

**LAKWOOD PLANNING BOARD
MEETING MINUTES
JANUARY 9, 2007**

I. CERTIFICATION OF COMPLIANCE

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

“The time, date and location of this meeting was published in the Ocean County Observer 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 Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

2. REORGANIZATION

A. OATH OF OFFICE

Class I Member- one year appointment to December 31, 2007- Mayor Coles
Class II Member- one year appointment to December 31, 2007- Mr. Miller
Mayor’s Designee to serve to December 31, 2007-
Class III Member- one year appointment to December 31, 2007- Mr. Franklin
Planning Board Member alternate #2- Mr. Percal

B. ELECTION OF OFFICERS FOR THE CALENDAR YEAR OF 2007

Chairman – nomination for Stanley Banas made by Michael Neiman, seconded by Audrey Wise

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes, Mr. Percal; yes

Vice Chairman – nomination for Michael Neiman made by Mr. Herzl, seconded by Mrs. Wise

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes, Mr. Percal; yes

Secretary - nomination for Kevin Kielt made by Mrs. Wise, seconded by Mr. Herzl

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes, Mr. Percal; yes

Recording Secretary - nomination for Chris Johnson made by Mr. Miller seconded by Mr. Herzl

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes, Mr. Percal; yes

Motion made by Mr. Miller, seconded by Mr. Franklin to go into executive session to choose a planning board engineer, planner and attorney.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

Mr. Banas made a statement that since the state has gone to bidding and proposals for the professional staff he is please to announce that this year there have been several companies that submitted bids.

C. SELECTION OF CONSULTANTS AND OTHER PERSONNEL

Attorney - motion made by Mr. Gatton for King Kitrick & Jackson, seconded by Mr. Akerman

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

Planner - motion made by Mrs. Wise for T&M Associates, seconded by Mr. Percal

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

Engineer - motion made by Mr. Herzl for T&M Associates, seconded by Mrs. Wise

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

3. ROLL CALL

Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Neiman, Mr. Banas, Mrs. Wise, Mr. Akerman, Mr. Gatton, Mr. Percal

4. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Slachetka were sworn in.

5. WAIVER REQUEST

1. SP 1863

APPLICANT: MOUNTAINVIEW INVESTMENT

Location: Clifton Avenue, Kennedy Boulevard (former Shop Rite building)
Block 104 Lot 38

Site Plan to construct canopy on existing building

Waiver request from checklist items:

B-1 – topography of site

B-3 – contours on site

Mr. Peters said for B-1 and B-3 he recommends the board grant both waivers due to the small nature of the project and no impervious cover

Motion was made by Mr. Neiman, seconded by Mr. Miller, to approve the recommendations by Mr. Peters

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

6. OLD BUSINESS

1. SD # 1512 (NO VARIANCE REQUESTED)

APPLICANT: CHAIN ROSEN

Location: New Central Avenue, west of Hillside Boulevard
Block 11.29 Lot 4

Extension of approval for Minor Subdivision to create 2 lots

Mr. Peters stated he has reviewed the above referenced project for conformance to the Resolution of Approval adopted on March 21, 2005. The plans were signed by the Planning Board engineer on October 24, 2006. The applicant seeks a 60 day extension of the minor subdivision approval. The applicant states that the extension is needed to allow for filing of the map. The application for extension did not provide further information on the reason for the extension. The applicant shall provided testimony on why the board should grant the requested approval. We recommend the Planning Board Solicitor advise the board as to any possible legal implications to granting the extension of approval.

Mr. Carpenter appeared on behalf of the applicant and stated they had difficulty with the county, and due to timing they were not able to get the maps filed in time.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to extend the approval for 190 days, back dated 2 months ago, when it expired

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

7. PLAN REVIEW ITEMS

1. SP# 1862 (NO VARIANCE REQUESTED)

APPLICANT: K- LAND CORP.

Location: northwest corner of Route 70 & Vermont Avenue
Block 1077 Lot 21

Informal review for proposed retail store, WaWa and bank

Mr. Peters stated the applicant is seeking an Informal Review of a Proposed Site Plan for Block 1077, Lot 21. The proposed project consists of a 3,950 S.F. bank, a 5,773 S.F. Wawa that sells gasoline, and a 50,000 S.F. retail building. The site is located on New Jersey State Highway Route 70 immediately west of Vermont Avenue, in the B-5 Zoning District. Outside agency approvals will be required from Ocean County Planning Board, the Ocean County Soil Conservation District, CAFRA, NJDEP permits for TWA and water main extension, and NJDOT. It appears that no variances will be required for this project. The applicant states that the plan is subject to Board approval for parking within a front yard setback. No stormwater management measures have been designed at this time; areas for two stormwater management basins have been shown but not designed. The zoning table states that the maximum building height is 50 feet, and the minimum side and rear yard setbacks are 50 feet as well. Section 18-1007 of the UDO states that the maximum building height in a shopping center is 45 feet and the minimum side and rear yard setbacks allowed are equal to the building height plus ten (10) feet. The plan shall be revised to meet UDO requirements. The zoning table states that the maximum impervious coverage is 90% when the UDO states 80%. The plan shall be revised to meet UDO requirements. The applicant has provided one parking space for every 300 S.F. of bank floor space, and in excess of one parking space for every 200 S.F. of retail space, including the WaWa. The parking provided meets the minimum standards required by ordinance. The applicant has included a "25' Buffer to Residential" line. Section 18-803.E.2.a. of the UDO requires a 50 foot buffer between a non-residential development and an area zoned for residential use. The applicant shall show the zoning of the adjacent area and make revisions to the buffer as necessary. The Board should determine to what extent curb and sidewalk will be required. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 8, 2007. The applicant should describe the existing site conditions and proposed improvements in regards to access to the site from Route 70 as compared to the Vermont Avenue access, much of which is currently unimproved. Verification of the amount of parking spaces should be provided and whether they meet current requirements. The reason(s) for providing parking within the front yard setback should be discussed. A buffer area of 25 feet is provided between Lot 21 and residential properties to the north. The basis for the buffer should be discussed. Future easement dedications or sidewalk improvements are not indicated on the supplied concept plan. The applicant should discuss with the Planning Board the status of the NJDEP wetlands verification, as well as CAFRA review and NJDOT approval for jug-handle access along Route 70.

Mr. Neiman asked if you needed a variance for parking in the setback and was told it was a waiver.

Mr. Shea Esq. appeared on behalf of the applicant and said the plan can be fully conforming with respect to parking, but they don't plan on paving the entire parking lot but want to green bank some of this based upon use for the biggest building. They will identify the tenant for the board, and will testify at the public hearing. Mr. Al Cocco, from Menlo Engineering is the engineer for the project. Mr. Shea said there are no wetlands and will provide a presence or absence letter at the public hearing and make it a condition of approval. Mr. Banas said a conceptual plan is handled differently and will have to be heard at a technical meeting then a public hearing. Mr. Shea said Michael Kaplan is the applicant from Kaplan Companies. Mr. Shea said there would be a change in the plans from this meeting to the technical one. Mr. Shea has they can accommodate the recommendations in the professional's letters. Mr. Shea said that the applicant will make the changes for the curbs and sidewalks. He said the use for the 50,000 sf store would be for a furniture store, Ashley Furniture, which is the largest chain of furniture stores in the world. He said a furniture store does not generate the highly dense traffic as any other retail use, such as a restaurant or bank. Mr. Al Cocco explained to the board members the location of the proposed site and the surrounding uses. Vermont Avenue is a vacant street and if it is every improved, there plans show it could also be an access but currently they will be accessing from Route 70.

Mr. Banas said he was concerned with several things and asked Mr. Slachetka what the buffer requirements were for the parking area in B-5. A lot of this parking is within the 100 ft. setback. Mr. Slachetka said he would look at the standards within B-5 and doesn't recall any specific requirement other than concerns about the substantial parking fields in front of the building. Mr. Shea said the request to park in the front yard setback is an illusionary fact because what they are requesting is to land bank that area, so while it appears on the plan, it is just to show conformance. Mr. Banas said those 13 spaces from Vermont Avenue are in the 100 ft. setback. Mr. Banas said he is reminded that in neighboring Brick, they have property that is supposed to be a Costco and the reason that is not moving forward is because there is only one entrance/exit onto that area on Route 70 and they are insisting a project that large have at least 2 access. Mr. Cocco said they would have to go to the DOT for permits, so they would be governed by them. Mr. Banas said they are requiring a secondary access to the project. Mr. Shea said there was more to that project and there are substantial differences between that application and this one. Mr. Banas asked about the circulation for the bank and Mr. Cocco showed them on the plans.

Mr. Neiman asked if they were coming back with sidewalks, and was told yes. He also wanted to know what the 4th building was and was told it was a gas station.

Mrs. Wise asked how the tankers to bring in the gas would travel into the area and Mr. Cocco showed her on the plans.

Mr. Banas stated there are numerous talks of improving Vermont Avenue and by the time they come back with plans, it might me mandatory for them to improve Vermont Ave. Mr. Kielt suggested their engineer contact Birdsall Engineering because there is a 3 phase project to extend Vermont Avenue from Route 70 to Cedar Bridge Avenue.

2. SD # 1356A (NO VARIANCE REQUESTED)

APPLICANT: C HOOK LLC

Location: River Avenue (Route 9) at corner of Finchley Boulevard
Block 431 Lots 9.01 through 9.47

Informal review of conceptual plan of a previously approved major subdivision

Mr. Peters stated the applicant is seeking an Informal Review of a Proposed Conceptual Plan for Block 431, Lots 9.01 through 9.47. The proposed project consists of seven (7) multiple unit townhouse buildings with basements, containing a total of forty-two (42) units, a playground, and a cul-de-sac access road. The site is located on River Avenue, aka US Route 9, in the HD-7 zoning district. Townhouses are permitted as a conditional use in the HD-7 zone. Outside agency approvals will be required from, but not limited to, the Ocean County Soil Conservation District, Ocean County Planning Board, N.J. Department of Transportation, and NJDEP for TWA and water main extension. It appears that no variances will be required. No stormwater management measures have been designed at this time, and only a small area for stormwater management has been set aside. The applicant will be required to conform to the stormwater requirements of the RSIS. NJDEP wetlands mapping shows extensive wetlands on the site. The applicant will be required to obtain a letter of interpretation from the NJDEP. Additional permitting will be required for wetlands and/ or buffers to be disturbed. The applicant has provided 114 parking spaces, 74 of which are off-street. This total includes two (2) handicap parking spaces. ADA design standards specify a minimum of five (5) handicap parking spaces shall be included in a lot that contains 101-150 total spaces. The applicant has provided 2.7 parking spaces for each three (3) bedroom unit where RSIS requires 2.4 parking spaces per unit. The board should determine if this will be sufficient. The Applicant shows wetlands areas to be filled on the Key Map, but does not show these areas on the plan. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 4, 2007. The applicant should describe the existing site conditions and any other plan differences from the prior approval. The concept plan indicates proposed open space area and a playground. It appears that the proposed development will be able to provide the required 5% open space/recreation area in accordance with Chapter 18-808. Buffer areas are proposed on the north, south and west sides of the site. A design waiver may be required for the 27-foot wide buffer area on the south side of the tract when a minimum of thirty (30) feet is required. A total of 114 off-street parking spaces are proposed based on parking in driveways and several parking areas. A minimum of 101 parking spaces are required based on 2.4 spaces per three-bedroom town home. The applicant should discuss with the Planning Board the status of the NJDEP freshwater wetlands approval which includes the filling of wetlands in the southwest area of the tract.

Mr. Shea Esq. appeared on behalf of the applicant. The market has changed since the approval and the applicant is changing the design to meet the market. The buildings are wider with storage only in the basements with no outside entrances. The permits to fill in the wetlands have been obtained and will have to be renewed since it expires. Chuck from FWH Assoc. is the engineer for the applicant. He said the only minor differences between this and the approved project is the elimination of 1 unit and slight modifications

to the size of the units, the addition of storage basements for usage without providing external entrances. The layout is the same.

Mr. Banas said the original project was approved on a slab, so this is a major change. He asked the size increase and was told each building unit was being widened by 2 ft. to respond to the market. No bathrooms downstairs. The unit count is decreased by 1 from the original approval. Mr. Banas said looking at the conceptualls, it looks as though they have added a third floor. Marshall Weisman said the dormer is for architectural features only, no floors behind it, only trusses. Mr. Shea said they would have a deed restriction if necessary for the basement restrictions.

Mr. Gatton said this is located right on Route 9, and asked about the school buses. They did want to have bus stops on Route 9. Mr. Weisman said Mr. Mignella worked with them to move the median pushed back so they will meet with him again to make sure the buses can get into the development.

3. SP # 1856 (NO VARIANCE REQUESTED)

APPLICANT: CONGREGATION TORES EMES

Location: Atlantic Avenue, James Street & Ridgeway Avenue
Block 370 Lots 1 & 3

Preliminary & Final Site Plan and proposed addition to existing school

Mr. Brown Esq. said this application is not a change of use as stated, because it has already received approval for that, this is an addition to an existing school.

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval for Block 370, Lots 1 & 3. The project consists of two additions to the existing structure, stormwater management measures, new parking facilities, asphalt driveway on the site, and improvements to James Street along the property frontage. The site is located between Ridgeway Place and James Street, in the R-12 Zoning District. The applicant proposes two additions with finished basements to an existing private school. No variances have been requested for this project. Section 18-906 of the UDO stipulates that a 20 foot buffer shall be provided between a school and a residential zoning district. The applicant has only provided a 16.46 foot buffer. The entrance to the property is currently on Ridgeway Place. The proposed improvements to the parking area and driveway will move the entrance to James Street. Outside agency approvals will be required from the Ocean County Soil Conservation District and Ocean County Planning Board. This plan relies on the proposed vacation of Filbert Avenue and Dekalb Avenue. The applicant shall provide proof of vacation as a condition of approval. The setbacks shown on the plan are from the proposed property line after street vacation, not the current property line.

The applicant shall provide testimony on plans for a recreation area for the school. Layout & Lighting Plan includes County Road Improvement Notes that refer to improvements to "Squankum Road." This note shall be clarified or corrected. The plans shall be revised to include the county route number for James Street. The parking calculations show one parking space required for every Classroom/ Office/ Meeting Room for a total of 16 required spaces. One space is also required for the Library, bringing the required total to 17 spaces. Twenty-five (25) spaces are provided which is acceptable. A detail is given for

a six foot high board on board fence. The proposed location for this fence is not evident and should be clarified. The current lighting plan will not provide sufficient illumination to the majority of the parking area. Furthermore, the James Street side entrance has no illumination for the sidewalks leading to the entrance. A more adequate lighting design is needed. The applicant shall provide soil borings locations and information, and calculations in the Stormwater Management Report demonstrating that the soils on-site will adequately infiltrate the stormwater. The applicant shall address the comments from the Shade Tree Commission Report dated 12-6-2006. The plans shall be revised to include a trash enclosure. We recommend that the parking lot design use curbed islands rather than painted. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 8, 2007. The status of the vacation of mapped streets Filbert and DeKalb Avenues (as indicated on the site plan) should be confirmed, as portions of the proposed improvements are to be on the mapped roadbed(s). No final approval can be granted until such time as the street vacations are approved and the subject lands consolidated by deed with the subject tract. Current usage of Lot 1 should be clarified as Lakewood Tax Assessor records indicate the current usage is as a school. Ownership of Lot 3 should be clarified as a brief review of Lakewood Tax Assessor records indicates Township ownership. Consolidation of Lots 1 and 3 should be considered as a condition of approval. The site plan indicates the entrance to the site is to be from James Street and the current driveway to Ridgeway Place is to be removed. Landscaping should be added at the current road location. The site plan does not clearly indicate the amount of square footage of the current building and the proposed additions. Please revise the site plan. The site plan specifies site triangle and shade tree easement dedications. Sidewalks are not indicated on the site plan. Lakewood Fire District No. 1 and the Lakewood Environmental Commission have indicated no objections to the site plan as currently proposed. The site plan includes Landscaping and Lighting Notes, a Tree Save and Protection Plan. The applicant has provided a Soil Erosion Plan, and drainage plans are included on the Site Plans. An Environmental Impact Statement has been submitted for Board review. Section 906 of the UDO provides parking standards for schools. A total of 17 spaces are required and 25 spaces are proposed. The applicant should indicate if a recreation area is proposed for the school. The remaining comments are technical in nature,

Mr. Brown Esq. appeared on behalf of the applicant. He stated the applicant is prepared to work with both recommendations from the professionals to enhance this project. Mr. Carpenter is the engineer for the applicant. Mr. Carpenter said he agreed with the recommendations of Mr. Peters and will comply. With regard to the buffer of the school, the applicant will address that at the public hearing. Mr. Banas said let's do it now. Mr. Carpenter said lot 1 is currently vacant, totally wooded. Mr. Banas asked if you can use adjacent property to use as your buffer. Mr. Carpenter said he is not, just explaining what the condition of lot 1 was. They were asking for a waiver of the buffer of 20 ft. which is only a 3 ½ ft difference. There are no sidewalks on James Street or Ridgeway Place at this time, except when you are further down James Street. If the board wants sidewalks, they will put them. His only question is does the board want them to continue into the site or just run across the front of the site. Mr. Banas said around the property of the site and if you needed sidewalks internally absolutely. Mr. Carpenter asked if they wanted a connection between the street to the internal sidewalks and Mr. Banas said yes. Mr. Brown said he has spoken to the applicant who is willing to provide the sidewalks. He said the

only discussion he had with Mr. Carpenter is this is a rural area, and it may take away from the rural nature, but the issues of safety outweigh the issues of aesthetics. Mr. Carpenter said they had no problems meeting the conditions in Mr. Slachetka's letter.

Mr. Miller wanted to make sure the turning radius would be sufficient for buses and was told yes.

Motion was made by Mr. Neiman, seconded by Mr. Miller, to advance this application to March 20, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

- 4. SP # 1859 (VARIANCE REQUESTED)**
APPLICANT: BATIM MANAGEMENT/MICHAEL BURZTYN
Location: Sixth Street
Block 130 Lots 11, 12
Preliminary & Final Site Plan for multi family dwelling with 4 dwellings

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval of Block 130, Lots 11 & 12. No new lots are proposed. The proposed project consists of removing an existing 2-story dwelling and asphalt driveway on the site, and constructing four (4) attached single family units. The site is located on Sixth Street, approximately 130± feet east of its intersection with Lexington Avenue, in the Multi-Family Residential (R-M) Zoning District. As per section 18-902 H.1.d of the UDO each townhouse shall be considered two units if the structures have basements. The proposed townhouses will have an unfinished basement, with its own entrance. It appears that variances will be required for the following: Side yard setback: The Applicant has proposed 9ft/21ft where 12ft/25ft is required. Density: The Applicant has proposed 8 units on 0.403ac (18.6 units/ac) where Lakewood UDO 18-902.H.4.b.2 allows 15 units/ac. As per section 18-803.E.2.b of the UDO buffers are required between townhouse units and single family dwellings or lots zoned for single family dwellings. The board may wish to impose a 30 foot buffer around the proposed site, this buffer may be reduced by the Board if the applicant provides a dense landscape screening. Outside agency approvals will be required from the Ocean County Soil Conservation District. The RSIS requires 2.4 parking spaces per unit for a three bedroom townhouse, the largest listed in the regulations. In the RM Zone the basement must be considered a separate unit. The RSIS requires 2.0 parking spaces per unit for a garden apartment with an unspecified number of bedroom units, yielding a total of 4.4 parking spaces per unit. The total number of required parking spaces is 17.4 where twelve have been provided. The board may choose to require additional parking spaces if it feels the site warrants it. The applicant will be required to form a home owners association to be responsible for the common areas and stormwater management facilities. Home owners Association documents shall be submitted to the Planning Board Engineer and Solicitor for review. The applicant shall provide soil boring locations and information, and calculations in the Stormwater Management Report demonstrating that the soils on-site will adequately infiltrate the stormwater. The Layout Plan indicates that the existing 6' wood

fence along the eastern property line is to be removed. It appears that a portion of the fence is on Lot 10. Testimony should be provided as to fence ownership, responsibility, etc. Lot depth of 150.00' differs from the sum of proposed improvement dimensions. It appears that the dimension from the proposed building to the rear lot line should be 52.0' instead of 53.0'. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated December 4, 2006. The proposed use, multi family housing, is a permitted principal use in the zone. A maximum density of 15 dwelling units per acre is permitted in the RM Zone. The density of the subject proposal is 9.3 dwelling units per acre based on four (4) units on a lot of 18,750 square feet, or 0.43 acres. The proposed project density complies with the maximum permitted density (for a multi-family use) in the RM Zone. The proposed dwelling units are essentially townhouse units; however, it is our understanding that the applicant's position is that the dwellings are multi-family dwelling units since there is common ownership of the underlying land. A review of the pertinent definition is appropriate: Multi-family dwelling: Two (2) or more dwellings units located within a single building, with a private entrance to each dwelling unit. (Section 18-200) Townhouse: A dwelling unit which is designed for, and occupied exclusively as, the residence of one (1) housekeeping unit. That is attached by means of one (1) or more common fire walls to two (2) or more other townhouse dwellings in the same building and each townhouse is intended for occupancy by one (1) housekeeping unit. Townhouse dwellings may not have any other dwellings above or below any of the individuals units. Any unit in excess of two units that does not meet the "Townhouse" definition shall be considered a multi-family dwelling. In our opinion, the proposed units meet the definition of "townhouses" and should comply with the density standard of townhouses which are a permitted principal use the RM Zone at 8 units per acre. A density, or d (5), variance is not within the jurisdiction of the Planning Board. The following bulk variance is required: A variance is required for a side setback of 9 feet, where a minimum of 12 feet is required (Section 900.H.6.). The positive and negative criteria for the requested bulk variance must be addressed. Should the Planning Board determine that it has jurisdiction, we have provided review comments. The architectural plans indicate that the proposed dwelling units will have a basement and living area on two (2) floors and bedrooms and bath facilities in the attic level. A total of six (6) bedrooms are identified. The applicant proposes a total of twelve (12) off-street parking spaces, or three (3) spaces per unit. Expert testimony should be provided to indicate that the proposed parking complies with the N.J.R.S.I.S. and is sufficient for the proposed dwelling units. Additional landscaping should also be provided in the rear of the subject parcel. The applicant has proposed a 6-foot wide shade tree easement dedicated to the Township. This easement is almost entirely composed of the impervious cover of the parking area. All improvements must be designed and constructed in accordance with N.J.R.S.I.S. All areas put into common ownership for common use by all residents shall be owned and maintained by a non-profit homeowners association in accordance with the requirements of the Department of Community Affairs and the provisions of §1010 of the UDO. The remaining comments are technical in nature.

Mr. Liston, Esq. appeared on behalf of the applicant with Ray Carpenter the engineer. Mr. Liston said this project was going to be for 4 townhouses with 0 lot lines, 4 separate lots. The applicant changed that plan and is doing it as a multi family condominium development. We believe that we do meet the density that is allowed for multi family in the R-M zone

which is 15 units per acre (we are at 9.3). The issue with respect to the basements; the basements will not be habitable basements, they will be used for storage only. Mr. Banas said the board took that matter into consideration, and determined that any basement in an R-M zone will require 2 additional parking spaces, regardless of what it is.

Mr. Jackson said he did not believe there was an actual ordinance that provides that, he thinks they have admonished applicants in the past, but he thinks it should be considered on a case by case basis. If an applicant can put safeguards in place to ensure the board that it is not going to be used as habitable space, it should be taken under consideration and maintain some flexibility. Mr. Banas said he hated to disagree with the attorney, but he does. The rest of the board members remember the applicant and the difference was an outside entrance. If it is in an R-M zone with an outside entrance, then it would require 2 additional spaces. Mr. Liston said that being the case, they would eliminate all outside entrances to the basement.

Mr. Gatton asked the height of the basement, and was told by Mr. Liston they were not sure, but he was quoting the building code that any ceiling in a basement less than 7 ft. it is by definition not habitable space. Mr. Carpenter spoke with regards to the recommendations in Mr. Peters letter is about the 30 ft. buffer. The rear of this site is a multi-family dwelling, to the west is a multi-family dwelling, the east is 2 single family houses, and there is a row of townhouses on a Lexington Avenue. He thought the definition of the single family neighborhood is 5 homes. Mr. Banas said he should work directly with Mr. Peters on that. Mr. Carpenter pointed out that they did put 12 ft. on the right hand side and 9 ft. on the left hand side. The remaining issues in both Mr. Peters and Mr. Slachetka's comments will be complied with.

Mr. Gatton said B-3 in Mr. Slachetka's letter and asked if they were going to resolve that, and Mr. Liston said he spoke of that earlier. This will be owned by a condominium association.

Mr. Percal said this neighborhood has a preponderance of townhouses, has the board approved by calling it a condominium is actually increase the density. Has there been any other condominiums approved in this area. Mr. Liston said in his view the difference between a townhouse and a condominium which is multi family is that the townhouse as we had originally proposed creates 4 separate lots, with 0 setback and a common wall on the lot. The structure and the land is owned by the same person. The condominium is one building, one lot, owned by an association and the individual unit owners own the air space inside each unit. No one knew the answer to whether there are any other condominiums in the area. Mr. Liston remembered one as 4th & Forest with 9 units.

Mr. Akerman asked why couldn't they do what they want, if they only have 4 units. Town homes are fine and they could do that. When the professionals looked at it there were entrances into the basements, making them 8 units.

Motion was made by Mr. Neiman, seconded by Mr. Miller, to advance this application to March 20, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

Committeeman Miller announced he was leaving for another meeting.

5. SD # 1570 (VARIANCE REQUESTED)

APPLICANT: SHIMSHON BANDMAN

Location: corner of Melville Avenue and Elm Street
Block 762 Lot 4

Minor Subdivision to create 3 lots

Mr. Peters stated the applicant is seeking Minor Subdivision approval to subdivide one Lot into three Lots. The subject property, known as Block 762, Lot 4, lies at the intersection of Elm Street and Melville Avenue, in the R-7.5 Zone. Proposed Lot 4.01 currently contains a one story dwelling which will remain. Proposed Lots 4.02 and 4.03 are currently vacant grassed area. No new construction is proposed at this time. A variance will be required for the following: Side Yard Setback: A 3.2 foot setback is proposed for Lot 4.01 where 7 feet is required. Proposed Lot 4.01 has room for two parking spaces within the driveway and one additional parking space in the garage. Lots 4.02 and 4.03 have not addressed parking for the future development of the site. The parking issue can be addressed for the two lots by adding a note that clearly states three off-street parking spaces will be provided for any residential dwelling proposed on the lots. The proposed lots will be serviced by public water and sewer. The address of the owner/applicant is different on the application form and the subdivision plat. This discrepancy shall be revised. The Applicant has provided a six (6) foot shade tree and utility easement along Elm Street and Melville Avenue. Concrete curb is exists along the property frontages. The applicant shall provide sidewalk along the property frontages. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated December 1, 2006. The positive and negative criteria for the requested variance should be addressed. The applicant has not addressed sidewalks and street trees on Elm Street and Melville Avenue. The Zoning Chart should be revised to indicate two (2) front yards for new Lot 4.02. The applicant should be prepared to address the basis for the parking requirement calculations included in the Zoning Chart on the submitted plans. The NJ RSIS requires three (3) parking spaces per lot, where two (2) spaces per lot are noted on the plan. The key map on the submitted plans does not clearly identify the location of the proposal. The minimum setback for accessory structures in the R-7.5 Zone is 7 feet; the bulk chart indicates 10 feet. Site Triangle and shade tree/utility easement dedications to Lakewood Township are indicated on the submitted plans. The remaining comments are technical in nature.

Mr. Alfieri, Esq. appeared on behalf of the applicant. The applicant has a side yard setback which exists with the existing home. The issue is by drawing the lot line where it is drawn, they have a 3.2 ft. setback where 7 ft. is required. They could address that by doing an irregular lot line by jogging it but it does not make good planning and does not look nice. They could provide a larger setback for the new home to pick up the extra 3 ft. as they have adequate lot width to do that. For those reasons they think the variance is reasonable. They will address all the comments from the professionals.

Mr. Banas asked if they were going to provide adequate parking spaces and Mr. Alfieri said yes.

Motion was made by Mr. Herzl, seconded by Mr. Neiman, to advance this application to March 20, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

6. SD # 1572 (NO VARIANCE REQUESTED)

APPLICANT: TRACHS INC.

Location: East End Avenue at corner of East Eighth Street
Block 208 Lot 46.07 & 58

Minor Subdivision to create 2 lots

Mr. Peters stated the applicant is seeking a minor subdivision of Block 208 Lot 139 to subdivide one residential lot into two residential lots. The site currently contains an existing dwelling on proposed Lot 139.01 that is to be removed along with all associated accessory structures. No new dwellings are proposed at this time. The property contains 1.645 acres of wetlands area out of a total area of 2.546 acres. The site is located at the corner of East End Avenue and East Eighth Street, fronting East End Avenue, in the R-10 Zoning District. It appears no variances will be required for this application. Ocean County Planning Board Approval, evidence of approval shall be made a condition of final subdivision approval. The applicant has provided a six foot wide shade tree and utility easement along the property frontage. Concrete curb exists along the property frontage; Board to determine if sidewalk will be required. The zoning table states that >2.5 parking spaces will be provided. There is now new construction proposed at this time. The applicant shall add a note clearly stating at least 3 parking spaces will be provided for each dwelling. Removal of existing accessory structures will require disturbance of the wetlands buffer and the appropriate NJDEP permit shall be obtained prior to disturbance. The site is serviced by public utilities. Applicant should provide a copy of the NJDEP letter of interpretation for the wetland line and buffer determination. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 8, 2007. The side lot line dividing the proposed lots is not at a right angle to East End Avenue Section 805.C of the Lakewood UDO states, in part, that "...insofar as is practical, side lot lines shall be at right angles to straight streets..." A design waiver will be required. We note that new Lot 139.02 complies with the minimum lot width requirements of the R-10 Zone; however, the lot frontage (the portion of the lot abutting the street) is only 48 feet. Although East End Avenue and East 8th Street do not cross each other (they meet each other at a ninety-degree angle), the Planning Board should consider if sight design standards related to intersections are applicable to the application, including but not limited to, site triangles and driveway standards. Sidewalk and street trees are not proposed. The plat indicates that the existing two-story frame structure will be removed. The structure must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. The plat should be revised to identify the NJDEP freshwater wetlands reference number and date.

A minimum of three off-street parking spaces will be required for each of the new lots per the NJRSIS. The remaining comments are technical in nature.

Jeffrey S. Roth Esq. appeared on behalf of the applicant. The engineer showed where the lot line was located on the map for Mr. Neiman who could not locate it. Both lots will have frontage on East End Avenue. They have submitted for wetland approvals from the state and the permit is pending. They will agree to the sidewalks. The remaining comments will be complied with.

Mr. Banas asked if they were going to provide building envelopes and was told yes.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to advance this application to March 20, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

7. SD # 1573 (VARIANCE REQUESTED)
APPLICANT: PROSPECT BUSINESS PARK 3 C/O CHARLES FERGUSON
Location: Prospect Street, south of Railroad Street
Block 386 Lot 17
Minor Subdivision to create 2 lots

Mr. Peters stated the applicant is seeking Minor Subdivision Approval of Block 386 Lot 17, to subdivide one industrial lot into two. The property currently contains a self storage warehouse facility that will remain on proposed Lot 17.01. Two new warehousing buildings totaling 25,020 sq. ft. are proposed on Lot 17.02. This application only covers the property subdivision as the applicant has submitted a separate application, SP 1857, for the improvements on Lot 17.02. The property is located between Prospect Street and unimproved Railroad Street within Lakewood Industrial Park, within the M-1 Zone. A previously approved future storage warehouse is outlined on proposed lot 17.01. If built as outlined, the rear yard setback will become 29 feet where 30 feet is required. We recommend the applicant request a variance for rear yard setback for Lot 17.01 to avoid a future variance application for the construction of the proposed storage warehouse. A variance is required for the Side Yard Setback for proposed Lot 17.01. The applicant proposes 14.8 feet on one side and 58.7 feet combined where 30 feet and 70 feet is required. This is an existing condition. Access to Lot 17.02 is proposed to be provided by an access easement. The easement is permitted, although, a variance from NJSA Section 35 of MLUL will be required for the lot having no frontage on an improved Right of Way. The proposed access easement runs through Lot 18. The application states that the Applicant is the owner of Lot 18. This information is not shown on the plan and the list of property owners within 200 feet should be revised to show this. Outside agency approval will be required from Ocean County Planning Board. Evidence of approval shall be made a condition of final subdivision approval. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 5, 2007. The applicant will be required to obtain a planning variance from N.J.S.A. 40:55D-35., since the proposed lot does not front

on an improved public roadway. The applicant has proposed a 30-foot access easement from Block 386, Lot 18 to Block 386, proposed Lot 17.02. The applicant should be prepared to address the sufficiency of the access easement for daily use and emergency access. The positive and negative criteria for the requested variances should be addressed. The applicant will need to provide documentation demonstrating Industrial Commission recommendations for reducing the minimum front yard setback (on Railroad Street) for proposed Lot 17.02 prior to Board approval. Otherwise, a variance is required. The applicant notes on the subdivision plan an approved area for "future storage warehouse" that appears to be within the minimum rear yard of proposed Lot 17.01. The applicant should provide a reference to the Board indicating the date of approval and the application number. In addition, the applicant should verify conformance with the M-1 Zone standards or request a bulk variance for the proposed warehouse facility. The applicant indicates that they own Block 386, Lot 18. The list of property owners provided does not list the common ownership of both properties. The applicant has proposed an access easement from Block 386, Lot 18 which will require that trailers be moved. The applicant should indicate the proposed placement of these trailers. Board approval of the access easement should be conditioned on the submission of deed language to the Board Attorney and the metes and bounds description to the Board Engineer. The remaining comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. The applicant is back from the informal review that was done last year. They will be 30 feet, not 29 feet, that was an error that will be corrected. The access easement will be needed. The applicant will provide the owner of lot 16. They do not have a letter yet from the Industrial Commission but plan on having that shortly. The rest of Max's comments will be complied with. Mr. Surmonte is here to testify that the access easement will be adequate for entrance into the lot. As far as the prior site plan approval, Mr. Penzer has the resolution of approval but there is no future, he was going for 2 additional storage warehouses which he has built. Mr. Slachetka said the rectangle that is on the plan is that being removed from the plan. Mr. Surmonte said yes, he was given a plan that he assumed was an approved site plan, but it proposed that as a future building, so it will be taken off the plan, and that will disappear and that comment will disappear. They will show the trailers will be on the map and put any language the board requires on the map as well. They agreed with the rest of Stan's comments.

Mr. Banas asked how long those trailers would be there and was told they would be located just through construction and upon completion they would be removed.

Motion was made by Mr. Herzl, seconded by Mrs. Wise, to advance this application to March 20, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

8. SP # 1857 (NO VARIANCE REQUESTED)
APPLICANT: PROSPECT BUSINESS PARK 3 C/O CHARLES FERGUSON
Location: Prospect Street, south of Railroad Street
Block 386 Lot 17.02

Preliminary and Final Site Plan for 2 warehouse/office buildings

Mr. Peters stated this application is seeking site plan approval to construct two warehouse buildings totaling 25,020 sq. ft. on Proposed Lot 17.02. The application also includes a paved parking area and a stormwater management basin. The property is located in the Lakewood Industrial Park on unimproved Railroad Street in the M-1 zoning district. Outside agency approval is required from the Ocean County Soil Conservation District. Evidence of approval shall be provided as a condition of approval. Access to Lot 17.02 is proposed to be provided by an access easement. The easement is permitted, although, a variance from NJSA Section 35 of MLUL will be required for the lot having no frontage on an improved Right of Way. Ordinance requires one parking space for every 300 square feet of floor space for a total of eighty-three (83) spaces. The applicant has provided eighty-four (84) including four (4) handicap parking spaces, meeting ADA standards. The applicant shall provide testimony on the size of the trucks anticipated to access the proposed garage doors on the proposed buildings. The parking spaces located at the corners of the building create an un-safe situation due to car and truck turning movements. We recommend islands be built at the ends of the building to separate the parking areas from the drive isles. The width of the sidewalk in front of the parking spaces shall be shown on the site plan. A minimum width of six feet is required. Wheel Stops or bollards should be provided where the parking spaces will be head on to the building. We recommend bollards be installed at the building corners to protect the structures from turning vehicles. The proposed warehouses will be serviced by an individual potable well and septic disposal systems. The applicant should provide testimony on the nearest possible connection to public sewer and water. The stormwater detention basin should be enclosed within a fence, including a gate for maintenance access. The "Wal-Pak" light mounting height should be indicated on the plans as this affects the illumination pattern. The parking spaces in the northeast corner of the parking lot do not appear to receive sufficient illumination. We recommend installing an additional light in the vicinity of that corner to equalize the illumination. On September 14, 2006, Maser Consulting requested a threatened and endangered species database search from the NJDEP Natural Heritage Program (NHP) on or within ¼ mile of the site. A response is pending. We request that a written response from the NHP be forwarded to the Planning Board and T&M Associates upon receipt. According to the NJ Landscape Project data reviewed by Maser, habitat for barred owl and northern pine snake exist on site. Maser reports that neither species was observed at the time of the site visit. The EIS states that the barred owl is not expected to utilize the project site and no impacts to the species are anticipated as a result of the proposed development. Reportedly, the project site contains suitable habitat for northern pine snake (i.e. dry pine/oak forest on infertile sandy soils). The applicant states that appropriate measures will be taken if the species is encountered during construction. We recommend that a statement regarding a potential for the occurrence of the northern pine snake be placed on the site plans and that the applicant immediately notify the planning board engineer and environmental commission if the species or indicators of the species presence are encountered. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 5, 2007. The applicant will need to provide documentation demonstrating Industrial Commission recommendations for reducing the minimum front yard setback for proposed Lot 17.02 prior to Board approval. The M-1 Zone District standards require a 100-foot setback for the front yard which may be reduced with a recommendation provided by the Industrial Commission and the consent of the Planning Board. Common Ownership. The applicant indicates that they own Block 386, Lot 18. The list of property owners provided does not list the common ownership of both properties. Railroad Street is an unimproved right-of-way. The applicant has proposed an access easement from Block 386, Lot 18 which will require that trailers be moved. The applicant should indicate the proposed placement of these trailers. The applicant will need to correct the proposed parking computations. One space per 1,000 square feet is required for the warehouse area, and one space per 300 square feet of office floor area. The applicant should discuss if all of the proposed parking is necessary for the operation of the use. The applicant will utilize an individual septic disposal system and well system to service the subject site. The landscape plan should be revised to provide a greater diversity of species to screen the warehouse use. The site plan indicates that grading and installation of a drainage structure are proposed in the right-of-way of Railroad Street. The proposed construction should be reviewed by the Township Engineer prior to signature of the site plan by Board officials. If grading and improvements are permissible in the Railroad Street right-of-way, then a landscaping screen should be considered in the disturbed areas in the right-of-way. The rest of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. Mr. Surmonte is the engineer for the applicant. The basic size of the trucks will be van and panel trucks, and they agree with the idea of the islands and will comply with them. The nearest connection to public water and sewer is miles. There is a mistake, it is not 12 ft. it is 15 ft. and 15 ft. on slab is permitted on septic. They never had to have an environmental impact statement from NJ Natural Heritage Program nor have they ever been required, but the applicant has a report from Maser dated today, which he read. The letter stated the land is not a habitat to the barred owl nor the pine snake or box turtle.

Mr. Peters said this is not a new requirement, but they have been taking a closer look at these EIS's. Mr. Jackson said he should speak to the members of the board and see if they want to see that. Mr. Peters said reading through the EIS, the consultant stated the habitat was suitable for those species, so he was asking for that to be submitted when it is received back from the DEP. Mr. Penzer said that the Natural Heritage Report should not be used. Mr. Penzer gave a copy of the letter for Mr. Kiert. Mr. Penzer said the last item talked about the environmental impact statement and how they made it another category, a phase 1 environmental site assessment and it is quite clear there is not phase 1 ordinance for Lakewood Township and to suddenly ask for phase 1, he has never been asked to discuss phase 1. To make the applicant spend \$5,000.00 for a phase 1 for a warehouse is unfair, especially since it is not part of an ordinance. Mr. Peters said if a large amount of fill is being brought in for the retaining wall construction from an unknown source, they would like a note added to the plans that it will be tested to verify it is from a clean source, so we are not bringing in contaminated fill into the area. Mr. Penzer said his applicant will not be bringing in any soil. Mr. Penzer asked Mr. Slachetka what they need to do to fix the parking and to tell them what to do to fix it. Mr. Slachetka said if it possible to make do with less parking, then some testimony on the use of the site should be given

and sufficiency of the parking, whether they want to bank some parking, etc, that would be acceptable. They agree to the remaining comments in Stan's letter.

Mr. Banas said there must be very narrow driveways here because of all the comments from the professionals, and Mr. Penzer said basically there will be contractors vehicles, panels and vans, nothing big. Mr. Banas asked if there was enough driveway space, and what was the width. Mr. Surmonte said they were 25 ft. and not designed for large vehicles. Mr. Banas said he was concerned.

Motion was made by Mrs. Wise, seconded by Mr. Herzl, to advance this application to March 20, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

9. SD # 1574 (VARIANCE REQUESTED)

APPLICANT: PINE PROJECTS LLC

Location: corner of Netherwood Drive and Bellecourt Boulevard
Block 431 Lot 1.02

Minor Subdivision to create 3 lots

Mr. Peters stated the Applicant is seeking minor subdivision approval of Block 431, Lot 1.02. The subdivision proposes to subdivide one existing lot into three new lots. The property in question lays at the intersection of unimproved Netherwood Drive and unimproved Bellecourt Boulevard in the R-12 zoning district. The property is currently vacant and the majority of the property lies within wetlands or wetlands buffer zones. Three new single family dwellings are proposed. A variance will be required for the following: Minimum Lot Width – Lot 1.03 and Lot 1.04 propose 75 feet, and Lot 1.05 proposes 79.66 feet. 90 feet is required in the R-12 zone. Outside agency approval will be required from, but not limited to, the Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for a wetlands disturbance permit. The applicant shall provide proof of NJDEP approval of the Wetlands Boundary Line as shown on the plan. The Board should determine if curb and sidewalk will be required along the property frontage. The zoning table states three (3) off street parking spaces have been provided for each lot. The driveways shown for Lots 1.03 and 1.04 can only accommodate two cars and shall be enlarged. The applicant has provided a sight triangle easement dedicated to Lakewood Township at the corner of Bellecourt Boulevard and Netherwood Drive. The applicant has provided shade tree & utility easements dedicated to Lakewood Township along the entire property frontage. The applicant has not provided any drainage easements and the Board should determine if any are needed. An Existing Conditions Plan should be submitted. The applicant shall include proposed grading and contours so that the post – development drainage can be determined. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 5, 2007. The positive and negative criteria for the requested bulk variances should be addressed. The subject lots are constrained by freshwater wetlands areas and wetlands transitional areas. Written documentation

concerning the status of the wetlands fill permit should be provided to the Planning Board professionals. Clarification is required regarding the location of the wetlands transition area shown on the Improvement Plan. Finally, we note that the boundary of the wetlands transition area differs on the Minor Subdivision Plan with that of the Proposed Improvement Plan. The Zoning Schedule should be revised to indicate two (2) front yards for new Lot 1.02. Sidewalks and street trees on Netherwood Drive are not indicated on the improvement plan. We note that Bellecourt Boulevard and Netherwood Drive are not fully improved to Township standards. The subdivision plan indicates that improvements for Netherwood Drive are bonded. Written documentation concerning the scope and limits of the proposed improvements should be submitted to the Board professionals. Evidence of the posting of performance bonds should be provided. The applicant should discuss if the improvements provide for a temporary turnaround. Site triangle and shade tree easement dedications to Lakewood Township are indicated on the Minor Subdivision Plan. Performance guarantees should be posted for all improvements in the right-of-way, which are required for this approval. Parking for both proposed lots must comply with NJ RSIS standards. The remaining comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. The lots are very large and an LOI will be submitted. They do not have the NJDEP wetlands disturbance permit, and if the board is to approve it, this application will be subject to the permit. As far as the status of the road, the woods have been cleared, that is it. The water and sewer is 160 ft. and we are at the board's discretion if they want curb and sidewalk, they will comply. The reason there is no drainage easement is because they do not need any drainage easements. They agree to the remainder of Max's comments in his report. In regards to Stan's report, they will supply the LOI and the other comments will be made available and the remainder will be complied with.

Mr. Gatton asked if this was located off of Cross Street and was told yes. He asked how they were going to access the lots and was told Finchley Boulevard in an improved road and they would be extending the road to Finchley Boulevard. Mr. Banas asked if there was an entrance off of Times Square or Biltmore and was told those were not improved roads.

Motion was made by Mrs. Wise, seconded by Mr. Herzl, to advance this application to March 20, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes, Mr. Percal; yes

10.SP # 1858 (NO VARIANCE REQUESTED)

APPLICANT: NEW CEDAR HOLDINGS LLC

Location: Oberlin Avenue at northwest corner of New Hampshire Avenue and Cedar Bridge Avenue
Block 1603 Lots 1.02, 2.02

Preliminary & Final Site Plan-proposed shopping center

Mr. Peters stated the Applicant is seeking site plan approval to construct a shopping center on 27.248 acres of land with 201,175 S.F. of ground floor building area within six (6)

separate buildings and associated site improvements. The subject property, known as Block 1603, Lots 1.02 and 2.02, lies at the northeast corner of the intersection of New Hampshire Avenue and Cedar Bridge Avenue, in the B-6 Zone. The property is currently wooded. It appears that no variances will be required for this application. The applicant will be required to obtain outside agency approvals from, but not limited to, the Ocean County Planning Board, CAFRA, the Ocean County Soil Conservation District, and NJDEP for Treatment Works Approval and Water Main Extension. Existing vegetative buffer easements are located along Cedar Bridge and New Hampshire Avenues. The applicant shall provide a copy of the easement agreements for review of the restrictions imposed by the agreement. The applicant proposes clear cutting, re-grading, and replanting the entire easement area. A legal description is required for the proposed drainage easement. The wording shall be reviewed by the solicitor and the legal description provided to the Planning Board Engineer for review. The easement agreement shall be signed by the neighboring lot owner prior to signature of final plans. The drive isle from the main parking area to the Cedar Bridge Avenue access needs a stop sign to allow for uninhibited traffic inflow. The applicant has indicated side and rear yard setbacks of 45 feet in the zoning table, the proper setback for a shopping center with maximum building heights of 35 feet. The plans show 30 foot side and rear setbacks and shall be revised to match the zoning table. The plans do not show refuse containers next to Building #4 or Building #6. The applicant shall include waste disposal measures for these buildings. The applicant shall provide fire hydrant locations for review by the Lakewood Fire District No. 1. The applicant shall clarify the limit of the wall at the northwest corner of the property. It appears that the wall will extend to the right of way line and then north from of subject property line along the right of way line for approximately 150 feet. The only place that the applicant shows the full extent of the wall's northerly run is on the Soil Erosion & Sediment Control Plan and the County Striping Plan. The applicant shall testify to the reasons for the wall and provide proof of approval from Ocean County for its construction. The retaining wall is located along the northern property line, there needs to be room for construction and geogrid if a block wall is proposed. The plans shall be revised to enclose the two detention basins within fences, including gates for maintenance access. The applicant shall revise the plans to include a stabilized access to the detention basins. This access shall be designed to allow vehicle travel all of the way to the bottom of the basin for maintenance purposes. The applicant shall revise the plans to include the area of each proposed easement. The EIS indicates that the site is comprised of Lakewood sand and later states that no environmentally sensitive areas are known on or adjacent to the subject property. Based upon our review, areas of Lakewood Township comprised of Lakewood sand are potential habitat for the northern pine snake, a State-threatened herpetile species. Northern pine snake prefers dry pine-oak forests on very infertile sandy soils such as Lakewood soil. Thus, we recommend that the applicant contact the New Jersey Natural Heritage Program (NHP) to obtain the latest database listing for potential rare, threatened, and endangered plant/animal species at or near the site. The wildlife assessment and NHP listing should be provided to the Planning Board for review. Phase I Environmental Site Assessment (ESA) was performed for this site. Although no Phase I ordinance exists for Lakewood Township, we recommend that the applicant provide a written statement and/or testimony to the Planning Board that addresses current or former recognized environmental conditions (RECs). Also, as re-grading and construction is proposed, we recommend that the applicant provide a statement that specifies whether this project will require the importation of soil or fill material during site construction.

Should imported soil or fill be necessary, we recommend that the applicant provide source documentation and/or documentation that the soil is analytically tested at a frequency approved by the Planning Board Engineer. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 8, 2007. The tract is a corner lot. The Zoning Table on the site plans should be revised to indicate two (2) front yards. The Zoning Table should be revised to incorporate the bulk standards of the Shopping Center conditional use. The conditional use standards supersede the requirements of the B-6 Zone. Revise the schedule for side and rear setbacks and maximum building height. The setback lines should be consistent with the revisions to the Zoning Schedule. The Zoning Table includes setbacks for accessory structures, which are not addressed in the Lakewood UDO in regards to the B-6 Zone or Conditional Use standards for Shopping Centers. We note that certain architectural features, such as steeples, as shown on the proposed retail design exceed 50 feet in height. The UDO allows height exceptions for such features. The Planning Board should discuss the access to Kenyon Drive, a street in the Industrial Park. We have concerns about the adverse impact of introduction of the retail trade traffic into the Industrial Park. All proposed signage should comply with applicable regulations. We note that an Environmental Impact Statement (EIS) has been submitted for Planning Board Review. The EIS should be supplemented with maps or drawings addressing the environmental features of the site. The Site Plan does not specify a site triangle dedication for the corner of New Hampshire and Cedar Bridge Avenues. Sidewalks and shade tree easement dedications are not indicated on the site plan. Lakewood Fire District No. 1 has requested the applicant provide hydrant locations for review. The Lakewood Environmental Commission has indicated no objections to the site plan as currently proposed. The Site Plan includes Landscaping and Lighting Notes, a Tree Save and Protection Plan, and indicates existing vegetative buffer easement. It should be noted that 910 parking spaces have been provided; a total of 894 spaces are required per Lakewood UDO regulations for shopping centers greater than 100,000 square feet. A Traffic Report and expert testimony should be provided to the Planning Board addressing the traffic impacts of the proposed development, sufficiency of the adjoining roads to accommodate the additional traffic, and potential traffic improvements to mitigate any impacts. The remaining comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. This is the biggest shopping center to be developed in this town. The applicant can meet all of the comments. The buffer easement goes back to the original CAFRA of the Industrial Park, and it is almost impossible to get a copy. The buffer easement agreement will be signed by Jack Meyer. The applicant states the reason for the wall is because it is such a high grade, so a wall is needed. There is enough soil on site so none will be brought in. They can meet every other detail on the report. They are under CAFRA jurisdiction for the endangered species. Mr. Carpenter said they would submit a copy of the compliance statement that was submitted to CAFRA which goes into all the environmental restraints and restrictions compiled. Mr. Peters said it sounded like it would be sufficient.

Mr. Banas asked about the setbacks and the plans shows 30. Mr. Carpenter said all the buildings had more than 45 ft. from the side and rear setback, so it is just a matter of redrawing it on the plans. Mr. Penzer said in regard to Stan's report, the Industrial Commission does not want sidewalks in the Industrial Park. Mr. Banas said if you are

having a shopping center, what are you going to walk on. Mr. Carpenter said it would all be internal. Mr. Banas said there are people walking on the grass there, and there is not enough room. Mr. Penzer said they would ask the Industrial Commission, and Mr. Banas the Planning Board is another thing. Mr. Penzer said if the planning board ordered them to do it they would put it on the plans. Mr. Penzer asked the board to draft a letter to the Industrial Commission saying they wanted this applicant to do that. Mr. Slachetka said one of the reasons the stadium support zone was created was to create a more pedestrian friendly and accessible area available and it is important to start that infrastructure now.

Mr. Banas asked the board for a poll and it was unanimous that the board wanted sidewalks. Mr. Franklin said they did put sidewalks on the new part of the public works complex and they did not stop them there.

Mr. Penzer said they will have a traffic consultant for the next meeting. The trucks will come down Kenyon and they plan to keep the retail traffic separate from the truck traffic.

Mr. Banas asked where they were going to enter and exit the property. Mr. Carpenter said there were 2 entrances on and off New Hampshire Avenue, one entrance off of Cedar Bridge Avenue. There were acceleration and deceleration lanes on both accesses.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to advance this application to March 20, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes, Mr. Percal; yes

11.SD # 1575 (VARIANCE REQUESTED)

APPLICANT: KENNEDY INVESTORS LLC

Location: West County Line Road and cul de sac of Kennedy Boulevard West
Block 27 Lot 47

Minor Subdivision to create 2 lots

Mr. Peters stated the Applicant is seeking Minor Subdivision approval to subdivide one Lot into two Lots. The subject property, known as Block 27, Lot 47, lies between County Line Road West and Kennedy Boulevard West, in the R-12 Zone. Proposed Lot 47.01 currently contains a one story dwelling which will remain. A 20' x 21.5' area of the dwelling that will be removed. Proposed Lot 47.02 has no new construction is proposed at this time. A variance will be required for the following: Lot Area: 10,057.9 S.F. and 10,057.5 S.F. are proposed where 12,000 S.F. is required. Rear Yard Setback: The applicant proposes a ten (10) foot rear setback for Lot 47.01 after the removal of a portion of the house. Twenty feet is required. Proposed Lot 47.01 will front County Line Road West and proposed Lot 47.02 will front a proposed cul-de-sac on Kennedy Boulevard West. The cul-de-sac is to be expanded to the limits shown on the plan under SD #1511, the resolution for approval was adopted on January 17, 2006. The proposed lots will be serviced by public water and sewer. Proposed Lot 47.01 has room to provide three (3) off-street parking spaces within a stone driveway. Proposed Lot 47.02 does not propose any construction at this time. The applicant shall add a note to the plan clearly stating a minimum of three (3) off-street

parking spaces will be provided for any residential dwelling. The Applicant has provided a 5.9 foot shade tree, drainage, and utility easement along County Line Road West. The applicant shall provide testimony on the reason for not providing the standard 6 foot shade tree easement. The board should decide if the applicant will need to provide an easement along the Kennedy Boulevard West cul-de-sac. The Board should determine if the applicant should provide sidewalk along the County Line Road property frontage. Sidewalk exists along the far side of the road but not along the project side of the road. No construction has taken place on the proposed cul-de-sac expansion. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 3, 2007. The applicant should address the positive and negative criteria for each of the requested variances. The zoning schedule incorrectly indicates that a side yard setback variance is required for new Lot 47.02. The schedule should be revised. We would request that the applicant submit written confirmation that performance bonds and inspection fees have been posted with the Township to guarantee the construction of the proposed cul-de-sac. The zoning schedule incorrectly indicates that two parking spaces are required for new Lot 47.02. A minimum of three spaces are required per the NJRSIS when no building plans are presented. The plan indicates that the numbers of the proposed lots have been approved by the Township Tax Assessor's Office. The removal of the north portion of the dwelling on new Lot 47.01 must be accomplished or a bond posted for same prior to the signature of the plat. No sidewalks are indicated on the subject plan. A six-foot wide shade tree easement is proposed along street frontage of new Lot 47.01. The Planning Board Engineer and Attorney must approve the shade tree easement and survey description. Shade trees should be provided on each lot frontage. The remaining comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf on the applicant. He said the shade tree easement is less than 6 ft. because the developer of the cul de sac (Mr. Friedman) spent a lot of money to purchase the property for the cul de sac and doesn't want a sidewalk on his side of the property because it will impact his property. All of the lots in the area are 10,200 sf in area. They will put in the 3 parking spaces, and they will put in sidewalks on County Line but cannot do anything along his cul de sac. They can also put in a 6ft shade tree easement along County Line Road. They agree to the remaining comments in the professionals report. Mr. Peters said his comments about the shade tree easement not being 6 ft is on the County Line Road side, not the cul de sac, why was it made 1/10th of a foot less. They will revise.

Mr. Gatton asked how they would have access and was told one was County Line Road and the other is through the cul de sac. Mr. Slachetka said they needed some type of assurances that the development of the cul de sac so the timing occurs in sequence with the development of this lot. The board said that would be a condition of the approval. Usually there is a right of way which would extend to the new lot. Mr. Franklin said what they wanted was the property to go right down to the cul de sac without those 2 little pieces left. Mr. Penzer and Mr. Friedman came up to the podium to discuss the lot lines. They will re draw. Mr. Slachetka said Mr. Peters was re drawing a dotted line which would show the modification of the public right of way, and on the 2 corners would be additional property be added to lot 47.02 and the right of way would extend a little bit into the line that is now shown separating the cul de sac bulb and the property. Mr. Peters said the cul

de sac pave limits would be what is shown on the plan, and the right of way line should be 8 ft offset. (RSIS Standards)

Motion was made by Mrs. Wise, seconded by Mr. Percal, to advance this application to March 20, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes, Mr. Percal; yes

12. SD # 1366C (NO VARIANCE REQUESTED)

APPLICANT: RALPH CLAYTON & SONS – JULE ESTATES

Location: Gudz Road and Lakewood New Egypt Road
Block 11.05 Lots 13-17, 19, 19.01, 84 & 85

Preliminary & Final Major Subdivision – 36 lots

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Subdivision approval to subdivide 19.98 acres to create 37 lots with 36 proposed single family dwellings, one of which is an existing dwelling that will remain. One lot will be used for Stormwater Management and recreation. 5.53 acres of wetlands area will be dedicated to Lakewood Township for conservation. The property is situated along Lakewood-New Egypt Road and Gudz Road. The property is situated within the R-12 Zone. The zoning table indicates no variances are requested. The Applicant has reduced most of the proposed lots based on UDO 18-908, Reduction of Residential Lot Requirements for Recreational Purposes, which allows a fifteen (15%) percent reduction in lot area to 10,020 square feet and a ten (10%) percent reduction in lot width to 81 feet. The Board shall determine whether the proposed recreation area provided will be sufficient for the recreational requirements of section 18-908 of the UDO. The applicant will be required to obtain all outside agency approvals. These will include but not be limited to Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP Permits for Wetlands Disturbance and NJDEP Treatment Works Approval. The application states that the submittal is for a forty-two (42) lot subdivision, and that the applicant's engineer's name is Property Development Services, Inc. The plans submitted were prepared by Professional Design Services L.L.C., and have only thirty-seven (37) lots. These discrepancies from the application form to the plans shall be resolved. A sanitary sewer easement is shown on the plans through a neighboring lot to the west. The applicant shall provide the wording of the easement agreement to the Planning Board Solicitor, and legal description to the Planning Board Engineer for review. The easement agreements must be finalized prior to signature of the final plat. The plans do not indicate who will be the eventual owner of proposed Lot 85.01, the stormwater, recreation, and wetland lot; whether it be a home owners association or Township. The plans shall be revised in accordance with the comments of the Lakewood Fire District No.1. It appears the applicant is proposing curb and sidewalk along both sides of internal streets, and the project side of both Gudz Road and Lakewood-New Egypt Road frontage. We recommend the applicant submit a site development plans that indicates the size and location of all proposed features. The applicant has proposed 3.5 off street parking spaces per unit where 2.5 parking spaces are required per RSIS. The zoning table states that 2.5 spaces are provided, but the parking tabulation states that 3.5 spaces will be provided in the form of a two car garage and two car driveways. This

discrepancy shall be resolved. The Board should determine if the parking provided will be sufficient for the type of development proposed. The plans indicate the stormwater detention basin will be maintained by Lakewood Township. The Board should determine if the Township will accept this arrangement. The location of the pump station is not shown on the plans. Water main and sewer force main lines just dead-end next to the proposed playground. The plans shall be revised to show the proposed location of the pump station. A detail shall be included for the maintenance access gate required in the fence surrounding the detention basin. The applicant shall provide location and detail for the maintenance access from the public right of way to the detention basin. The applicant shall include on the plans a detail and location for detectable surface to be installed on the handicapped ramps. The dark rectangles on adjacent Lots 43-61 shall be lightened. As currently depicted, they appear to be a proposed feature. The landscaping plan proposes plantings on adjacent Lot 50, owned by others, and Lots 51-61 which are applicant owned. The applicant shall provide testimony as to the reasons for this. The numbering of the proposed lots is sequential from Lot 85.01 – Lot 85.38, but there is no Lot 85.06 included in this sequence. The applicant shall address this inconsistency. Although the pump station location is not explicitly shown, it appears that the applicant proposes to locate the pump station immediately next to the proposed playground. The Board should determine if this is acceptable, and if so what screening and safety measures will be required. A Grass Paver Detail has been provided. The applicant shall clarify where the grass pavers will be installed. The Type “B” Inlet detail shall be revised to include a Type “N”-Eco curb piece. The applicant shall propose a name for Road “A”, subject to approval from the Lakewood Police Department. The Typical Road Section detail indicates a 2.5” base course. RSIS standards require a minimum base course thickness of three (3”) inches. The honeycomb hatched hexagons at the Flared End Sections shall be labeled. It is currently unclear what they are. The hatching for the areas of wetland to be filled appears to be incomplete on the Final Plat. It does not match the hatching shown on the Grading & Drainage Plan; this inconsistency shall be resolved. The applicant has provided street trees along the interior development streets but has not indicated any street trees to be planted along Lakewood – New Egypt Road, or Gudz Road south of the development entrance. If applicable, the County Route Number of Lakewood – New Egypt Road shall be shown on the plans. The applicant has provided a detention basin detail showing slopes of one horizontal to four vertical (1H:4V). As per Section 18-815.1.7 of the UDO, the maximum interior slope in a new stormwater management basin is three horizontal to one vertical (3H:1V). The plans shall be revised to meet the Ordinance Regulations. The detention basin detail shall be revised to show the access ramp down to the bottom of the basin. Stabilized access to the basin is required for maintenance purposes. No access route is proposed, and any route will be difficult due to wetland buffers and adjacent residential lots. The proposed playground area is difficult to access from the majority of the subdivision. The board should determine if the location is acceptable. The playground area shall be fenced and details of the playground provided. A post and rail fence is proposed on the wetland side of the proposed basin. Fencing is required along the top of the retaining wall as well. Two soil borings were performed in lots adjacent to the proposed basin lot. Groundwater and soil information is required from within the footprint of the proposed basin. Additional borings are required, boring logs and percolation test information shall be provided for review. No Phase I Environmental Site Assessment (ESA) was performed for this site. Although no Phase I ordinance exists for Lakewood Township, we recommend that the applicant provide a written statement and/or testimony to the

Planning Board that addresses current or former recognized environmental conditions (RECs). Also, as re-grading and construction is proposed, we recommend that the applicant provide a statement that specifies whether this project will require the importation of soil or fill material during site construction. Should imported soil or fill be necessary, we recommend that the applicant provide source documentation and/or documentation that the soil is analytically tested at a frequency approved by the Planning Board Engineer. The certifications need revision. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 4, 2007. The applicant is proposing to reduce the lot sizes by 15% from 12,000 square feet to 10,200 square feet in accordance with the provisions of Section 18-908. In addition, the applicant is proposing to reduce the lot width by 10% from 90 feet to 81 feet. In order to comply with the rules which govern such reductions, the applicant is dedicating two lots which total 6.94 acres to the Township of Lakewood. As noted above, the applicant received Preliminary and Final Major Subdivision approval by resolution memorialized on February 4, 2003. N.J.S.A. 40:55D-52 provides that the rights conferred by the final approval shall not be changed for two years. Since the resolution was adopted on February 4, 2003 and no extension has been granted, the final subdivision approval has expired. Therefore, the applicant may request an extension to the current time unless such extension has already been addressed. The applicant should indicate if the map previously approved has been recorded. If an extension is required, such extensions should be addressed in conjunction with the action with the request for amended preliminary and final major subdivision approval. The Final Plat should be revised as follows: Correct the Ordinance reference for lot reduction to Section 18-908. Provide street names. Correct General Notes #2 - two lots will be dedicated to Lakewood Township; The plat should be revised to identify the pertinent information (date, permit #) of the NJDEP Freshwater Wetlands Letter of Interpretation and averaging plan approval. Compliance with Section 18-908. The land resulting from the lot reduction in lot area must be set aside for park, playground, or other recreational purpose. The plans indicate that a playground and walking trail are proposed on one of the lots to be dedicated. Section 18-908.B. 5. requires that the land to be dedicated for recreation must be deemed suitable by the Planning Board for recreational purposes. The applicant should address compliance with this requirement in light of the freshwater wetlands located on the majority of the lot. The proposal complies with the maximum density requirement in 18-908.B.8. Compliance with the Map Filing Law is required. Clarify the proposed improvements in the Lakewood MUA utility easement area. Landscaping will be appropriate due to the proximity to the playground area. The comments of the Fire District letter dated 2006 should be addressed. Street trees are not proposed along most of Gudz Road and Lakewood-New Egypt Road. Revise the plan or request a waiver. Information should be submitted to the Planning Board showing evidence that the buffer planting on the single-family lots north of the subject tract is authorized by the property owners. Add a split rail fence for screening along Lot 85.05 and the proposed trail. Proposed Lots 85.19, 85.20, and 85.21 have frontage on the new street and Lakewood-New Egypt Road. Therefore, the lots are "through lots." Section 18-908 requires a buffer on the secondary road frontage deemed sufficient by the Board, but no less than five (5) feet in width. In this case the buffer should be on the collector road, Lakewood New Egypt Road. The lot widths of new Lots 85.21, 85.28, and 85.31 should be confirmed by the surveyor for compliance with the R-12 Zone. Performance bonds and inspection fees should be posted for all required improvements. Side lot lines,

in so far as is practical, shall be at right angles to straight streets and radial to curved streets. The lot lines on both 85.18 and 85.19 do not comply, as well as between 85.10 and 85.11. A design waiver will be required. All improvements must be in compliance with the NJ RSIS. The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of eight basic house designs is required for developments over 25 homes. The remaining comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. The applicant has revised the plans per the suggestions from the board at the informal review. Bill Stevens is the engineer for the applicant. He asked to be relieved of the shade tree easement along Lakewood New Egypt Road because they feel they are saving trees in that same area in the buffer area. In Mr. Slachetka's letter where it says 2 lots it is one lot to be dedicated to the township. They agree with the remaining comments in the planners report.

Mr. Franklin had a problem with the detention basin. They have a pipe going in from inlet 10 to manhole 4 and manhole 5 and that goes across 2 private properties, which he cannot go into for maintenance. He asks to move manhole 4 another 10 ft. and take it in the back of the detention basin he can do the maintenance if they gave him a gravel road along the property line. He also has the same problem on the other side, where you come out of the cul de sac up by inlet 13 and inlet 14, he can get to them from outlet 15, but when you get down to inlet 17 you again run it across private property to manhole 6 and he cannot get onto their property. He asks if they could take and back that up 10 ft. so he can get in through the side, behind that property. It would keep it out of those people's property. The township can maintain these roads if the drainage was fixed. Mr. Steven said they were good comments and they can make those revisions.

Mr. Gatton said the location of the recreation area had a comment from the professionals and asked for an explanation. Mr. Stevens said the recreation area is located adjacent to the intersection of Gudz Road and Rte. 528. The property that is proposed to be dedicated is the entire 5 acres that exists there. If the board would like to see it moved they would. Mr. Slachetka said one issue is if you locate it where it is proposed, it does make it accessible to the surrounding neighborhood, but usually they ask it to be centrally located for the development. They should discuss the pros and cons of this. As far as the comment about the 2 lots, this recreation is on one lot, and there is also a conservation easement that is being dedicated on another lot, so in total it is about 6 acres including the conservation easement. Mr. Banas asked the board what their feelings on the recreation area was, and voiced his preference that it be centrally located. Mr. Stevens said Mr. Dolobowsky said the recreation area will be owned by the Township and the thought process was it be accessible to all the people in the area. Mr. Banas said keep it where it is. The board members agreed.

Motion was made by Mr. Franklin, seconded by Mrs. Wise, to advance this application to March 20, 2007

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes, Mr. Percal; yes

8. PUBLIC PORTION

Mrs. Merrill Sampson, who lives at Gudz Road where they plan on putting this development. She said she is concerned because these developments come with no parking, and right now at the corner of her street in the mornings, she can't get out of the street because the cars are all parked where she needs to get out. Mr. Kielt said he believes this lady should be speaking at the public portion in the public hearing about this application. Mr. Jackson said the time to do it is at the public portion so it can be in the record for that application. Mr. Banas asked her to please come back at that time.

Abe Schwartzman, 33 Gudz Road, is there and he represents the neighbors. He said they are very upset with this application. Mr. Banas and Mr. Kielt stated again to come back for the public hearing. He questioned why the entrance is on Gudz Road, and was told to come back on the 20th of March.

Aaron Kahn 80 Gudz Road, said they don't want to wait until the 20th, they want to give the engineer of Jule Estate the opportunity to change the plans to satisfy all the neighbors by putting the entrance on Lakewood New Egypt Road to alleviate all the traffic problems this would cause on a 25 mph street. Mr. Banas suggested they come during the meeting, and Mr. Kielt suggested they get together with Mr. Penzer and they could discuss this.

Seeing no one else come forward, Mr. Banas closed this portion to the public.

9. APPROVAL OF MINUTES

- Minutes from December 12, 2006 Special Meeting
- Minutes from December 19, 2006 Public Meeting

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

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes, Mr. Percal; yes

10. APPROVAL OF BILLS

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

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes, Mr. Percal; yes

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson, Planning Board Recording Secretary