

**LAKWOOD PLANNING BOARD
MINUTES
JANUARY 17, 2006 • 6:00 PM**

CERTIFICATION OF COMPLIANCE

Mr. Banas called the meeting to order at 6:00 P.M. with the Pledge of Allegiance and Ms. Johnson 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 the Asbury Park Press and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and a copy of this Agenda has been mailed, faxed or delivered to at least two of the following newspapers: The Asbury Park Press, 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.”

Mr. Banas welcomed Mr. Pertel who was sworn in by Mr. Jackson.

II. ROLL CALL

Mr. Franklin, Mr. Neiman, Mr. Banas, Mr. Dolobowsky, Mr. Klein, Mr. Pertel were present.

Also present were Mr. Peters, Mr. Slachetka and Mr. Jackson.

Mr. Banas asked if there were any changes. Ms. Johnson stated that SD #1508 was asked to be carried to the tech meeting of February 7, 2006 because the applicant redesigned the plans. Mr. Jackson stated that SD #1508 was carried to the February 7, 2006 meeting at 6:00 p.m. No further notice was required.

III. OLD BUSINESS

1. **SD #1446A** (No variance requested)
Applicant: Joseph Gutterman
Location: Miller Road, north of Carasaljo Drive
Block 12.02 Lot 18
Extension of previously approved minor subdivision

Mr. Peters stated the planning board previously approved the application at a meeting on August 17, 2004. The applicant is required to widen Miller Road and redesign the plans with some extra engineering work. This has caused a delay and they are requesting an extension. Mr. Banas asked how long it would be for. The applicant stated it was for the maximum amount allowed which would be until some time at the end of March.

Mr. Neiman asked if they needed County approval. Mr. Boyles stated they should receive the same by the end of March.

Mr. Boyles, P.E., was sworn in and his credentials were accepted. The approvals should be received within the time extension.

On motion by Mr. Neiman and seconded by Mr. Dolobowsky, the requested time extension was hereby granted.

ROLL CALL: Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Klein, yes; and Mr. Pertel, yes.

Mr. Banas stated that Ms. Johnson was filling in for Mr. Kielt who was in the hospital.

IV. NEW BUSINESS

1. **SP #1823** (No variance requested)
Applicant: 175 N. Oberlin Assoc. LLC
Location: Oberlin Avenue North, north of Cedar Bridge Avenue
Block 1605 Lot 3
Preliminary and final site plan - 14,611 square foot addition to existing industrial building

Mr. Peters stated the applicant is seeking site plan approval to construct a 14,300 square foot addition to an existing office/storage facility in the M-1 zoning district. No variances are required for the project. Outside agency approval is required. The applicant has provided a copy of the NJDEP letter of interpretation. The applicant has provided a 6 foot wide shade tree easement as required. This should be noted as being dedicated to the Township. A legal description should be submitted to the board's engineer for review.

Mr. Slachetka stated the applicant should discuss the compatibility of the proposed bus operation with the existing warehouse/production use in terms of circulation and any other relevant aspects. The applicant should discuss the nature of the proposed bus operation. Are repairs, maintenance, servicing of vehicles, and cleaning of the buses proposed at this location? Are adequate provisions made for such operations? None of the proposed parking stalls are longer than 20 feet. The bus parking spaces should be sufficient in length for any buses of typical or standard length. The applicant should discuss the proposed bus fleet to be located at this location and vehicle size. The applicant should provide testimony confirming that there will be sufficient parking spaces for the bus drivers. The applicant now proposes a total of 54 of-street parking stalls and 30 bus spaces for buses for phase one. In phase two, the bus spaces will be eliminated and converted to standard vehicle parking. A total of 70 spaces will be provided in phase two. The balance of the comments are technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. They agreed to everything in the engineer's report. They provided the shade tree easement.

Frank Baer, P.E., was sworn in and his credentials were accepted. It was a bus warehouse operation that is being added to the farthest portion of the site. It would have no conflict with the existing use. The buses would be parked at the far end of the site. It was compatible with the surrounding neighbors. Mr. Penzer stated there were three major issues. One was the distance between the building. The building was made less and there would be no repairs outside. The parking was increased. All the issues were addressed. Mr. Baer stated the operation is such that minor maintenance would be handled inside the building as would bus washing. The only operation outside is the actual parking of the buses and the transfer from the operator's vehicle to the bus. There would be about 15 or 16 buses. The site would be able up to 30 buses. There could be four inside and 36 buses outside. The buses would be mini-buses.

Mr. Farrow and Mr. Mahoney were sworn in. Mr. Penzer stated they were talking about 16 passenger buses. Mr. Farrow agreed.

Mr. Banas asked how long the operation would be in force. Mr. Farrow stated at least five or six years. Mr. Banas stated that it was his understanding that once the operation ceased, the fleet would not be there. Mr. Penzer stated that one of the conditions was that no one else would take over. Mr. Farrow stated that it was correct. Mr. Penzer stated the parking stalls were not longer because it was not needed. Mr. Farrow agreed because they were mini-buses. Mr. Banas stated the law was a maximum of 17 passengers. Mr. Farrow stated they intended to have 16 buses on site. They could hold up to 30 buses. The drivers would come in and park their vehicle and pick up the bus and leave. He explained the increase in parking spaces to handle the parking requirements. Mr. Penzer stated the architectural plans were submitted and the lighting plan was acceptable. He asked that the request about the restriction that the bus operation terminate before the phase two expansion of the building is permitted be part of the resolution and not a deed restriction. It would restrict the financing. He asked that it be a condition of the approval. Mr. Slachetka stated it was acceptable and that he was less concerned about the bus operation. The matter was further discussed. Mr. Banas asked what would be advisable. Mr. Jackson did not think that a deed restriction would be appropriate. The best opportunity for enforcement would be if the code enforcement officer had the opportunity to say that you were operating in violation of the site plan approval. With a note on the site plan, they would be operating in violation of it if they built phase two. The benefit of a deed restriction is that it gives a longer term. It would be problematic to have it as a deed restriction. Mr. Slachetka was comfortable if it was a condition of approval and included in the site plan. Mr. Jackson stated he would include in the resolution that the board finds that the site cannot handle to have the phase two operation and the bus operation. He did not think it would be a problem. Mr. Penzer stated they would obtain all required approvals. He was informed that the Industrial Commission approval was submitted.

Mr. Dolobowsky stated it appears that for phase one there would be nose in parking on the side of the building and the four overhead doors were in the rear. Mr. Farrow stated that was correct. Mr. Dolobowsky stated the buses would pull straight in onto a lift. Mr. Farrow stated there was no lift but they could pull in. Mr. Dolobowsky stated that on the two sets of plans, there is a trash enclosure next to phase two. He asked if it was for a possible phase three. Mr. Neiman stated there is a trash enclosure before phase two.

Mr. Dolobowsky stated it would service the new addition. Mr. Farrow stated it was the same enclosure, it was just being moved over.

Mr. Franklin asked about one dimension on phase two that shows 75' x 125' which is more than 5,000 square foot. It was on page three of five. Mr. Farrow stated the building equates to 5,000 square feet. It would be corrected.

Mr. Banas stated testimony was provided that the building was cut down. Mr. Farrow stated the total of phase two is an additional 5,000 square feet. Mr. Penzer stated they agreed to the same.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

Mr. Jackson stated there was discussion that the bus operation would cease after five years and then the applicant indicated that there was no time limit. Mr. Banas stated he understood that the operation would go until Mr. Farrow uses the operation. When he leaves the operation is finished. Phase two is not built until he leaves. Mr. Penzer stated phase two would not be done as long as Mr. Farrow had his operation.

On motion by Mr. Neiman and seconded by Mr. Dolobowsky, the application was hereby approved as discussed.

ROLL CALL: Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Klein, yes; Mr. Percal, yes; and Mr. Ackerman, yes.

3. SD #1510 (No variance requested)

Applicant: Cal Wei LLC

Location: Route 9 and Chestnut Street
Block 534 Lot 2

Preliminary & Final major subdivision - 72 townhouses and 1 synagogue

Mr. Peters stated the applicant is seeking a major subdivision of block 534 lot 2. The 10.1 acre site is primarily wooded with one structure that is to be removed. Proposed conditions include 72 townhouses, community center, play area, and detention basin. The site is located on River Avenue in the HD-7 zoning district. No variances are required. Outside agency approvals will be required. The board should determine if a shade tree easement will be required along River Avenue. The applicant shall address ownership and maintenance responsibilities for the tot lot, community building, storm water system, shared parking areas, and all other non-private elements of the development. Items to be handled by a homeowner's association shall be included in the wording of the agreement which shall be provided to the board's attorney for review. Items to be dedicated to the township shall be labeled accordingly. A portion of Chestnut Street is to be vacated. As a condition of approval, the applicant shall provide documentation from the township approving the vacation of the street. At the technical meeting, the board discussed having the applicant relocate the tot-lot and community building to a central location. The applicant's engineer shall provide testimony on their efforts to find a better

location for these site features. The parking requirements in the zoning table shall be revised to include the parking requirements for the community building. The applicant shall provide testimony for the expected need of parking spaces for the proposed community center and/or synagogue.

Mr. Slachetka stated a total of 223 parking spaces are proposed. Of the 223 proposed parking spaces, a total of 216 spaces are proposed within the common parking areas and in front of the individual townhouse units. The remaining seven parking spaces are proposed in front of the community center. The total number of spaces proposed are three spaces per unit. This would meet the number of spaces per unit required by the RSIS for townhouse units with two or three bedrooms. The RSIS do not stipulate a parking requirement for four bedroom townhouse units. According to the Division of Codes and Standards, the board must be satisfied that adequate parking is provided. We note that the RSIS indicates that alternative parking standards shall be accepted if they can be demonstrated to better reflect local conditions. As indicated on the plans, and noted, a community center with a footprint of 2,500 square feet is proposed in the southwestern corner of the development tract. The community center structure also will be used as a synagogue. Additional parking may be required if the community center is to function as a synagogue. The applicant has indicated that the proposed townhouse units will contain basements but will not be used to create additional units. The applicant proposes the vacation of a portion of West Chestnut Street. This will require Township approval. The applicant must indicate where any proposed HVAC equipment will be located. If HVAC equipment is to be located on the roofs of the proposed buildings, architectural drawings with sufficient detail must be submitted in accordance with Section 1010.B.8 of the UDO. Details of the proposed trash and recycling enclosures should be submitted for the board's review. Trash enclosures should be compatible with the architectural style of the proposed buildings. The size of the trash enclosures must be approved by the Department of Public Works. Any plans for the proposed community center/synagogue should include an architecturally compatible trash enclosure. A series of red oak plantings are proposed within the proposed one hundred foot buffer located along the site's frontage with River Avenue. In order to provide increased aesthetic appeal and disease resistance, we recommend that the applicant provide a diverse mix of species in this area. If existing trees and wooded areas are to remain it should be clarified. If existing trees are to be removed, the new plantings should be shown on the plan. Landscaped screening also should be provided along the eastern side of the basin to screen it from the new residential development. Fencing should be provided along the entire perimeter of the basin, particularly along the sidewalk and next to the proposed tot lot. The applicant should identify the structure labeled "P.S." in the southwestern portion of the site. There are comments regarding the homeowners association. The balance of the comments are technical in nature.

Mr. Jackson stated that one of the issues that comes up frequently before the board is that you would have a development and the developer proposes to designate one of the units as a synagogue and a lot of times it creates an issue because there is a separation of church and state issue. You have the governmental body and a developer that will indicate it would be one religious group that would occupy it. It causes some concern. The goal is also to recognize the needs of the community in Lakewood and do it in an appropriate manner. It is a situation where it is a separate lot and block and a separate

operation. It was not a unit within the association. He did not see a requirement in the ordinance that there be a separate community center. It might have to be reviewed further. There is no particular requirement for it. He recommended that the community center building not be designated as a house of worship. It should be designated as a community center for community use and that it would be governed by the by-laws of the association. The applicant is acceptable to it. If it were to be used as a synagogue, it was acceptable. He felt designating it any other way would create constitutional problems. Mr. Banas stated that the board agreed to this some time ago. He stated that the community center would have to house all of the people in the community at one time for having a meeting. He felt that the board should just call them community centers and whatever the community chose to use it as it was their decision. Mr. Jackson felt that was an appropriate approach. They were just trying to ensure constitutional muster and save problems down the road. Mr. Banas stated if it was called a church or synagogue they would be precluding things. He stated henceforth they would be called community centers. He asked for any objections to which there were none.

Ray Shea, Esq., appearing on behalf of the applicant. He stated it was a voluntary offer made by the applicant. It was not required by law. There is no objection to posing a restriction on the lot that it could not be converted to a residential townhouse unit.

Mr. Banas stated his plans did not have a raise seal. Mr. Carpenter stated his did.

Ray Carpenter, P.E., was sworn in and his credentials were accepted. Jonathan Szad, Traffic Engineer, was sworn in and his credentials were accepted. Marshall Weissman, 240 Oak Knoll Road, Lakewood, was sworn in. Mr. Shea wished to mark seven exhibits. Two color exhibits were marked A-1 which was a colored rendering of the site plan and A-2 which was a colored rendering of a typical four unit town home building. Sheets 1, 3, 4 and 5 of the site plan were marked A-3 through A-6 respectively. The traffic report was marked as A-7. A-3 is the title sheet page 1 of 10. A-4 was sheet 3 which is the layout plan. A-5 was sheet 4 which is the grading, drainage and utility plan. A-6 was sheet 5 which the landscaping and lighting plan. A-7 is the January 13th traffic report.

Mr. Carpenter stated there are no variances requested. He reviewed the reports from the board's professionals. Mr. Shea stated the application is for a fully conforming residential site plan for single family townhouse units which are permitted in the zoning district. Mr. Carpenter stated he concurred with most of Mr. Peters' comments. The shade tree easement along River Avenue is part of a conservation easement. He would include it on the plans. The engineers would work the issue out. Mr. Shea stated it was suggested that they examine the plans for possible relocation of the community center and play area. Mr. Carpenter stated when the Enclave was approved, along the rear of the Enclave is a 25 foot conservation buffer easement. They were placing another 50 foot landscaped easement on their side of the site and there is a setback of 10 feet to the community center and five feet to the play area. It was about 55 feet of buffered area and conservation easement of 25 feet which is the rear setback to the units. It was around 60 to 75 feet of distance between the play area and the structure at the Enclave. The play area would be designed for younger individuals. The younger children would not be out when it is dark. The only lighting on the community center would be for parking. It would be shielded so no lights would be cast toward the private development.

They were limited by the topography of the site. This is the lowest spot. They decided to make the parking lots in the center of the site that would service all of the units uniformly. The overall design is governed by the centrality of the parking area and the low point for the detention basin. They looked at other areas for the community center and tot lot, but they feel that this is the best location for this site. It would service the community best. Mr. Banas stated a request was made to have the community center and tot-lot in a center location so everyone would have the same distance to go back and forth. It would then seem that it would be shared by everyone rather than the people closest to it. Mr. Shea stated it was a more practical location if it were to be a synagogue. They would do whatever was necessary to lessen the impact through screening, timing of activities, etc. The location was discussed further. Mr. Weissman stated if it is to be a synagogue, they always try to put it in the most isolated place as possible. Mr. Banas asked Mr. Peters if there were any issues not discussed. Mr. Peters replied there were not.

Mr. Shea stated that the parking proposal is consistent with RSIS. Mr. Carpenter stated he would confirm that the portion of West Chestnut Street to be vacated would be applied for to the Township Committee. Mr. Shea stated the balance of West Chestnut Street was vacated. The purpose of the vacation would be to accommodate the drainage. Mr. Carpenter stated the trash enclosures were individual units as in other townhouses. They would be adjacent to the stairs. The nature and design would be shown. Mr. Franklin stated they appear to be acceptable. Mr. Carpenter stated all the comments regarding the landscaping and fencing would be complied with. The comment regarding the structure as P.S. is a pump station. All the other comments were acceptable and they would agree to them. The parking requirements were briefly discussed as they related to the RSIS standards.

Mr. Szad stated he was asked to prepare a traffic study for the project. They did so by counting the traffic through the intersections three hours in the morning and three hours in the afternoon on a typical weekday. They did that to get an idea of what the traffic flow was. There were about 1,430 cars during the morning peak hour and 1,720 during the evening peak hours. There are about 21,000 vehicles per day on that section of River Avenue. In order to estimate the amount of traffic that would be generated by the project, they had an opportunity to monitor the traffic at a community very similar in Lakewood which is near River Avenue. They monitored the same for two weeks. They found that 72 new homes would generate about 84 morning peak hour trips and 94 evening peak hour trips. They did an analysis of the new driveways. The study recommends that the driveways be flipped that the one to the north be the right in and right out because of the proximity of the driveway to the island approaching the signal and the contour lines. The one to the south should be full movement access. They felt it would be better served by flipping the two driveways. The right out driveway would operate at a level c and the south driveway would be at level c but left turns would be at an e level in the morning and a f level in the evening. The delays would be in excess of 50 seconds. This was common with all the driveways up and down the Route 9 corridor. The traffic signal at Cross and Chestnut Streets is on a 100 second cycle. It cycles 36 times an hour. There is a signal to the south of the shopping center. Those two signals will help the traffic passing the site and make it somewhat easier to get out. They felt that the parking on-site was adequate. It is provided at slightly more than three spaces per unit. The RSIS only goes up to a three bedroom townhouse but they would recognize a larger

one at approximately 2.8 spaces per unit and they do exceed that. One of the requirements of the RSIS for a townhouse community is to have a half of a parking space per unit separate from the unit for guest parking. The parking lot in the center does provide that. There is adequate on-site parking and there is sufficient room on the roads for approximately 40 more parking spaces. The site triangles were within the limits. The driveways are sufficiently long to River Avenue. The exiting traffic will not be more than one or two cars exiting at any given time.

Mr. Klein asked about the walls and the safety regarding the detention basin. Mr. Carpenter explained the same. He stated that the detention basin's overall depth is seven feet. The concrete fence would be around the detention basin and in addition a chain link fence will be put on the inside of the concrete fence to prevent anyone from actually crawling around the fence. The wall is a wire basket that is filled with stone and lasts about twenty years. When the wire wears out there would be sufficient vegetation in place that you did not have to worry about the wall losing its integrity. It is a wall that would be there forever. They are well over designed when they are installed. They work well with detention basins because they allow water to flow through them and they are easy to clean. The basin is seven feet tall. He gave the dimensions of the wall and fence.

Mr. Franklin asked about the aristocrat pear which would get wide and the pails would not be able to be removed. There are gates on it also. If the tree could be moved out forward, the gates probably would not be necessary. The gates would be annoying for the people who live there. The pears grow wide right of way. Mr. Carpenter stated the tree would be relocated.

Mr. Dolobowsky asked how tall the fence was around the detention basin. Mr. Carpenter stated the fence is four feet and a four foot or six foot chain link fence would be provided at the board's discretion. Mr. Dolobowsky felt the tot-lot was not centrally located. He understood the privacy for the community center, but not the tot-lot. He saw times when a lot of kids would be at the tot-lot. He was concerned with the noise next to a senior community without a lot of buffering. Mr. Carpenter stated they could put a solid board on board six foot fence along the property line which would help. If you are having a function at the community center, the children could use the tot lot at the same time. The distance that some people would have to walk to get to the tot lot was discussed. Mr. Dolobowsky was concerned about the parking spaces. The number of spaces per unit were discussed in terms of what was acceptable. Mr. Dolobowsky asked if it was okay for on-street parking. Mr. Carpenter stated the width is 32 feet which allows on-street parking in accordance with RSIS standards. Mr. Franklin stated it was acceptable if the cars are parked on the opposite side of the driveways. The matter of on-street parking was discussed further and that it would be permitted on the south side. No parking would be permitted from Cathleen Drive out to allow the cars to stack. There would be no parking on the driveway side.

Mr. Neiman asked about the fence behind the tot lot and if it was acceptable. Mr. Dolobowsky suggested having the professionals to look at the buffering behind the tot lot in order to keep the noise from entering the senior development to see what would work best. He wanted to see the area buffered enough. He asked about buffering down the south side that face commercial/industrial property. Usually there is buffering between different

zones. Mr. Carpenter stated they would provide buffering along there. Mr. Franklin stated there should be a fence around the play ground with signs provided. Mr. Shea stated that was acceptable. Mr. Banas asked about benches. Mr. Shea stated they were already provided.

Mr. Neiman asked how high the fence would be around the detention basin. Mr. Shea stated the concrete fence is four feet with a six foot chain link fence.

Mr. Banas asked about a sidewalk on the entire west side of the property. Mr. Dolobowsky stated it is shown. Mr. Shea stated it would be provided.

Mr. Dolobowsky asked where on River Avenue the sidewalk would be. Mr. Carpenter stated it would go from property line to property line.

Mr. Banas opened the application to the public.

Abraham Penzer, Esq., representing the Jewish community. He stated the Jewish community has a concern regarding the mikvas. The logic was to be in a center location and they were taken to a rabbinical court by neighbors when the mikva had to be extended. Going to a mikva is a private thing. The zoning board approved it. A recent mikva has zero parking and trees around it. There is a rabbinical decree that requires privacy. He was contacted by one of Mr. Weissman's homeowners regarding a mikva in the center. He could not help because the site plan approval provided it in the center. He stated the newest theory is to keep the mikva on the side but the board was correct by suggesting to put it in the center. It is best to keep it as private as possible so the people who are using it are not known. Mr. Banas reminded everyone that they were talking about a community center and not a house of worship.

Larry Simmons, 7 Schoolhouse Court, Lakewood, was sworn in. He stated that traffic does not play a major decision in the planning board granting or denying approval. He stated that traffic studies take into consideration today's environment, not tomorrow's. There is a lot of development going on within the general area which would be generating traffic. The traffic studies do not give a true picture. He was concerned with the traffic. Mr. Banas stated he agreed with his statements that there is a problem on Route 9.

William Hobday, 30 Schoolhouse Lane, Lakewood, was sworn in. He was concerned with the application regarding the townhouses and a synagogue. He wondered if the board was sincere in making the building a community center. They do have fair housing laws that need to be abided by. While properties are for sale within a community, the designation of community center has to be there in fairness to all. He agreed that there is a traffic problem in the area. He felt the lot should be centered in the middle of the community. He asked if the adjoining properties were notified. The residents within 200 feet were notified. Mr. Shea stated they sent out certified letters to all property owners within 200 feet of the site. Mr. Jackson stated the notification normally includes what is being proposed generally. There is no requirement that exact locations have to be identified. Generally, it just indicates what they were looking to get approved. Mr. Hobday asked if a community like this needs to entrances and exits. Mr. Slachetka explained what is required.

Mr. Slachetka stated the plans would be revised to indicate a community center. The architectural plans would also have to be changed. Mr. Shea stated the same is agreeable to the applicant.

Seeing no further person wishing to speak for or against the application, Mr. Banas closed the public hearing.

Mr. Shea stated the application is a fully conforming plan and the applicant has worked closely with the board in terms of modifications, suggestions and recommendations.

Mr. Banas felt that the tot lot was not in the best place. He felt it should be in the center of the project. He asked that the applicant consider the same. Mr. Carpenter stated that the tot lot would be moved to the center and a portion of the parking lot would be moved to where the tot lot was. There would be the same number of parking spaces. Mr. Neiman stated the tot lot would have to be totally fenced in if it was in the middle of the parking lot. Mr. Carpenter stated it would be fenced in.

On motion by Mr. Neiman and seconded by Mr. Ackerman, the application was hereby approved as discussed to include moving the tot lot to the center, fencing the tot lot, keeping the buffer in the back with a wood on wood fence, keeping the community center where it is, parking on the south side of Chestnut, no parking on the first 100 feet of Geneve, West Chestnut and Cathleen Drive going out to West Chestnut, sidewalks along the entire frontage of the property, landscaping changes, relocating the pear trees, removing the gates on the trash enclosures, and a six foot chain link fence around the detention basin.

Mr. Klein asked about the tot lot with regard to its location in the parking lot. Mr. Carpenter explained the same.

ROLL CALL: Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; Mr. Klein, yes; and Mr. Percal, yes.

4. SD #1511 (No variance requested)
Applicant: Ely Friedman
Location: terminus of Kennedy Boulevard West, near Brittany Court
Block 27 Lot 46.07 & 58
Minor subdivision to create 2 residential lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 27 lots 46.07 and 58. Two new lots are proposed. Proposed lot 58.01 will retain the existing structure. Existing lot 58, which is proposed lot 58.02, will deed 7,816 square feet to the Township upon finishing construction of, or posting bonds for a cul-de-sac. The site is located on Kennedy Boulevard West in the R-12 zoning district. No variances are required. Outside agency approvals will be required. The board should determine if a shade tree easement will be required. The applicant shall provide testimony on the history of the property and why a subdivision of existing lot 46.07 is required. The applicant shall complete construction

of the cul-de-sac prior to subdivision or post a bond to ensure prompt completion after subdivision approval. The balance of the comments were technical in nature.

Mr. Slachetka stated lot 58 was formerly owned by the Township and contains an existing cul-de-sac. Lot 58 was purchased from the Township. As a condition of the sale, the new owner was required to construct a new cul-de-sac according to Township specifications and dedicate the land to the Township. Although there is an existing paved area on lot 58, the township tax map indicates that the right of way terminates at the western boundary of lot 58. The project involves the extension of the right of way of Kennedy Boulevard. The applicant proposes to reconfigure the existing cul-de-sac. The plan has been revised to provide a landscaping screen consisting of eight Douglas Fir along the southern portion of the western property line of lot 46.16. Two shade trees are now shown along the new cul-de-sac frontage. Based on the discussion at the last Board meeting, the applicant was to explore the removal of the guard rail on lot 10. The applicant should indicate whether permission to remove the guard rail has been granted by the owner of lot 10. The sidewalk to lot 10 should be designed to meet the proposed sidewalk, not the curb of the cul-de-sac as noted on the plan. The balance of the comments were technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated he just gave Mr. Jackson the request for removal of the guard rail. He read the letter in full and they have the return receipt card which was signed for. He did not hear anything in response from the property owner. They tried to comply with obtaining permission to remove the guard rail by the owner of lot 10. They have taken all of the board's suggestions. The sidewalk would be designed to meet the proposed sidewalk, not the curb. They would comply with the Map Filing Law. The off-street parking would be in compliance with the RSIS standards. The remaining comments would be complied with. They received a letter from the Fire Commissioner's that they had no objections as well as a no objection letter from the Environmental Commission. With regard to the engineer's report, he stated they would like to have the completion of the cul-de-sac prior to building permit as opposed to the subdivision approval. They would comply with the comments regarding the Map Filing Law.

Charles Surmonte, P.E., was sworn in and his credentials were accepted. He stated the semi-circle line was on the map in error and it would be removed. They took care of the handicap ramp.

Mr. Neiman asked if they wanted the cul-de-sac to wait until the building permits were issued. Mr. Penzer replied it was correct. Mr. Peters felt it was acceptable, but recommended that a bond be posted regardless. Mr. Penzer stated the applicant was acceptable to the same. Mr. Peters asked about the guardrail. Mr. Banas stated he was going to bring it up and asked what could be done with regard to the guardrail.

Mr. Neiman stated he did not think that the landowner knows the guardrail is even there. He did not think he would have any issues with regard to removing it. He felt that they would have to go in person. Mr. Penzer stated the applicant would try and speak to him about it. Mr. Jackson stated if it was not on their property, they could not do anything with it.

Mr. Dolobowsky agreed. He felt they should talk to the applicant but the board could not ask him to remove it without permission. He sees six or eight evergreens that would block the view to the new homeowners. The owner was notified and if does not answer, it would remain there.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

On motion by Mr. Dolobowsky and seconded by Mr. Neiman, the application was hereby approved as discussed.

ROLL CALL: Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Percal, yes.

5. SP #1830 (No variance requested)

Applicant: Iorio Construction

Location: Lehigh Avenue, north of Swarthmore Avenue
Block 1606 Lot 3

Preliminary and final site plan - proposed building addition for fabric coating and storage

Mr. Peters stated the applicant is seeking to construct a new 60,266 square foot building next to an existing 60,310 square foot building. The new structure will be used for fabric coating and storage. The 15.13 acre property is known as Block 1606 Lot 3. The property is located on Lehigh Avenue in the M-1 zoning district. No variances are required. Outside agency approvals are required. The applicant shall provide the NJDEP letter of interpretation once received. The applicant shall provide evidence of NJDEP TWA approval as a condition of site plan approval. A tree management plan shall be provided in accordance with the Lakewood Township UDO. The balance of the comments were technical in nature regarding the grading and utilities plan.

Mr. Slachetka stated the applicant should discuss the impact, if any, of the proposed building on the site circulation and parking. Architectural floor plans and elevations have been submitted. The plans indicate that 95 off-street parking spaces are required and 103 spaces are provided. Pursuant to the UDO, the required parking is one space per employee, plus 20 spaces for executives. The applicant should indicate the number of existing employees and the basis of their projection of future employment. The site plan should be revised to identify the boundary of the Airport Hazard Zone on the parcel. Compliance with the regulations of the Airport Hazard Zone, as applicant, is required. The applicant should submit a letter from the Industrial Commission acknowledging receipt of the site plan and providing comments on the proposed project.

Ms. Johnson stated they received a facsimile this afternoon from the Fire Commissioners indicating that there is not adequate access to the fire hydrant. Mr. Penzer stated they received the same.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated they received a letter from the Industrial Commission supporting the application.

Charles Lindstrom, P.E., was sworn in and his credentials were accepted. He stated the building was reduced by 8,000 square feet. It would be 52,166 square feet. That is reflected in the planner's report. They agree with items 2 through 6 of the engineer's report. Under item 6 with regard to the NJDEP TWA approval for the sewer relocation extension, they would request that it be a condition of building permit rather than site plan due to the length of time it takes to obtain the same. Mr. Peters had no problem with that. Mr. Lindstrom stated there are no fresh water wetlands on site. They were subject to a CAFRA permit. In order to get a letter of interpretation it was a separate application, but he believed that the issuance of a CAFRA permit would eliminate the need for a separate letter of interpretation. The CAFRA application was pending. Mr. Peters stated that was acceptable. It would be a condition on the approval resolution. The local water and sewer approvals were discussed with the MUA as was the sewer relocation. He was on site and the tree management plan is required when you have more than ten 12" caliber trees or greater. There are less than ten trees. There may be four of 12" or greater and it is not required based on the ordinance. Items eight through eleven of the engineer's report, the applicant would provide. Mr. Peters stated he did not need a map of the trees. Mr. Lindstrom stated the planner wanted to know the impact on the site circulation. He felt the same would be improved with this application. They placed a turn around at the end of the roadway. It had good access to parking along the road as well as the parking adjacent to the building. Site circulation would be enhanced. Architectural plans were submitted. They indicated that 95 off-street parking spaces were required based on the maximum anticipated number of employees on a maximum shift of 75 along with the required 20 spaces for executives. They have 103 spaces on site. The Airport Hazard Zone would be shown on the plans and they would comply with the regulations. They agree that they need outside agency approvals.

Mr. Neiman asked about the storage of chemicals. Mr. Lindstrom stated he could not testify as to what chemicals would be used, but it meets all environmental requirements for air permitting and waste disposal. Mr. Penzer stated the applicant is already existing in the park. He asked about the fire commissioner's letter. Mr. Lindstrom stated they received the letter and the plans were resent to them. The fire commissioner's came back and misinterpreted the paving limits on the plans. There was adequate access to the fire hydrant and they corrected their letter.

Mr. Dolobowsky stated that if any building is being done within 10,000 feet of the runway, you have to apply for a FRA part 77 approval to the FAA. Mr. Lindstrom was aware of the application.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

On motion by Mr. Ackerman and seconded by Mr. Dolobowsky, the application was hereby approved as discussed.

ROLL CALL: Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Percal, yes.

- 6. SD #1512** (No variance requested)
Applicant: Chaim Rosen
Location: New Central Avenue, west of Hillside Boulevard
Block 11.29 Lot 4
Minor subdivision to create 2 lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 11.29 lot 4. Two new lots are proposed. Proposed lot 4.01 will retain the existing structure. Proposed lot 4.02 will be a flag lot, with no new construction proposed at this time. The site is located on New Central Avenue in the R-15 zone. No variances will be required. Ocean County Planning Board approval will be required. The applicant has provided a 6 foot wide shade tree easement to be dedicated to Lakewood and has proposed curb and sidewalk along the property frontage. Section 805.G of the UDO STATES requirements for flag lots. The applicant has provided areas with plantings. These buffer areas should be sized and labeled clearly according to the ordinance. Setback lines must be shown and labeled on the plans for both proposed lots. The zoning chart shall be revised to indicate 2.5 parking spaces per dwelling are required as per RSIS standards for an unknown number of bedrooms. There are a number of technical comments regarding the Map Filing Law.

Mr. Slachetka stated the applicant is required to comply with the following requirements for flag lots as specified in section 805.G of the UDO: storage for solid waste and recyclable collection must be provided at the street for the flag lot; the proposed access drive improvement should be shown on the plat; the applicant must demonstrate the need for the flag lot arrangement, consistent with good planning principles and the applicant should distinguish the subject lot from other lots on this block which appear to be similar in lot area depth and frontage; and architectural plans for the proposed dwelling should be submitted per section 805.G.6.c and the proposed setback lines of the new lot should be shown on the plat. Compliance with the off-street parking requirements of RSIS is required. The applicant should explain the purpose of the five foot wide access easement shown on the eastern side of new lot 4.02. A concrete sidewalk is proposed along the frontage of the parcel. A five-foot wide road widening dedication to Ocean County is proposed. A six foot wide shade tree easement along New Central Avenue is proposed. Three shade trees are required along the New Central Boulevard frontage. The balance of the comments were technical in nature.

Salvatore Alfiera, Esq., appearing on behalf of the applicant.

Ray Carpenter, P.E., was sworn in and his credentials were accepted. He stated the site is approximately one acre in size with 154 foot frontage onto Central Avenue and the applicant was proposing to construct a single family home on the site. The applicant is proposing to subdivide the property into two conforming lots, one of which would contain the existing residence and the second lot would be to construct another dwelling. Mr. Alfiera reviewed the ordinance pertaining to flag lots and asked Mr. Carpenter questions. Mr. Carpenter stated the lot containing the existing structure would have 23,715 square feet. The new lot has a lot area of 18,991 square feet with 15,000 square feet being the flag area of the lot. The staff would provide access to the flag lot. It was not an ease-

ment. The width of the staff is 20 feet. The driveway would be within the 20 feet and is 12 feet. The driveway would be paved, but they would provide whatever the board desired. There is no other construction proposed on the staff. There would be garbage cans and he thought the board might want some kind of platform for the cans to sit on. The area is adequate for garbage collection services. There are only two ways that the property could be subdivided to create two lots other than the way they proposed. One of which is the standard subdivision, which would create the need for variances for lot frontage and lot width. The existing structure would also have to be removed. A small cul-de-sac could be put in to the rear lot which requires a variance for the existing structure and a large portion of the lot is removed for the cul-de-sac which would not be desirable. He had concept plans for these. The concept plans were marked A-1 and A-2. This is the only proposal which provides conformance. The flag staff would not be used for any other lots. The property would contain a restriction that it could not be further subdivided. The applicant did not know if he was building on it or selling the lot. The plan is consistent with what is in the area. Mr. Banas asked if there was a basement. Mr. Carpenter stated he was not sure Mr. Banas stated you cannot put in a basement if plans are not submitted. Mr. Banas stated the architectural plan was not sealed. Mr. Alferia did not think it mattered now, but the applicant would submit a sealed plan as a condition of the resolution. He stated that if the water table permits a basement, the same would be done. Mr. Carpenter did not think it would be an issue because the water table is low. The house is on the top of a knoll. The proposed house would be built within the footprint set forth on the plans. No variances would be needed. There are two separate provisions that deal with buffering. One is the ten foot strip between the flag lot and the existing lot which is being provided. There is a double of herbivae and Norway spruce that would provide a low dense screen and an upper dense screen. The other buffering is on either side of the flag staff. On the westerly side the existing vegetation is rather dense and would provide an adequate screen. On the easterly side they were proposing another row of herbivae the entire length of the staff. The proposed dwelling would be serviced by all utilities including water and sewer. They would comply with the balance of the comments in the engineer's report. With regard to the planner's report, the items have been discussed. The plans would be corrected to meet the RSIS standards for parking.

Mr. Dolobowsky asked about the buffer and the back of the property since it borders on the most dense multi family development in Lakewood. He felt it should be buffered from the single family residence. Mr. Carpenter stated they could provide the same. Mr. Dolobowsky suggested to make the trees more diverse rather than all one kind. Mr. Carpenter stated that it was not a problem to provide the same. The matter of buffering was further discussed.

Mr. Franklin stated the garbage cans should be brought back to the house rather than running down the drive with a bag of garbage. It has to be back behind the front line of the house. Mr. Carpenter stated that was not a problem.

Mr. Banas stated Mr. Dolobowsky had a previous concern about New Central Avenue and the speed of the road. Mr. Alferia explained what they did and that it addressed the traffic in the area. They would reduce the curb cut as proposed in the plan. This matter was further discussed.

Mr. Dolobowsky asked how wide lot 3 was since there was a bend in the road and the driveways would not been seen until they round the bend. He was concerned about this. Mr. Carpenter stated they would have to get approval from the County for the openings. Further concerns were discussed with regard to the same.

Mr. Neiman stated the other lots in the area may come for flag lots. Mr. Alferia stated you have to review each application on its own merits.

Mr. Alferia stated the applicant wants to answer one of the questions.

Howard Rosen, applicant, was sworn in. He stated that he understood the concern about the third curb cut onto New Central. If one is abandoned that is further away from Hillside Avenue the driveway could be used for the flag lot and not create new traffic. Mr. Banas asked how many bedrooms would be in the new house. Mr. Rosen stated four or five. Mr. Banas stated that would impact the area with at least three automobiles. Mr. Dolobowsky stated the new driveway would be closer to more development.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

Mr. Alferia stated they would like to come back to a subsequent meeting and identify the driveways in the area and provide additional testimony regarding the traffic and/or move the flag staff.

The application was tabled until a plan was submitted for a technical meeting. Mr. Dolobowsky felt they should provide the information and come back to another regular meeting.

On motion by Mr. Neiman and seconded by Mr. Dolobowsky, the application was hereby tabled until the February 21, 2006 meeting.

ROLL CALL: Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yea; and Mr. Percal, yes.

Mr. Jackson noted that the application was carried to the February 21, 2006 meeting. No further notice was required of the applicant.

V. MEMORIALIZATION OF RESOLUTIONS

- 1. SD #1498** (Variance requested)
Applicant: Sam Bauman
Location: Birch Street, west of Route 9
Block 416 Lots 29 & 30
Minor subdivision to create three lots

On motion by Mr. Neiman and seconded by Mr. Franklin, the resolution was hereby memorialized.

ROLL CALL: Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 2. SD #1503** (No variance requested)
Applicant: Abraham Newman
Location: Ardenwood Avenue, south of County Line Road West
Block 41 Lots 1 & 7
Minor subdivision to re-align the existing division line

On motion by Mr. Neiman and seconded by Mr. Ackerman, the resolution was hereby memorialized.

ROLL CALL: Mr. FRANKLIN, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 3. SP #1827** (No variance requested)
Applicant: Bradco Supply Corp.
Location: Oak Street, west of Airport Road
Block 1160 Lot 268
Preliminary and final site plan for proposed building addition

On motion by Mr. Neiman and seconded by Mr. Ackerman, the resolution was hereby memorialized.

ROLL CALL: Mr. FRANKLIN, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 4. SD #1498** (No variance requested)
Applicant: 1368 River S.L. LLC
Location: Route 9 between Cross Street & Honey Locust Street
Block 534 Lot 7
Preliminary and final major subdivision for 20 single family townhouse units

On motion by Mr. Dolobowsky and seconded by Mr. Neiman, the resolution was here by memorialized.

ROLL CALL: Mr. FRANKLIN, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 5. SP #1829** (Variance requested)
Applicant: Congregation Yeshivos Pinchos
Location: Cabinfield Circle, west of Somerset Avenue
Block 208.02 Lot 1
Change of use site plan from existing residence to proposed synagogue and rabbi residence

On motion by Mr. Neiman and seconded by Mr. Franklin, the resolution was hereby memorialized.

ROLL CALL: Mr. FRANKLIN, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

6. SP #1653A (Variance requested)

Applicant: Lakewood Plaza Inc.

Location: Cedar Bridge Avenue @ the intersection of Dr. Martin Luther King Drive
Block 536 Lot 70

Preliminary and final site plan for addition to existing commercial building

On motion by Mr. Ackerman and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

7. SD #1507 (No variance requested)

Applicant: Hamilton Partners LP

Location: Swarthmore Avenue, east of Lehigh Avenue
Block 1606 Lots 6 & 9

Minor subdivision to realign the property line between the two lots

On motion by Mr. Ackerman and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. FRANKLIN, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

8. S{ #1828 (No variance requested)

Applicant: Lakewood Associates

Location: Oberlin Avenue South, west of Syracuse Court
Block 1600 Lot 5

Preliminary and final site plan for proposed building addition

On motion by Mr. Ackerman and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. FRANKLIN, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

VI. CORRESPONDENCE

There was an article from Mr. Jackson regarding the board's professionals and having them sworn in at the meetings to give testimony. The professionals could all be sworn in at the beginning of the meeting. This would be done after the roll call.

VII. PUBLIC PORTION

None at this time.

VIII. APPROVAL OF BILLS

On motion by Mr. Neiman and seconded by Mr. Ackerman, the submitted bills were hereby approved for payment.

ROLL CALL: Mr. FRANKLIN, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Percal, yes.

IX. APPROVAL OF MINUTES

None at this time.

X. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Elaine Anderson
Planning Board Recording Secretary