

**LAKWOOD PLANNING BOARD
TECHNICAL REVIEW MEETING
MARCH 7, 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. SWEARING IN OF PROFESSIONALS

Maxwell Peters, Stan Slachetka and John Jackson were sworn in.

ROLL CALL: Mr. Franklin, Mr. Neiman, Mr. Banas, Mrs. Wise, Mr. Dolobowsky, Mr. Ackerman, Mr. Klein, Mr. Ganton, and Mr. Percal.

III. PLAN REVIEW ITEMS

Mr. Banas asked if there were any changes to the agenda. Mr. Kielt replied that there were no changes. Mr. Banas asked that item 14 be moved to after item 1.

Mr. Jackson swore in Mrs. Wise as a member of the Planning Board.

- 1. SD #1519** (No variance requested)
Applicant: Lakewood Equities
Location: River Avenue, south of Oak Street, across from Cushman Street
Block 1040 Lot 1
Preliminary & final major subdivision - 66 lots and 1 community building

Mr. Peters stated the applicant is seeking a major subdivision of block 1040 lot 1. Sixty-seven new lots are proposed. The proposed project consists of removing an existing restaurant and associated site improvements and constructing sixty-six townhouse units and one community building. Off-site improvements include the construction of portions of Broadway, Parkview Avenue and Wadsworth Avenue. The site is located on Route 9 in the HD-7 zoning district. It appears that no variances will be required. The applicant will be required to obtain all outside agency approvals. The existing structures shall be

removed prior to signature of the final plat or a bond posted to ensure prompt removal of the structures after the subdivision has been recorded. The applicant has proposed concrete curbing, sidewalk, and a shade tree easement along the frontages of Pleasant Way, Parkview Avenue and Broadway. The Route 9 frontage is currently curbed and a shade tree easement is proposed. The board should determine if sidewalk will be required along the Route 9 frontage. The board should determine if curb and sidewalk will be required along Wadsworth Avenue. Notes shall be added to the plans indicating the existing well and septic system will be removed or abandoned in accordance with the standards of the Ocean County Health Department and the NJDEP. We recommend the layout for the community building parking lot be revised to have only one western entrance. The current layout causes extra turning movements to Pleasant Way and confusion traffic patterns. The plans do not indicate any proposed play area for the development. We recommend a play area be added to the plans and details provided. A cross section detail shall be added to the plans for the construction of the proposed roadways. The section shall include the typical improvements from right of way to right of way and the cross slope of the roadway. The stormwater management calculations shall be revised to include the flow captured by the existing inlets in Route 9 and directed to the recharge system. Flow reductions are not required to be applied to this portion of the stormwater but the effect on Trench A must be included in the calculations. Additional field investigation may be required to define the limits of the drainage area on the west side of Route 9.

Mr. Slachetka stated the site is located in the HD-7 zone. Townhouses are permitted as a conditional use in the HD-7 zone. The community center is shown on the site plan as physically attached to unit #66. This is a "c" variance issue. The tract boundary of a townhouse development in the HD-7 zone is required to be 100 feet from a state highway. The applicant proposes a tract boundary of 88 feet and a setback of 100.6 feet to the decks of the townhouses. The board should make a determination if the proposed development complies with section 1010.A.2, which requires a 100 foot setback of the tract boundary from a state highway. Similar to our comment above, a variance from this standard would be a "c" variance. A total of 200 parking spaces are proposed. The site plan indicates that only 176 of-street spaces are required based on the following computations: forty 4-bedroom units at 2.5 spaces per unit for 100 spaces, twenty six 5-bedroom units at 2.6 spaces per unit for 68 spaces, and 8 spaces for the community center. It is our position that the board may require a sufficient number of spaces based on bedroom count as warranted and based on community characteristics. This opinion is consistent with our conversations with the staff of the Division of Codes and Standards of the New Jersey Division of Community affairs. In addition, we note that the RSIS indicates that an alternative parking standard shall be accepted if they can be demonstrated to better reflect local conditions. The plans indicate that the applicant is proposing twenty-six 5-bedroom units and forty 4-bedroom units with a sitting room. We also note that the proposed townhouse units will contain basements. For purposes of parking computations, we believe that all 66 units should be deemed as 5-bedroom units. The site plan should be supplemented to include details for a trash enclosure which is architecturally compatible with the proposed community center. The applicant must indicate where any proposed HVAC equipment will be located. If HVAC equipment is to be located on the roofs of the proposed buildings, architectural drawings with sufficient detail must be submitted in accordance with Chapter 18-1010.B.8 of the Code of the Township of Lakewood. The applicant should provide testimony concerning the purpose and the

scope of the improvements of Wadsworth Avenue from Parkview Avenue to Beekman Avenue. Details of the proposed individual trash and recycling enclosures should be submitted for the board's review. These details should illustrate that the enclosures will be compatible with the architectural style of the proposed buildings. In addition, as required by Chapter 18-1010.B.6, the size of the trash enclosures must be approved by the Department of Public Works. As noted, a landscaped berm is proposed along the River Avenue frontage for buffer purposes. The evergreen species in the highway buffer area should be specified as heavy. Landscaping should be provided at the northwest property line along Unit #26 and the cul-de-sac. The Township Engineer or JCP&L should approve the proposed street lighting. The remaining comments are technical in nature. Further information concerning the need for a side entry to the end units should be provided, since no walkway is provided.

Abraham Penzer, Esq., appearing on behalf of the applicant. His applicant tried to do everything he could to save the Chateau Grand building. He thanked the Committee. Unfortunately, the town only had scattered lots and the other owners did not want to sell. The application was the only thing that made sense. The building does not make economic sense. When it was constructed, Lakewood was smaller. If there was a large event at the Chateau Grand, Route 9 is tied up with police. There are beautiful office rooms on the second floor. It is not designed for today. After spending a year exploring every option possible to save the building, it did not work. They met with the town fathers to see if they could lift the building and move it to a site where it would make more sense. Unfortunately, the building cannot be jacked up and moved. Once the decision was made that there was no other way but to knock down the building, they met with the town fathers again. Last year, Mayor Cunliffe felt if there would be roads from the site back to the playground at Kettle Creek. They would provide the same. His second suggestion was that since they were required 100 feet in the front, if they would allow the engineer and/or planner to meet with Mr. Flannery and provide a garden, park like effect for the 100 feet. In the plans, there is a berm and beautiful plantings. Mr. Dolobowsky was kind to give time and made a number of suggestions which almost all of them were adopted. There are a lot of things here that are off-site that are not in a normal plan. This was not a typical plan. The shrubbery and streets are not normal of a typical plan. They wanted to make something beautiful. They worked very hard to ensure that no variances would be required.

Brian Flannery, P.E., stated the planner feels that a "d" variance may be required. Item two indicates that it is a "c" variance. Mr. Slachetka stated his comments were changed. Based on further review of the ordinance, it was not a "d" variance, it was a "c" variance. Section 10.10.A.2 indicates tract boundaries. The problem is that it says tract boundaries, but nowhere does it explain the tract boundaries. As a surveyor, the tract boundaries are the out bounds of the parcels. This would never comply. What does make sense is that this is a perimeter setback which is different from the internal lots. It goes on to give internal setbacks. They do comply with it as a perimeter setback. Mr. Slachetka is pointing to the River Avenue frontage. If that was the case it would be on all frontages. Prior approvals of this board has had town house lot areas within the perimeter boundaries. It was consistent with common sense and tract boundaries. The problem is that the ordinance does not define tract boundary. He believes the ordinance states tract boundary where it should have used perimeter boundary. Mr. Jackson agreed that unless tract

boundary is defined, what does it mean. It seems like a flaw in the ordinance. It did not make sense. He would think that tract boundary means property line to the building. Mr. Slachetka stated the board needs to resolve it because of the grey area. He agreed with Mr. Jackson and Mr. Flannery that it was not defined in the ordinance and typically you look at the tract boundary as the site boundary. It was an open question as to what was intended in the ordinance. In reading what he relied on in relation to section 803.E.2.F. of the UDO, under buffering, it says that the HD-6 and HD-7 zoning districts, residential development fronting on a state highway shall provide a 100 foot front yard setback and buffer to the state highway right of way. This setback and buffer shall be preserved in its nature state. For those sites where no existing vegetation is present or existing vegetation is inadequate to provide screening, the applicant shall suitably grade and screen the setback area such that this planting shall provide an adequate screen at least six feet in height to continue to secure the view. All development in the setback is prohibited. The reason the issue was raised was meeting the traditions of section 1010 and in connection with what is considered a buffer within the meaning of residential development in the HD-7 zone. The board needs to determine how to handle it and whether or not the board can read this in connection with section 1010. He felt it was important for the board to consider both sections when making a determination. Mr. Penzer stated that section 803.E.3.A. should also be considered. It refers to the setback. It appears to be more clearer. It refers to the overall tract setback. Mr. Flannery stated that they have to comply with section 803. Part of the application, in their opinion, they feel that they comply with section 803. Anything in section 803 that they did not comply with would be a design waiver. When they look at section 1010, it does not only just talk about the front. In the same section in the same sentence, it talks about to all other streets and to all other property lines. They have to look at the entire tract boundary and treat the entire tract boundary the same with the exception if you are on a state highway, it was 100 feet. If you are on another street, it is 20 feet and all property lines are 20 feet. This board has approved plans that show tract boundaries with residential properties in those tract boundaries.

Mr. Jackson stated this is a new ordinance and all the flaws have not been worked out. It is an issue of first impression before the board. The tract boundary, to me as an attorney, seems logically inconsistent. To have the tract boundary not in the property line is illogical. It may well be a variance for design standard. It does seem to require buffering. It was not a conditional variance. It is important because it was a jurisdictional issue. It was up to the board to make the decision. He felt the recommendation of the planner was important. He would say that the a reasonable interpretation of the tract boundary would be the property line to the building or an improvement of some sort. Mr. Banas referenced section 803.B.2.F. Mr. Flannery stated they would be happy to discuss that. Mr. Penzer stated that he had the privilege of working on the ordinance as did Mr. Flannery and number 5 on 1010 describes the minimum tract depth of 100 feet. He has told people and other applications have appeared before and were told that it was 100 feet. No one ever brought up before that it was restricted to a building. He suggested using the minimum tract depth, which they have satisfied.

Mr. Slachetka stated he raised this issue because it was a grey area. He agreed with Mr. Jackson that it did not make sense and that the ordinance should be more specific. It becomes a two part question. If the intent was to have a 100 foot tract boundary or other standard, it was not clear. He referenced it as further information. He felt the

board could interpret it either way. The applicant would have to address the conception from the ordinance. It has to be 100 feet to the development which would be the lot line. Clearly, section 803 applies but there is a grey area with regard to the “d” standard.

Mr. Flannery felt the board had to make a decision as to whether or not it was a “c” variance or a “d” variance. He would make the discussion that it was not even a “c” variance because it was in section 800 which would make it a design waiver. He would show examples of where the board has approved residential lot lines in that buffer area and that his interpretation was that it was pretty clear that you had to have 100 feet without any structures, which is what they have. They have 100 feet and show the property line. The area would be screened and landscaped, with decorative fences. It also says that structures are not permitted unless specifically permitted by the board. That is saying that not even as a design waiver, if the board agrees that something should be in there, the board could permit that. As a worse case, it would be a design waiver. It was his opinion that it was not even a design waiver. Mr. Jackson felt that the decision of a “c” or “d” variance needed to be made. Mr. Flannery stated he drafted the plan based on his reading of the ordinance which is what is consistent with what he saw the board do. He firmly believed that it was not a “c” or “d” variance and they were at the right board. He hoped the board would make that decision. He thought they went beyond what was required. He knows that they have to agree to put sidewalks on Route 9. Mr. Banas stated that the board tries to be consistent with all their decisions. Mr. Penzer stated the entire tenure of the UDO is to ensure to maximize the land that is available. The general tenure is to count the area as it is. The reason for it was because they were running out of land in Lakewood. It was their position that this was not a variance situation and it was not a variance.

Mr. Dolobowsky stated he was confused. He met with the applicant and they accepted any input they had. They discussed a 100 foot buffer with no development in it. The ordinance indicates that development was only permitted beyond the 100 foot buffer. Mr. Flannery stated that any departure from any of the design standards in section 800 is a design waiver, it was not a “d” variance. A departure from a standard in section 1010.A. would create a “d” variance. Mr. Banas requested that the page numbers be used. Mr. Flannery stated that the items that are listed they were discussing the tract boundary. They comply with the other items. If they did not comply with any of the other five, they would have to go to the zoning board. Tract boundary relates to whole tract and it is not worded well and is illogical. The only thing logical and consistent with other towns, is a perimeter setback. The purpose of the perimeter setback is that you would not want someone putting their building closer to the property line to a neighbor. That is a variance you would not want the planning board to grant. You only want that to go to the zoning board and the increased burden of proof. If you do something internal, that is something the planning board has the prevue. The perimeter setback seems logical and if it is used, they comply. Mr. Jackson stated the first issue is the conditional use issue and the second is the tract boundary.

Mr. Ackerman asked if a deck over four foot high would be considered a structure and the difference for a deck in a rear yard setback and the tract boundary. Mr. Slachetka stated the argument under the “d” variance is that you could interpret the tract boundary to be the first point where you reach a structure. Mr. Flannery stated the decks were not

within the 100 foot. Mr. Slachetka stated if the deck is less than four feet, you can extend into the setback. It was important in the buffer requirement. A deck is not supposed to be in the buffer.

Mr. Ganton asked if the ownership was by the individual. Mr. Flannery stated they have shown fee simple lot lines. There would be 12 feet of the 100 feet that is a buffer, and they were acknowledging that there is a 100 foot buffer. Twelve feet of the 100 foot is within the lots. The buffer and the setback are 100 feet. The property line extends into it. Mr. Ganton asked if the 100 feet apply to the property line or to the building. Mr. Flannery stated that under section 803, as a buffer, it is not a question. Mr. Ganton asked if the tract would start at the property line. Mr. Banas stated yes. Mr. Ganton stated then it would be 100 feet from the property line. Mr. Banas stated that is not available. Mr. Flannery stated that the property line on the side is Broadway and in the back is Parkview Avenue. No one is saying that on Parkview Avenue, they need to go twenty feet. The distances of tract boundaries as indicated in the ordinance were discussed. Mr. Franklin stated that the ordinance indicates tract boundary from a state highway 100 foot. He felt this sentence covered it. Mr. Flannery disagreed because the one sentence covered the whole tract. If you are looking at Route 9 with respect to section 800, he agreed. There is nothing in the ordinance that says the rest of the perimeter. They have a tract boundary before they prepare the plans. Sheet 2, the existing conditions map, shows the tract boundary which is the outbound of the property. If you interpret this literally, what it means that any property that fronts on Route 9, you cannot develop for townhouses. That is not what was done in the past. He did not think it was the intention of any drafting of the ordinance. When you say all construction, you are referring to section 800 which says what you can do in the area. This was further discussed. Mr. Banas stated if you read 1010.A. in those zones in which townhouses are a permitted conditional use, townhouse development shall be subject to the following conditions...Tract boundaries from a state highway is 100 feet. It did not indicate anything else. Mr. Flannery agreed indicating that it also did not define tract boundary. If you ask any land surveyor, he would tell you that the tract boundary is the outbound of the property. If you read it literally, it indicates that the outbound of the property has to be 100 foot from the highway. Your attorney has indicated that that was illogical. Mr. Jackson stated that the tract boundary is the property line which must be 100 feet from the right of way. If that was enforced, it would mean that the boundary line would have to be 100 feet away. It was a void. You have to determine what was actually meant. He felt that they did not intend to have the boundary line 100 feet away. Mr. Franklin felt that was the intent. Mr. Jackson felt that was up to the board to determine. It was a first impression issue and the board should use its best judgment in trying to decide what the committee intended to do, what goals they intended to accomplish, what the plain language of the ordinance says, and what makes sense and what is fair to you. Mr. Slachetka stated the issue is really the difference between the lot lines and the fee simple lots versus the distance from the right of way line to the actual structures themselves. The decks are 100.6 feet out of the 100 foot setback or distance from the Route 9 right of way. If this was not a fee simple project, he felt it would be clear that they met the requirements under the conditional use standard. One thing the board may want to think about is obviously if any kind of fences or other types of structures beyond the decks are put in place, that is clearly development. The board, in concert with its concerns, is maybe an easement or some other kind of restriction from the deck onward to maintain the buffer and that may satisfy the concerns of the board with regard

to development. He felt then it becomes an interpretation of whether or not the applicant met the intent of the ordinance with regards to the conditional use standard by providing the buildings within or outside the 100 foot setback from Route 9. Mr. Penzer stated they would have no problem to make it like a CAFRA conservation easement that there would be no construction beyond the decks. Mr. Banas stated that tomorrow the board will be attending a school to discuss matters of this nature. He felt it was premature to come up with a decision knowing that the board of adjustment turned down an application yesterday for a matter similar to this. Mr. Flannery stated it was not similar. That applicant wanted to build something within the 100 feet. We are indicating that we are not going to build something within that 100 feet. As Mr. Slachetka just indicated, they would put an easement on it so nothing could be built in that 12 feet and if there were no property lines there were no problems. They were trying to have fee simple lots so they did not have to have an association and less expensive for future homeowners. Mr. Banas knew there was a resolution to the matter, but he was unclear as to what it was.

Mr. Dolobowsky stated that 1010.A.2 mentions 20 feet from the other sides, which they were not discussing. Mr. Slachetka stated that if you look at the definition of tract in the UDO, tract basically says an area, parcel, site, piece of land or property which is the subject of a developed application. The whole parcel is in fact the tract. It does say from all other property lines, it needs to be 20 feet. This applicant is subject to the setback standards of the ordinance as well which are listed in the next subsection, 1010.B. With regard to building location, they meet both the setback standards and the tract boundary assuming you are looking at the entire circumference of the property that is the subject of the application. If you eliminate the lot lines, all the standards are met. The confusion comes in when you look at it as fee simple. Mr. Dolobowsky stated he was confused. Mr. Jackson stated that this provision makes it impossible. If you interpret it literally, you have to have a buffer all around. The applicant agrees and is presenting that to the board. Mr. Dolobowsky asked if it was possible to have the buffer all around. Mr. Flannery was not sure if it made sense to do it around the entire property. Mr. Banas did not see how the board could say that they were changing the interpretation when it was adopted by ordinance. He felt someone in greater authority had to make the decision. He felt he could read it the way it was written. Mr. Dolobowsky stated it could have a 20 foot buffer around the entire site. Mr. Franklin stated they were taking one building envelope and putting it in another. Mr. Penzer asked how they would read number 5 in defining minimum tract depth of 100 feet. If you have a tract depth of 100 feet, that is one of the condition. They do have 100 feet. Mr. Flannery stated that the first six things you are looking at the entire property. You are reading into what the Committee did when you say tract boundary and you are interpreting it as a perimeter conservation easement. That is what is at Hearthstone which is done as part of a clustering. Mr. Slachetka stated that by reading 1010.A.2 there is an implication of the intent that it is a perimeter buffer with an internal development. If you look at 1010.B.1.A. it talks about fee simple lots with a minimum front setback of 25 feet from internal streets. The unique aspect about this is that because of the existing street configuration and what is being proposed is a townhouse developments that are fronting on existing public right of ways rather than internal streets or roads. The ordinance does not prevent this type of configuration. In looking at it from a planning perspective, he did not have a clear understanding for every single section. In this instance it is a little different which creates the conflict. You have to determine if the board is satisfied that the community being created has sufficient buffering and setback

to meet the intent of the ordinance. Mr. Banas felt they could not interpret what was meant. Mr. Slachetka stated the argument that the applicant is making is that they meet the ordinance requirements. Mr. Banas stated it meets the requirements of a condominium association. If it was developed like that, it meets the requirements. Mr. Jackson stated that the property line is the line right along Route 9. He did not think that was what the ordinance says. You could say that you wanted the improvements 100 feet away from Route 9.

Mr. Ganton stated there are two lines. One is tract line that includes all the square footage of the land owned by the applicant. Mr. Flannery stated the tract is defined in the ordinance which says that a tract is the entire piece of property. Mr. Ganton stated the other line is the property line. Mr. Flannery stated they were proposing property lines. Mr. Ganton asked who the owner was between the property line and the tract line. Mr. Flannery stated a homeowners association. Mr. Ganton asked if they were talking about the distance between the property line to the tract line or were they talking about the distance from what is built to the tract line. Mr. Banas stated the property line has to be 100 feet away from Route 9. Mr. Flannery stated the ordinance does not say that. The ordinance says that the tract boundary has to be 100 feet from a state highway. It did not make sense. Mr. Jackson stated that if someone felt it was illegal later, there would be an estoppel issue once the board approved it and their opportunity to object to that would be to appeal from the board's decision saying that it was in violation of the ordinance. Mr. Ganton stated that if he was asked to vote, he was making a decision. Mr. Jackson stated the board is the court of first impression. It was a quasi-judicial board. You are faced with an ordinance, your first impression of interpreting the ordinance, and then vote. If someone objects, it gets appealed to court and the court would interpret it, then it would go to the appellate division, and so on. You are the first level of decision.

Mr. Banas stated that Mr. Flannery indicated that the board approved items like this in the past. Mr. Flannery stated it was items where there were tract boundaries with residential properties within the tract boundary. The site is on Route 9 and River Avenue. The 100 foot portion has been provided. They would have provided 100 feet also if the tract was 12 feet deeper. In order to get the type of units and layout that they wanted, with the rear yards, they were a little squeezed. If the property was deeper, it would be there. Mr. Penzer stated they would have had the extra 12 feet but they were asked to try and make most of the traffic in the rear. They asked the Township to vacate the street in the rear, but Mr. Cunliffe and the Township Engineer indicated they wanted most of the traffic channeled through the rear. Mr. Banas asked what the board specifically approved. Mr. Flannery stated they approved the application for block 534, Marshall Weissman application. Mr. Penzer stated there were some other applications. Mr. Flannery stated block 534 was the most recent application that was approved. You will see that along Chestnut Street, using the definition that a tract boundary is a buffer, there are units that the lot lines go right to Chestnut Street. The tract boundary was further discussed as it related to the previous application.

Mrs. Wise did not know if the board could give their opinion on what the flavor of the ordinance was. She did not know how they could interpret it without knowing the flavoring at the time of adoption. What the board decides will set precedent. Once they set precedent, it will remain. Mr. Flannery stated the ordinance was unclear. He reviewed

what the ordinance indicated and that they met the requirements with requesting no variances. Mr. Banas stated there is 100 feet to Route 9 and 20 feet on the north and south sides and 15 feet to the west. Mr. Flannery stated there is no 20 foot perimeter buffer to Chestnut Street, there is a 20 foot setback and a 20 foot drainage easement. They would provide the same if the board desired.

Mr. Banas entertained a motion to determine if the board heard the application or not.

Mr. Dolobowsky stated he heard what the applicant was stating with regard to section 1010. He would prefer to hear the application.

Mr. Klein stated he would second the motion because Mr. Jackson mentioned that the board's role was quasi-judicial. Section 1010 was discussed again.

On motion by Mr. Dolobowsky and seconded by Mr. Klein, the application would be heard by the planning board.

ROLL CALL: Mr. Franklin, no; Mr. Neiman, no; Mr. Banas, no; Mrs. Wise, no; Mr. Dolobowsky, yes; Mr. Ackerman, no; Mr. Klein, yes; Mr. Ganton, yes; and Mr. Percal, abstain.

Mr. Banas stated that the motion was defeated and that the application would not be heard by the planning board. Mr. Jackson thought that he should prepare a resolution based on the board's decision denying the conditional use being satisfied. Mr. Banas agreed. Mr. Penzer did not want a resolution. Mr. Banas stated if the applicant does not revise the plans, then the resolution was in order. If you want to revise the plans, then it was not. Mr. Penzer stated they would like the opportunity to try and rework the plans.

14. DISCUSSION - RE-ADOPTION OF THE MUNICIPAL STORMWATER MASTER PLAN

Mr. Slachetka stated last year the township adopted a stormwater management element as part of the master plan. Pursuant to the requirements of the Department of Environmental Protection and the new stormwater management regulations, there needs to be an amendment to the stormwater management ordinance prior to April 1, 2006. He understood that there were amendments to the original stormwater water management plan adopted last year. The board will be reviewing and making recommendations under the provisions of any zoning ordinance amendment as to the consistency of the proposed stormwater management ordinance to the master plan. There would be a public hearing at the next meeting on the amendment to the stormwater management plan.

Nicholas Macif, Planner with LGA Engineering, stated he was present to answer any questions.

Mr. Banas stated he received notification from the Ocean County Agriculture Board who indicated that there was a site prepared by them for an agriculture development plan revision for Lakewood Township. He asked if this was part of the stormwater water management plan or if it had any effect on it. Mr. Macif stated it was not part of it to his knowledge. Mr. Banas asked him to contact them to see what he could find out and if it

was part of the stormwater management plan. Mr. Macif stated he would contact them. Mr. Banas asked about the water supply wells, figure six, and that it appeared that they were getting close to an area where they might be fitting with each other. He was referring to the New Jersey Water Company, the Lakewood Township MUA and the United Water Company in Dover. They were all getting their water from the same area. He asked if there was a problem where they might be scraping with water. Mr. Macif stated that was more of an engineering question to answer. It was not something that they addressed or came across that it would be a potential problem. He would make a note of it and look into it.

Mr. Slachetka stated the final revisions would be made which would be part of a public hearing amending the master plan which would require a resolution. At the same time, there would be an introduction and first reading of the actual ordinance to implement the master plan. The board would have to make a recommendation to the governing body as to its consistency with the master plan. The governing body would then adopt the amendment. The ADA requirements should be made a part of it. Mr. Macif stated the original contained an entire build out of the Township which was removed because there is no impervious coverage limitation set out by the Township. All amendments were needed by this Friday because of the ten day noticing period they need prior to the March 21st hearing to meet the April 1st deadline.

On motion by Mr. Franklin and seconded by Mrs. Wise, the board found no objections or concerns to the proposed amendments.

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

2. SP #1808A

Applicant: Bais Rivka Rochel

Location: Route 9, between Spruce Street & High Street
Block 782 Lot 7

Informal review of proposed pool addition and minor site plan modifications.

Request to obtain administrative site plan sign off in lieu of site plan approval.

Mr. Peters stated he has reviewed the plans which were revised to show a proposed 40' x 60' swimming pool located adjacent to the proposed gymnasium addition. The proposed gym building is now shown as a separate 4,800 square foot building. The addition was previously proposed as approximately 5,61 square feet. The applicant has requested the plan modifications be reviewed administratively rather than as a revised site plan application. We believe the modifications are minor and have no objection to the applicant's request, provided the board is comfortable with the request. The applicant should be advised the increase in impervious cover will require revised stormwater management calculations.

Mr. Slachetka stated by resolution memorialized on May 17, 2005, the board granted preliminary and final major site plan approval with associated various to covert a nursing home to a private school and teachers' seminary. The project included an addition to the

rear of the building at the southeast side. The applicant proposes the following revisions to the site plan, the rear addition will be a gymnasium and will be physically separated from the existing building. The gym building footprint will be 4,800 square feet and the prior addition was 5,612 square feet. A 40 foot by 60 foot, 2,400 square foot swimming pool behind the building is proposed. Previously, no pool was proposed. The rear addition at the northeast corner of the building has been modified and is limited to the center of the building. A recharge area for stormwater management is proposed in the rear wooded area. Based on the above, the applicant should provide information concerning changes, if any, to the nature of the school's operation, enrollment, and number of dormitory rooms. Revised architectural plans would also be useful. The board just make a determination if the proposed site plan revisions warrant an amended site plan review, of if the amended site plan may be reviewed by the professional staff.

Denis Kelly, Esq., appearing on behalf of the applicant. He stated they agreed with the board's professionals and felt this was a minor change which they were seeking administrative approval for. They would provide the revised stormwater calculations as well as the revised architectural. This would not change the school's operations.

Shlomo Kanareck, applicant, stated the gym building was previously approved. The people of the school feel that it is more beneficial if the gym is not connected to the building. The swimming pool is outdoors which would be a summer activity for the children so they did not have to be bused around the town. There would be no change of students, cars, or traffic. It is the same operation. They just wanted permission to put in a swimming pool.

Mr. Banas asked if a fence was being installed around the pool. Mr. Kanareck replied there would be a fence with a patio. Mr. Banas asked what kind of fence. Mr. Kanareck stated the new white vinyl fence.

Mr. Franklin asked if the trash compactor would still be that close to the swimming pool. Mr. Kanareck stated the compactor has a fence and trees around it.

Mr. Dolobowsky wanted to ensure there would be a sidewalk to the pool from the building. Mr. Kanareck stated the existing sidewalk would remain. Mr. Dolobowsky asked about the pool. Mr. Kanareck stated it would be around all four sides for privacy. From the principal's office which is upstairs, you can look into the pool.

Mr. Kelly stated this was not a significant change. Mr. Banas stated they were adding something new. Mr. Jackson stated adding the pool was material.

On motion by Mr. Dolobowsky and seconded by Mr. Percal, the application would have public hearing on March 21, 2006.

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

Mr. Jackson stated he could amend the resolution to have the gym not being connected to the building. Mr. Kelly stated he has to request an amended application for the pool. Mr. Kielt stated that no public notice was required for the amended application.

Mr. Jackson stated that the application would have public hearing on March 21, 2006 at 6:00 p.m. No notice was required of the applicant.

Mr. Banas stated they would no be able to hear the balance of the applications tonight. He asked the board extend the time of the meeting. He heard no objections.

- 3. SD # 1832** (Variance requested)
Applicant: Bnos Yisroel School
Location: Bruce Street, between South Park Avenue and Congress Street
Block 250 Lots 10 & 11
Preliminary and final site plan for proposed auto dealership

Mr. Banas asked Mr. Kelly if they had both reports. Mr. Kelly replied he did.

Mr. Peters stated the applicant proposes to construct 1,736 square foot structure for use as an auto mechanic shop and auto dealership. The property is known as block 250, lot 10 and 11. The property is located on Bruce Street in the B-4 zoning. Variances are needed for minimum lot width were 87 feet is proposed where 100 feet is required which is an existing condition, a variance is requested to allow a six foot high fence in the front setback. There a few design waivers requested to allow parking in the 20 foot front setback and to not provide a 50 foot wide buffer area to the residential lots. The applicant has indicated the site will be used as an auto mechanic shop and auto dealership. The building floor plan does not indicate any area to be used as a showroom for auto sales. The site contains nine parking spaces beyond those required by ordinance. The applicant shall provide testimony as to how the sales use will be achieved. The board should determine if a shade tree easement will be required along the property frontage. The applicant should address solid waste storage and disposal. The applicant has included landscaping along the rear property line and a portion of the northern property line that borders on the residential uses. We recommend additional landscaping be installed along the north property line to screen the residential properties.

Mr. Slachetka stated the new and used car lot is a permitted use in the zone but the automobile repair use is not permitted. Based on the information provided, we are not certain that the auto mechanic use is accessory to the auto dealership. The applicant should fully describe the relationship between the auto mechanic shop use and the car sales use. If they are considered two separate uses, a use variance may be required the board would not have jurisdiction. The reference to "variance map" in the planning board certification on sheet 3 should be deleted. The proposed building is setback 2 feet from the west property line. The required setback is 10 feet in the zone. The site plan correctly indicates that no side yard setback is required if the side is adjacent to an existing business use. Therefore, the applicant should provide testimony concerning the use of lot 1 and 16 of block 250. We recommend that vegetative screening be provided along the eastside of the parking area to buffer the existing residences.

Denis Kelly, Esq., appearing on behalf of the applicant. The applicant and the applicant's engineer have reviewed the professional reports. The applicant will address each concern at the public hearing. They agree with the comments made.

Mr. Banas asked about the use not being permitted. Mr. Flannery stated that the application is for an auto dealership and repairs. They were not advertising for auto repairs, but if someone buys a vehicle and asks for repairs they could do them. It would be an accessory use.

Mr. Dolobowsky stated he would want testimony regarding the location of where the cars would be sold. Mr. Flannery stated the cars would be sold outdoors. The clarification would be added to the plans. Mr. Dolobowsky stated he would want to hear about the surrounding properties. Mr. Flannery stated they would provide the same at the public hearing.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the application would have public hearing on March 21, 2006 at 6:00 p.m.

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

Mr. Jackson stated that the application would have public hearing on March 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

4. SP #1825 (Variance requested)
Applicant: 216 River Avenue Assoc.
Location: Route 9 (River Avenue) north of Manetta Place
Block 413 Lots 3, 4 & 6
Preliminary and final site plan for proposed addition to existing office building

Mr. Peters stated the applicant is seeking preliminary and final site plan approval to construct a second story addition on an existing office building. A grassed area in the rear of the property will be paved to provide additional parking spaces. The property is known as block 413 lots 3, 4, 6. The property is located on River Avenue in the HD-6 zone. A driveway on lot 6 provides through traffic from River Avenue to Manetta Place. The following variances will be required: front setback where 39.6' is existing where 150' is required and side setback of 10.8'/63.8' is existing where 15'/35' is required. The variances are existing conditions. The applicant has provided a 6' wide shade tree easement along River Avenue to be dedicated to the Township of Lakewood. The board should determine if a shade tree easement will be required along lot 6 fronting Manetta Place. The applicant shall provide a legal description of the easement for review by the board's engineer. The architectural plans indicate a floor area of approximately 7,540 square feet requiring 25 parking spaces. The applicant has provided the required number of parking spaces. The applicant shall review the zoning table to indicate the required number of parking spaces equals 25, not 23. The applicant shall provide the location and details of any proposed signage. The plan shows an existing inlet at the rear of the property. It is unclear what function this serves in the existing and proposed condition. The applicant's engineer shall provide testimony as to the condition of the inlet and its discharge location. The property owner list does not list the owner of adjoining lot 2. Please review the table to include this information. The property owner list indicates

someone other than the applicant owns lot 6. The applicant shall address this issue. The applicant shall provide testimony as to what actions are being taken to address the NJDEP notice of violation. The balance of the comments were minor and technical in nature.

Mr. Slachetka stated at the last meeting on this application they read into the record comments from their February 3, 2006 report. He had not received any new plans so he reiterated the comments.

Denis Kelly, Esq., appearing on behalf of the applicant. He stated the applicant was before the board at the previous technical meeting in February. There was discussion at that time and the board had specific questions and the applicant met with Mr. Lotrecchio from Ocean County to go over the specifics of this application. They have reviewed the professionals' reports and were ready to address the same at the public hearing.

Mr. Banas asked if they saw the Township engineer's comments. Mr. Kelly stated he was being given a copy now. The letter is indicating that the applicant's professionals should address the impact of the site improvements and the future right-of-way. The applicant is ready to do that at the public hearing. They had no objection to giving the testimony.

Mr. Banas asked how many handicapped parking spaces there were. Mr. Carpenter stated there is one handicapped parking space which is what is required. They could move the spot to a different location. Mr. Banas would be more comfortable if it was moved.

On motion by Mr. Klein and seconded by Mr. Ackerman, the application would have public hearing on March 21, 2006 at 6:00 p.m.

ROLL CALL: Mr. Franklin, no; Mr. Banas, no; Mrs. Wise, no; Mr. Dolobowsky, no; Mr. Ackerman, yes; Mr. Klein, yes; and Mr. Percal, yes.

Mr. Kelly stated he heard no discussion of any concerns as to why it was not being moved to the public hearing. Mr. Banas stated the comments made at the previous meeting would carry over to this meeting.

Mr. Klein stated he lives in the area and he knows the conditions of Route 9. He felt it was consistent with the situations with other properties. The variances were existing. He felt the board should consider this.

Mr. Kelly stated this application does not expand the existing footprint. It is an existing structure. The footprint would remain in its existing place. Mr. Banas stated that his comments made in February were still the same.

The applicant stated he did not need a variance because it was existing. He was not asking for one. If he were to, he had every legal right to expand the building. Mr. Banas stated that the application was tabled.

5. SD #1378A (No variance requested)
Applicant: MAZ East Coast Division
Location: Kennedy Boulevard, east of North Apple Street
Block 172 Lot 12
Extension of major subdivision approval

Mr. Peters stated that he reviewed the application and previous approval granted by the board and memorialized on October 21, 2003. The applicant should provide testimony as to the reason for the extension. We recommend any extension granted by the board be conditioned on the applicant complying with all the conditions of the previous approval.

Mr. Slachetka stated they indicated in their report the requirements of the UDO and the Land Use Law with regard to granting extensions. The applicant has the responsibility to provide information to the board that indicates that the developer was barred or prevented from proceeding with the development because of delays in legally obtaining the required approvals from governmental agencies and that the developer applied promptly and diligently pursued these approvals. The applicant should address the requirements of the UDO ordinance.

Denis Kelly, Esq., appearing on behalf of the applicant. He stated this application was approved in October of 2003. The applicant has been working with the county. The application is on Central Avenue and Miller Avenue and abuts a county road. The county had questions about drainage and runoff and they were working with the county. They were asking for an extension so they could conclude the matter.

Mr. Banas asked if they reviewed the reports of the professionals. Mr. Kelly stated they reviewed the reports and have no objections to them.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the extension was hereby granted.

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

6. SD #1516 (No variance requested)
Applicant: Benjamin Parnes
Location: Cedar Avenue, south of Lafayette Boulevard
Block 262 Lots 7 & 8
Preliminary and final subdivision to create 2 lots and extend improvements

Mr. Peters stated the applicant is seeking a major subdivision of block 262 lots 7 and 8. Two new lots are proposed. A two story structure is proposed on each of lots 8.01 and 7.01. The site is located on currently unimproved Cedar Avenue, in the R-12 zoning district. The applicant has not submitted architectural plans. Please submit. It appears that no variances will be required. The applicant will be required to obtain all outside agency approvals. The board should determine if a shade tree easement will be required along the frontage of the two proposed lots. As a major subdivision, the applicant shall comply with the stormwater management requirements of N.J.A.C. 7:8. No stormwater management calculations have been submitted.

Mr. Slachetka stated a sidewalk is proposed to be installed along the proposed lots and continue to Lafayette Boulevard. The board should discuss whether sidewalks should be provided on the other side of the street. A temporary "hammerhead" type turnaround is proposed at the terminus of the road improvements to accommodate emergency vehicles. The Lakewood Fire commission should review the turnaround. Compliance with the RSIS is required. Construction plans including profiles and cross-section and details for the proposed road improvements of First and Cedar Avenues have been submitted to the board for review and approval. The improvements address pavement, drainage, curb and sidewalks. Plans for street trees, lighting, street name sign, and traffic control signage do not appear to be addressed. RSIS improvement standards should be addressed. The board should discuss whether the intersection of First and Cedar Avenues should be designated and constructed as a full intersection. The balance of the comments were technical in nature.

Benjamin Parnes, applicant, appearing. A representative of the engineer's office was present. The comments were addressed by Mr. Surmonte on the recent plans. Whatever was remaining would be addressed at the public meeting.

Mr. Jackson did not see a problem with advancing the application. It was at the board's discretion.

Mr. Banas asked if there were any problems. The representative stated he was not informed of any problems.

Mr. Peters stated that Mr. Slachetka brought up some more points that should be addressed on the revised plans. Mr. Surmonte indicated to him that they would be provided. Mr. Slachetka stated if the plans are revised prior to the public hearing he would be satisfied. There is one policy issue the board has to decide is whether the intersection of First and Cedar Avenue should be designed and constructed as a full intersection.

Mr. Dolobowsky stated that just south of that intersection is wetlands. Therefore, First Avenue would never be extended. The applicant could go to the property authorities and have it as one street. The area was undevelopable. Mr. Franklin agreed. Mr. Slachetka stated it was a policy question for the board to decide. Mr. Dolobowsky stated they should move the application along and look for testimony at the next meeting and part of the approval to possibly change the name.

Mr. Parnes asked who the property authority was. Mr. Dolobowsky stated he believed it was the Township Committee. Mr. Jackson stated the board could write a letter to the committee. Mr. Slachetka stated they needed to get input from the other properties along First. Mr. Franklin thought it was part of the Crystal Lake Preserve. Mr. Slachetka stated they would just need a fuller explanation at the public hearing. Mr. Banas suggested having Mr. Surmonte investigate the entire area and find out if anyone lives there. The representative indicated that the same would be done.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the application would have public hearing on March 21, 2006 at 6:00 p.m.

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

Mr. Jackson stated that the application would have public hearing on March 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

A brief recess was called. The meeting was reconvened.

7. SD #1521 (Variance requested)
Applicant: SRS Ventures LLC
Location: Cushman Street, off River Avenue, south of Pine Boulevard
Block 430.04 Lot 22
Preliminary and final major subdivision - 8 townhouse units

Mr. Peters stated the applicant is seeking a major subdivision of block 430.04 lot 22. Eight new lots are proposed. The proposed project consists of removing an existing dwelling on the site and constructing 8 townhouse units. The site is located on Cushman Street in the HD-7 zone. No variances are required. The applicant will be required to obtain all outside agency approvals. The applicant has provided a 20 foot parking easement to be dedicated to the township. We have concerns that the easement will put responsibility for maintenance and snow removal on the township. The board should determine if the parking easement is acceptable. There were some minor plan revision comments.

Mr. Slachetka stated a total of 20 parking spaces are proposed along Cushman Street. The parking computations indicate that 2.5 spaces are proposed per unit. This ratio slightly exceeds the RSIS standards for a three bedroom townhouse. However, the architectural drawings indicate four and five bedroom units are proposed. The RSIS do not stipulate a specific parking requirement for four and five bedroom townhouse units and it is our understanding that the board may require the number of off-street spaces sufficient, in its opinion, to address the parking need consistent with the proposed development and community. Therefore, we recommend the applicant provide adequate off-street parking consistent with the proposed bedroom count. In the alternate, the applicant should provide expert testimony addressing this issue. We note that the RSIS indicates that alternative parking standards shall be accepted if they can be demonstrated to better reflect local conditions. The site plan indicates that no basements are proposed. However, the architectural drawings show unfinished basements. The plans must be reconciled. The applicant must indicate where any proposed HVAC equipment will be located. If HVAC equipment is to be located on the roofs of the proposed buildings, architectural drawings with sufficient detail must be submitted. Details of the proposed individual trash and recycling enclosure should be submitted for the board's review. These details should illustrate that the enclosures will be compatible with the architectural style of the proposed buildings. The vegetative screening along the side property lines should contain more than one species to prevent a monoculture. The remaining comments were minor and technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated they met all of the engineers requirements and can make all the changes. They would be eliminating the parking easement. They felt the parking was sufficient but if the board wanted more they could provide four more spaces. There are unfinished basements. The HVAC is in the rear. The details of the trash enclosures will be provided as vegetative screening. A homeowners association will be created for the shade tree and drainage easements. The balance of the planners comments were minor and could be met. There was no problem with providing sidewalks.

Mr. Dolobowsky thought the board would want to see three spaces per unit. Mr. Penzer understood but it exceeded the RSIS requirements. He stated the same would be provided. Mr. Dolobowsky asked about a detention basin and if it was fenced off. Mr. Carpenter stated it was fenced off from the property.

On motion by Mrs. Wise and seconded by Mr. Klein, the application would have public hearing on March 21, 2006 at 6:00 p.m.

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

Mr. Jackson stated that the application would have public hearing on March 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

Mr. Penzer asked that Urman Holdings be carried for one month. They met with an objector and felt it could be worked out.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the application would be carried to the April 4, 2006 technical review meeting.

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

Mr. Jackson stated that the application was carried to the technical review meeting of April 4, 2006 at 6:00 p.m. No further notice was required of the applicant.

9. SP #1833 (No variance requested)
Applicant: Clifton Redevelopment LLC
Location: Clifton Avenue @ corner of First Street
Block 121 Lot 29
Preliminary and final site plan to construct 3 story retail/office building

Mr. Penzer explained the architectural. He stated he met with Mr. Corby today and he approved the application.

Mr. Peters stated the applicant has required site plan approval to construct a three-story building. The first floor will be retail shops, the second and third floors, which will be assessable by an elevator, will be office space. The property is known as block 121, lot 29. The property is located on Clifton Avenue and First Street in the B-2 zone. No

variances will be required. The applicant shall provide a signed and sealed copy of the survey plan. The depressed curb and concrete apron shall be aligned with the ingress/egress easement. The proposed building projects into the access easement to lot 21 by 2 feet. This issue must be resolved. The easement can be modified or the building can be reduced by 2 feet. The zoning schedule shows a 12' rear yard setback has been provided, while the plans show a 10' setback. Due to the double frontage the ingress/egress area should be considered a side yard. The zoning table should be revised to show a ten foot side yard has been proposed. The stormwater management report states the roof leaders will discharge to the existing stormwater collection system. The roof leader header pipe and connection to the system should be shown on the plan. All applicable details shall be included on the plans. The applicant shall provide testimony on how solid waste disposal will be achieved and the storage locations of dumpsters or trash cans should be identified.

Mr. Slachetka stated the area map on the first sheet of the site plan incorrectly identifies the location of the subject parcel. The applicant should clarify the height of the proposed building pursuant to the ordinance definition. The site plan indicates a height of forty feet and the architectural drawing indicates a height of 42 feet to the top of the parapet wall. The ordinance defines building height as the dimension from the finished grade to the top of the roof deck for flat roof buildings. In addition, the use or floor plan of the top level of the building should be clarified. The maximum allowable height in this zone is 65 feet. Contrary to the zoning schedule on the site plan, there is no limitation to the number of stores in the B-2 zone. Confirm that all roof-mounted HVAC equipment will be screened by the proposed parapet wall. The applicant proposes to modify the existing access easement from a twelve-foot width to a ten foot width. The improvements in the easement should be identified. The site plan identifies symbols, which appear to be building-mounted lights. However, no legend is provided. Construction details of the proposed building mounted lights should be shown on the site plan. No off-street parking is required for non-residential uses in the B-2 zone in accordance with the ordinance. The remaining comments were technical.

Abraham Penzer, Esq., appearing on behalf of the applicant. With regard to the engineer's report, the surveyor's plan will be signed and sealed. The application is three stories, not four stores. It is 90 feet by 65 feet, not inches. The depressed curb will be shown. They were working on the easement. If they cannot get the easement, the building will be reduced by two feet. The stormwater management report would be down. The township will pick up the garbage. With regard to the planner's report, they would clarify the height on the plan. The HVAC equipment will be screened. The two foot discrepancy would be taken care of once the easement is worked out. The symbols are doors, not building mounted lights. Everything else would be complied with.

Mr. Banas stated the building looks different on the plans and the architecturals.

Mr. Carpenter stated it would be corrected.

Mr. Franklin stated the First Street sidewalk should be taken all the way to the curb. You would not be able to maintain grass in the area. Mr. Penzer stated they would do the same.

Mr. Dolobowsky wanted testimony about the garbage pails and where they would be stored. Mr. Penzer stated the same would be provided.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the application would have public hearing on March 21, 2006 at 6:00 p.m.

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

Mr. Jackson stated that the application would have public hearing on March 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

10. SP #1834 (Variance requested)
Applicant: River Equities, LLC
Location: River Avenue, south of High Street
Block 782 Lot 35
Minor site plan and change of use site plan

Mr. Peters stated the applicant has requested preliminary and final site plan approval to construct an addition to an existing building and change the use from office to a school. The property is known as block 782 lot 35. The property is located on River Avenue in the HD-7 zone. Variances will be required for the following: front yard setback where 150 feet is required and 40.56 feet is provided which is an existing condition; rear yard setback where 50 feet is required and 30 feet is proposed; and setback to an accessory structure where 30 feet is required and an existing shed is located 5 feet from the northern property line. The applicant shall provide testimony on the anticipated number of students who will attend the school, the age of the students, and the proposed number of bus trips per day. The board should determine if a six foot wide shade tree easement will be required along the River Avenue frontage. The applicant shall indicate how bus traffic will flow on site and where students will be dropped off. The southern property line bisects the drive aisle that provides access to the site. The applicant shall address site access. An easement agreement with the owner of lot 15.01 may be required.

Mr. Slachetka stated the applicant must address the positive and negative criteria for each of the requested variances. The applicant should describe the operational characteristics of the facility including the proposed number of student to be educated on site; the proposed grade levels; the anticipated number of school buses visiting the site on a daily basis; the proposed hours of operations; and the services that will occur on site. The applicant should provide testimony concerning site circulation for buses on the property. The bus loading/unloading area should be clarified. If a recreation area is proposed, then such area should be delineated on the site plan and details provided concerning play equipment. The applicant should identify the proposed height of the renovated building. A ten foot wide buffer is required in accordance with Section 906.A. Plantings are proposed along the south of the lot and a portion of the rear lot line. The adequacy of the existing vegetation on the balance of the site should be addressed. Site lighting is not addressed on the site plan. Any reference to the side yard variance for building two should be deleted. The remaining comments were minor and technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. With regard to the engineer's report, if the board wants testimony he could give it tonight. He has someone present from the school. Mr. Banas stated that was for the public hearing. Mr. Penzer stated they gave the shade tree easement and they have the parking space. They were ready to show the bus traffic and they could discuss the bisecting property line. Mr. Flannery stated they would make all the requested revisions. Mr. Penzer stated that with regard to the planner's report, all the testimony would be provided.

Mr. Penzer stated the front of the building was not being touched. They were proposing to change the use of the rear of the building to a school and office.

On motion by Mr. Neiman and seconded by Mr. Dolobowsky, the application would have public hearing on March 21, 2006 at 6:00 p.m.

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

Mr. Jackson stated that the application would have public hearing on March 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

11. SP #1835

Applicant: Lakewood Affordable Housing - "Cypress Cove"
Location: Caldwell & Rockaway Avenues, between Oak Street & Turin Avenue
Blocks 1135, 1142, 1143, 1150 & 1151 Lots al
Informal review for proposed residential housing

Mr. Peters stated the proposed project consists of constructing one hundred five affordable housing units within 15 structures and related site improvements. The property is known as blocks 1135, 1142, 1150 and 1153. The property is situated between Oak, Caldwell, Turin and Rockway Avenues in the R-40/R-20 cluster zone. This plan is conceptual and does not require any waivers or variances. The plan proposes a community building and play area in a central location on the site. Caldwell Avenue, Turin Avenue and Rockway Avenue are paper streets. The applicant should indicate if any improvements are proposed within these rights of way. Oak Street is a paper street at the project location. The applicant should coordinate the construction of the portion of Oak Street associated with this project with the portion of the roadway to be constructed for the school project across the street. We recommend two additional trash enclosures be provided. There are currently two enclosures proposed for 105 units. Units are located as far as 280 feet from the nearest trash enclosure. All outside agency approvals would be required.

Mr. Slachetka stated the plan is conceptual and has limited information, except general building and parking area layout. A forty foot wide road extension to Oak Street will be required to provide access t the property. The overall proposed density is 9.9 units per acre. The applicant should indicate the degree of compliance of the conceptual plan with the Township's design standards for a planned affordable residential development. The applicant should address other access locations for emergency services. The applicant

should indicate if the streets identified on the Lakewood ta map and which cross through the project site have been vacated. The applicant should consider shifting the entire development to the east (toward Rockaway Avenue) to equalize the building setbacks on the east and the west sides from the adjacent rights-of-way. There is a question if the units will be limited to seniors or available to families. Architectural plans containing elevations and floor plans have been submitted for board review. The floor plans indicate two and three bedroom units are proposed. Although the plan submitted is only conceptual, we would recommend that wide landscaped peninsulas at appropriate intervals be provided to “break up” the linear parking courtyard. Subdivision and site plan approval by the board will be required. In addition, CAFRA and various outside agency approvals will be required.

John Paul Doyle, Esq., appearing on behalf of the applicant. With regard to the engineer’s report, item four, reflects that the streets are paper streets and Oak Street is currently being extended. The efforts to make this happen is extraordinary. There is no present need or intent to expend the additional funds beyond that to improve the site and he hoped the board did not require the street improvements. Oak Street is a paper street and there is infrastructure that would have to be shared. Item seven refers to other approvals. CAFRA is one approval and they have to abide by CAFRA regulations. With regard to the planner’s report, item five, refers to a second access. They understood that and acknowledged that. They would provide an emergency access. There are three paper streets that were in the process of being vacated. Given the angle of Oak Street they were able to better facilitate development in this manner and maintain an uniform rear area and a detention basin with an untouched tree preservation area which is necessary for CAFRA rather than shifting the site. If the entire developed area of the site was shifted, that would push back the units on the narrower side, interfering with the detention basin and limiting the tree preservation area which would cause CAFRA issues. It would be for families, not specifically age-restricted housing. There is much detail and architecturals to be shown. They have nine more parking spaces than what is required.

Mr. Dolobowsky wanted them to look into shifting the project a little bit. The engineer stated they look at some different arrangements. CAFRA likes the tree preservation areas to be rectangular. They could make some adjustments and shift it a little. Mr. Dolobowsky asked about the dumpsters. The engineer stated they would provide additional dumpsters. Mr. Dolobowsky gave a locating for another access. The engineer felt it was possible and would review it.

Mr. Banas stated they were talking about different detention basins with pipes in the ground. He asked if that would work here. The engineer stated they could do an underground system and the open area could be used for recreational purposes. Mr. Doyle stated they would take a look at it because it is a little more expensive. Mr. Banas discussed the trees and CAFRA regulations.

12. SD #1524 (Variance requested)
Applicant: MTR Ventures
Location: East Harvard Street, west of East End Avenue
Block 227 Lot 3

Minor subdivision to create 2 lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 227 lot 3. Proposed lot 3.01 contains an existing dwelling, proposed lot 3.02 does not propose any construction at this time. The site is located on East Harvard Street in the R-10 zone. Variances will be required for the following: lot area where 10,000 square feet is required and 7,500 square feet is proposed; lot width where 75 feet is required and 50 feet is proposed; and side yard where 10 feet on one side is proposed and the applicant has proposed 9.7 feet on one side of proposed lot 3.01. This is an existing condition. Ocean County Planning Board approval will be required. The applicant has provided a six foot wide shade tree easement and sidewalk along the property frontage. The plans note that shade trees will be planted per township ordinance. The plans shall be revised to indicate the specific number, size and type of trees to be installed. The plans shall be revised to indicate the location of the proposed depressed curb and apron for lot 3.02. Details of each shall be added to the plan.

Mr. Slachetka stated the applicant should address the positive and negative criteria of each of the requested variances. All the remaining comments were technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated they had no problems with the reports. Sidewalks were provided along the entire front.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the application would have public hearing on March 21, 2006 at 6:00 p.m.

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

Mr. Jackson stated that the application would have public hearing on March 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

13. SD #1525 (No variance requested)
Applicant: Sarah Bodek
Location: New York Avenue, between Ridge Avenue & East Seventh Street
Block 223 Lot 95

Minor subdivision to create 2 lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 223 lot 95. Two new lots are proposed, one is a flag lot. The dwelling on existing lot 95 is to be removed. No new dwellings are proposed at this time. The site is located on New York Avenue in the R-10 zone. No variances will be required. Outside agency approvals will be required. The applicant has provided a six foot wide shade tree easement and sidewalk along the property frontage. The dwelling on existing lot 95 is proposed to be removed. Removal shall either be complete prior to subdivision, or a bond shall be posted to ensure prompt removal once subdivision is complete. The plans should be revised to include the proposed building locations and the location of neighboring dwellings and landscaping. This is to ensure adequate screening for the neighboring lots will be provided. A 10' wide buffer between the proposed lots is required. We recommend landscaped screening along the

flag staff and adjacent properties. A landscape schedule shall be included on the plan. The plans note that shade trees will be planted per ordinance. The plans shall be revised to indicate the number, size and type of trees to be installed.

Mr. Slachetka stated the plan does not comply with the following requirements for flag lots as outlined in Section 805 of the UDO: the access strip must be improved with an access drive. No improvements are shown.; Architectural plans for the proposed dwelling, as required by Section 805.G.6c, have not been submitted.; An area for storage of solid waste containers proximate to the street frontage is required and is not proposed.; Buffering between the access strip and the property liens along the "pole" of the flag lot is required and is not proposed.; A ten-foot wide buffer along the property line adjoining the lot, immediately in front of the flag portion of the flag lot, is required and not proposed.; and the plans must be revised to address the above listed deficiencies. 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. Two street trees should be installed along the frontage of new lot 95.01. The balance of the comments were technical.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated they agreed to all the conditions of the engineer. With regard to the flat lot requirements mentioned in the planner's report, all of them will be revised. They could not show architectural without a house. They could provide an envelope. All the other items would be shown and testimony as to why it should be a flag lot will provided.

Mr. Dolobowsky stated the ordinance calls for a ten foot buffer and that the board might want to see buffering all the way around.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the application would have public hearing on March 21, 2006 at 6:00 p.m.

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

Mr. Jackson stated that the application would have public hearing on March 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

IV. PUBLIC PORTION

Mr. Bonstein, 17 Sherman Street, Lakewood. He questioned why his application was denied. Mr. Banas stated the comments made at the previous technical meeting were still the comments. He indicate that there was a problem with the amount of space that was provided to comply with the HD-6 or HD-7 zone. That was the basis for the no vote. Mr. Bonstein asked on the updated information was he in compliance. Mr. Jackson stated he would have to research the issue. It was a non-conforming building on the Route 9 right-of-way. Mr. Bonstein stated he was keeping the existing footprint. He did not understand why the board denied carrying the application to the public hearing. Mr. Jackson stated if he appealed the decision, he would have to research the record

and he did not want to pre-defend the board's action. The board made its decision and he was not going to justify it or second guess it at this point. He would not give advice on what the board did. It would be inappropriate for him to comment on it. Since it was a denied application, he could not address it because it was not in the best interest of the board. Mr. Bonstein asked why the members voted no.

Mr. Dolobowsky stated he was not happy with putting a second story within the first 100 feet. He felt there was too much on the lot. Mr. Jackson stated it was not appropriate for the board to defend their decision. They can indicate why they voted the way they did if they choose to. The record stands for itself.

Mr. Bonstein asked about application SP #1834 which was non-conforming which was advanced. Mr. Jackson stated each application stands on its own merits. The denied application was further discussed. Mr. Banas stated the board gave its comments as to what it wanted to see to advance the application.

V. APPROVAL OF MINUTES

On motion by Mr. Dolobowsky and seconded by Mr. Franklin, the minutes of January 17, 2006 were hereby approved with the correction that Mr. Ackerman was present at the meeting.

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

VI. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.
Respectfully submitted,