

**LAKWOOD PLANNING BOARD  
MINUTES  
MARCH 6, 2007**

**I. CERTIFICATION OF COMPLIANCE**

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

“The time, date and location of this meeting was published in the 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, Mr. Neiman, Mr. Banas, Mr. Akerman

**3. SWEARING IN OF PROFESSIONALS**

Mr. Peters and Mr. Truscott were sworn in.

Ms. Johnson stated there was one change to the agenda. Item # 2 SP#1860-Congregation Avreichim requested to be tabled 2 months. Mr. Kiert's opinion was that the applicant must re-notice. The board agreed.

Mr. Penzer appeared after #1 in old business was discussed and said he wanted to change the 2 months extension on #2 SP 1860 to only 1 month. He met with Mr. Glick the adjoining landowner and asks it only be carried one month. He did not want to re notify. Mr. Banas said this application is all fowled up and wished to keep it at 2 months with re notice. Mr. Penzer said he had a problem with re noticing because there are other issues behind it. Mr. Banas asked what the problem is and Mr. Penzer said it was a rabbinical court issue. Mr. Penzer said that is what he was asked to do and the powers that be did not want another notice to stir up everything, it is to go to rabbinical court. Mr. Banas said he looks at it that anyone who is involved within that 200 ft. has the right to know and he feels comfortable with them advertising.

Mr. Glick came to the podium and Mr. Penzer said he was the reason they were going to rabbinical court and to sit down. Mr. Banas said there is a problem and the former action the board took of 2 months and re noticing would be in order.

#### 4. OLD BUSINESS

##### 1. SP#1719/SP#1810      **BETH MEDRASH OF WILLOW COURT** **RE-EXAMINATION OF PRIOR RESOLUTIONS TO EXTINGUISH DEED RESTRICTION**

Steven Pfeffer, Esq. appeared on behalf of the applicant. He said the first resolution from this board was to convert a pre existing one family home into a synagogue and there was a deed restriction to limit the use of the basement. Subsequently, a second resolution allowed for a new synagogue to be built, and the first synagogue was demolished, and the new synagogue was built. To clean up the title, they picked up the first restrictive deed with the basement, while the second building has a hall in the basement that was approved. Mr. Jackson suggested they do two things; one to petition the board to be on the agenda and two, to check with their title officer at Madison Title who indicated that their request should be to authorize the attorney to enter into a memorandum to extinguish the deed restriction from the 1st resolution that is recorded in the Ocean County Clerk's Department and that would make that restriction from the 1st building go away. Mr. Pfeffer would prepare the document if Mr. Jackson would sign it on behalf of the board which would be an extinguishment of the 1st deed restriction. Mr. Jackson said whatever satisfied their title company as long as the purpose of the deed restriction is no longer there and the board agrees to it. Mr. Jackson said he could not do it administratively because the board imposed this restriction. Only the board could lift it. Mr. Pfeffer said the building has been demolished.

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to extinguish this deed and take it out of the book of deeds and authorize Mr. Jackson to sign a reasonable letter prepared by Mr. Pfeffer.**

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

##### 2. SD # 1430C

**APPLICANT:      SOMERSET DEVELOPMENT – PINE RIVER VILLAGE**

Location:      Pine Street, across from Cedar Bridge Corporate Campus

Block 830, 844-852      Lot all

Amended Final Subdivision to realign lot line

Mr. Peters stated the applicant proposes consolidating the recreational lots containing the two clubhouses and a parking lot, Lots 19 and 20, into one lot, Proposed Lot 20.01. The two clubhouses are currently under construction, and the consolidation of the lots will eradicate building permit issues. This proposed lot consolidation is within a previously approved age-restricted community with 151 single-family houses, 29 townhouses and two (2) clubhouses. The property is situated along Pine Street, Washington Avenue and Midwood Street within the M-2 Zone. The overall project has a Resolution of Approval adopted on July 19, 2005, and was found in conformance with the Resolution as of April 5, 2006. The applicant was previously given a variance for the number of parking spaces proposed for the recreation buildings; 54 spaces are proposed where 60 are

required. The applicant has submitted amended Subdivision Plans. They are under review for conformance with the New Jersey Map Filing Law. Review comments will be provided prior to the Public Hearings.

Mr. Truscott read from a letter dated March 5, 2007. The applicant is seeking to amend its major subdivision approval by merging approved Lots 19 and 20 into new Lot 20.01, located in approved Block 830.04. Lot 20.01, if approved, will contain two (2) clubhouses, whose forms will be unchanged from the 2005 approvals. The amendment only affects the lot areas. The reason for the revision is based upon compliance with the construction code regulations. The tract is 36.2 acres and is located on the south side of Pine Street, across from the Cedarbridge Corporate Campus and east of Vine Avenue. The Planning Board previously memorialized approval for this age-restricted development in its current form on July 19, 2005. The site is located in the M-2 Zone. Variances were previously granted by the Planning Board for various elements of this development project. The applicant should confirm that no further variances are required. The Planning Board approved the dedication of the portion of the tract comprised of proposed Lot 20.01 for use as a Community Center with its 2005 approvals. Filing of the amended subdivision plat must comply with all provisions of the Map Filing Law. Ocean County Planning Board approval will be required.

Moshe Klein, Esq. appeared on behalf of Somerset Development. He stated there are here to consolidate the 2 lots where the clubhouses are being constructed. The reason for the request is to satisfy certain building code requirements. Mr. Neiman asked what the building code is that is requiring them to remove the lot line and Mr. Klein said something about the lot line, then Nicholas Graviano stated the reason was because the recreational building is 5 ft. from the lot line that the applicant seeks to eradicate. He believes it is the recreation was one with a pool and a glass enclosure. The glass enclosure is in the vicinity of the lot line and it would have had to have a different fire rating than what was approved by the board and by erasing this lot line, Somerset can build the proposed rec building as was proposed in the previous plans. Mr. Banas asked what Mr. Peters letter stated about the parking spaces and Mr. Graviano stated the variance for parking was previously approved by the board, and the number of spaces remain the same. The only thing being affected by the plan is that lot line is removed and the rec parcel becomes larger in size. Mr. Neiman asked if it was ok to have 2 buildings on one lot and was told yes. Both professionals did not see any issues, either planning or engineering, with removing the lot line.

Mr. Peters just brought up the parking issue because he knows the board is sensitive to parking issues and he wanted them to be aware of the previously granted variance.

Mr. Akerman said he believed the structures are already up and Mr. Graviano said they are under construction. Mr. Franklin said it sounded like a fire code issue.

**Motion was made by Mr. Neiman, seconded by Mr. Herzl, to grant an approval to remove the lot line and create one lot 20.01**

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

Mr. Jackson confirmed that the board has found that type of amendment is a non material resolution and not requiring notice and can be done administratively and informally in the manner in which the board approved it.

## 5. NEW BUSINESS

### 1. SD # 1560 (VARIANCE REQUESTED)

**APPLICANT: BAIS TOVA INC.**

Location: E. County Line Road & East Kennedy Boulevard, east of Somerset  
Block 174.04 Lot 57

Preliminary & Final Major Subdivision for 8 lots

Mr. Peters stated the applicant is seeking Preliminary and Final Major Subdivision Approval to create eight (8) new lots for seven (7) single family homes. One lot will contain an existing school, parking area and recreation area. Two existing buildings and a trailer are to be removed. The property is located between Kennedy Boulevard East and County Line Road East within the R-15 zone. The applicant has reduced the required area of the lots by 15% to 12,750 SF, and the required lot width has been reduced by 10% to 90 FT in accordance with section 18-908 of the UDO Reduction of Residential Lot Requirement for Recreational Purposed. A variance is required for lot width; the applicant has proposed 75 FT where 90 FT are required. The zoning table states three off-street parking spaces have been provided for each lot. The driveways shown are 30 FT by 15 FT, allowing parking for only one car. The driveways should be widened to 18 FT for side by side parking or lengthened to 36 FT to allow for stacked parking. The third parking space is in the one car garage. The board should determine if the three parking spaces provided will be sufficient for the five and six bedrooms homes that are proposed. The recreation area is required to be a minimum of one acre as per section 18-908 of the UDO. The applicant has proposed a recreation area of approximately 0.5 acres. The board should determine if the recreation as proposed will be adequate. A variance should be requested by the applicant for providing an undersized recreation area. Approvals will be required from the Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for Treatment Works Approval. Evidence of approvals should be made a condition of final subdivision approval. The applicant shall provide testimony on the ownership of the proposed roadway and stormwater management system. The Township may not wish to assume ownership of the stormwater system that consists of perforated pipes within right of way and easements in between the proposed houses. The existing dwellings shall be removed prior to the signature of the final plat or a bond posted for the prompt removal of the dwellings after the subdivision is complete. The applicant has proposed concrete curb and sidewalk and a six foot shade tree easement along Kennedy Boulevard East and Highland Court. No curb or sidewalk is proposed along County Line Road East, the Board should determine if curb and sidewalk will be required. A ten foot wide access easement is proposed on Lot 57.04 to allow access from the cul-de-sac to the recreation area. The board should determine if a path or sidewalk should be constructed within the easement. The recreation lot is not shown on the plans as having a lot number; the proposed lot number shall be added to the plans. In addition the lot should be shown as being dedicated to Lakewood Township. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated March 5, 2007. The applicant is seeking preliminary and final major subdivision and variance approvals to subdivide one existing lot into eight (8) lots. The existing parcel contains a one-story masonry building which houses a school and three other structures. The school and parking area will remain, and the balance of the structures will be razed or removed. A total of seven (7) building lots are proposed using the reduced lot area requirements of Section 18-908 of the UDO. The applicant also proposes to construct a cul-de-sac street and associated drainage and street improvements to serve the proposed development. The parcel is 3.8 acres in area and is located between Kennedy Boulevard and East County Line Road. The site is located in the R-15 Residential Zone. Single-family homes and schools are permitted uses in the zone district. The applicant has requested the following variances (based upon reduction of minimum lot area and width requirements for the R-15 Zone as per Section 18-908 of the UDO): Minimum Lot Width: 90 feet required, 73.01 feet, 79.06 feet, and 75.87 feet provided for Lots 57.03, 57.07 and 57.08, respectively. A variance is also required for Lot 57.05. The applicant should address the positive and negative criteria for each of the requested variances. As noted above, the applicant proposes to subdivide the subject tract in accordance with Section 18-908 (Reduction of Residential Lot Requirements for Recreational Purposes) of the Lakewood UDO. The section allows a reduction in minimum lot area of up to 15% (equal to 12,750 square feet in the R-15 Zone and width requirements of up to 10% (equal to 90 feet in the R-15 Zone). We note that the minimum amount required to be dedicated for recreational purposes (one [1] acre) is approximately 26 % of the total size of the approximately 3.8 acre tract. Reduction of minimum lot area and width requirements must be accompanied by the land being set aside for park, playground, or other recreational purposes, with that portion of land being dedicated and deeded to the Township for recreational purposes. A summary of the two (2) acceptable methods of conveyance are put forth in Section 18-808 (Provisions for Park and Recreation Areas) of the Lakewood UDO and are as follows: Dedication of title in fee simple to the Township, or Conveyance of title to a conservancy, corporation, homeowners association, funded community trust, condominium corporation, individual or other legal entity, provided that the continued (recreational) use of such land for the intended purpose in perpetuity. The applicant has proposed in correspondence (letter dated February 8, 2007) that the land be set aside via easement, and that a waiver be granted to provide access to the recreation area for the school. The site plans indicates that a waiver is to be requested to provide the recreation area to the existing school with an easement to the municipality. The plans indicate that the majority of Lot 57.03 will be for the school uses, with 12,741 square feet of the lot covered by an easement to recreational purposes. The appropriate waivers will be required. In order to qualify for a reduction of minimum lot area and width requirements, the amount of land dedicated is to be no less than one (1) acre with its least dimension not less than one hundred fifty (150) feet, unless this area is to be added to another recreational area at this time or sometime in the future. Lands set aside for open space shall contain active or passive recreational facilities to service the needs of the residential population in each development. Active and passive recreational facilities can include, but are not limited to, the following: ball fields, multipurpose fields, tennis courts, multipurpose court areas, children's play areas, passive picnic or sitting areas, swimming pools, bicycle paths and walking or jogging trails. The acreage is more than one acre; as noted in Item 2 above, the existing school is to remain on the Open Space lot. Sheet 5 of the applicant's plans shows a children's play area. Section 18-808 of the UDO

specifically states that the “The requirements of this section relating to the active or passive recreation facilities and the total percentage of open space required within a development may be modified and/or waived by the Board.” Soil, drainage, slope and location of the proposed recreation area shall be deemed suitable by the Planning Board for recreational purposes, and the land to be dedicated shall have direct access to a public right-of-way. Section 908.B.8 requires that the reduction of lot area and width requirement may be permitted, provided the maximum gross residential density of 2.5 dwelling units per acre (for the R-15 Zone) are not exceeded. The applicant appears to be in compliance. Based on the survey referenced in the submitted plans, the tract is 3.854 acres in area and the proposed number of dwelling units is 7. Part of the tract is dedicated to the existing school. This area must be deducted to calculate density. Proposed Lot 57.03 is 1.279 acres in size; deducting the 12,741 square feet dedicated to open space leaves approximately 0.99 acres, which is dedicated to school uses. After deducting this total from the tract’s 3.854 acres, approximately 2.87 acres are dedicated to residential and other incidental uses. The gross residential density is approximately 2.4 units per acre ( $7 \text{ units} / 2.87 \text{ acres} = 2.4$ ), which agrees with the bulk chart on the applicant’s plans. A chart listing the cumulative total of the reduced lot sizes in comparison to the open space area is provided on the plans. An itemized list of variances has been noted on the plans. Lot dimensions and required/proposed setbacks should be more clearly delineated on the plans for Lots 57.03 and 57.08, so as to cross reference to the itemized lists of variances. The Environmental Impact Statement (EIS) submitted for Planning Board Review has not been revised to reflect changes to the plat and site plans. Sidewalks and street trees are required along County Line Road. The applicant requires a design waiver for pertinent buffer requirements for Lot 57.03, as it contains a school. The plans indicate that existing structures on the tract will be removed. The structures must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. The requirements of Section 18-821 of the UDO (Building Uniformity in Residential Developments) must be addressed at the construction phase of the development. A minimum of four (4) basic house designs is required for developments of between 7 to 15 homes. Site improvements must be in compliance with the NJRSIS. This includes off-street parking for each of the new single-family dwellings. The balance of the comments are technical in nature.

Abe Penzer, Esq. appeared on behalf of the applicant. Brian Flannery is the engineer. He argued for a waiver of curb and sidewalks because of the marvelous trees that were there. Mr. Banas said rather than a straight walk a more circuitous walk and Mr. Flannery said they would be glad to put in a winding path but curb would mean the trees come down. Mr. Franklin said what the power company did to those trees, they are not so beautiful now. The application is for 7 single family units and saving the existing school and then putting a recreation area with the school that can be used by the school during school hours and an easement for the residents use after school hours. We think if the drafters of the ordinance had thought of this idea, especially in light of the need of schools in this town, this plan as presented meets the intent to preserve a school and still provide housing opportunities. Mr. Banas said if it dealt with one individual entity it is almost impossible to do; you have insurance, security, vandalism etc. Mr. Franklin said the township and the board of education have that agreement on all of the playgrounds, that they are municipally owned. Mr. Neiman said he would like to see a fence along that road (County Line Road) and the playground. Mr. Penzer agreed to a six foot white vinyl fence. Mr. Flannery said a six foot would require a variance for a front yard setback and Mr. Neiman

said he would agree to a variance. Mr. Neiman said it was a shame Janet Payne was not here to hear about conserving the trees. In the planners report, they said they would provide the justifications for the variances at the public hearing. He stated they are setting aside 1.29 acres for recreation and they are doing something unique by also providing a school on that along with the recreation. He stated they comply with density. They agreed to make the driveways 18 ft. wide as suggested and they accommodate 4 parking spaces. They agreed to comply with the remaining comments in the planners report. Mr. Neiman said he was concerned with the space between the cul de sac and the parking lot to the school and was told they would install bollards. In regards to the engineers report, they request that the TWA approval be a part of the building permits rather than a condition of the filing the map. They agreed to a homeowners association for ownership of the road because of the drainage. There is no separate lot number for the recreation because the intention is there be an easement to the school and they would own both areas. They agree to the remainder of the comments in Max's report.

Mr. Peters questioned if the board would like to have a path from the cul de sac back to the play area and Mr. Flannery said they would agree.

Mr. Truscott confirmed there was no variance requested for Lot 57.03 and was told yes.

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to move this application to the meeting of May 15, 2007.**

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

**2. SP # 1860 (VARIANCE REQUESTED)**  
**APPLICANT: CONGREGATION AVREICHIM**  
Location: 10th Street @ northeast intersection of Clifton Avenue  
Block 112 Lot 11.02  
Amended Preliminary & Final Site Plan for addition to existing building

Table for approximately 2 months

**3. SD # 1586 (NO VARIANCE REQUESTED)**  
**APPLICANT: THOMPSON GROVE ASSOCIATES**  
Location: Drake Road at intersection of Neiman Road  
Block 251.01 Lots 32 & 88  
Conceptual Plan to subdivide existing property into 21 undersized lots

Mr. Peters stated the applicant is seeking Conceptual Plan Review for a Major Subdivision of Block 251.01 Lots 32 & 88. The applicant proposes to subdivide the two (2) existing lots into twenty-one (21) new lots for single family use and one (1) lot for a stormwater management basin. Lot 32 currently contains a single family dwelling that will remain. Existing Lot 88 contains two (2) existing dwellings that will remain. The applicant proposes constructing nineteen (19) new single family dwellings, a cul-de-sac, and a stormwater

management basin. The site is located on Drake Road, in the R-40 Zoning District with a small piece of the parcel in the Crystal Lake Preserve Zone. The application will require the following variances:

- Lot Area: Eighteen of the Lots are undersized. Sixteen of the lots range from 11,700 square feet to 17,100 square feet, one is 24,300 square feet, and another is 34,900 square feet where 40,000 square feet is required
- Lot Width: 75 feet is proposed where 150 feet is required.
- Front Setback: 30 feet is proposed where 50 feet is required.
- Rear Setback: 20 feet is proposed where 30 feet is required.
- Side Setback: 10 feet on one side and a total of 25 feet is proposed where 15 feet and 40 feet is required.
- Maximum Building Coverage: 25% is proposed where 20% is allowed.

The applicant should discuss with the Board the reason why so many variances are being requested. Although the applicant has indicated a variance is required for rear yard setbacks, it does not appear that this variance is necessary. The applicant shall provide testimony to the reason for requesting this variance. Ocean County Planning Board, Ocean County Soil Conservation District approvals, and NJDEP approval for wetlands disturbance will be required. Our research indicates that a stream intersecting the north edge of existing Lot 88 is a Category One Water. The wetlands in the project area may be hydraulically connected to this Category One Water and therefore also classified as category one, requiring a 300' buffer. The applicant should have the NJDEP classify the wetlands in the project area in order to determine the appropriate buffer. The applicant should be aware that sidewalk, curb, and shade tree easements are generally required along all property frontages. Three off street parking spaces are typically required for each dwelling. With the proposed 30 foot front setbacks it would not be possible to park two cars in a stacked manner unless the driveway extends along the side of the dwelling. Without using stacked parking, the driveway would have to be a minimum 27 feet wide in order to provide three off street spaces. The applicant shall provide testimony on the proposed method of providing utilities, public or private. If public water and sewer are to be provided, permits will be required for TWA and water main extension.

Mr. Truscott read from a letter dated February 22, 2007. The applicant is seeking comment on a conceptual plan for a major subdivision to subdivide the tract into twenty-one (21) separate lots. Existing Lot 88 is 11.30 acres in size, with approximately 10 acres located within the R-40 Zone District with the remainder located in the CLP District. Lot 32 is 9.96 acres in size and is located entirely within the R-40 Zone District. Each lot contains a residence, which both the application and the Concept Plan indicate shall remain. The tract is 21.26 acres in size. The tract is to be subdivided into twenty (20) building lots along and surrounding a cul de sac, with access off of Drake Road. Sixteen (16) of these lots are under 20,000 square feet. Four (4) lots are between 20,000 square feet and 1.4 acres in area and one (1) lot is 8.7 acres in area. One of the existing homes, which will remain, is located on proposed Lot 2, which is approximately 59,550 square feet in size. The second residence is on new Lot 11 and fronts on Drake Road. A stormwater basin is located in the rear of the subdivision. The concept plans indicate that all of the building lots will contain single-family residences. The majority of the tract is located in the R-40 (Residential) Zone, with a small portion in the CLP (Crystal Lake Preserve) District. Single-family residences are a permitted use in both districts. The applicant has indicated that bulk variances will be required. At a minimum, the applicant will require lot area variances for

all lots under 40,000 square feet (R-40) and 3 acres (CLP) Zones. If this application proceeds, testimony would be required to address the extensive number of bulk variances. Consistency with the Master Plan may be an issue. The applicant should discuss the concept plan in terms of consistency with surrounding land use patterns and sizes. The applicant is essentially requesting comment on a proposed cluster subdivision in an area which was not designated for cluster development in the Master Plan and Zoning Ordinance. The applicant should address consistency with the cluster provisions of the Ordinance. Any benefits in terms of open space and recreation should be addressed. The applicant should clarify the proposed ownership of the cul de sac & basin lot area. A buffer area of 50 feet is provided between the tract and Drake Road to the south. The basis for the buffer should be discussed. The applicant should describe the existing site conditions and proposed utilities. The applicant should discuss with the Planning Board the status of the NJDEP wetlands verification for proposed Lot 11.

Ray Shea, Esq. appeared on behalf of the applicant and Mr. Flannery is the engineer. This area was not designated for cluster and he feels it is because of the lack of sanitary sewer. This project plans on bringing sewer and water into the site. They feel the clustering in this application respects the C-1 designation of the stream, the unique environmental features of the site (pond) and the irregular shape of the property cannot have the uniform principles that would normally apply. Mr. Flannery said the master plan has a provision that states clustering should be encouraged and indicates that a slight density bonus should be provided for providing public sewer to an area. This property would be bringing public sewer from James Street, a little over a mile at a cost of over \$500,000.00. That would bring a benefit to the whole neighborhood. Lot 31 is the Murray farm and is currently being considered by the County for inclusion into the farmland preservation program, so the same cornfield will be there in perpetuity. On the opposite side of the property is the Crystal Lake Preserve, which is owned by the township. They are not impacting any neighbors. They are not seeking a density bonus. The intent of this is when you travel on Drake Road, it will pretty much look the same, even after they develop the houses. They provided a 50 ft. buffer on Drake Road in keeping with the same scene, so it will be kept rural and the homes will be obscured from the public. In response to the planners report, they would present testimony with consistency with the master plan if they proceed. They feel it is consistent with the land use patterns. The ownership of the basin lot would be the applicant. It will be public sewer and water. They do have an LOI, with a 50 ft. buffer on the wetlands and there is a C-1 stream with a 300 ft. buffer. That stream runs into Crystal Lake. The 300 ft. buffer gets reduces to 150 ft. if there is prior disturbance and the use is a pasture land, so there is prior disturbance. What they propose is consistent with the regulations. The board granted a waiver from curb and sidewalks in the past and Mr. Banas said they would not make that mistake again. They agreed with the remainder of the comments in the planners report.

Mr. Banas asked how they were going to get around the clustering in a zone not allowed and Mr. Flannery said being they are bringing in water and sewer will be a positive.

Mr. Shea said the board is empowered, and they have the full legal authority to entertain an application of this kind based upon the existence of a cluster ordinance, it doesn't have to apply to this property to give the board the power to grant it. The board has to be convinced the deviation they are seeking are such that the benefits far outweigh any disadvantage that the board may perceive. They are convinced the positives far outweigh

the negatives and respects the environmentally sensitive area by bringing in water instead of 21 septic systems. Mr. Neiman asked the width of the cul de sac and Mr. Flannery said it was a standard 50 ft. cartway with 32 ft. of pavement. Mr. Neiman felt there were just too many homes, it looks too dense, and if they eliminated 2 homes (one on each side) it would be better and it would open it up. You would see the homes from the street, and they are too dense. They would put conservation easements in the northern section so no other homes could be built. The existing homes would remain with the goats and sheep and cows and would remain for perpetuity. There would be virtually no change on that road.

Mr. Banas remembers the use of a cluster zone being to build within the immediate proximity of the homes and part of the acreage that would not be utilized for home would be preserved in each case. This is pretty wild, it doesn't even come close with the description. Mr. Flannery called it different and this is a unique property in Lakewood and one that can be preserved by doing a cluster. There are other options, they could make that owned by the homeowners association and just carve out the area of these lots and let the association walk there, put benches there do those kinds of things, which is more consistent of a cluster development. To him, a pasture with goats and cows is a much better use for it.

Mr. Banas asked the board members their opinions. Mr. Akerman said there should be a way to prevent future development on lot 88 and Mr. Flannery said there would be deed restrictions and they agreed. Mr. Franklin said he felt the lots were awfully small for this zone and Mr. Banas agreed. Mr. Herzl agreed and said lot 1 and 2 were awfully big and could they shift the lot line a little and he would like to see at least 15,000 sf lots at this site. Mr. Banas asked how they would access the passive recreation site and Mr. Flannery said they would walk, there are paths and they also connect the Crystal Lake Preserve where there are also paths. Mr. Banas asked what they would put as a substantial buffer along the property lines with the cornfield and the preserve by the 2 occupied lots. Mr. Banas also felt that the lots are too dense. He asked the applicant to come back with another conceptual plan. Mr. Truscott wanted to make sure the buffer they were talking about was not a single row of arborvitae but a real substantial buffer of 10-25 ft. and Mr. Banas said the leave that up to the applicant. Mr. Neiman said 4 off street parking spaces will benefit this application.

**4. SP # 1865 (NO VARIANCE REQUESTED)**

**APPLICANT: BNOS RIVKA**

Location: Oak Street, west of Albert Avenue  
Block 795 Lot 1.01

Preliminary & Final Site Plan to construct an elementary and high school

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval for Block 795, Lot 1.01. Lot 1.01 is currently vacant. The applicant proposes constructing an Elementary School and a High School with a recreation area, parking, and stormwater management measures. The site is located between unimproved Bellinger Street and unimproved Oak Street, where Oak Street intersects unimproved Rockaway Avenue, in the R-40/20 Cluster Zoning District. No Variances will be required for this project. Ocean County Soil Conservation District approval and NJDEP TWA will be required. Proof of

approvals shall be made a condition of final approval. The applicant has requested a design waiver to provide 9' x 18' parking stalls where 10' x 20' stalls are required. The UDO calls for the minimum parking stall size to be 9' x 18' for cars. Mini buses require 10' x 20' the applicant shall provide testimony on the use of the parking stalls. The applicant proposes installing sidewalk and curb along the Oak Street property frontage, extending along the neighboring Lot 6 frontage. The Board should determine if the applicant will be required to install curb and sidewalk along Bellinger Street as well. The applicant proposes improving Oak Street along the property frontage and the neighboring Lot 6 frontage. The roadway improvements will abut those being constructed as part of the Bais Tova School. The site will be serviced by public water and sewer. The applicant has provided six (6') foot wide shade tree and utility easements along the Oak Street and Bellinger Street frontages. The applicant has provided 71 parking spaces where 66 are required. The applicant shall provide testimony to the use of the proposed future addition as this will affect parking requirements. The applicant should provide architectural drawing for the high school to confirm the parking count. The section of sidewalk that connects the 10' wide sidewalk to the sidewalk along Oak Street in the southeast corner of the site is shown on the Grading Plan and Utility Plan, but is missing on the site plan. This discrepancy shall be resolved. The applicant has provided a 10' buffer to neighboring properties. The applicant shall provide landscaping within the 10' buffer. The Profiles sheet contains notes about road improvements "by others." The applicant shall provide testimony as to the identity of the "others" and their timetable for the road improvements. The applicant has not provided any lighting for the walkway around the Elementary School or for the walkway leading to the High School. The applicant should provide testimony on the anticipate trash volume generated, one dumpster may be too small for the site, and the location inconvenient for all users to have access. The applicant should provide testimony on where deliveries will be made to the two buildings. The applicant shall clarify usage of the 14 ft service walkway. It is unclear if the walkway be used for vehicle access. The proposed pump station will be subjected to review and approval by New Jersey American Water Company. A stabilized access point is likely to be required. If NJAWC will own or maintain the station easement will be required. All easements will have to be finalized prior to signature of the final plans. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated March 5, 2007. The applicant seeks preliminary and final major site plan approval to build a two (2) story private elementary and high school. The project also includes the extension and improvement of Oak Street from the point where current improvements end, west of the tract, so as to provide access to the school. Previous improvements to Oak Street were proposed as part of the improvements related to the Bais Tova School, Application # SP-1814, which was approved by the Planning Board in 2005. The related site improvements include parking, drainage, landscaping, and lighting. The tract is located in the southern part of the Township in the R40/20 Cluster Zone and, other than the Bais Tova School to the west, much of the land surrounding the tract is undeveloped. Contiguous zoning is R-40/20. Public and private schools are a permitted use in the R-40/20 Cluster Zone. The applicant did not request variances. A 20-foot buffer is required for a school when it is adjacent to residentially zoned lots. The plans should be revised to increase the current 10-foot buffer to 20 feet for those portions of the site that abut a residentially-zoned lot. The applicant should discuss if existing vegetation and/or proposed additional landscaping treatment as indicated on the Landscaping and Lighting Plan is sufficient for the site. We recommend adding more

landscaping in the buffer areas. Block 797 is east of the tract and should be labeled as such on the Title Page. The side yard delineated on the site plan should reflect the combined side yard setback. The applicant should clarify the off-site improvements contemplated, specifically all improvements in the Oak Street right-of-way and the drainage basin shared with Block 794, Lot 1. A bus drop-off area is shown on the site plans. The site plan indicates that the required off-street parking, based on the classrooms and other rooms, is 66 spaces, and 71 parking spaces are provided. The applicant should confirm the height of the proposed school as shown on the submitted architectural plans is in compliance with the Ordinance requirements. Shade tree and utility easements, as well as sidewalks, are indicated on the site plans. Site triangles are not provided. The applicant has supplied an Environmental Impact Statement (EIS). The EIS generally addresses the UDO requirements; however, the environmental inventory should be supplemented with mapping. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. Mr. MacFarlane is the engineer for the applicant. They agreed with the comments in the planners report and discussed the comment requesting a 20 ft. buffer for the adjacent property. There is already an application submitted for lot 1.02 for another school and are requesting a 10 ft. buffer. This application is waiting completeness. Mr. Banas said that would be marked into the resolution for future. The portion of Oak Street has already been improved and their revised plans will reflect those improvements. In reference to Max's report, they ask that the TWA be a condition of the building permit as opposed to final approval. The other comments in his report will be complied with. They asked Mr. Franklin for his opinion on the trash containers and Mr. Franklin said this is a big school and they needed to make it bigger, and they decided on a second dumpster or a larger area. Mr. MacFarlane said they had the room and Mr. Franklin said to double the size. Mr. Franklin said if they adjusted the angle a little it would be easier for his trucks to get in and Mr. MacFarlane agreed. There is also a future addition to the school which will be built at a later date, but they are asking for the approval with this application. Mr. Penzer asked if they could make that a stage 2 – 5 years. Mr. Banas and Mr. Neiman said with a school this size they need to find more outside recreational space. Mr. Penzer said the high school area is stage 2 so they could put recreational there and Mr. Banas said when you establish a playground area and then take it away for a high school, it will not sit well with the students and parents. Mr. MacFarlane said they tried to keep a balance between recreation and landscaping. They have 2 separate spaces they could use for recreation and will look at it more. The grading prevents them from putting in more porous pipes. They propose the franklin fence around the drainage basin.

**Motion was made by Mr. Neiman, seconded by Mr. Herzl, to move this application to the meeting of May 15, 2007.**

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

**5. SD # 1580 (NO VARIANCE REQUESTED)**

**APPLICANT: JONATHAN RUBIN & MOSHE FEINROTH**

Location: New Central Avenue, between Irene Court & Hillside Boulevard  
Block 11.29 Lots 3, 4 & 75

Preliminary & Final Major Subdivision for 8 lots

Mr. Peters stated the applicant is seeking Preliminary & Final Major Subdivision Approval for Block 11.29 Lots 3, 4, & 75 to subdivide the three (3) existing lots into eight (8) new lots for single family use, one of which will be a flag lot. Lot 4 currently contains a single family dwelling that will remain as the residence on Lot 4.01. Existing Lots 3 & 75 both contain single family dwellings that will be removed. The applicant proposes constructing seven (7) new dwellings and a cul-de-sac, Esther Court, for accessing six (6) of the proposed lots. The site is located on New Central Avenue near Hillside Avenue, in the R-15 Zoning District. Although no variances were request the lot width for lots 3.02 and 3.03 scale to less than the required 100 feet. Ocean County Planning Board, Ocean County Soil Conservation District approvals, as well as NJDEP approval for water main extension and TWA 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 and utility easement along all property frontages. The applicant has provided a 5' road widening dedicated to Ocean County along the New Central Avenue property frontage. The applicant has provided sight triangle easements on both sides of the intersection of Esther Court and New Central Avenue. The applicant has provided curb and sidewalk along all property frontages. The site is to be serviced by public water and sewer. The board should determine if the roadway will be public or private. The Township may not wish to assume maintenance of the stormwater infiltration pipes within the proposed right of Way. The plans show drainage easements dedicated to Lakewood Township in areas outside of the right of way, the board should determine if those areas will be maintained by the Township. If that is not the case, a home owner association shall be formed. The applicant will be required to submit homeowner association documents and a stormwater maintenance plan for the Board engineer and solicitor for review. Two existing dwelling are to be removed. The structures shall be removed prior to the signature of the final plat or a bond posted to ensure their removal. The Grading, Utility and Landscaping Plan contains almost all the information presented on one sheet, it is very difficult to review. We recommend creating a separate development or layout plan to show all information other than grading and utilities. The application states that three parking spaces have been proposed for each lot. The driveways for Lots 75.01, 75.02, 3.01, & 3.02 are two cars wide, but are shorter than the 36' required for two cars to be stacked. The applicant shall revise the plans to ensure that there is enough space for a minimum of three off street parking spaces on each lot.. The applicant shall provide landscaping along both sides of the "pole" portion of Lot 4.02. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated February 23, 2007 Revised March 5, 2007. The applicant seeks preliminary and final major subdivision approval to create eight (8) tax lots from Block 11.29 Lots 3, 4 and 75, located on the south side of North Central Avenue. Six (6) of the lots will have frontage along the proposed Esther Court cul de sac; the majority of land for these lots are created from Lots 3 and 75. Most of the land for the two (2) other lots is created from portions of existing Lot 4, which currently has frontage along North

Central Avenue. Access to Esther Court and Lots 4.01 and 4.02 is from North Central Avenue. Proposed lot 4.01 will retain an existing two (2) story frame dwelling. An in-ground pool and other improvements are to the rear of the dwelling. The existing semi-circular driveway will be replaced with a single-point access driveway. A flag lot will be created to the rear of Lot 4.01. The flag "staff" of Lot 4.02 will form the eastern border of Lot 4.01. The tract is located in the northwestern part of the Township, approximately 1/10 mile east of the border with Jackson Township. A townhouse development is to the south of the tract, with single-family homes predominating everywhere else. The tract is located in the R-15 Residential Zone. Single-family residences are permitted in the zone. The applicant did not request variances; however, a review of the final plat indicates that the width of Lots 3.02 and 3.03 are less than 100 feet. Minimum lot width for the R-15 Zone is 100 feet. A variance will be required, and the zoning bulk charts on the plat should be revised to indicate the variance required. The positive and negative criteria for all required variances should be discussed. A 10-foot rear yard setback for accessory structures should be indicated for Lot 4.01. We are concerned that the in-ground pool might be less than 10 feet from the proposed property line with Lot 4.02 and, therefore, will require a variance. The applicant should confirm that the edge of the water is ten (10) feet from the property line. The owners of Lot 4 are not listed as an applicant on the application form. Documentation, such as an owner affidavit, in regards to this application should be verified. The proposed plan does not comply with the requirements of Section 805.G in that the necessary landscaping along the access drive is not provided. Further, an area for temporary storage of solid waste containers must be provided. We note a drainage easement is proposed along the length of the access drive. Applications for flag lots are to include architectural plans for the proposed dwelling to be constructed on the flag lot; the applicant needs to submit such plans. In other applications, the Planning Board has accepted the delineation of the dwelling footprint. The plat and subdivision plans indicate all existing structures on existing Lots 3 and 75 are to be removed. The improvements must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. Parking for all proposed lots must comply with NJ RSIS standards. Confirm that sufficient area is provided for three (3) vehicles for all proposed lots (except 4.01). Verify the existing and required parking for the existing dwelling on Lot 4.01. Parking standards and existing/proposed parking should be added to the plat and subdivision plan. The side setback lines on new Lot 4 (flag lot) is incorrect. The required setback is 20 feet (R-15 Zone) per Section 805G.6.c. of the UDO. Revise the "provided" density to 2.5 units per acre. The landscaping plans indicate tree plantings within site triangle dedications and near the proposed driveway entrances to Lots 4.01 and 4.02. As per Section 18-814.F plantings in site triangles shall not be more than three (3) feet above the street centerline. The plans should be revised to conform to existing standards. The applicant should discuss if existing vegetation and/or proposed additional landscaping treatment is sufficient for the rear lot lines of all proposed lots. The remaining comments are technical in nature.

Mr. Alfieri, Esq. appeared on behalf of the applicant. The applicant will address all the comments from the professionals. The flag lot shown is an existing filed flag lot and the applicant is taking some of the land from them. Mr. Burdick is the engineer for the applicant. There will be no additional variances requested from taking land from the flag lot. The pool is in excess of 10 feet (about 13-15 ft. away from the property line). The variances for lot width are requested because lot 3.02 is 93.62 ft. and lot 3.03 is 84.66 ft. They can do some creative geometry to come up with 100 ft. however, this corner lot

(75.03) then has a little flag that goes out to the side and to make it conform to the 15,000 sf it does not seem to make a lot of sense, so they will be requesting variances for the lot width. Mr. Burdick stated they would remove the recharge structure from within Esther Court and they would prefer that the township maintain the roadway, that would eliminate the need to maintain the recharge structures. The other issue was the architectural plans for the flag lot and they would comply with the other requirements. Mr. Banas was confused as to why the 2 flag lots were included in this application and Mr. Burdick stated last year they brought a similar plan for lots 3 & 75 with lot variances for area for each of the lots. The board denied the plan, and they approached the neighbor that excess property to sell them, they were able to design this subdivision so that each of the lots has 15,000 sf. and 2 have in excess of 15,000 sf. There is also a comment about parking and they will comply with the 4 parking spaces as requested.

Mr. Akerman was curious about the variances on the 2 lots and questioned the lot width. Mr. Truscott said the prior application had screening problems and landscaping. Mr. Burdick stated they are keeping as much vegetation as possible and are constructing a 8 ft vinyl fence at the property line.

**Motion was made by Mr. Akerman, seconded by Mr. Neiman, to move this application to the meeting of May 15, 2007.**

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

**6. SD # 1583 (NO VARIANCE REQUESTED)**

**APPLICANT: KRUPNICK & SCHUSTER**

Location: North Lake Drive and 14th Street, between Curtis Lane & Cedar Row  
Block 24 Lots 12, 21, 24 & 30

Minor Subdivision to create 3 lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval for Block 24 Lots 12, 21, 24, & 30 to reconfigure the existing lot lines to create three (3) new lots out of the four (4) existing lots. Lots 12, 21, & 24 currently contain single family dwellings which will remain. Lot 30 will be eliminated. 7,854 square feet of Lot 30 will be transferred to New Lot 12.01 and 11,867 square feet of Lot 30 will become part of New Lot 24.01. A 2,104 square foot portion of Lot 21 will also be transferred to New Lot 12.01 as a part of the subdivision. The site is located between Fourteenth Street and North Lake Drive, in the R-12 Zoning District. It appears no variances will be required for this application. Ocean County Planning Board Approval will be required. Evidence of approval shall be made a condition of final subdivision approval. The applicant has provided a six foot wide shade tree and utility easement along the property frontages. The applicant has provided a 13.5' road widening easement dedicated to Ocean County along the Fourteenth Street property frontage. Curb exists along the North Lake Drive Frontage. The Board should determine if sidewalk will be required. The Board should determine if curb and sidewalk will be required along the Fourteenth Street frontage. It appears that New Lot 21.01 and New Lot 12.01 have connected driveways. The board may want to have the applicant separate the two driveways to prevent any access issues in the future. The site is serviced by public water and individual septic systems. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated February 26, 2007. The applicants seek minor subdivision approval to create three (3) new lots from four (4) existing lots within Block 24. Lots 12, 21 and 24 all contain existing residences; Lot 30, a landlocked parcel, is vacant. The proposed subdivision will attach the entirety of existing Lot 30 to proposed Lots 24.01 and 12.01. A portion of existing Lot 21 is to be added to proposed Lot 12.01, with the remainder of the lot being proposed Lot 21.01. The three existing residences are to remain on Lots 12.01, 21.01 and 24.01, respectively. The tract is located in an R-12 (Residential) Zone in the northwestern part of the Township. Surrounding land uses to the north, east and west are residential in nature; to the south is open space land owned by the Township. Contiguous zoning is A-1 (Agricultural Rural) for the open space land to the south, and R-12 (Residential) for all other lands bordering the tract. Single-family detached housing is a permitted uses in the R-12 Zone. The applicant has not requested any variances. The applicant should confirm that the provided off-street parking meets NJ RSIS standards. A 13.5-foot roadway widening easement is indicated along the 14th Street frontage of proposed Lot 24.01; front yard setbacks are measured from the edge of the property line. Proposed shade tree and utility easements are noted on the subdivision plans; landscaping or proposed sidewalks are not. The balance of the comments are technical in nature.

Mr. Flannery appeared as engineer for the applicant. Lot 30 is landlocked and they are not proposing to change anything but reconfigure lot 30 to consolidate the 4 lots into 3. The parking does exceed the RSIS requirements. In reference to the comments on the curb and sidewalks, they are not building anything here, just adjusting the property lines and the homeowners respectfully request that they don't be penalized for doing something nice with the need for curb and sidewalks. He will bring pictures for the public hearing to show why they do not want to do that. The 2 driveways connect, it is an existing condition, and they would like to leave it the way it is. Mr. Banas said they are introducing another property to that driveway and Mr. Flannery said they are not changing anything and are not building anything. The only difference is there will not be a landlocked parcel in the back. Mr. Banas said he doesn't like the one driveway and Mr. Flannery said they each have their own driveway but they connect. Mr. Flannery will discuss with Mr. Schuster eliminating that piece of driveway so they don't have that problem. Mr. Banas said he would request sidewalks.

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to move this application to the meeting of May 15, 2007.**

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

**7. SP # 1866 (NO VARIANCE REQUESTED)**

**APPLICANT: BATIM MANAGEMENT**

Location: Fifth Street, east of Clifton Avenue  
Block 117 Lots 11 & 12

Preliminary & Final Site Plan for 5 story building with retail/office and catering hall

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval for Block 117, Lots 11 & 12. Lot 11 currently contains a two story dwelling and a barn, and Lot 12 currently contains a two story dwelling and a shed. The applicant proposes removing all

of the existing structures and constructing 3 story building and approval for two additional stories for a total of 5 stories of retail and office and parking lot. The building will contain retail shops on the first floor, a synagogue in the basement, and offices on the second, third, fourth, and fifth floors. The site is located on Fifth Street, in the B-2 Zoning District. No Variances will be required for this project. Ocean County Soil Conservation District approval will be required. Proof of approval shall be made a condition of final approval. Sidewalk and curb exists along the property frontage. Although no parking is required in the B-2 Zoning District, the applicant has provided nine (9) off street parking spaces. The site will be serviced by public water and sewer. The applicant should consolidate the two existing lots into one lot. The applicant shall include isolux lines on the Lighting plan for the proposed lamps. The Lighting plan includes two (2) building mounted lights with a note saying to see AIA plans. The architectural plans do not include any information on the lights. The applicant shall clarify the "Rock Face Block to Match Exist. Structure" note included in the Trash Enclosure detail. The Layout Plan states that the trash enclosure is a board on board fence, the proposed structure will have brick facing. The applicant shall include handicap ramps to be installed on the sidewalk along Fifth Street at the parking lot entrance. Spot elevations near where the curb crosses the sidewalk show a 6" curb height. The applicant should discuss with the Planning Board how a front loading trash truck will be able to access the dumpster at its current location. The applicant has provided 9 parking spots for the 5 story building. The 9 spaces are likely to be filled by office employees leaving no parking for the retail uses. The applicant may wish to impose some parking restrictions for the lot. The applicant should discuss the parking design with the board. The applicant has proposed street trees in a grass strip between the sidewalk and parking lot that is approximately 3' wide. The area is too small for the Oak trees to be planted and will result in damage to parking lot and sidewalk from tree growth. An alternate location should be discussed with the board. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated February 26, 2007. The applicant is seeking Preliminary and Final major site plan approval to construct a three (3) story commercial mixed-use building, expandable to five (5) stories. The roof deck of the structure at its maximum five story height would be sixty (60) feet above ground level. The applicant has submitted plans indicating retail uses for the first floor, and offices for floors two through five. It appears from the architectural plans that a synagogue is proposed in the basement. The tract is approximately 15,000 square feet in area, located between Clifton and Lexington Avenues in the northern part of the Township. The tract is located in a B-2 (Central Business) Zone, with its eastern edge bordering the R-M (Multi-Family Residential) Zone. Retail trade and offices are permitted uses in the B-2 Zone. The applicant has not requested any variances. A walkway from the sidewalk to the building is necessary for site access. The UDO regulations for places of worship may be applicable. The applicant should address the site layout and the appropriateness of off-street parking in the front of the building. The applicant has proposed nine (9) off-street parking spaces. 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. The placement of the trash enclosure along the property line and in the front yard setback should be relocated to a more appropriate location. Since the tract is surrounded by residential uses, we recommend that all roof-mounted HVAC equipment (if applicable) be appropriately screened. The Environmental Impact Statement (EIS) submitted for Planning Board Review notes the proposed building will contain 22,000 square feet of office and retail

space. The applicant should verify this total and note square footage for each floor (currently proposed and the future additions) on the site plans. The applicant should also correct Paragraph 1 of the EIS, which references a "proposed synagogue." The EIS indicates that the existing structures on the tract will be removed. The structures must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. We recommend that Lots 11 and 12 be consolidated by deed. We recommend the applicant provide more landscaping along the side and rear yards, both of which border residences. The remaining comments are technical in nature. Mr. Penzer, Esq. appeared on behalf of the applicant. The architect's plans are incorrect, there is not a synagogue but a restaurant (in the basement). They agreed to all the items in the professional's report but had some comments on the trash. The enclosure of the trash is shows 2 sizes and he asked Mr. Franklin if the 11 size was large enough. Mr. Franklin said as long as it is going to be just offices, it would be large enough. With a restaurant, they would need a larger one and he suggested about 18. He would have to pick this one up with his rear end truck, and putting a smaller container on wheels. Mr. Penzer said the trash enclosure will have a board on board fence on it. Mr. Penzer questioned the parking comment in the planners' report and Mr. Truscott stated from a planning standpoint parking in the front of the building means the building has no frontage or connection to the street at all. He would rather the building be pulled up and parking in the side or rear. There is no need for parking. Right now there is no way for a pedestrian to walk from the sidewalk to the site without walking through the parking. What is the benefit of retail uses if it is not seen right from the street, you see parking. They discussed the positive and negatives, and felt the parking is more important in than building presence. They can't make parking in the back or the sides. They would need 24 ft. for a 2 way driveway, and they could not make it one way parking. There would be no exit from the parking lot. The ultimate decision was to keep the parking in front. They did decide the relocate the dumpsters and move the building to the east side and put the dumpsters to the side with 15 ft. with a driveway in front for the truck to enter and back out. They would loose 2 parking spaces in front by putting in the garbage. Mr. Truscott stated if they slid the building they would need a side yard setback variance. The final outcome is to leave the parking and garbage as it is, except make it bigger. They agreed to all the remaining comments from the professionals' reports. Mr. Banas questioned the elevations between the 2 homes and this building and Mr. Carpenter said they would be removing material from the site and move it to the back. No water will spill from the adjacent property. Mr. Neiman asked if they needed buffering in the rear and Mr. Carpenter said they would discuss the landscape buffering with the professionals.

Mr. Peters had a follow up comment, and said there are 2 elevators shown on the building, and it is not that large, maybe one can be converted into a dumpster storage area where you can wheel it out, or have a trash chute to bring the trash from the 5th floor to the dumpster. Mr. Carpenter said the 18x5 dumpster would generate considerable area to have enclosed in the building. Mr. Penzer asked if it would smell and there was a question of odor. Mr. Franklin said they pick up every day so there is no accumulation.

**Motion was made by Mr. Herzl, seconded by Mr. Neiman, to move this application to the meeting of May 15, 2007.**

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

**8. SP # 1820B (VARIANCE REQUESTED)**

**APPLICANT: 1161 ROUTE 9 LLC**

Location: Route 9, between Chestnut Street and Yale Drive  
Block 1064 Lot 4

Amended Preliminary & Final Site Plan for addition to existing building

Mr. Peters stated the applicant is seeking Preliminary and Final Site Plan Approval for a 1,507 square foot addition to an existing commercial retail building, parking facilities, and stormwater management measures. The site is located at Block 1064 Lot 4, fronting River Avenue in the H-7 Zone. The following variances are required: Lot Area: 28,000 square feet is proposed where 43,560 square feet is required. This is an existing condition. Lot Frontage: 140' is proposed where 150' is required. This is an existing condition. Front Setback: 53' is proposed where 150' is required. This is an existing condition. Side Setback: 5.8' is proposed on one side where 30' is required. This is an existing condition. Rear Setback: 34.1' is proposed where 50' is required. This is an existing condition. The applicant's zoning table listed this dimension as a second front setback. Accessory Structure Rear Setback: 2' for freezer #1, 22' for freezer #2, 24' for freezer #3, and 4' for the storage trailer is proposed where 30' is required. These are all existing conditions. Accessory Structure Side Setback: 2' for freezer #1, 15' for freezer #2, and 29' for freezer #3 is proposed where 30' is required. These are all existing conditions. As per section 18-903 H.6. of the UDO, parking is permitted in the required front setback when the principal building has a minimum 150' setback. Since the proposed front setback is less than 150' the applicant will need to obtain a design waiver for parking within the required front setback. The applicant is requesting a waiver from providing the required 25' landscape buffer. Ocean County Planning Board, Ocean County Soil Conservation District, and NJDOT approvals will be required. Evidence of outside agency approvals shall be made a condition of final site plan approval. NJDOT plans to widen the River Avenue (Route 9) R.O.W. by 24' on each side to 57' on each side. The proposed R.O.W. line shall be shown on the plans and dimensioned from the existing centerline. NJDOT shall determine if a road widening dedication will be required at this time. All proposed site improvements shall be kept outside of the future R.O.W. limits. This will result in the loss of 1 proposed parking space. Proposed manhole "MH-5" and recharge trench must be moved outside of the future NJDOT R.O.W. widening. The applicant has proposed planting two trees within the area of the future NJDOT R.O.W. widening. The applicant has not proposed any parking lot lighting. The existing wall mounted lights will not be able to maintain the minimum lighting intensity for commercial parking of .5 footcandles throughout the entire lot. The applicant shall propose parking lot lighting complete with isolux lines or point to point illumination diagrams. The existing utility poles appear to be located in the middle of the proposed driveway and parking lot. All conflicts between existing utilities and proposed improvements shall be noted and/or labeled as to how conflicts shall be resolved. The applicant has provided a trash enclosure detail with a 15'x15' footprint. The site plan shows a 25'x10' dumpster pad and enclosure. This discrepancy shall be resolved. The trash enclosure detail includes a "double 5' wide board on board gate." The trash enclosure is shown to be 15' wide. This would leave a 5' gap in the gate, the detail shall be revised. It appears that the dumpster enclosure gate will interfere with a parking space when it is open. The site plan shows a line with x's around three sides of the dumpster enclosure. This line is unlabeled and shall be clarified. The

grading and drainage plan does not show any proposed grades other than a few spot elevations. Proposed grades shall be shown. The site plan shall be revised to clearly show any existing site features to be removed and proposed improvements to be made. The applicant shall include a detail for a "Type N-Eco" curbpiece to be installed on the Type "B" Inlet. The applicant proposes installing 37 feet of RCP, a flared end section, and a rip rap apron offsite within the Unimproved Pineview Avenue Right of Way. The discharge point in unimproved Pineview Avenue should be pulled back to the near side of the right of way, and the headwall and riprap should be located in what would be deeded to Lot 4 should the road be vacated. If the road is improved in the future the stormwater piping will not be in the middle of the new road. All stormwater runoff from paved surfaces must be pretreated prior to entering the underground recharge trench. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated March 5, 2007. The applicant is seeking preliminary/final major site plan and variance approvals to modify an existing one (1) story masonry building of approximately 4,363 square feet by constructing a 1,507-square foot ground-level addition. The current use (a commercial grocery) will remain unchanged. The building is situated within Block 1064 Lot 4, a 0.643-acre tract located in the southern part of the Township along northbound Route 9, just north of the Route 9 / Cross Street / Chestnut Street Extension intersection. Lot 4 has dual frontage on Route 9 and the currently unimproved Pineview Avenue. The properties surrounding the tract to the north, east and south are vacant; southbound Route 9 parcels to the west of the tract are used for commercial purposes. The tract and surrounding properties are located in the HD-7 (Highway Development) Zone. In 2005, the applicant submitted a proposal for the site, seeking preliminary and final site plan approval to modify the existing building by constructing a 1,503-square foot ground-level addition and a second story of 5,863 square feet, for a total increase of 7,366 square feet. At the time, the building was used as a commercial garage, and the proposed use was to be offices. It is our understanding that the Planning Board did not take any action on the prior application. Retail businesses, such as groceries, are permitted uses in the HD-7 Zone. The following variances are requested for the principal structure: Lot area: 1 acre (43,460 square feet) required; 0.643 acre (28,000 square feet) proposed. This is a pre-existing condition. Lot Frontage: 150 feet required; 140 feet proposed. This is a pre-existing condition. Front yard setback (for non-residential development fronting a State Highway): 150 feet required; 75.6 feet proposed. This is a pre-existing condition. Front yard setback (through lot: frontage along Pineview Avenue): 50 feet required; 34.1 feet proposed. This is a pre-existing condition. Side yard setback (one): 30 feet required; 5.8 feet proposed. This is a preexisting condition. The proposed addition also has a side yard setback of 5.8 feet. The following variances are requested for accessory structures located behind the building: Front yard setback: 50 feet required, 2 feet proposed. Side yard setback: 30 feet required; 2 ft. proposed (Freezer #1). Front yard setback: 50 feet required, 24 feet proposed. Side yard setback: 30 feet required; 15 ft. proposed. (Freezer #2). Front yard setback: 50 feet required, 22 feet proposed. Side yard setback: 30 feet required; 29 ft. proposed. (Freezer #3). Front yard setback: 50 feet required, 4 feet proposed (Cargo Storage Trailer). An additional variance is required for the parking provided in the front yard setback (principal building has a setback less than 150 feet – Section 18-903.H.6). The site plans must be changed to indicate the required waiver. The positive and negative criteria for the requested bulk variances should be addressed. Applicant should detail efforts made to

acquire contiguous Lots 1 and/or 3 (both currently vacant and owned by the Township), or any of Block 1065 to the east of the tract, in order to create conformance with the one (1) acre minimum lot size for the HD-7 Zone. Waivers have been requested for the following: Section 18-803.E.2.a: a 25-foot wide landscape buffer requirement for commercial uses required; no buffering proposed, and Section 18-803.E.2.g: development permitted within the 150-foot setback from State Highway 9 up to one hundred (100) feet from the property line; parking is proposed within this setback. The site plan should be revised to delineate the proposed widening of River Avenue (Route 9) and any potential dedication. The accessory structures shown on the existing conditions portion of the site plan were not indicated in the plans submitted with the 2005 application. Applicant must address why an apparent non-conformity has recently been created. The applicant has indicated on its plans that a second front yard setback is required for the eastern portion of the property, as the tract is a through lot. For consistency, we suggest that what are currently labeled as accessory rear yard setbacks on the site plans be changed to front yard (Township Road) setbacks. The status of unimproved Pineview Avenue must be verified, as the Grading/Drainage and Soil Erosion/Sediment Control Plans indicate a proposed stormwater facility off-site in the Pineview Avenue roadbed. No final approval can be granted until such time as the placement of the drainage basin in a mapped roadbed is approved by the Township Engineer. A metal box is shown off-site within the Pineview Avenue right-of-way, near the property's southeastern corner, and the ownership and status of this box should be discussed with the Board. Confirm that the site identification sign will be relocated within the property boundary and will comply with Township requirements. We note that off-street parking requirements noted on the plans (1 space per 200 square feet) is based on retail use. If medical or dental offices are contemplated (1 space per 150 square feet) additional parking is required. The use should be stipulated and additional Board approval required if the proposed use varies from that approved. The bulk chart should be corrected to refer to the correct sections of the Lakewood UDO previously identified in Item B.6 above in regard to variances requested. We recommend that the site plan be revised to identify all setback lines and required buffer areas. The site plan includes a grading, drainage and utility plan, soil erosion and sediment control plan, and a landscape and lighting plan. Shade tree/utility easements or proposed sidewalks are not shown on the plans. The landscaping plan proposes virtually no landscaping. Landscaping along the highway would improve the visual appearance and streetscape. Landscaping within the parking area would provide some visual relief to the parking area. The recycling and trash enclosure area should be screened with landscaping, as well as the enclosure. An Environmental Impact Statement (EIS) has been submitted for the Planning Board's review. We note that Page 1 of the EIS indicates that field studies were conducted in April & May 2005. The applicant's professional should note if an update is appropriate. Delineate any delivery/loading area, as appropriate. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; New Jersey Department of Transportation (NJDOT); Soil Conservation District; Sewer and water utilities; and, All other required Outside Agency approvals.

Mr. Penzer, Esq. appeared on behalf of the applicant. Mr. Flannery appeared as engineer for the applicant. Mr. Flannery stated the detail for the trash enclosure will be revised to reflect the comments in the report, they will eliminate that 2 ways, either eliminate the space or leave it and designate it as an employee space and the employees would know that when the garbage truck would come in, they could not park there. Mr. Banas asked

for clarification on the location of the property, and was told it was the old Cleveland Electric. Mr. Banas recalled the board turning it down on its first appearance to the board and Mr. Penzer said that was not the case. He state Mr. Dolobowsky requested the applicant purchase the adjoining property for more parking, and after a lengthy process (1 yr) they had several problems (brown fields etc.) and the owners wanted too much to just a little portion of the land. Mr. Flannery said at the time they were going for a 2 story office building and now they are going with a one story grocery and they will stipulate there will not be any medical or dental offices. Mr. Banas asked how this met the HD-7 and Mr. Flannery stated the reports showed the variances requested and that they were pre existing conditions. All they are doing is filling in the corner on the "L" shape. Mr. Banas said do they have 150 ft. and Mr. Flannery said the existing building is less than that and they are requesting a variance and will list all of the variances at the public hearing. Mr. Banas said he would no go for it. Mr. Flannery and Mr. Penzer both gave examples of other existing buildings that have gotten approvals for less front setback than this application.

**Motion was made by Mr. Herzl, seconded by Mr. Akerman, to move this application to the meeting of May 15, 2007.**

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

**9. SD # 1577 (NO VARIANCE REQUESTED)**  
**APPLICANT: YOSEF & ESTHER TESLER**  
Location: Lakeview Drive, west of Myrtle Place  
Block 12.06 Lots 5.01, 44  
Minor Subdivision for 2 lots

Applicant was not present. Mr. Banas said the applicant was advised to get an attorney and Mr. Mager does not attend meetings so it was decided to deny without prejudice.

**Motion was made by Mr. Franklin, seconded by Mr. Neiman, to Deny without prejudice**

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

## **6. CORRESPONDENCE**

None at this time.

## **7. APPROVAL OF BILLS**

None at this time.

## 8. APPROVAL OF MINUTES

None at this time.

Ms. Johnson announced the need for 2 more special public hearings to clear up the calendar and the dates chosen were April 17, 2007 and May 8, 2007.

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

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

## 9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary