

**LAKWOOD PLANNING BOARD
MINUTES
TUESDAY • FEBUARY 21, 2006**

CERTIFICATION OF COMPLIANCE

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

“The time, date and location of this meeting was published in the Ocean County Observer and 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.”

II. ROLL CALL:

Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas, Mr. Dolobowsky, Mr. Ackerman, Mr. Klein, Mr. Ganton, and Mr. Percal.

Also present were:

Attorney John Jackson, Engineer Maxwell Peters and Planner Martin Truscott.

III. SWEARING IN OF PROFESSIONALS

Mr. McCrystal swore in the professionals.

Mr. Banas asked if there were any changes to the agenda. Mr. Kielt replied that item #8, SD #1517, would not be heard. It would be tabled until the March 21, 2006 meeting. No further notice was required of the applicant. The architectural plans were not submitted on time.

Mr. Banas called for a short recess. The meeting was reconvened.

IV. OLD BUSINESS

1. **SD #1442 A** (No variance requested)
Applicant: Vermont Avenue LLC
Location: corner of Vermont Avenue & Locust Street
Block 1081 Lot 10
Extension of previously approved final major subdivision approval

Mr. Peters stated he reviewed the above referenced application and the previous approval granted on June 14, 2004. The plans were signed by the board's engineer on January 26, 2005. The application for extension did not provide information on the reason for the extension. The applicant shall provide testimony on why the board should grant the requested approval. It is our understanding of the Map Filing Law that the applicant is required to file the final plat within 95 days of receipt of the required signatures. The board, if it chooses to do so, may grant an extension of the allowed time for filing. We recommend that the board's attorney advise the board as to any possible legal implications by granting the approval.

Mr. Truscott stated the applicant is seeking an extension of final major subdivision approval to subdivide lots 10 and 11 into 14 conforming lots. The parcel currently contains two single family residences which will be removed prior to construction. The board granted the applicant preliminary and final major subdivision and variance approvals by resolution memorialized on July 20, 2004. The applicant obtained all of the township approvals during January 2005, however the map was never filed with the Ocean County Clerk's Office. Therefore the approval was never perfected. Section 611.k of the UDO and the Municipal Land Use Law at 40:55D-54 provide for certain provisions of filing the map. The applicant should address the requirements of the UDO and MLUL as noted. If the board grants the extension, all conditions of the proper approval should continue.

Denis Kelly, Esq., appearing on behalf of the applicant. This is an application before the board for approvals previously granted in June 2004 for a 14 lot subdivision. There was confusion on the client's behalf. The client thought he had two years to perfect the approvals. The maps were signed in January 2005. When the client received the signed maps, he thought the process was complete. He is still within the two years and they agree with the comments of the professionals. They were looking for a short period of extension in order to file the map.

Mr. Banas asked what type of extension they were requesting. Mr. Kelly replied sixty days.

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

On motion by Mr. Neiman and seconded by Mr. Dolobowsky, the sixty day extension was hereby granted.

Mr. Kielt suggested sixty days from the date of the memorialization of the resolution.

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

V. NEW BUSINESS

- 1. 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 a new single family dwelling. The site is located on New Central Avenue in the R-15 zoning district. No variances will be required. Outside agency approvals are required. Evidence of approval and certification should be made a condition of final subdivision approval. The applicant has provided a six foot wide shade tree easement to be dedicated to the township and has proposed curb and sidewalk along the property frontage. There are some technical comments regarding the plan and the map filing law.

Mr. Truscott stated the parcel is .98 acres in area and contains a single family dwelling and an in ground pool. The existing structures will remain. The plan has been revised to propose the "pole" portion of the flag lot on the east side of the tract. The applicant is required to comply with the following requirements for flag lots as specified in Section 805.G of the UDO. The applicant must demonstrate the need for the flag lot arrangement, consistent with good planning principles. In this regard, the applicant should distinguish the subject lot from other lots on this block that appear to be similar in lot area, depth and frontage. In reviewing the applicant's testimony, the board may wish to consider the precedent that may be established for other lots in this area. As discussed at the workshop meeting on February 7th, architectural plans for the proposed dwelling should be submitted per section 805.G.6.c. No drawings have been provided. The plan has been revised to show landscaping along the west side of the "pole" portion of new lot 4.02. We recommend that the plan be revised to show a variety of evergreen plantings to prevent a monoculture. The applicant proposes to retain the existing vegetation on the east side of the "pole." The applicant should confirm that the existing vegetation will provide a sufficient buffer and agree to maintain this vegetation as a condition of approval. Otherwise, supplemental plantings should be provided. A ten foot landscape buffer is proposed on the north side of new lot 4.02 as required by section 805.G.7.b. The balance of the comments were technical in nature.

Salvatore Alfieri, Esq., appearing on behalf of the applicant. They were before the board in January. There was an issue with site visibility exiting the site. They would comply with all the professionals' comments. They went point by point through the flag lot ordinance and demonstrated that they comply with all the provisions of the ordinance. The only issue left to address was the traffic issue.

Mr. Dolobowsky suggested to discuss the driveway. Mr. Banas wanted to see the adjoining layout of the lots on future plans. Mr. Kielt suggested to look at the area map since it showed the lot configuration. Mr. Banas was concerned about if they were buffering all the properties around the project. He felt a bigger buffer was needed.

Ray Carpenter, P.E., was sworn in and his credentials were accepted. He stated that lot 3 to the west of the site is wooded. Normally, they put a note on the plans that at the time of construction, the Township Engineer goes and inspects the site to ensure there is proper buffering. At this time, it is heavily wooded and they were not proposing to clear any additional trees. Mr. Banas asked about the east. Mr. Carpenter stated that lot 1 is a vacant lot which will never be built on. It is owned by Westgate. There is about 30 to 50 feet of heavy woods.

Mr. Carpenter stated the applicant retained a traffic expert whose recommendation was to move the driveway to the east of the boundary line. The other recommendation was to eliminate the two driveway openings existing and consolidate them into one driveway opening. Mr. Peters felt this was a better situation. Mr. Alfieri explained that it was a verbal traffic report. Mr. Jackson felt the board could exercise its discretion since it was a small project. IT WAS Acceptable to refer to an expert's recommendations.

Mr. Banas asked about the driveway and the shade tree. Mr. Carpenter stated there would be one driveway for the flag lot in the far easterly portion of the lot and that you would have one driveway in the center of the lot that would service the existing dwelling. There are presently two driveway openings that service the lot. The final shaded grey area is what is proposed.

Mr. Truscott stated the ordinance prohibits the sharing of a driveway and it could not be tied into the flag lot without a variance.

Mr. Neiman asked if the new driveway was too close to the flag lot. Mr. Peters did not think it made much of a difference. If the driveway was moved over ten to fifteen feet, he did not think it would make much of a difference from a traffic viewpoint.

Mr. Franklin stated there is a spot for trash cans and they could only be out there on collection days. Mr. Alfieri stated they would be out on collection days only.

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

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

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

2. SD #1508 (Variance requested)
Applicant: Yehuda Kirschenbaum
Location: Pasadena Street, east of Red Oak Drive

Block 187.13 Lot 15
Minor subdivision to create 2 lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 187.13 lot 15. Two new lots are proposed. An existing two story frame dwelling will remain on proposed lot 15.01. Proposed lot 15.02 is a flat lot with a proposed structure. The site is located on Pasadena Street in the R-15 zoning district. Variances will be required for lot area of lot 15.01 where 15,000 square feet is required and 13,585 square feet is proposed and for lot 15.02 where 15,000 square feet is required and 13,572 square feet is proposed. Ocean County Planning Board and Ocean County Soil Conservation District approvals will be required. Evidence of approvals shall be made a condition of final subdivision approval. The applicant has provided a six foot wide shade tree easement fronting Pasadena Street to be dedicated to the Township. The plan shows an oil fill cap behind the existing structure. The applicant shall provide testimony as to the purpose of the cap and how maintenance access will be provided. We recommend the 20 foot wide access area be owned in fee as part of proposed lot 15.02. The applicant has shown utility connections for proposed lot 15.02. The municipal connections shown will require pavement reconstruction. Details for utility trench and pavement restoration shall be added to the plan. A bond shall be posted for the proposed work. The balance of the comments were technical in nature dealing with the Map Filing Law.

Mr. Truscott stated a variance is required for lot 15.02 which does not have frontage on a municipal road. The applicant should address the positive and negative criteria for the requested variances. Three shade trees are proposed along the Pasadena Street frontage. In accordance with section 805.G.6 of the UDO, the applicant shall demonstrate a need, consistent with good planning principles, for the creation of the flag lot and provide the reasons for using a flag lot concept in contrast to a standard subdivision. In evaluating this, the board should consider the fact that both proposed lots would be undersized and, pursuant to section 805.G.2 the flag portion of the flag lot must meet the minimum lot area of the district. If the application is granted, the pole of the lot should be part of new lot 15.02. The applicant should confirm that the existing vegetation provides a sufficient buffer consistent with the intent of the ordinance. The balance of the comments were technical in nature.

Miriam Weinstein, Esq., appearing on behalf of the applicant. The applicant initially submitted an application for a conventional subdivision to divide the lot into two lots. After feedback from the board, he went back to come up with a flag lot application that was more superior. The only variance is for lot size and the variance is not out of character of the surrounding area. The UDO permits flag lots and requires that the applicant demonstrate the need consistent with good planning principals in the creation of the flag lot and further demonstrate that normal subdivision techniques are not practical. They attempted to meet with the neighbors and voice their concerns. The applicant is willing to provide any landscape or buffering that the board desires. She described the concerns. Mr. Banas asked if the neighbors were present an Ms. Weinstein replied that they were.

Ray Carpenter, P.E., was sworn in and his credentials were accepted. The lot contains 27,137 square feet. One lot would contain the existing structure and one lot would remain vacant. Mr. Banas asked Mr. Carpenter if he had his seal with him because he

did not see a seal on the plans. The plans were sealed. Mr. Kielt stated he did not have any plans, he distributed them all. The plans that were initially submitted were sealed but there were a couple of revisions. Mr. Carpenter stated they would be sealed. Mr. Carpenter stated the plans were prepared by the surveyor. Mr. Jackson felt that it was acceptable to proceed with the application. The matter was further discussed.

Mr. Carpenter stated they revised the plans and they felt that the plan before the board was the best plan. They were willing to supplement the landscaping. It was a good design for the property. There are lots in the area that do not meet the design standards. He explained the lots that do not meet the requirements and are undersized. There are no houses adjacent to the houses they were proposing. Mr. Banas stated what is a rear yard in this lot, he was considering that they would be receiving a request for flag lots from the other owners, for the same thing. They would have possibly five lots that would become visible with other houses facing it. He thought buffering was needed. Mr. Carpenter stated they would provide whatever buffering that was necessary. Mr. Banas wanted to know what space is available for buffering at this point in time. Mr. Carpenter explained there was a 20 foot setback from the property line that could include buffering. Mr. Banas asked how much would be used for buffering. Mr. Carpenter stated that could use five to six feet of it and ten to fifteen feet all around. Mr. Banas asked what backyard would be left. Mr. Carpenter explained the backyard that would remain and it would be about a 20 foot backyard. They would include a ten foot buffer. Mr. Truscott recommended that they have the same type of buffer that separates the rear house from the front house continued along the property line. The buffering was further discussed. Mr. Carpenter stated they would comply with the balance of the recommendations. He stated that the variances could be granted without detriment to the zoning ordinance or zoning plan.

Mr. Banas asked what the positive and negative criteria were that would require the board to consider the variance. Mr. Carpenter stated they were providing housing and complying with the land use density of the ordinance. They were providing adequate buffering on site. They were providing access to the site. There is a minor deviation from the ordinance. Mr. Banas asked about item 2B in Mr. Truscott's report. Mr. Carpenter stated the variances that are requested are for lot area and a lot not having frontage on a physical street. They agreed to a right-of-way.

Mr. Dolobowsky stated that according to the plans the original is 27,136 square feet. If the numbers given for lot 5.01 and 5.02, it adds up to 2,100 more square feet. Mr. Carpenter stated that the ordinance indicates that the land to be taken from one lot to another could be fee simple or an easement. Mr. Dolobowsky stated they needed to see the square footage of each lot. They were approving one lot that is much closer. Ms. Weinstein stated that block 186.04 lot 7 is 12,219 square feet.

Mr. Banas opened the application to the public.

Tracy Cist, 1380 Pasadena Drive, was sworn in. He was against the application. He was concerned with the need for a flag lot. He wanted to ensure that the need was met. Mr. Banas stated that the ordinance that was approved by the Township Committee provides for the landowner to develop his property and utilize a flag lot. That gives them the authority and they have to meet the constraints of the ordinance as well as the

requirements for the individual zones. It was a permitted use. Mr. Cist was also concerned with the set back of the lot. Mr. Carpenter stated it was a standard flag lot situation. Mr. Cist was also concerned with the height of the house. Mr. Banas stated it would have to be within the restrictions of the ordinance. Mr. Cist was also concerned with the buffering. Mr. Carpenter stated the buffer width would be ten feet. Mr. Cist was concerned with the height of the buffer. Mr. Truscott stated that when it initially goes in it would be six to eight feet. If it is white pine, it grows fast. Mr. Banas asked what was being planted in the buffer. Mr. Carpenter stated Norway Spruce, White Pine and arbutus. Mr. Banas stated that would grow pretty quick. Mr. Cist was also concerned with the drainage. Mr. Carpenter explained that with a minor subdivision they were not required to provide drainage studies, but when the applicant submits a plan to the building department the drainage is reviewed by the engineering department. Mr. Cist was also concerned with the lighting on the houses. Mr. Carpenter stated they did not propose any lighting. There would probably be a light on the house and the driveway area. The driveway is not that long that it would require lighting. Mr. Banas stated it would be illuminated in some way. None of the illumination would be that of such that it would interfere with the neighbors. The board does what it can to eliminate light spillage onto anyone's property. With the buffer, it would help the situation.

Mr. Dolobowsky stated the plans show 45 arbutus and asked if it was the back of the property or also included down the driveway. Mr. Banas stated it was just the back of the property. Mr. Peters stated it was probably down the pole also. Mr. Carpenter stated it was across the back and the pole.

Mark Gladow, County Line Road, was sworn in. He was against the application. Any new construction would change the area. He was concerned with the future of the neighborhood. He felt many more property owners would divide their properties and create the area to be a different community where houses are right next to each other. He asked that the application not be approved.

Ms. Romeo, 1387 Pasadena Street, was sworn in. She was concerned with the driveway location and how emergency vehicles would access the site. She was concerned about water during construction and the buffers. Mr. Banas stated that the buffer would be around the perimeter. Mr. Carpenter stated they were providing a buffer on the inside of the driveway. Ms. Romeo asked about the trees where the driveway would be. Mr. Banas stated that it would not disturb her property. Mr. Carpenter stated that some trees would be removed. Mr. Banas stated that she has tall trees on her lot. Mr. Carpenter stated if they were on her lot, they would not be disturbed at all. There would not be a buffer between the five foot stripe between the driveway and the fence.

Mr. Dolobowsky stated there was eight feet but they were indicating five on one side. Mr. Carpenter stated it was four feet.

Mr. Banas asked what kind of plantings would be between the property line and driveway on the easterly side. Mr. Carpenter stated the ordinance requires them to supplement the existing vegetation. There would be a fence along the entire property line. Mr. Banas asked if there would be shorter vegetation. Mr. Carpenter stated there would be a ten foot staggered buffer. The fence location is based on the survey. Mr. Banas asked if the

fence was on the property line or inside the property. Ms. Romeo thought it was inside the property line.

Mr. Dolobowsky asked if the applicant would agree that along the driveway that they supplement along the driveway with low growing fence material. Mr. Carpenter stated they would agree to the same.

Linda Halm, 1383 Pasadena Street, was sworn in. She has concerns about the application and the flag lots as it related to lot area and how they came up with the same square footage if the driveway was to be eliminated. Mr. Carpenter stated the ordinance permits a rear lot and a front lot. The board and its professionals recommended that the easement to the rear lot be eliminated. This would make the rear lot conforming but make the front lot smaller in area but in effect it does not change anything but the ownership of the driveway. The rear lot has to meet the 15,000 square foot requirement. Mr. Jackson stated that Mr. Carpenter has the authority of an expert but the issues that were being raised were ultimately up the board. There were some discussions with or without the flag lot. Mr. Banas stated he would not permit it to be a debate. Mr. Jackson stated the issue has to be resolved by the board. Ms. Halm was concerned with the flag lot and requesting a variance. She was also concerned if there was a need for it. She thought it would change the area. She expressed her concerns regarding the need due to a past experience. She did not think it fit what a flag lot was. She thought it was too large and out of place. She was also concerned with the emergency access and the landscaping as it related to the drainage. Mr. Banas stated this would be done with the inspection department. Ms. Halm was also concerned with depreciation. She felt these items should be considered.

Dennis Halm, 1383 Pasadena Street, was sworn in. He was against the application. He did not think it should be approved if it needed variances. He disagreed with Mr. Carpenter that this was good planning. At a previous meeting, Mr. Jackson indicated that the town ordinances set the norm, applicants need to seek relief legally. He felt it was not normal to put houses in backyards. He was concerned with the lot size. There were no 12,000 square lots on Pasadena Street. He did not think the variance should be granted.

Evegmy Ateiemko, was sworn in. He was concerned with the density in the area. He felt the properties on the street would lose their value.

Mr. Dolobowsky stated he is the owner of block 187 lot 10.

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

Mr. Carpenter indicated he had aerial photographs of the site which may help.

Ms. Weinstein stated they understood the concerns of the neighbors, they felt the satisfied the standards for the board to grant the flag lot application. The 12,000 square foot lot was on County Line Road, not Pasadena Street. There is buffering proposed around the entire perimeter and requested that the board approve the application.

Mr. Jackson asked that the exhibits be marked. A-1 was the original plans. A-2 was the map with the yellow and red drawings showing the lots of 12,000 square feet. A-3 and A-4 were the aerial photographs.

Mr. Dolobowsky asked how big the flag pole was. Mr. Carpenter stated it was 20 feet by about 85 feet.

Mr. Banas asked if they could get a count of how many square feet were in each lot. Mr. Peters stated 15.02 would be approximately 11,872 square feet excluding the pole from the calculation. Lot 15.01 would be 11,885 square feet.

Mr. Franklin asked about the roof drainage. Mr. Carpenter stated they would have some sort of recharge system. They have dry wells.

Mr. Truscott asked about the vegetation along Ms. Romeo's property. Mr. Carpenter stated he would work with his office to provide something that was acceptable.

Mr. Ganton asked if the property owner live on lot 15.02. Mr. Carpenter replied yes.

On motion by Mr. Franklin and seconded by Mr. Ganton, the application was hereby denied.

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

Mr. Dolobowsky stated he was not thrilled with flag lots. The main problem seems to be the square footage. The applicant agreed to a lot but it did not solve the problem with the square footage.

Mr. Klein understood the applicant did what they could to make the application work.

Mr. Banas called a brief recess. The meeting was reconvened.

3. SP #1600 A (Variance requested)
Applicant: Bryan & ETTY Terebelo
Location: Second Street, west of Clifton Avenue
Block 90 Lot 16
Preliminary and final site plan - proposed addition to existing office/retail building

Mr. Peters stated the applicant is seeking to construct an addition to an existing office building. The proposed two-story addition will be a combination of store front and offices. The property is known as Block 90 Lot 16 on Second Street in the B-2 zoning district. A variance will be required for the rear-yard setback. A setback of 3 feet is an existing condition where 10 feet is required. Ocean County Planning Board approval will be required. The board should determine if a shade tree easement will be required. The site plan shows an existing handicap ramp being removed to allow for construction of

the addition. Finished floor elevations have not been given, making it impossible to determine if the building is handicap accessible. There is no apparent method for handicap access to the second floor. None of the restrooms appear to be handicap accessible. The applicant shall provide testimony as to building use and solutions for required accessibility. There were some technical comments regarding the drainage report and site plan.

Mr. Truscott stated the applicant should address the positive and negative criteria for the requested variance. The two story addition is proposed on the south and west sides of the building. The addition includes a basement, which is noted for storage only. Architectural plans have been submitted for board review. The architectural drawings indicate that the new siding will match the existing building in color and profile. The site plan should be revised to show walkways between the sidewalk and the building entrances. Construction details for the proposed full-face concrete curb should be provided on the site plan.

Jerome Gertner, Esq., appearing on behalf of the applicant. It is an existing office building. They want to extend the building.

Ray Carpenter, P.E., was sworn in and his credentials were accepted. He stated he reviewed the professionals' reports and all the requested information would be provided. The elevation of the first floor is an issue. The architectural plans should indicate that the first floor would be level with the sidewalk. There would not be a need for a ramp because it would be handicapped accessibility.

Mr. Peters wanted testimony regarding the use of the second floor. Mr. Carpenter stated the variance requested is an existing condition. They provided drainage to the rear of the building. They have direct roof runoff to the street in the front. There is extensive landscaping that would remain. The building would be extended to the front of the property line. It was not be extended in the back. They were taking a building and making it more user friendly. They were providing more space for the occupant of the building. They were not asking for variances for the addition. He did not feel it was a detrimental situation. The building is being put where it is proposed because they were following the rear line.

Bryan Terebelo, applicant, was sworn in. The building was currently used for office space on both floors. With the addition, they were moving their office upstairs and renting out the office space where they were right now. The entire addition would be for his offices. The office is quiet. There is not people coming in and out. Downstairs would probably be some kind of retail store on the first floor. It was next to the municipal lot. Mr. Banas asked what would be on the second floor. Mr. Terebelo stated his office would be moved to the second floor. It was secretary staff and they do job placement. Many people do not come in. The resumes are sent in and they process them through the agencies that need them. Mr. Peters stated he thought there was a size requirement that would require it be handicapped accessible, but it would be handled through the building department. Mr. Dolobowsky thought it had to be handicapped accessible. Mr. Peters thought there was a square footage requirement. Mr. Terebelo stated that the building was previously a rooming house. There is an existing handicapped accessible bathroom on the first floor.

Mr. Dolobowsky thought the application was wonderful and hoped it happened. He was concerned because handicapped people would not be able to get to the second floor. The laws have gotten tougher. Mr. Jackson stated it was a BOCA code issue and the building department had to enforce it. The board could request the information and delegate it to the building department.

Mr. Gertner stated it was an expansion of an existing building. He did not think they had to provide handicapped access to the upstairs. If it was against the building code, the certificate of occupancy would not be issued. Mr. Jackson stated they could make it a condition of the approval that it was ADA compliant. Mr. Gertner stated they would accept it as a condition of the approval resolution.

Mr. Franklin asked about the fence and if it could be removed. It was over onto the Township's property. Mr. Terebelo stated he gave the Township permission to cut the trees down. Mr. Franklin stated there was no value to the fence being there. Mr. Terebelo stated the trucks were backing into the fence. If the fence was not there, they might back into the building. Mr. Franklin suggested a curb. Mr. Terebelo stated that would work. He explained what happens with the trucks. Mr. Peters suggested a bollard painted yellow. Mr. Terebelo stated it was agreeable.

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. Banas thought the matter regarding the ADA was extremely important and felt it should be a condition that sufficient evidence is presented that ADA requirements were met.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the application was hereby approved as discussed and the applicant would provide evidence that it is ADA complaint.

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

4. SD #1506 (Variance requested)
Applicant: Yehuda Ehman
Location: Lanes Mill Road-opposite Cindy Court
Block 189.16 Lot 50
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 189.16 lot 50. Two new lots will be created. An existing two story frame dwelling is to be removed from lot 50.01. An existing barn will be removed from proposed lot 50.02. No new structures are proposed. The site is located on Lanes Mill Road in the R-20 zone. No variances are required. Ocean County Planning Board approval will be required. The applicant has provided a six foot wide shade tree easement fronting both new lots to be dedicated to the Township. The board should determine if curb and sidewalk should be installed along the property frontage. An existing oil tank is labeled on the plans. Oil tanks shall

be removed in accordance with all local and state regulations, a note to this effect has been added to the plans. Two structures are proposed to be removed. Removal should be completed prior to final subdivision or a bond shall be posted to insure prompt removal after final subdivisional approval.

Mr. Truscott stated compliance with the off-street parking requirements of the RSIS is required. The location of the driveway to each dwelling should be delineated on the plat and reviewed by the board and its professionals. A turnaround should be provided on each lot. We recommend that the driveway for new lot 50.01 be located opposite the easterly side of Cindy Court. The driveway on new lot 50.02 should be located on the easterly side of the parcel, provided the location does not conflict with the driveway on adjacent lot 1. The driveways should be appropriately situated due to the lot's location at the intersection. No sidewalk is shown on the plat. Sidewalk should be provided along the site frontage. The balance of the comments were technical in nature.

David Klein, Esq., appearing on behalf of the applicant. This application previously had a variance request for lot width. The variance is no longer required.

Charles Boyle, P.E., was sworn in and his credentials were accepted. He stated he reviewed the reports. They had a color rendering which would address some comments. There was some discussion as to the location of the proposed driveways. Mr. Jackson marked the color rendering as A-1. Mr. Boyle stated the driveway access is shown with the turn around in accordance with the Ocean County design standards. In addition, after consulting with the boards' professionals, they showed the proposed driveway lined up with Cindy Court. Providing that is sufficient, they would incorporate the changes into the actual improvement plans which would be required for Lanes Mills Road. They were working with the County. The other comments would be complied with.

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. Neiman and seconded by Mr. Ackerman, the application was hereby approved.

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

5. SD #1513 (No variance requested)
Applicant: Yitzchok Schreiber
Location: White road, east of Cross Street
Block 251 Lot 14.02
Minor subdivision to create 2 lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 251 lot 14.02. Two new lots are proposed. Proposed lot 14.04 will retain the existing structure. Proposed lot 14.03 will have an existing barn removed. No new construction is proposed at this

time. The site is located on White Street in the R-40 zone. No variances will be required. Ocean County Planning Board approval will be required. The plans shall be revised to indicate the specific species and size of street trees to be planted. Curb and sidewalk are shown to be constructed along the property frontage. A note has been added to the plans indicating any proposed dwelling to be constructed on lot 14.05 shall provide at least 3 off street parking spaces.

Mr. Truscott stated compliance with the Map Filing Law is required. Street trees should be specified. We recommend that the existing post and wire fence be removed from lot 14.03. At a minimum, the fence encroachment on the adjacent lot on the west side should be removed prior to issuance of any building permits. The balance of the comments were minor and technical in nature.

Yitzchok Schreiber, applicant, was sworn in. He stated it was pretty straight forward. Mr. Banas stated there was an issue with the map regarding White Street and White Road. Mr. Schreiber stated the tax map indicates it is White Street. Mr. Banas stated the key map shows White Road. Mr. Dolobowsky stated he always thought it was White Road. Mr. Banas stated the kind of trees to be planted needs to be identified. Mr. Schreiber thought the engineer submitted the information. He would put trees to satisfy the professionals. Mr. Truscott suggested some kind of Maple. He stated his records indicate that the street is White Street.

Mr. Banas opened the application to the public.

Mario Pascarello, 68 Drake Road, was sworn in. He was concerned with the sidewalks because he moved here to live in the country. He did not think they needed sidewalks.

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

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

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

6. SD #1514 (No variance requested)
Applicant: Shraga Schorr
Location: Read Place, south of Albert Avenue
Block 855.02 Lot 24
Minor subdivision to create 2 lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 855.02 lot 24. Two new lots are proposed. An existing one story structure is to remain on proposed lot 24.01. The applicant proposes a two story frame dwelling on new flag lot 15.02. Both lots are to be serviced by separate well and septic systems. The site is located on Read

Place in the R-20 zoning district. No variances are required. Ocean County Planning Board approval will be required. The applicant has provided a six foot wide shade tree and utility easement fronting Read Place to be dedicated to the Township. The plans have been revised to show curb and sidewalk to be installed along the property frontage; corresponding details have been provided as well. The plan meets all requirements of the Map Filing Law.

Mr. Truscott stated the applicant is required to comply with requirements for flag lots as specified in section 805.G. of the UDO. The applicant must demonstrate the need for the flag lot arrangement, consistent with good planning principles. In this regard, the applicant should distinguish the subject lot from other lots on this block that appear to be similar in lot area, depth and frontage. In reviewing the applicant's testimony, the board may wish to consider the precedent that may be established for other lots in this area. Given the proximity of the existing residence on lot 5 and the proposed location of a new dwelling in an area currently considered a rear yard for the adjoining lots, we recommend that an additional buffer be provided along all adjacent lot lines. If possible, preservation of existing vegetation may be provided in lieu of new landscaping. Testimony should be provided regarding the adequacy of the proposed septic system and proximity to existing septic facilities and dwellings on lots 5 and 6. The "Schedule of General Regulations" in the UDO requires the following: Lots requiring septic systems shall be of sufficient size to achieve required distances in accordance with NJDEP septic design regulations (NJAC 7:9A). The applicant should provide testimony addressing the status of permitting with the NJDEP and the adequacy of the proposed lot. The applicant should indicate the proximity of the parcel to public water and sewer lines. The balance of the comments are minor and technical in nature.

Shraga Schoor, applicant, was sworn in. He accepted all the comments.

Charles Boyles, P.E., was sworn in and his credentials were accepted. If possible existing vegetation would be saved. Mr. Banas stated they had to fill in where they had the tall trees.

Mr. Dolobowsky suggested a mixed buffer of some kind to go around the entire property. Mr. Schoor stated the site is wooded. Mr. Dolobowsky did not have a problem with using the existing trees, but he wanted some kind of shrubbery provided. The pictures taken by Mr. Schoor on February 15th were marked as A-2. Mr. Schoor identified each picture.

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. Neiman and seconded by Mr. Dolobowsky, the application was hereby approved.

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

7. SD #1515 (Variance requested)
Applicant: Gitel Eisen
Location: corner of Ocean Avenue (Route 88) and Holly Street
Block 189.02 Lots 160 and 161
Minor subdivision to create 3 lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 189.02 lots 160 and 161. Three new lots are proposed. Existing two story structures are to remain on proposed lot 160.01 and proposed lot 161.01. The applicant proposes a two story structure on proposed lot 161.02. The site is located on the corner of Ocean Avenue and Holly Street in the R-7.5 zone. A variance for front yard setback will be required. Lot 160.01 proposes 21.6 feet where 25 feet is required. This is an existing condition. Ocean County Planning Board approval and Ocean County Soil Conservation District certification will be required. The plans have been revised to show shade tree easements along the frontages of Ocean Avenue and Holly Street. The note shall be revised to indicate the easement is dedicated to Lakewood Township. The signature block for the Planning Board Engineer must be moved close enough to the edge of the sheet to allow for the seal to be affixed.

Mr. Peters stated an existing concrete sidewalk is shown along the frontage of the new lots on both Holly Street and Ocean Avenue. The zoning schedule on the plat should be revised to reflect the existing front setback of new lot 161.01 (i.e. 19 feet on Holly Street). A total of seven street trees are now shown along the street frontages. Public water and sewer will serve the new building lot. The balance of the comments were minor and technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. With regard to the engineer's report, the first item is information. The second item, the variance, is an existing condition. With regard to item three, Ocean County Soil Conservation District approval, he asked if it could be a condition prior to building permit. The approval from Ocean County Planning Board was not an issue. The shade tree easement is shown. They will change the note to show the easement is dedicated to the Township. The signature block would be taken care of. With regard to the planner's report, item C.2. concerns the zoning schedule which would be revised. The other items were informational, all of which they could comply.

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. Herzl, the application was hereby approved as discussed, granting the requested variance.

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

9. SD #1520 (No variance requested)
Applicant: MTR Ventures
Location: corner of Cedar Bridge Avenue and Melville Avenue
Block 763 Lots 2 and 17
Minor subdivision to create 3 lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 763 lots 2 and 17. Three new lots are proposed. An existing 1 _ story frame structure is to be removed from lot 2. The site is located at the intersection of Cedar Bridge Avenue and Melville Avenue in the R-7.5 zone. No variances will be required. Ocean County Planning Board and Ocean County Soil Conservation District approvals are required. The applicant has provided a six foot wide shade tree easement to be dedicated to the township. Construction details have been included for those improvements that are proposed within the right of way. These items fall outside of the expertise of a Professional Land Surveyor. Therefore, the plan must also be signed by a Professional Engineer licensed in the State of New Jersey. The applicant shall provide testimony as to the availability of utility connections for each of the proposed lots. In accordance with checklist item C.1, the location of the proposed structures and their setbacks shall be shown. The zoning table states three off-street parking spaces are required. None are shown on the plans. Please revise. The balance of the comments were minor and technical in nature.

Mr. Truscott stated the existing residence and all structures should be identified as to be removed. The zoning schedule on the plat should indicate that the proposed side yard setbacks of lots 17.02 and 17.03 will be seven feet on one side and fifteen feet combined. Compliance with the off-street parking requirements of RSIS is required. Sidewalk is proposed along the Melville Avenue frontage of the subject parcel. An existing concrete apron on Cedar Bridge Avenue will be removed. The applicant should indicate driveway locations and aprons on the plan. Nine street trees should be installed. Four oak trees are now proposed along Cedar Bridge Avenue; however, no street trees are proposed on Melville Avenue. As agreed at the workshop meeting, the existing chain link fence along Melville Avenue should be removed. The applicant should indicate the height and condition of the wood fence at the corner of Melville and Cedar Bridge and whether it will be removed from the sight triangle. The proper notation should be added to the plat. A landscaped berm and nine Norway Spruce are proposed on new lot 17.01, parallel to Cedar Bridge Avenue, for screening purposes. The plat should be revised to include a planting detail. In addition the Spruce should be specified as "heavy" to insure that the plantings are sufficient as a vegetative screen. The balance of the comments were minor and technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. With regard to the engineer's report, the first two items were informational. Item three he requested that the Soil certification be a condition of the building permit. They provide six foot wide shade tree easement. Mr. Carpenter can sign the plans. They would post the bonds.

Ray Carpenter, P.E., was sworn in and his credentials were accepted. He stated that sewer and water were available to the site. A building envelope would be provided showing the utility connections. The three off-street parking spaces would be included through a note on the plans. They would work with the utility company regarding the

location of the poles and sidewalks. The zoning table would be revised. All the driveways would be towards Melville. Trees would be provided along Melville subject to the satisfaction of the board's professionals. The chain link fence would be removed. Screening would be provided and the appropriate note added to the plans.

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. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Miller, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ganton, yes; and Mr. Percal, yes.

VI. MEMORIALIZATION OF RESOLUTIONS

- 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. Penzer stated that with regard to this, the site would be used for bus parking until the operation ceases.

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

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Miller, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ganton, yes; and Mr. Percal, yes.

- 2. SD #1510** (No variance requested)
Applicant: Cal Wei LLC
Location: Route 9 & Chestnut Street
Block 534 Lot 2
Preliminary and final major subdivision - 72 townhouses and 1 community center

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

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Miller, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ganton, yes; and Mr. Percal, yes.

3. 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

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

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Miller, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ganton, yes; and Mr. Percal, yes.

4. 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

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

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Miller, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ganton, yes; and Mr. Percal, yes.

5. SP #1831 (No variance requested)
Applicant: County of Ocean
Location: New Hampshire Avenue, south of Oberlin Avenue South
Block 1160.06 Lot 241
Courtesy review for a new processing facility at the Northern Ocean County Recycling Center

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

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Miller, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ganton, yes; and Mr. Percal, yes.

6. SD #1425A (No variance requested)
Applicant: Herbert Heyman
Location: corner of North Apple Street and Kennedy Boulevard East
Block 172 Lot 16
Extension of previously approved preliminary and final major subdivision

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

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Miller, yes;
Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ganton, yes; and Mr. Percal, yes.

7. 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

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

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Miller, yes;
Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ganton, yes; and Mr. Percal, yes.

VII. CORRESPONDENCE

Mr. Banas stated there were three letters. One was from the application on Tower Street. The attorney thanked the board for appearing with the MUA, but they chose to use the board's resolution and follow it in their compliance with the project. They would be putting in well and septic. The second letter was a letter from the Township indicating that Lakewood has opened a plan for Smart Growth. They had a presentation and made application to the State of New Jersey. The third was a letter from the Ocean County Agriculture Department which I directed to the planner for review for the area to be identified as the agriculture area zone for Lakewood.

VIII. PUBLIC PORTION

None at this time.

IX. APPROVAL OF BILLS

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

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

X. APPROVAL OF MINUTES

On motion by Mr. Neiman and seconded by Mr. Dolobowsky, the minutes of January 3, 2006 were hereby approved.

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

The issue of flag lots and the UDO ordinance was discussed as to what was included and not included in the flag.

XI. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.
Respectfully submitted,
Elaine Anderson
Planning Board Recording Secretary