

**LAKWOOD PLANNING BOARD  
MINUTES  
FEBRUARY 20, 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 Asbury Park Press and 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 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.”

**2. ROLL CALL**

Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Banas, Mrs. Wise, Mr. Klein

**3. SWEARING IN OF PROFESSIONALS**

Mr. Peters and Mr. Truscott were sworn in.

Mr. Kielt stated there was one change in the agenda. **SD# 1561 - David Herzog** carried to the technical meeting of March 27, 2007 because of technical issues due to a road dedication and the applicant’s engineer will come back to the board with a conceptual plan. No new notice is required.

**Motion was made by Mr. Herzl, seconded by Mr. Miller, to carry to March 27, 2007**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Klein; yes

**4. OLD BUSINESS**

- 1. SP # 1833 (VARIANCE REQUESTED)**  
**APPLICANT: CLIFTON REDEVELOPMENT LLC**  
Location: Clifton Avenue @ corner of First Street  
Block 121 Lot 29

Preliminary and Final Site Plan to construct 3 story retail/office building - previously approved. Applicant now proposes to construct 5 stories with penthouse office in lieu of 3 story building

Mr. Peters stated the applicant received Preliminary and Final Site Plan Approval on March 21, 2006 to construct a three-story building with retail shops on the first floor and office space on the second and third floors. The applicant has submitted revised plans to construct a six story building for retail and five floors of office space. The building footprint and site improvements have not changed from the original submission. The property is known as Block 121, Lot 29. The property is located on Clifton Avenue and First Street in the B-2 Zoning District. A variance will be required for maximum building height. The applicant has proposed 71.5 FT where a maximum of 65 FT is permitted. The UDO does not contain any requirements for on-site parking within the B-2 Zoning District. Certification by the Ocean County Soil Conservation District will be required. Evidence of certification should be made a condition of Amended Final Site Plan Approval. The proposed building projects into the access easement on Lot 21 by 2 feet. The applicant has proposed a 10' wide access easement. The applicant has provided our office with documentation that the owner of lot 21 has approved the proposed easement. A new legal description shall be provided for review and the easement agreement executed prior to signature of the Site Plan. The site engineering issues related to the project have been addressed by the applicant during resolution compliance for the original approval.

Mr. Truscott read from a letter dated February 16, 2007. On March 21, 2006, the applicant received Preliminary and Final major site plan approval to remove an existing one-story frame building and construct a three (3) story retail/office building at the above-referenced location. The applicant has submitted revised plans to construct a five (5) story building with a one (1) story penthouse on the roof (six levels). The first floor will be dedicated to retail uses, with the penthouse and floors 2-5 comprised of offices. The property is 6,500 square feet in area and is located in the northern part of the Township at the northeast corner of the intersection of Clifton Avenue and First Street. Surround land uses are predominately commercial, with scattered off-street municipal parking lots; few residences are within the vicinity. A Baptist church and a post office are located to the south of the site. The tract is located in a B-2 (Central Business) Zone, with a Residential Office Park (ROP) Zone located to the west across Clifton Avenue. Retail trade and offices are permitted uses in the B-2 Zone. The following variance is requested: Building Height: 65 feet required; 71.5 feet requested. The requested height of 71.5 feet is 10 % greater than the 65 foot height limit for the B-2 Zone ( $10\% \text{ of } 65 = 6.5$ ;  $65 + 6.5 = 71.5$ ). A height of a principal structure which exceeds by 10 feet or 10% of the maximum height permitted in the zone would require a use variance. However, the proposed structure is exactly 10% greater than the maximum permitted height and should be reviewed as a bulk variance. Therefore, the Planning Board has jurisdiction. The positive and negative criteria for the requested bulk variance should be addressed. The bulk chart on the site plan should reflect that the tract is a corner lot, with two (2) front yards, one (1) side and one (1) rear yard. Side yard requirements must be added to the bulk chart. The correct side yard setbacks are to be 7 feet, but are not required between two (2) business uses. A side yard aggregate is not applicable as the tract is a corner lot. It should be confirmed that that all roof-mounted HVAC equipment will be appropriately screened by the penthouse (which fronts Clifton Street) and the proposed parapet wall. The form and content of the easement documents for the easement in the rear should be reviewed by the Planning Board Attorney prior to filing with the County Clerk. The metes and bounds description for

the easement should be reviewed by the Planning Board Engineer. Off-street parking is not required for non-residential uses in the B-2 Zone in accordance with Section 870 B. 9 of the Lakewood Unified Development Ordinance. Outside agency approvals which will be required include: Ocean County Planning Board; Soil Conservation District.

Mr. Banas asked if the attorney for the applicant has re-noticed for the height and was told it was.

Mr. Penzer, Esq. appeared for the applicant. The applicant only requested 3 stories for the first application because their architect told them it would require steel for anything over 3 stories and found out they were using steel anyway, so they wanted it taller and look more beautiful. The remaining issues are the same as the old approval. Mr. Penzer said they are not gaining financially with square footage but gaining aesthetically.

Mrs. Wise questioned the noticing and what exactly was noticed. Mr. Kielt said the notice was done properly.

Mr. Klein asked if the penthouse was going to be used as office space and was told it was.

Mr. Banas opened the microphone to the public

Mr. William Hobday, 30 Schoolhouse Lane, was sworn in. He said this will be the tallest building in that area because it will be 6 stories, and the B-2 requires no parking requirement. The amount of parking that will be needing to service this building, it would take up all existing parking in that area and therefore where will the rest of the public park. Lakewood is a town in desperate need of parking. The aesthetics are beautiful but we need to settle the parking issues before granting variances for higher than 65 ft. and ask the board to look at this to see if it could be reengineered and keep it looking the same but within the 65 ft maximum. Additional parking areas should be made available, although he doesn't know how that can be done. This project will exasperate this area's parking needs and will bring in a lot of additional traffic.

Mr. Larry Simons, 7 Schoolhouse Court was sworn in. He questioned an ordinance that states no building over 65 ft. and now we are coming along and asking for a variance of 71 ft. Next week we will get someone asking for 72 ft. His concern is at what point do we stop? What we are doing is taking a structure and making it a monstrosity in Lakewood. The businesses around it will be dwarfed. The bus terminal is there and traffic and parking is too much for that area.

Mr. Traff, 105 Clifton Avenue was sworn in. He owns the property next door. He never got the first notice and did not know they were approved. There is no setback between their building and his building. His building has windows and they are coming straight up to his windows. He handed photos that were marked into evidence as exhibits of his building. The pictures were taken yesterday and marked as A through H. They are photos of his building that have been there for over 80 years. He is opposed to this application. There is no parking on the street and even in the municipal parking lot, and just because B-2 doesn't require parking doesn't mean we have to make it worse. This monstrosity will make it 100x's worse.

Ray Carpenter, engineer for the applicant was sworn in. He said the previous approval was for a 3 story structure abutting the property lines on 3 sides. His understanding is there is a requirement of either 2 ft. or 3 ft. and you cannot have windows within 2 or 3 ft of the property line due to fire reasons, there is a code. Mr. Banas asked what you do with the existing windows that are in the existing building and was told they are grandfathered in. Mr. Penzer said they noticed the same property owners as this application, but unfortunately it was approved for 3 stories previously, and his windows are now illegal, but grandfathered in.

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

Mr. Penzer said the basic issue is what does the board prefer. They are the boss, do they want the look or do they want the 65 ft. The applicant made the decision to make it more beautiful. Because it is not a use variance, it needs only 4 votes.

Mr. Franklin said that on the site plan they show rain leaders coming down the outside of the building, and you certainly would not want to do that on this building. Mr. Franklin suggested putting them in the inside of the building and make them internal (they won't freeze). Mr. Carpenter said they will pick up the roof leaders where you see them and drain then appropriately, whether internal or external. Mr. Franklin said you are showing it outside and it should be internal. Mr. Penzer said they would comply

**Motion was made by Mr. Franklin, seconded by no one, to approve the variance. Motion dies.**

**Motion was made by Mrs. Wise, seconded by Mr. Banas to deny the variance and stay at the 65 ft.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman, abstain, Mr. Klein; yes

**Motion was made by Mr. Franklin, seconded by Mr. Herzl to amend the site plan from 3 stories 5 stories to a height of 65 ft.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman, abstain, Mr. Klein; abstain

**2. SD # 1549 (VARIANCE REQUESTED)**

**APPLICANT: MORRIS WEINBERG**

Location: Spruce Street, between Funston Avenue and Caryl Avenue  
Block 842 Lot 3

Original denial Minor Subdivision to create two lots. Applicant requests reconsideration of prior denial.

Mr. Peters did not prepare a revised report, nor did Mr. Truscott.

Mrs. Weinstein Esq. appeared on behalf of the applicant. She said this application was denied on December 19, 2006. They are now here for a re hearing in accordance with the resolution passed by the board at the meeting of January 16, 2007. Generally the decision of the Planning Board is final; however, in an instance where a mistake has been made in the proceedings the board may reconsider the matter and even rescind its' prior decision. She believes the board denied this application while mistakenly believing that the clustering provisions of the R40/20 cluster zone could have been implied when in fact they could not. She provided testimony from the prior application. The applicant had entered into 2 separate contracts to purchase what was at the time 2 separate tax lots. The sellers represented that the lots were separate and they could be conveyed separately. The applicant took title under 2 separate entities, obtained financing from 2 separate lenders and approximately 6 weeks later they received correspondence from Linda Solakian the Tax Assessor and Steven Secare, Esq. Township Attorney advising that the properties had been conveyed in violation of the laws, the 2 lots had been merged at some point under the doctrine of merger. Accordingly, even though the lots were still showing on the tax map as 2 separate tax lots, they had in fact been merged unbeknownst to her client or the sellers. They had to deed both lots over to the applicant and the property was merged into lot 3. Her client only purchased this property at the price he paid in complete reliance on the representation of the seller that the property was 2 lots and he would never have purchased it at that price. All of the lots in the vicinity have the same lot width of 100 ft. and several of the lots are undersized and of similar size as the subject parcel. The board members have received enlarged tax maps showing parcels in the immediate vicinity that are undersized and that this is in keeping with the character of the neighborhood.

Mr. Banas asked what the total acreage was and Mr. Carpenter was sworn as engineer for the applicant. He stated that the acreage is 1.2 acres (52,553 sf) and the acreage under the cluster is 15 acres. Mr. Banas asked what that applicant is seeking at this time and Mrs. Weinstein is requesting that the board grant an approval to subdivide the property in accordance with the application submitted and voted on in December. Mr. Banas asked Mr. Jackson for a legal opinion and he state the recitation from the applicant's attorney is correct and if she can persuade the board to admit an error, they can change their mind. Mrs. Weinstein said they felt the decision that the board made was based upon the mistaken notion that the clustering option could have applied to this situation and that is why it was turned down. There are 7 lots in the immediate vicinity that is of similar size to this one and almost all the lots are 100 ft. wide The believe the board relied upon that mistaken notion that the clustering option could have applied.

Mr. Banas said he was glad she bought this up and cleared it up for him.

Mr. Miller said he remembered asking the engineer to blow up the tax map from the size of a postage stamp and appreciates that he did enlarge it. Mr. Klein recalled the original application about the law of merger and he said it seemed unfair to the applicant that the board could not grant the subdivision and he is glad it is back for reconsideration.

Mr. Banas opened the microphone to the public

Mr. Hobday was sworn in. He said he recalled the last time this was heard and there was testimony that when the same owner has contiguous properties the state does consolidate them, and if that is part of the state process it seems right and just. The applicant's grievance should be with the seller. The seller represented that it was 2 single titled lots and it turned out it wasn't. He thought the board did not err the last time in that they made a judgment that the lots were consolidated and if it was not picked up in the title search, not divulged by the seller, the grievance is with the seller and not the planning board because then the planning board would be taking an action that is in direct opposition to the state statutes that consolidated these properties.

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

**Motion was made by Mr. Herzl, seconded by Mr. Klein, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mrs. Wise; no, Mr. Akerman; abstain, Mr. Klein; yes

## 5. NEW BUSINESS

- 1. SP # 1853 (VARIANCE REQUESTED)**  
**APPLICANT: K'HAL CHASDIM INC.**  
Location: corner of 14th Street and Cedar Row  
Block 25.11 Lot 18.01  
Preliminary & Final Site Plan for 2 story synagogue

Mr. Peters stated the applicant is seeking site plan approval to construction a two story synagogue with a finished basement and associated site improvements. The subject property, known as Block 25.11, Lot 18.01, lies at the intersection of Fourteenth and Cedar Row, in the R-12 Zone. The property is currently vacant with a few existing trees. Variances will be required for the following: Front yard setback - The applicant has proposed 23.08 feet where 30 feet are required. Rear yard setback - The applicant has proposed 10 feet where 20 feet are required. The applicant will be required to obtain an outside agency approval from the Ocean County Soil Conservation District. The proposed location of the trash enclosure does not allow for trash collection with a front loading trash truck. The Applicant should provide testimony on the proposed method of trash collection. A dry well is indicated on the plans with a note "see detail." No detail is given for the dry well. Borings or test pits shall be provided for the underground recharge system noting soils types and the actual seasonal high groundwater elevation. Permeability tests shall be performed to justify the assumptions made in the infiltration basin design. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated December 18, 2006. The applicant is seeking preliminary and final major site plan approval with variances to construct a two-story synagogue and associated off-street parking area. The proposed synagogue will be served by public water and sewer. The subject lot is vacant and is 0.285 acres in area. The surrounding land uses are generally residential. This application was last reviewed by our office on October 27, 2006, and subsequently discussed at the October 31, 2006 plan review meeting of the Planning Board. This review addresses changes made to the

plan since October 31, 2006. The site is located in the R-12 (Residential) Zone District. Synagogues are a permitted use in the R-12 (Residential) Zone District. The following variances are required: front yard setback of 23.1 feet is proposed on Cedar Row, and a minimum of 30 feet is required; rear yard setback of 10 feet is proposed, and a minimum of 20 feet is required. The applicant must address the positive and negative criteria for each of the requested variances. Architectural drawings have been provided for the Board's review. The proposed structure is two stories, plus a basement. Off-street parking for sixteen (16) vehicles is proposed in compliance with the requirement to provide one (1) space per 100 square feet of sanctuary area. The grading, drainage, and landscaping plan shows the length of the proposed six-foot high board on board fence has been extended to provide increased screening for Lot 19. However, the layout plan does not reflect the extension of this feature. The two plans should be reconciled. We recommend that foundation plantings be added to the Landscaping Plan. A lighting plan should be provided. When preparing a lighting plan, the applicant should ensure that there is no spillage onto the adjacent residential lots. Outside agency approvals required include, but may not be limited to, the following: Ocean County Planning Board; Ocean County Soil Conservation District; and Sewer and water utilities.

Mr. Penzer, Esq. appeared on behalf of the applicant. He said there is a need for a place of worship on 14th Street by Cedar Row and this should alleviate some of the parking problems that are there now. This application has adequate parking. Ray Carpenter was sworn in as engineer for the applicant. He stated the plans were revised to resolve the problems with the neighbors. The dumpsters will have wheels which will allow them to be rolled out for pick up and Mr. Franklin was satisfied with that. Mr. Carpenter will comply with the remaining comments in Mr. Peters report. With the planners report, they will comply with the conditions for landscaping and lighting and will go for all of the approvals required by outside agencies.

Mr. Banas said he thought it was incumbent of the applicant to prove the positive and negatives of the application and Mr. Penzer said they believed this is a C-2 variance being inherently beneficial use and the area is where a synagogue is needed. Mr. Carpenter said the granting of this variance would not violate any negative criteria and it would enhance the positive criteria because it fulfills a use that is needed. In order to provide on site parking they had to maximize the building which causes it to encroach on Cedar Row.

Mr. Banas said with 16 parking spaces, how many congregates will be walking and

Mr. Penzer said most of them. Mr. Jackson asked Mr. Carpenter about the C-2 variance and asked if the building as designed would provide a visual environment and Mr. Carpenter said yes, there is sufficient light and space on 14th Street and would be a positive for the community. It is a needed facility. Mr. Jackson questioned him on each of the criteria of the C-2 variance and Mr. Carpenter complied.

Mr. Banas is concerned with the parking on 14th Street and also on Cedar Row and the amount of automobiles will be the same if not more on Hope Road and then we will be jamming up 14th Street. Mr. Penzer respectively disagreed. Mr. Banas questioned the lighting and Mr. Carpenter said the lights going out to the street onto Cedar Row and they would not encroach on the neighbor, but Mr. Banas said he feels they should provide landscaping buffer and they agreed.

Mrs. Wise asked where the vacant lot was located and was told it was on A-1 in the northern portion facing north.

Mr. Banas opened the microphone to the public.

William Hobday, 30 Schoolhouse Lane, was sworn in. He questioned the back where 10 ft. is proposed and 20 ft. is required. He asked what was in the rear of the property and Mr. Carpenter stated the existing dwelling on lot 19 is approximately 25 ft. from the property line. They have also constructed a 6 ft. board on board fence along that property line. Mr. Hobday said it seems so close to the property line that that neighbor is going to have some difficulty.

Jessie Roth, 1435 Kimberly Drive, was sworn in. He wanted to address the fact that most of the congregants that attend the synagogue now in the rented quarters live in this general area. He lives 3 blocks from this synagogue and he certainly would not drive 3 blocks, it would cost more in gas than to just walk it. He has counted cars for years, and at this location, the highest number he has counted is 14 cars. He would assume that with the new location, and it being closer to at least 4 families, there will be less cars. This is a synagogue that is needed in this neighborhood because it will be centrally located and he can not see anything detrimental to this synagogue being placed where it is.

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

Mr. Neiman commented on the need for synagogues in neighborhoods and how they are moving from a basement with no parking and upgrading to a beautiful building and 16 parking spaces and there is a big need for a synagogue in that neighborhood.

**Motion was made by Mr. Neiman, seconded by Mr. Miller, to approve this application with the variances requested.**

**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

**2. SD # 1564 (NO VARIANCE REQUESTED)**

**APPLICANT: H&C DEVELOPMENT**

Location: Lanes Mill Road, between Barrymor Drive and Malibu Drive  
Block 187.15 Lot 9

Preliminary & Final Major Subdivision – 15 lots

Mr. Peters stated the applicant is seeking Preliminary and Final Major Subdivision Approval for Block 187.15, Lot 9. Hidden Lane is proposed to be extended, and a new road named Hershey Lane will be constructed to connect to Lanes Mill Road. Fifteen new residential lots are proposed for single family dwellings. The site is located off Lanes Mill Road and East of Barrymore Drive in the R-15 Zone. The majority of the site is vacant, with a single family residence that will be removed, located in the southeast corner. Variances will be



required for Lot Width and Lot Area for Proposed Lot 9.12. The Lot is proposed to be 10,800 SF in area and 72 feet wide, where 15,000 SF and 100 FT are required. The plat shall be revised to show the zoning requirements for Lot 9.12. The zoning table on the preliminary plan shall be revised to show all the lots other than 9.12 will be in compliance with the zoning requirements. The applicant will be required to obtain outside agency approvals from the Ocean County Planning Board, Ocean County Soil Conservation District, and an NJDEP permit for Treatment Work Approval. The applicant shall provide evidence the proposed street name has been approved by the Lakewood Township Police department. As discussed at the technical meeting, the applicant will be required to file Homeowners' Association documents with the DCA prior to signature of the final plat. The documents shall also be provided to the Planning Board Engineer and Solicitor for review. The applicant has proposed three, off street parking space for each lot. The proposed parking count is based on one car in the two car garage and two cars parked in the driveway. The proposed parking satisfies the RSIS requirements. Curb, sidewalk, and shade tree easements are proposed along the interior and exterior road frontages of the proposed development. The applicant has proposed 32 foot wide roadways within a 50 foot right of way. The roadway will allow for two way traffic and parking aisles on both sides of the street. The application calls for the removal of an existing cul-de-sac at the end of Hidden Lane and extending Hidden Lane into the new development. The removal of the cul-de-sac will require the removal of a portion of the public roadway adjacent to existing Lots 24 and 25. As discussed at the technical meeting the area between the proposed roadway and the existing cul-de-sac bulb shall be dedicated to the owners of the adjacent lots. The partial vacation of the Right of Way will require action of the Township Committee and consent of the home owners affected. The partial vacation of the cul-de-sac shall be made a condition of Final Subdivision Approval. The existing and proposed Right of Way lines around the existing cul-de-sac that will be removed shall be shown on the Final Plat. The plans show the driveway to Lot 25 extended to the new curb line. The applicant shall add notes to the plan requiring the contractor to maintain access to Lot 25 throughout construction. The lots that have two frontages shall be deed restricted to allow access only from either Hidden Lane or Hershey Lane. The restriction shall be noted on the subdivision plat. A drainage easement is shown on Lot 9.11 to allow for a portion of the stormwater management basin. The Final Plat shall be revised to indicate the easement will be dedicated to the Homeowners' Association. As discussed at the technical meeting, Hidden Lane should be shortened and a landscaping buffer should be added between Lot 2 and the proposed development. As currently proposed, the right of way for the cul-de-sac encroaches into Lot 2. The applicant shall locate and detail any site identification signage if any are proposed. The applicant has not proposed any type of play area for this application. The board should determine if a community play ground will be required. A chain link fence detail is given. It is unclear where this fence will be located. A six foot board on board fence is indicated between neighboring Lot 2 and the cul-de-sac. No construction details are given for this fence. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated December 18, 2006. The applicant is seeking preliminary and final major subdivision approval to subdivide Lot 9 into sixteen (16) lots. Road, stormwater management, landscaping, and utilities improvements are also proposed. The proposed development will be served by public water and sewer. The applicant proposes to extend Hidden Lane to provide road access to a portion of the lots

and to construct a new road (Hershey Lane) from Lane's Mill Road, which will intersect with Hidden Lane. The existing lot has an area of 6.95 acres and is located on the North side of Lane's Mill Road, in the northerly part of the Township. The parcel contains one single-family dwelling, which will be removed, and the balance of the lot is vacant. The surrounding land uses are generally residential. This application was previously reviewed by our office on October 30, 2006 and subsequently discussed at the October 31, 2006 plan review meeting of the Planning Board. This letter discusses changes that were made to the plans subsequent to October 31, 2006, most significant of which was the addition of one (1) lot (for the stormwater management basin) over the previous total of 15 lots, for a total of 16 lots. The site is located in the R-15 (Residential) Zone District. Single-family detached housing is permitted in the R-15 (Residential) Zone District. A variance is required for the lot width of proposed Lot 9.12, which measures 72 feet at the front yard setback line. The minimum required lot width is 100 feet. A variance is required for the lot area of proposed Lot 9.12, which is 10,800 square feet. The minimum lot area is 15,000 square feet. The Final Map should bear a certification that the numbers of the proposed lots have been approved by the Township Tax Assessor's Office. The lot numbers on the engineering drawings are not entirely consistent with the Final Map by Mr. Mager. Please revise. A design waiver will be required for the proposed lot line between new Lots 9.01 and 9.06, since the lot line is not completely perpendicular to the street line. New Lot 9.06 (Final Map) is a "through lot" due to its frontage on two streets. In this specific case, a landscaped buffer should be provided on the Lane's Mill Road frontage. In addition, we recommend that the lot be restricted from access to Lane's Mill Road. A performance guarantee should be posted for all required improvements. Off-street parking must be provided in accordance with the RSIS. Improvements shall comply with the RSIS, as applicable. Street lighting shall be provided in accordance with Township standards. The requirements of Chapter 18, Section 821, "Building Uniformity in Residential Developments," must be addressed. A minimum of four (4) basic house designs is required. The four (4) designs should be submitted to the Planning Board prior to final approval. Lot numbers should be provided on Sheets 4 and 5 of the engineering drawings. New Lot 9.12, the stormwater basin lot, should be deed restricted to the stormwater management function. An easement on new Lot 9.11 is granted to a homeowners' association for maintenance of the stormwater management basin. Therefore, a homeowners' association must be created and the proper documents reviewed by the Board Attorney. The homeowners' association documents should be filed with the NJ Department of Community Affairs prior to filing of the final plat. A landscaping plan has been provided. We recommend that the applicant provide additional landscaping at and around the terminus of Hidden Lane. Pursuant to Comment C-4 of this letter, the applicant should amend the landscaping plan to reflect additional plantings at the rear of proposed Lot 9.06 (Final Map) so as to create an adequate landscaped buffer. We note that Lakewood Fire District No. 1's memorandum from October 13, 2006 indicates that the fire hydrant that is proposed to be located at the end Hidden Land should be removed. In addition, the Fire District's memorandum indicates that a fire hydrant should be installed on the North side of Hershey Lane and Lanes Mills Road. We defer to the Board's Engineer with regard to commentary on the Environmental Impact Statement that has been submitted in support of the current application. Testimony concerning the compatibility of the stormwater basin and the dwelling on new Lot 9.11 should be provided. Compliance with the Map Filing Law is required. The applicant should address the comments from the Lakewood Shade Tree Commission. Outside agency approvals are required.

Ray Shea, Esq. appeared on behalf of the applicant with Ray Carpenter as engineer. Mr. Shea stated there is one legal issue that needed to be cleared up. It is the requirement to file the homeowners association documents with the DCA prior to the signing of the map and he felt it was not applicable in this case. Mr. Peters said he was correct about the DCA filing, but stated it should still be submitted to the Planning Board engineer and solicitor and Mr. Shea agreed. Sheet 3 of 9 of the preliminary plat was entered into evidence and marked A-1. Mr. Carpenter said the existing house is located in the southwest corner of the subdivision and will be removed and a proposed dwelling will be constructed fronting off an access from the cul de sac on Hidden Lane. Mr. Shea asked that the applicant be allowed to post a bond securing the removal of the house. It is not the intent to remove the house before construction. Mr. Carpenter agreed with comments in Mr. Peters report with exceptions. The shortening of Hidden Lane, according to his notes from the technical meeting were to shorten it to keep the right of way but they had asked the board if they could put a board on board along that section of the property line (lot 2) to screen the headlight glare and the consensus of the board was that it was acceptable. There is no sight signage proposed for this project and the applicant does not propose any play area for this project and none is required. There is no phase 1 ordinance required because there was a farm on this property and there was on oil tank on this property although it was above ground, but they have no objection with supplying a phase 1 and will voluntarily supply the board with the results. Mr. Peters agreed, but requested that some notes be added to the plans saying if any tanks or wells are found on site, they will be properly removed according to state standards, and Mr. Shea and Mr. Carpenter agreed. The chain link fence is an oversight and will be removed from the plans. In regards to the planners report, Mr. Carpenter agreed to comply with all of the comments.

Mr. Banas asked for the reason on the undersized lot, and Mr. Carpenter said that was at the board's request at the technical meeting, because the detention basin was a part of one of the 15 lots in the original application and the board asked them to separate the detention basin.

Mr. Neiman asked about the sidewalks within the development and Mr. Carpenter said the entire site has sidewalks and they abut Hidden Lane. Mr. Shea stated wherever you can put sidewalk, they have provided it.

Mr. Truscott asked about the comment in the planners report about the landscaping in the terminus of Hidden Lane and Mr. Carpenter said he would provide fence and wanted clarification. Mr. Carpenter said they have provided a fence, but if Mr. Truscott required additional landscaping, they would provide both.

Mr. Neiman asked about the parking and asked if there were basements in the homes. Mr. Carpenter said yes. Mr. Neiman questioned if 3 off sight spaces were sufficient for the size and Mr. Carpenter said if the board required additional parking, they have adequate space on the lots to provide 4 parking spaces. Mr. Neiman said they would.

Mr. Banas opened the microphone to the public.

Gerry Ballwanz, 30 Governors Road, was sworn in. She said even though it was the

suggestion of the planning board to have the one lot undersized, she thinks because it was a farmland this was an important recharge area for water and now with the houses and stormwater basin, it is 4,000 sf less than the other lots and it is going to stick out like a sore thumb compared to the other lots. If it is going to have a huge house on it like the other lots, it really will stick out of place. She doesn't think the variance should be granted for this undersized lots. Mr. Shea said the stormwater basin would be on the undersized lot, not a home.

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

**Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve this application without the tot lot but with 4 off street parking spaces and approve the variance.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman, yes, Mr. Klein; yes

**3. SD # 1565 (VARIANCE REQUESTED)**

**APPLICANT: NATHAN SCHLESINGER**

Location: Gudz Road, between Central Avenue & Lakewood New Egypt Road  
Block 11.05 Lot 18

Preliminary & Final Major Subdivision – 5 lots

Mr. Peters stated the applicant is seeking Preliminary and Final Major Subdivision Approval to create 5 residential lots for single family homes; one will be a flag lot. The property, known as Block 11.05, Lot 18, is located on Gudz Road approximately 425 feet north of its intersection with Lakewood-New Egypt Road. The majority of the site is wooded with one existing residence that will be removed. The property is located in the R-12 Zone. No variance will be required for this application. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and an NJDEP permit for Treatment Works Approval (TWA). The applicant shall provide evidence the proposed street names have been approved by the Lakewood Township Police department. Development plans for neighboring lots 14 - 17 show wetlands and wetland buffers exist on Lot. The applicant shall obtain a Letter of Interpretation (LOI) from the NJDEP to verify either the absence of wetlands or the limits of the wetlands and buffers. The zoning table states 2.5 parking spaces have been provided for each lot. Lots 18.01 through 18.04 can provide one off street parking space in the garage and one in the driveway, one additional parking space is required. This can be accomplished by providing a driveway that is two cars wide, or moving the houses back on the lots to provide a two car deep driveway. Curb, sidewalk, and shade tree easements are proposed along the interior and exterior road frontages of the proposed development. The applicant has proposed a 32 foot wide cartway within a 50 foot wide right of way, and a full cul-de-sac bulb provided for turn a around area. The cartway will allow for two way traffic flow and two parking aisles. The applicant shall indicate if the proposed roadway will be public or private. The Township may not want to assume the maintenance of the roadway due to the underground detention system. If the roadway is private a homeowner's associate will be required. The applicant will have to submit association documents for review by the Planning Board Solicitor and Engineer. The documents must address

maintenance and ownership of the stormwater management system and roadway. The board may wish to discuss with the applicant, extending the cul-de-sac to the western property line to eliminate the need for a cul-de-sac. The plans shall be revised to show the location of all stop signs, stop bars, no outlet signs, and fire lane signs. The development will be serviced by well water and by public sewer by way of grinder pumps. Borings or test pits shall be provided for the infiltration basin noting soil types and the actual seasonal high groundwater elevation. Permeability tests shall be performed to justify the assumptions made in the infiltration basin design. The neighboring Jule Estates subdivision SD 1366 proposes to extend water and sewer within Gudz Road beyond the limits of this project. We recommend the applicant coordinate with the neighboring developer to use gravity sewer and public water. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated October 27, 2006 Revised October 30, 2006 & February 5, 2007. The applicant requests preliminary and final major subdivision approval to create five new lots for single-family detached residences. One of the lots is proposed in flag lot configuration. A new road, Oasis Court, is proposed to provide street access to the proposed lots. Sidewalk, drainage, utility, landscaping and lighting improvements are also proposed. The project site is 2.07 acres in area and contains one single-family residence, with a septic system and well water. The dwelling will be razed for this project. The surrounding land use is generally residential. Subsequent to the October 31, 2006 Plan Review meeting, the engineering drawings were revised. The site is located in the R-12 Residential Zone District. No variances are requested; however, it appears that the applicant requires a bulk variance for Lot 18.05 as it appears to be less than 90 feet wide as required. We note the dimensions of Lots 18.04 and 18.05 have been modified by the applicant on the latest engineering drawings. The Final Map needs to be modified to reflect the new lot layout. The applicant must revise the zoning bulk chart for Lots 18.04 and 18.05 on the plans and plat to reflect the new lot configurations. Lot 18.04: lot area on drawings does not match bulk chart, new lot width must be verified and indicated on plans. Lot 18.05: flag lot references must be removed, lot area on drawings does not match bulk chat, new lot width must be verified and indicated on plans, second side yard setback must be indicated on plans and revised on bulk chart. Existing wetlands are indicated on proposed Lots 18.03 and 18.04; wetlands buffers should be indicated on the plans, and the wetlands and buffer areas added to the plat. The applicant should submit evidence that there is sufficient building area on Lots 18.03 and 18.04 with the buffer areas. The applicant should confirm if the proposed lots are of sufficient size, as specified in Section 805.A. which states that lots requiring septic systems shall be of sufficient size to achieve required separation distances in accordance with New Jersey Department of Environmental Protection septic design regulations. All site improvements must comply with the New Jersey Residential Site Improvement Standards; three (3) parking spaces for each lot should be confirmed, and the bulk chart revised on the plans and plat. The plan indicates that the existing one-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 status of the existing septic system and well should also be clarified. The Landscape Plans must be revised for Lot 18.05, as vegetative screening appears to be located in the driveway bed, and the screening in front of the proposed dwelling should be relocated along the property line(s). Compliance with the Map Filing Law is required. An Environmental Impact Statement (EIS) has been submitted for the Planning Board's review. The EIS should be revised to reflect the location of the freshwater wetlands area

and proposed wetlands fill. The plat indicates that the Township has already approved the lot numbers and street name. Required approvals include, but may not be limited to, the following: Ocean County Planning Board; Ocean County Soil Conservation District, Lakewood Township Department of Health, and NJDEP, Freshwater Wetlands Letter of Interpretation and Fill Permit.

Max Peters also stated that some of the plan changes on the map shows the notation of the wetlands but very faint and difficult to read.

Miriam Weinstein, Esq. appeared on behalf of the applicant. The plans have been revised since the technical meeting, when there was a flag lot. Since then, the applicant decided to work with a conventional subdivision approach, hence the need for a variance for lot with on lot 18.05. They have re-noticed requesting that variance. They have an LOI from the adjacent property owner and did plot the wetlands on the new plans. The applicant intends to apply to the NJDEP for a fill permit and any approval this evening will be contingent on obtaining that fill permit. Ray Carpenter appeared as engineer for the applicant. Mr. Carpenter said they can provide the board with a copy of the LOI dated 1/18/05 to Ian Borden for the adjacent lots 13-17, 19 etc. which are directly adjacent to their site. Mr. Banas asked to be shown on the plans. Mrs. Weinstein offered the LOI as evidence. Mr. Carpenter stated isolated wetlands less than an acre can be filled with a DEP fill permit to be filled on a portion of lots 18.04 and 18.03. The review comment from Mr. Peters regarding the water and sewer from the adjacent subdivision may not be feasible because it may not be accessible to them. They agree to the remaining comments and will do soil testing. They will change the references on the map in regards to the flag lot and will remove them. As far as the existing home on the property, they would like to post a bond ensuring removal of the house at a later date. The applicant wishes to begin construction with the house remaining because there is a tenant presently and demolishing it at a later point.

The variance is for lot 18.05, and the property contains 17,500 sf total, but the lot width is only 60-65 ft. where 90 is required. Mr. Carpenter said they can put the front setback line at a point where they have 90 ft. of lot width because the property is wider as it goes back. Mr. Truscott said that would require a deed restriction, because a setback line is where the lot width is, but he is stating they would never build up to the front setback. Mr. Banas said he liked that. Mr. Carpenter said the positive criteria is there will be no flag lot and have a more desirable feature with the standard subdivision.

Mr. Truscott said they are showing the wetland areas but not the buffer area and asked how the filling of the wetlands will affect the building envelope on lots 18.05 and 18.04. Mr. Carpenter said there is no buffer required when they get a permit from the DEP and they will fill right up to the property line. Mr. Banas asked if there will be landscaping buffer between the properties and Mr. Carpenter said no buffer is required for single family houses. Mr. Banas asked how will they know where the property ends and Mr. Carpenter said they would probably have to put some monuments by the DEP as to where the wetland stop.

Mr. Klein said he was confused with the charts and was told they would be revised. Mr. Neiman asked Mr. Franklin about the cul de sac radius and asked if it would be

sufficient. Mr. Neiman said he would also like to see 2 more parking spaces for each lot for a total of 4 off street parking spaces.

Mrs. Wise would like the applicant to show where the fire hydrants are and Mr. Carpenter said the project has septic and well. The nearest hydrant is down on Whitesville Road. Mr. Banas asked if there are wells, there will need to be a water line to it. Mr. Carpenter said they will look into bringing water and sewer into the site based on the adjacent subdivision.

Mr. Banas opened the microphone to the public.

Gerry Ballwanz was sworn in. She asked if there will be basements in these homes and was told by Mrs. Weinstein they were. She asked what guarantee will there be that the basements will not flood after filling in the adjacent wetlands. This is going to negatively impact the other bigger development that is adjacent to it and finds it incredulous that they are using the adjacent LOI to do what they want to fill in the wetlands. She hopes the DEP does not give the approval to fill in the wetlands, and perhaps it would be better if there would be 4 lots and the one nearest the wetlands be bigger than 12,000 sf so that there is sufficient buffer and better protection for their septic systems.

Mrs. Weinstein said they must get approval from the DEP to fill in the wetlands, and any approval granted by this board is subject to the approval of the DEP. She doesn't believe there are problems with flooding in the basements because of filling in wetlands. Mr. Banas said septic systems are approved by the health department of Ocean County.

Noreen Gill, 193 Coventry Drive was sworn in. She asked about the septic systems and if they were put in based on the number of bedrooms or bathrooms and wanted to know the numbers. Mrs. Weinstein stated she did not know exactly but would assume 5 bedroom homes, but said the septic systems would have to be compatible with the homes.

Mr. Peters asked Mr. Carpenter for clarification because his plans show individual grinder pumps for the houses going to a forced main, and asked if this was going to be a forced main to the sewer or septic. Mr. Carpenter said this would be an option, if Jule Estates gets approved, there is a proposed manhole on Gudz Road that is close enough for them to put ejector pumps on site and get the sewerage up to that manhole, but if not, they have to fall back to the septic system design. Mr. Peters said the plans he has does not show the extended sanitary sewer and believes if Jule Estates gets approved, they can do it by gravity as opposed to ejector pumps. Mr. Carpenter said if they can hook up to sewer they would, it would be much more beneficial to the applicant. Mr. Peters said taking Jule Estates out of the picture, the existing plans still show sewer going down the road to a manhole, and not septic. Mr. Banas asked exactly what they are approving here, septic or not. Mrs. Weinstein said it was the applicant's understanding it would be septic. Mr. Carpenter stated when the applicant first applied, he proposed septic and Mr. Carpenter explained it would be much more desirable to have sewer. Mr. Carpenter does not have access to the plans for Jule Estates yet but once they get approved he will look into modifying their plans to go with gravity rather than ejector pumps. Mr. Banas asked how the board could approve this application with the plans shown today. Mr. Carpenter said the plans today show ejector pumps from an existing manhole on

Gudz Road, which may or may not be approved by NJAWCO. If it is not approved, then the applicant has the ability to go septic systems on these lots. Mr. Carpenter said they have 3 options, 1- septic systems (with OC health dept approval), 2- sewer system (which is more desirable) with ejector pumps or gravity sewer if Jule Estates is approved.

Mr. Peters said the board is not going to approve the design of the septic, or the wells, but his concern is when these plans come in for resolution compliance, which outside agencies will be looking for. Whether it is the health department or NJAWCO, and looking at the plans, it looks like there is adequate separation from the wells to the septic fields. Mrs. Weinstein suggested the plans be approved with septic and if it is possible, the applicant will. Since they are subject to an outside agency approval, there would be no need to come back in front of the board if the plans change. They are asking for a well and septic system, and the plans will be revised to reflect that.

Walter Kovacofsky, 9 Gudz Road was sworn in. He came because he did not like the 60 setback, but after listening he agrees. But his main concern is wetlands and septic and he wanted the board to know that across the street from this development, there is a beautiful curb with a hole in it that contains a six foot pipe that now puts water in front of his house. There is a high water table in that entire area and basements will flood. Mr. Neiman asked if he had a basement in his home and he said he has a crawl space.

Bill Hobday was sworn in. He said this is obviously a very wet, environmentally sensitive area. The applicant wants this to be approved with wells and septic but when you are in an area such as this, septic systems do not work well after the first few years. They also want to fill in wetlands and if they can get approval to do so they will. The most striking thing about this area is there is no water, no hydrants and one would wonder what fire department is responsible to handle the fire and do they have the appropriate equipment to bring water to the area in the event of an emergency.

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

Mrs. Weinstein stated the well, septic etc. must be approved by the Health Department, but their first choice would be to have public water, which they will pursue.

Mr. Peters said one comment not addressed was whether the roadway was public or private. Mr. Franklin said as long as there are enough manholes in the road, he would have no problem with the roads being public. Mrs. Weinstein agreed.

Mr. Akerman asked if Mr. Peters had any response to the comments by Mr. Hobday and Mr. Peters said the one thing they asked Mr. Carpenter to provide was soil borings for the infiltration system, so he does not know where the water table is at this site, although with the wetlands there, it has to be high. Unfortunately, Lakewood does not have an ordinance that states you have to have the basements a certain elevation above the seasonal high groundwater, so if the builder chooses to put those basements into the water table and have a sump pump discharge, there is nothing in the ordinance to prevent him from doing so, except good building practice would say the basement should be above the high water table. Mr. Klein asked Max how the high water table affect the effectiveness of the septic system. Mr. Peters said the septic systems have to be placed a



certain elevation above the seasonal high groundwater (2ft?) and each system is approved by the OC Health Dept. who does text pits on each site.

**Motion was made by Mr. Herzl, seconded by Mr. Klein, to approve this application with all recommendations and Lot 18.05 move the setback to 90 ft. and all lots to have 4 parking spaces, and they should try to get city sewer and water.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman, yes, Mr. Klein; yes

**4. SP # 1855 (VARIANCE REQUESTED)**

**APPLICANT: LAKEWOOD AFFORDABLE HOUSING CORP. "CYPRESS COVE"**

Location: Oak Street between Caldwell Avenue & Rockaway Avenue

Blocks 1135,1142,1150,1151 Lot 1

Block 1143 Lots 1 & 9

Preliminary & Final Site Plan for affordable housing project

Mr. Peters stated the applicant is seeking Preliminary and Final Site Plan Approval to create 98 multi-family residential housing units. The property is located on the south side of unimproved Oak Street between unimproved Caldwell Avenue and unimproved Rockaway Avenue. The site is currently wooded and is crossed by a number of existing paper streets. The property is located in the R-40/20 Cluster Zone; Affordable Housing is a permitted use in the zone. The applicant has proposed 52 two bedroom townhouses and 46 three bedroom townhouses; 28 of the units will be owner occupied and 70 will be rental units. The whole tract, both rental and sales units, will be organized as a condominium association. A variance will be required for Residential unit distribution. Section 18-902.B.7.e.(3) of the UDO states that a minimum of two (2) of the permitted housing types shall be provided in any planned affordable residential development tract. The applicant proposes only one housing type, that being townhouse units. The applicant will be required to obtain all outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP approvals for Water Main Extension, Treatment Works approval, and CAFRA. The existing paper streets internal to the project shall be vacated as a condition of Final Site Plan Approval. The applicant shall provide evidence the streets have been vacated. The development will be serviced by public water and sewer. The utilities will be extended into the project area by New Jersey American Water Company. The sewer line has been labeled to reflect this, but the water main has not. The notes on the Utility Plan indicate that the sewer and water extensions in Oak Street will be designed "by others." This shall be clarified. Trash enclosures have been indicated on the plans. As per Section 18-809 of the UDO, these dumpster areas shall be enclosed behind a wall at least five feet in height with an opaque, closing gate. This shall be indicated on the plans with appropriate details. The applicant shall indicate if any project signage is proposed, if so the sign shall be located on the site plan and a detail provided. The applicant shall indicate if a name for the private access drive is proposed. If so the name of the roadway must be approved and the street sign located on the site plans. A detail for the fence enclosing the detention basin has been included on the Soil Erosion and Sediment Control Details page. A detail for the gate allowing access to the basin shall be added. The stop sign detail shall be revised to show retroreflective sheeting

from the bottom of the stop sign to grade. The architectural plans for the sales and rental units look the same. The applicant shall provide testimony on the different types of units. The stormwater management basin includes a stabilized access point. Details for the stabilized access point shall be given. The stormwater management system has been designed in accordance with RSIS requirements and the NJDEP Best Management Practices Manual.

Mr. Slachetka read from a letter dated January 11, 2007. The applicant is seeking preliminary and final major site plan and variance approvals to create 98 multifamily dwelling units for affordable housing. The improvements include associated off-street parking areas, stormwater management facilities, and landscaping, lighting and necessary utilities. The property is 10.65 acres in area and located on the south side of Oak Street between Caldwell and Rockaway Avenues. The property is a vacant wooded site. The units will be served by public water and sewer. The property is located in the R-40/20 Cluster Zone District. The following variance is required: Townhouse dwelling units are permitted in the R-40/20 Zone. We note that Section 18-902.B.7.e. requires that at least two (2) housing types be provided in a "planned affordable residential development." The applicant has proposed only one housing type. Townhouse dwelling units are permitted in the R-40/20 Zone. We note that Section 18-902.B.7.e. requires that at least two (2) housing types be provided in a "planned affordable residential development." The applicant has proposed only one housing type. minus 3.75 acres). The required recreation area (5%) of the "net" tract area is approximately 15,028 square feet, which has been provided. The applicant is proposing a tot lot and play area within the recreation area. The applicant has not included details for these areas. The plans should be amended to include details of these areas. We recommend that the landscape and lighting plan be amended to cluster some of the plantings within the recreation area. Clustered plantings may increase the utility of the area. Any plantings removed from the recreation area should be relocated to another area of the subject property. Lighting should be provided in the tot lot and play area. Such lighting will provide increased safety and protection against vandalism, as well as increased utility of the area. The Planning Board should consider a conservation easement for the Tree Preservation Area. Lighting is necessary for the Oak Street roadway extension at the intersections with the project access driveways. Address the 50 percent publicly-owned land (at the time of approval) requirement, as provided in Chapter 18-902.B.7.b. Submit a copy of the agreement with Lakewood Township. Street lighting shall meet the requirements of the Township Engineer. The balance of the comments are technical in nature.

John P. Doyle, Esq. appeared on behalf of the applicant. This is the 3rd application in front of the board for affordable housing. They are proposing a density of 9.2 units per acre, where 22 units per acre are allowed. The streets have been vacated and he has a certified ordinance attesting to the vacation of portions of Frederick, Willard, Evelyn and Madeline Avenues. The developers agreement has already been executed. The plans have been revised since the technical meeting to include sidewalks and other technical changes were made. The variance in regards to the same housing type was requested and approved by each of the other affordable housing applications. This applicant does this as they did in an effort to make sure that the rental and the owned housing looks seamless and no class difference, but they try to make sure there is an architectural and aesthetic difference so the units have different sizes, setbacks, colors, etc. so there is a variation. Mr. Yezzi is the

architect and Mr. Jamie Giurintano is the engineer. Mr. Doyle also introduced A-1 (site plan) A-2 (colored elevation of the structures) and A-3 (colored elevation is the cover for the documents the board received). Mr. Yezzi developed the exhibits A-2 and A-3. He explained the dimensions of all the buildings, showed the access areas, recharge area, garbage pick up area, tot lot etc. He stated the entire area is ADA accessible (buildings etc) and are in ADA compliance. The colors of the units will change with the roofs, gradings, setbacks, etc. so there will be no duplicates next to each other. Mr. Banas asked if that meet compliance with the UDO requirements and Mr. Doyle said that is the variance they are seeking.

Mr. Jamie Giurintano, engineer for the applicant stated he designed the site plan for A-1. He described the site by pointing to the exhibit. He stated there are currently no public utilities and the utilities will be extended for this application. There are 98 units but the breakdown of 2 & 3 bedroom units differ. The plans before the board shows 52 -2 bedroom and 46 -3 bedroom units, but according to Mr. Yezzi's testimony the site now has 40 - 2 bedroom and 58 - 3 bedroom. It requires one additional parking spot, where the plan currently shows 230 where 231 are now required. One additional parking stall will be added in the southwest corner of the parking lot, where there is ample room, subject to the approval of the board's professionals. In addition, the project proposes to preserve 35% of the tract area which equates to 3.75 acres. This is in accordance with applicable CAFRA requirements. This project is currently under review at the DEP for CAFRA. They have provided a uniformed circulation pattern throughout the site so there are no dead ends. They have also located 7 different locations for dumpsters throughout the site. He provided testimony regarding the sidewalks, landscaping, lighting, etc. One item omitted from the site plans is the site sign which is included in exhibit A-3 and will be located in the northeastern corner of the site, and will be placed in accordance with all applicable regulations. This site will also have an up light so you will be able to see it at night.

Mr. Doyle stated with regard to the variance, the four types are single family, duplexes, apartments and townhouses. They have provided a single type so as to provide a more appropriate housing within the site to meet the purposes of zoning, particularly to provide light, air and space to provide affordable housing. Mr. Doyle questioned the engineer in regards to the variance for statement proving the positive aspects of granting the variance. They went through the review letters in Mr. Peters' and Mr. Slachetka's reports, and those items were met, answered and agreed with. They agreed to work with the Planning Board Planner and Engineer for landscaping and lighting.

Mr. Banas had difficulties with one item- the sign being uplighted. He said at night those lights are irritating to him as a driver, so make sure the light is shielded in some fashion. The applicant agreed.

Mr. Franklin questioned whether the streets and detention basins were being owned by the project and was told they were. Mr. Klein was curious as to the requirement of a community center, but Mr. Doyle said he didn't think there was an ordinance for that and one is not proposed. Mr. Doyle agreed to put benches and walking paths in the development.

Mr. Banas opened the microphone to the public.

Gerry Ballwanz, Governors Road, was sworn in. She was conflicted because she is for affordable housing but there is the environmental aspect and she thinks when the township started this thing they did not realize the value of the land being used. She thinks anything south of Oak Street should not have been permitted to be built but preserved as open space. It breaks her heart that that area is not going to be the same anymore.

William Hobday, 30 Schoolhouse Lane, was sworn in. He wondered how a project this size was going to be managed, is it through a condominium assoc. and was told yes. He asked if it was going to be a POS and was told that was a state regulation. He asked if they were deed restricted and was told yes. He said it looks very nice and they did a good job putting it together.

Mike Sernotti, Vine Street, was sworn in. There has been a lot of change in his development, and this is the way to go. The only thing he would like to see is if the portion of Oak Street not be top coated until the sewers are put in for this development.

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

Mr. Doyle had a closing statement and thanked the board for staying late and feels this is a beautiful package presented for affordable housing.

**Motion was made by Mr. Akerman, seconded by Mr. Klein, to approve this application**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman, yes, Mr. Klein; yes

**5. SD # 1567 (VARIANCE REQUESTED)**  
**APPLICANT: KELLI DALRYMPLE**  
Location: Whitesville Road and Lafayette Boulevard  
Block 252 Lot 4.02  
Minor Subdivision to create two lots

**Motion was made by Mr. Herzl, seconded by Mr. Franklin, to carry to February 27, 2007.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Klein; yes

**6. SD # 1551A (NO VARIANCE REQUESTED)**  
**APPLICANT: SOUTH LAKE PARK C/O SAM BROWN**  
Location: Hope Chapel Road, Buchanan Street, Adams Street, Hope Hill Lane and Oliver Street  
Block 5 Lots 5 & 1.01  
Block 11 Lots 5, 16, 21, 22, 35, 97, 101  
Preliminary and Final Major Subdivision

**Motion was made by Mr. Franklin, seconded by Mr. Neiman, to carry to February 27, 2007**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman, yes, Mr. Klein; yes

**7. SD # 1542 (NO VARIANCE REQUESTED)**

**APPLICANT: RYE OAKS LLC**

Location: Ocean Avenue (Route 88) east of railroad  
Block 536 Lots 1, 2 & 4

Preliminary & Final Major Subdivision for 40 townhouses and 1 retail center

**Motion was made by Mrs. Wise seconded by Mr. Neiman, to carry to February 27, 2007.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman, yes, Mr. Klein; yes

**8. SP # 1851 (VARIANCE REQUESTED)**

**APPLICANT: CONDOR JACKSON LLC**

Location: West Kennedy Boulevard @ east corner of Forest Avenue  
Block 57 Lot 1

Preliminary & Final Major Site Plan for 2 story office building

**Motion was made by Mr. Neiman, seconded by Mrs. Wise, to carry to February 27, 2007**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman, yes, Mr. Klein; yes

**9. SD # 1563 (VARIANCE REQUESTED)**

**APPLICANT: MOSHE ARYEH**

Location: Lanes Mill Road- east of Barrymor Drive  
Block 187.15 Lot 12

Minor Subdivision to create two lots

Application was carried 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. Klein; yes

**10. SD # 1561 (VARIANCE REQUESTED)**

**APPLICANT: DAVID HERZOG**

Location: East 4th Street, west side of Negba Street between E.4th & E.5th Sts.  
Block 241 Lot 9

Minor Subdivision and Preliminary & Final Site Plan- 2 lots and 1 two story duplex  
1 three story multi family with basement - total of 6 apartments

Carried to March 27, 2007

**11. SD # 1568 (VARIANCE REQUESTED)**  
**APPLICANT: ISAAC GREENWALD**  
Location: River Avenue, between Halsey Avenue & Edgecomb Avenue  
Block 1019 Lot 2  
Minor Subdivision to create 2 lots

Application was carried to March 20, 2007.

**12. SD # 1569 (NO VARIANCE REQUESTED)**  
**APPLICANT: FAIRMONT INVESTMENTS LLC**  
Location: Hope Hill Lane  
Blocks 11 Lot 90  
Minor Subdivision to create 2 lots

Mr. Shea requested this application be carried to the meeting of February 27, 2007

**Motion was made by Mr. Neiman, seconded by Mrs. Wise, to approve carry to February 27, 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

**13. SD # 1571 (VARIANCE REQUESTED)**  
**APPLICANT: WALTER LUCAS**  
Location: Newport Avenue @ corner of Bellevue Avenue  
Block 499 Lot 19  
Minor Subdivision to create four lots

**Motion was made by Mrs. Wise, seconded by Mr. Herzl, to carry to February 27, 2007**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes,  
Mrs. Wise; yes, Mr. Akerman, yes, Mr. Klein; yes

## **6. MEMORIALIZATION OF RESOLUTIONS**

**1. SD # 1512 (NO VARIANCE REQUESTED)**  
**APPLICANT: CHAIM ROSEN**  
Location: New Central Avenue, west of Hillside Boulevard  
Block 11.29 Lot 4  
Extension of approval for Minor Subdivision to create 2 lots

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman, yes,  
Mr. Klein; yes

- 2. SP # 1854 (NO VARIANCE REQUESTED)**  
**APPLICANT: HARROGATE**  
Location: Locust Street and Vermont Avenue  
Block 1082 Lots 1 & 10.01  
Preliminary & Final Major Site Plan for expansion of existing senior life care facility

**Motion was made by Mr. Herzl, seconded by Mr. Franklin to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman, yes, Mr. Klein; yes

- 3. SD # 1566 (VARIANCE REQUESTED)**  
**APPLICANT: DAVID HERZOG**  
Location: Miller Road, south of Shady Lane  
Block 12.02 Lot 21  
Minor Subdivision to create two lots

Mr. Shea, Esq. requested this resolution not be memorialized but carried until the board attorney, Mr. Kielt and himself have an opportunity to discuss the contents.

- 4. SD # 1545 (NO VARIANCE REQUESTED)**  
**APPLICANT: 319 PROSPECT LLC**  
Location: Prospect Street, west of Massachusetts Avenue  
Block 445 Lot 1  
Preliminary & Final Major Subdivision for 53 townhouses and 1 community center

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman, yes, Mr. Klein; yes

- 5. SD # 1554 (NO VARIANCE REQUESTED)**  
**APPLICANT: MARIELLE ARYEH LLC**  
Location: East County Line Road, between Park Place and Apple Street  
Block 171 Lot 3  
Minor Subdivision to create two lots

**Motion was made by Mr. Herzl, seconded by Mr. Klein, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman, yes, Mr. Klein; yes

**6. SP # 1824 (VARIANCE REQUESTED)**

**APPLICANT: BYR CO. LLC/CABINETICS**

Location: corner of Route 9 and Yale Drive  
Block 1051 Lot 29

Preliminary and Final Site Plan – proposed addition to retail building

**Motion was made by Mr. Akerman, seconded by Mr. Klein, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman, yes,  
Mr. Klein; yes

**7. SP # 1852 (VARIANCE REQUESTED)**

**APPLICANT: ISSER KOTLER**

Location: Laurelwood Avenue @ southeast corner of Tuxedo Terrace  
Block 32 Lot 1

Preliminary & Final Site Plan for residence with synagogue in basement

Mr. Penzer had a problem with some of the wording of the resolution, and the board decided which language to put into the resolution. Mr. Jackson made 2 resolutions and the board decided which one to use (one had to do with meeting with Mr. Drukeroff and the second issue is about the easement vs. landscaping buffer).

**Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve the amended resolutions**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes,  
Mrs. Wise; yes, Mr. Akerman, yes, Mr. Klein; yes

## **7. CORRESPONDENCE**

The board discussed the letter in the package about the Majestic problem

## **8. PUBLIC PORTION**

Gerry Ballwanz said she checked the minutes from the October 24th meeting and said there was a vote that was combined with circulation, and she was not sure that was the proper way to do it and she would like to listen to the tape. The vision is a very brief summary of the rest of the master plan and there are certain parts of it that negate what the board actually did in the rest of the hearings, particularly the re zonings so there is an inconsistency there. Mr. Banas said as far as he is concerned it was done.



## 9. APPROVAL OF BILLS

**Motion was made by Mrs. Wise, seconded by Mr. Akerman, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman, yes, Mr. Klein; yes

## 10. APPROVAL OF MINUTES

- Minutes from February 6, 2007 Plan Review Meeting

**Motion was made by Mr. Klein, seconded by Mr. Akerman, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; abstain, Mr. Akerman, yes, Mr. Klein; yes

## 11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary