in front of the proposed building. The infiltration percolation calculations shall be included in the stormwater report as previously submitted. Western boundary line of the 12.01 ac off site drainage area shall be shown on the existing and proposed drainage area maps. Existing contours that are used to define the boundary line shall be shown on the maps as well. With regard to onsite ecology, barred owl and northern pine snake are mapped by New Jersey's Landscape Project (Version 2.0). The EIS states that barred owl is not expected to utilize the property, since no old-growth, forested wetland vegetation exists at the site. Although suitable habitat for Northern pine snake is present at the site, Maser Consulting has stated in the EIS that it unlikely that populations of Northern pine snake currently utilize the property. We concur with the EIS findings that barred owl and pine snake are unlikely to inhabit the site. The applicant shall notify the Township should evidence be encountered that Northern pine snake utilize the property. The applicant shall provide a statement that specifies source of the imported soil. Should imported soil or fill be necessary, we recommend source documentation and/or documentation that the soil is analytically tested at a frequency approved by the Township Engineer.

Mr. Slachetka read from a letter dated January 7, 2008. The applicant seeks preliminary major site plan approval for the entire tract and final major site plan approval for Phase One for the above-referenced property. The applicant proposes to construct a 53,320-square foot furniture store and associated parking and stormwater management facilities. No improvements have been proposed at this time for Phase II. The subject tract is 8.6 acres in area and wooded. The lot has frontage on Route 70 and Vermont Avenue. The surrounding land uses are generally commercial. The Board considered the application at its November 13, 2007 Plan Review meeting. The revised plans take into account the comments of the Board and the Board professionals. Zoning. A furniture store is a permitted use in the B-5 Zone. No bulk variances are requested. The following sign variances are requested: Maximum Freestanding Sign Area – 433 square feet proposed and 120 square feet allowed. Maximum Sign Height – 35 feet proposed and 22 feet allowed. Maximum Wall Sign Area – 446 square feet proposed and 60 square feet allowed. The positive and negative criteria must be addressed. The applicant indicates that testimony will be provided to address the request for sign variances. Review Comments. The applicant has proposed sidewalks along the property frontage of Route 70. The applicant has not proposed sidewalks along Vermont Avenue. Sidewalks along Vermont Avenue should be discussed in conjunction with the improvement of Vermont Avenue. Parking. The applicant proposes 83 off-street parking spaces and 202 "land-banked

spaces” for a total of 285 spaces. Based on a floor area of 53,320 square feet, 267 parking spaces are required (one space per 200 square feet). The applicant’s Traffic Engineer presents one case study and information from the Institute of Traffic Engineers (ITE) indicating that the proposed paved parking will be sufficient for the furniture store use. Land-banked spaces will comply with the ordinance requirement. A waiver will be necessary for the land-banked spaces. The proposed parking spaces include 65 parking spaces in front of the furniture store with seven (7) handicap parking spaces and eighteen (18) parking spaces along the entrance driveway. The applicant should indicate whether the proposed eighteen (18) entranceway parking spaces are intended to be designated as “employee only.” The applicant should provide testimony on whether an alternative design was considered for the location of the parking spaces. The applicant should comment on why relocating these parking spaces to the either side of the building is not a feasible alternative at this time. If the design proposed is preferred, the applicant should comment what improvements if any will be proposed to the landbanked parking spaces and whether a cross-walk will be proposed. The applicant indicates that testimony will be provided on parking and how they intend to comply with the Township ordinance. The applicant also should indicate how parking will be addressed for Phase II and whether there will be sufficient parking to address the Township’s standards for the proposed use. The applicant shall place a note on the site plan that indicates the following: “Landbanked parking spaces will be provided as needed and required to address additional parking needs as determined by the Township Engineer.” The applicant has clarified the site plan as to the location of twenty-five (25) parking spaces within the area of Basin #1. The applicant indicates that the twenty-five (25) parking spaces in Basin #1 will remain as designed as landbanked spaces. In the event that the landbanked parking spaces are required, the property owner has proposed to address the loss of volume by constructing an underground storage basin and to have a retaining wall constructed in front of these parking spaces. The applicant has provided a schematic detail for the underground storage basin on Sheet UP-2. We defer our comments to the Board Engineer regarding the design of the underground storage basin and the retaining wall. Vermont Avenue is currently an unimproved right-of-way. In our prior development review letter, we suggested that the Board require that the applicant provide sidewalks and improvements along Vermont Avenue if and when Vermont Avenue is improved. We also noted that the right-of-way improvement to Vermont Avenue should also be discussed. On the site plan, the applicant has proposed a future driveway location to access the site from Vermont Avenue. The proposed location is directly across from the existing jughandle to Vermont Avenue. In addition, the applicant indicates that the future intersection improvements will be provided by “others.” We defer our comments regarding traffic safety to the Board Engineer. The applicant indicates that the improvements to Vermont Avenue will be discussed at the public hearing regarding this application. The applicant must address the connection to Vermont Avenue and the improvement of same as part of this subdivision approval. Buffer. A continuous 25-foot wide buffer has been provided along the northerly property line as required by the Township’s UDO. The proposed access easement to Lot 32 has been proposed from the existing cul-de-sac bulb at Colonial Drive. The cul-de-sac bulb provides local street access to the existing residential structure on Lot 32. The applicant indicates that the only disturbance proposed in this buffer area is to provide a gas line to service the site. Access to Lot 32. In the revised submission, the applicant has proposed to access Lot 32 through a twelve (12) foot bituminous driveway in the right-of-way of Stratford Street. This will require that access be provided from the existing Colonial

Drive cul-de-sac bulb. In the prior design, the applicant had proposed a driveway from the rear of the site that would have to cross Lot 10. With regard to the proposed driveway to the existing residence on Lot 32, Block 1077, the site plan should be revised to indicate the width and length of the proposed driveway as well as the specifications. The Landscape Plan should be revised to include the proposed driveway improvement and the relocated driveway. Landscaping. The applicant has provided additional vegetative screening along the highway side of Basins 1 and 2 as requested. Foundation plantings are proposed to be coordinated with the architectural plans. No revised architectural plans have been included in this submission that shows how the foundation plantings will be coordinated with the site plan. Screening along the west side of the site should be coordinated at the time of construction at the discretion of the Township Engineer. A note has been added to the landscaping plan on the western side of the site. This note should also be included in the general landscaping notes as well. The relocated driveway should include several trees as well as seeding. Phasing of Land Disturbance. We note that the "future development" portion of the tract will be disturbed. In our prior development review letter, we had indicated that the applicant consider not clearing the site proposed for Phase 2 until the development has occurred. In response, the applicant indicates that clearing the site in its entirety is more cost-effective and that is why the areas of Phase 2 is proposed to be disturbed. We recommend that the Phase 2 areas remain undisturbed until development of the Phase 2 area occurs and the applicant submits its application for the proposed use and development of the site. The applicant should comment as to the requirements for CAFRA approval and the proposed impervious coverage. As proposed, the applicant indicates a CAFRA approval is not required. The proposed impervious coverage covers Phase 1 proposed improvements. The applicant indicates that a permit may be required to improve the areas for Phase 2 at a later date. A condition of approval should be that the applicant provide a copy of the CAFRA permit prior to developing Phase 2 of the site. The Woodlands Management Plan should be reviewed by the Shade Tree and Environmental Commissions. Comments were provided by the Shade Tree Commission on November 7, 2007 and the Environmental Commission on November 8, 2007. The Environmental Commission recommended inclusion of a tree save plan. The applicant indicates that a tree save plan is included on the Woodlands Management Plan. The Shade Tree Commission recommended increasing the caliper size of all trees to a three (3) inch caliper size. The Commission recommends providing ornamental trees that are no less than 12 to 15 inches or 3-inch caliper. The Commission indicated that the site plan proposes an estimated 720 caliper inches of trees to be removed which will be replaced with approximately 132 caliper inches. The applicant indicates that Township development regulations require a two (2) inch caliper size (Section 18-803.B.1.c.). Section 18-803.B.1.c. states the following: "Trees shall be at least (emphasis added) six (6) to eight (8) feet in height and two (2) inches in caliper when planted and be of a species common to the area, and listed on the approved plant species list incorporated herein, and be of balled and burlapped nursery stock and be free of insect and disease." The Shade Tree Commission also recommended that the applicant provide additional plantings around Basin #3. The recommendation is for an evergreen and deciduous tree mix. The applicant indicates that additional plantings around Basin #3 will be provided at the time of future development. We recommend that the Board require that the applicant provide a note on the site plan that indicates that additional plantings will be required during Phase 2 of the development on Basin #3. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; New Jersey

Department of Transportation; New Jersey Department of Environmental Protection; and, All other required outside agency approvals.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to table to the meeting of January 29, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; abstain, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

10. SD # 1616 (NO VARIANCE REQUESTED)

APPLICANT: S&H BUILDERS C/O SAM BAUMAN

Location: Martin Luther King Drive, across from Lincoln Street
Block 768 Lot 57

Minor Subdivision to create 2 lots

Tabled to January 29, 2008

Mr. Peters stated The applicant is seeking a Minor Subdivision Approval to subdivide Block 768, Lot 57 into two new Lots. An existing dwelling is to be removed from Lot 57. Two 2-story dwellings are proposed on the new Lots 57.01 and 57.02. The property is located along Dr. Martin Luther King Drive, in the R-7.5 zoning district. No variances are requested by the applicant. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be made a condition of minor subdivision approval. The applicant has proposed four (4) off-street park spaces for each proposed dwelling. The Planning Board should determine if the provided parking spaces will be adequate for the proposed use. The applicant shall add a north arrow to the plan. Curb and sidewalk are existing along the Dr. Martin Luther King Drive frontage of the property. A 6' shade tree and utility easement is proposed to be dedicated to Lakewood Township. The applicant shall revise the Roadway Restoration Detail to show 2" surface course and 4" base course. The applicant shows an existing wood fence lays outside the property boundary at the rear of Lots 57.01 and 57.02. In addition, a wire fence is shown on the plan out side of the western property boundary and along frontage of the property. The applicant shall provide testimony on the ownership of the fences and if they are to remain. The dimension of the R.O.W. for Dr. Martin Luther King Drive shall be shown on the plan. All outbound corner monuments shall be set prior to signature of the surveyor's certificate, as the certificate states. Only interior monuments can be bonded.

Mr. Slachetka read from a letter dated December 12, 2007. The applicant seeks minor subdivision approval to subdivide existing Lot 57 into two (2) conforming new lots. The parcel contains a single-family dwelling which will be removed. The total size of the property is 15,000 square feet in area (0.34 acres). The property is located in an R-7.5 Zone in the central part of the Township. Zoning for the tract and surrounding properties is R-7.5 (Residential). The surrounding land uses are residential in nature. The Board considered the application at its November 13, 2007 meeting. The revised plans take into account the comments of the Board and the Board professionals. Zoning and Variances. Single-family detached housing is a permitted use in the R-7.5 Zone. No variances are

requested. Review Comments. Parking for all proposed lots must comply with NJ RSIS standards. Shade trees and sidewalk are proposed for both lots. The lots will be served by public water and sewer. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Compliance with the Map Filing Law is required. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Sewer and water utilities, prior to issuance of construction permits; and, All other required outside agency approvals.

Tabled to January 29, 2008

Motion was made by , seconded by , to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

6. CORRESPONDENCE

- Letter from David Wilschanski regarding SD 1594 Dov Gluck – Albion Street

Mr. Banas said the members all read the letter and asked if there were any questions, there were none.

7. PUBLIC PORTION

- No one came forward

8. APPROVAL OF MINUTES

- Minutes from December 18, 2007 Planning Board Meeting

Motion was made by Mr. Fink, seconded by Mr. Banas, to approve

ROLL CALL: Mr. Franklin; abstain, Mr. Banas; abstain, Mr. Fink; yes, Mr. Schmuckler; abstain, Mr. Percal; abstain

9. APPROVAL OF BILLS

Motion was made by Mr. Percal, seconded by Mr. Fink, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary