

**LAKWOOD PLANNING BOARD
MINUTES
MARCH 18, 2008**

I. CERTIFICATION OF COMPLIANCE

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

“The time, date and location of this meeting was published in the Asbury Park Press and 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, and The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Neiman, Mr. Banas, Ms. Velnich, Mr. Gatton, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Kielt stated item # 5 on the agenda, **SD 1586A – Thompson Grove Associates** is being tabled until the meeting of April 15, 2008 at the request of the attorney, Ray Shea who is out of town.

Motion was made by Mr. Herzl, seconded by Mr. Miller, to table to April 15, 2008.

Mr. Miller questioned the motion and wanted to know when the applicant requested this to be tabled and wondered if there was another way to let him and the people know that it is not going to be heard, like maybe a star next to the number. Mr. Kielt stated the only way was to have the applicant re-notice or ask for it to be carried at the meeting. Mr. Banas suggested they open it for discussion after the meeting.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. Kielt also stated there is an item added that will be discussed at the end of the meeting about the B2 zone so T&M Assoc. can prepare an amended resolution to forward to the governing body. Mr. Miller said the planning board made a recommendation to the Township Committee and the Township Committee accepted the recommendation and they are requesting that the planning board to give additional ideas towards the B2 ordinance.

4. NEW BUSINESS

1. SP # 1884 (NO VARIANCE REQUESTED)

APPLICANT: CHINUCH LABONOS

Location: Joe Parker Road, south of Long Beach Boulevard

Block 189.04 Lot 188

Site Plan/Change of Use Site Plan-convert existing residence to school and add trailer classrooms

Mr. Peters stated the applicant is seeking Minor Site Plan Approval to convert a residential dwelling into a school and install two trailers in the rear yard for additional classroom space. The existing driveway will be expanded to allow school buses to maneuver in and out. The property has frontage along Joe Parker Road, in the R 20 zoning district. No variances are requested by the applicant. No Outside agency approvals are required. The applicant has revised the plan to show a 6 ft shade tree and utility easement along Joe Parker Road at the property frontage. Neither concrete curb nor sidewalk exists along the property frontage. The board should determine if curb and sidewalk will be required. The applicant has provided an architectural plan to show a total of four (4) classrooms and one (1) office are proposed between the existing building and the proposed trailer. In accordance with section 18-906 C. of the Lakewood UDO, five (5) parking spaces are required, one (1) for each classroom or office. The applicant shows on the plan a proposed 9'x18' parking space and four (4) 8'x15' existing parking spaces. The four (4) existing parking spaces do not meet the UDO minimum size requirement of 9'x18'. The applicant shall provide parking spaces of sufficient size, or request a parking design wavier from the Planning Board. There are discrepancies between the size of the proposed trailer and existing building shown on the architectural plan to what are called out on the site plan. The applicant shall address these discrepancies. In addition a handicap accessible entrance should be shown on the architectural plan where the proposed sidewalk stops in front of the trailer. With the buildings connected, the applicant should provide the accessible entrance to the front and reduce the sidewalk and ramp distance. The sidewalk around the building to the trailer is called out on the plan to have a width of 3 feet. In accordance with ADA regulation the sidewalk must have a minimum width of 4 feet. The applicant shall revise the plan to show the school bus drop off area is safe for handicapped access. The applicant shall address this issue. A handicap ramp detail with truncated dooms shall be added to the plan. The applicant has provided a combination of white pines and an 8 ft high board on board fence along the eastern property line and seven white pines along the western property line to screen the view from the neighbors. The Board should determine if sufficient screening along the property lines has been provided. The applicant shall provide testimony on what size of school bus will use the front driveway, the driveway as shown is not sufficient for full size school buses.

Mr. Truscott read from a letter dated March 13, 2008. The applicant is seeking site plan approval for the conversion of an existing residential structure into a school with two (2) additional classroom trailers on the subject tract. In addition to the 4 classrooms, the applicant indicates that the site will contain an office area and a dining room. The proposed school will be for primary kindergarten through second grade. The tract is an

approximately 1.420-acre site and is located on Joe Parker Road in the northeast part of the Township. An existing one-story residential dwelling is currently located on the site. The subject tract is surrounded by predominately single-family residential uses. The Golfview multifamily development is located on the opposite side of Joe Parker Road. The tract is located in the Single-Family Residential (R-20) Zone District. Zoning and Variances Educational uses are permitted in the R-20 District. The applicant is subject to the zone standards of the R-20 Zone District and Section 18-906 for Public and Private Schools. A variance is requested for the required twenty (20) foot landscape buffer as required by Section 18-906.A.2. The screening must be a solid screen of plantings of at least 6 feet in height and may be supplemented with a fence of solid material where necessary. The applicant has proposed nine (9) pine trees, six to eight feet high, along the side yard setbacks. In addition, a six-foot high vinyl fence is proposed on the side yard of Lot 187 and an eight-foot high vinyl fence is proposed on the side yard of Lot 189. The applicant should provide testimony as to how the buffer requirement is being met in the proposed plan. A play area has been identified on the site plan. A play equipment construction detail is now shown on the site plan. Review Comments The applicant should describe the operational characteristics of the facility including the following: The proposed number of students to be educated on site; The proposed number of educators for the school; The type and anticipated number of school buses visiting the site on a daily basis; The proposed hours of operation; and, the services that will occur on site. The applicant should indicate if lighting is proposed. We recommend supplemental buffer landscaping along all property boundaries where buildings, parking, and the play area are proposed. The applicant has submitted a floor plan for both of the structures. The applicant has proposed five (5) parking spaces and noted the requirements of Section 18-906.C. Five (5) parking spaces are required, and five (5) parking spaces are provided. The applicant indicates that there are four (4) existing 8 feet by 15 feet parking spaces on the subject tract. One additional parking space is proposed which is 9 feet by 18 feet. The existing four parking spaces appear to be stacked along the side yard of Lot 189. The applicant requires a design waiver for the proposed parking space size. The applicant should provide testimony regarding the stacked parking arrangement and the Board should decide if the arrangement is appropriate for this site. All parking is proposed within the front yard setback and is adjacent to the side yards. The Board should decide if sidewalk is appropriate along the site frontage. The applicant has not addressed how refuse will be removed from the site. If appropriate, a trash enclosure should be provided. The applicant should comment on whether the current septic system is sufficient to accommodate the proposed number of individuals for the proposed use. The remaining comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant and said he has appeared before the board twice on this application. Once was with the legal issue where they went to Mr. Mack, the Zoning Officer, and requested permission to place the trailers and Mr. Mack said yes but when the neighbors started screaming, he started saying no and the issue was for Mr. Penzer to come to the planning board to make the decision. The revised UDO says as long as there is a house there the Zoning Officer can allow trailers up to 3 years at his discretion. Mr. Mack wanted the planning board to make that decision and the board stated it was Mr. Mack's responsibility to do that and the board affirmed he could do it. Instead Mr. Mack requested the applicant come to the board for proper approval. He said they are not seeking any variances and this is a permitted use. In this case they have tried

to avoid any conflicts and an invitation was extended to the neighbors and no one came. Obviously the neighbors are upset but he wanted to tell the board that they did not try to sneak in a school without permission, they asked for permission, received permission, the permission was revoked, and we are now before the board. They are seeking approval for the building with the trailers for 6 classrooms, 1 computer room, and 1 office. The grades are for 20 students in each classroom, 6 teachers, from preschool to 4th grade. They will be using short busses and their hours of operation will be 9-12 for the preschool and 9am-3:30 for kindergarten to 4th grade. The existing house is to remain and will house the classrooms with the proposed trailers.

Mr. Flannery is the engineer for the applicant. He stated the plans submitted show the present need which is 4 classrooms and 1 office, and ultimately it will be 6 classrooms, computer room and 1 office. This requires 7 parking spaces and the plans submitted show 5 parking spaces, 4 that are shorter. They are requesting a design waiver because they are existing spaces and they do work and if they were being used the same time a bus was in there it would be difficult but they 4 people parking there are the teachers for this small school. The ultimate build out plan requires 7 spaces, 2 additional spaces are available in the garage. This is an existing dwelling with a 2 car garage and they will stipulate that those spaces will remain open as garage parking spaces, not to be used as part of the school. In regards to the planners report, he stated the ordinance requires a 20ft. landscape buffer from the building to the property line, the existing home does not comply with that, there is not 20ft. existing, and unless they chop something off the house, they cannot comply with that. The trailers that were put in were put in with 20ft. and the ordinance does indicate compensating for the lack of dimension on a buffer with a fence and additional landscaping and they are agreeing to fencing and landscaping to provide the intent of the buffering in that area.

Mr. Banas said he thought the building was demolished and was told it was not. Mr. Flannery had pictures of the site, A1 was marked as sheet 1 which is colored in green showing the school. The photos were marked A2 which were 4 photos taken by FWH depicting the current situation. Mr. Jackson stated Mr. Truscott stated there was a variance for the buffer and the applicant states there is no variance. Mr. Flannery said when they submitted the application, they assumed because it was an existing condition, it did not trip a variance, but since Mr. Truscott called it, they are asking for a variance, and because it is an existing condition, the benefits outweigh the detriments and the board can grant that without any detriment. Mr. Jackson said this would be a bulk variance and if the board accepts it would satisfy that. Mr. Penzer said it is his opinion that it does not rise to a variance, but a waiver. He believes the ordinance is not applicable in this manner because the ordinance provides that you can rectify the problem by supplementing the plantings and you don't have to have 20 ft. If there was a real variance required you could not solve the problem with supplementing with landscaping. He did notice for the meeting to be on the safe side. Mr. Banas said he did not like waivers, make it clear cut and ask for a variance. Mr. Banas questioned the building and asked how long will it will remain as a house. Mr. Flannery said the existing building will remain but it will be a school and have no use as a residence. Mr. Banas said when they go to 6 classrooms, plus a computer room and an office, you will need more spaces and Mr. Flannery said they do not stipulate parking for a computer room and the teacher would take the children from the classroom to the computer room, so it doesn't generate another staff member. Mr. Banas asked how

those 2 spaces in the garage going to be opened and closed and Mr. Penzer said the first 2 teachers to arrive will open them and put their cars there and close them. It will probably be the upper grade teachers who will be there longer. Mr. Banas suggested that it was a cumbersome method of parking, there should be an easier solution. Mr. Penzer said this is a school where the women don't drive and are usually dropped off by their husbands, but because they have to follow the ordinance, this is the only option. Mr. Banas said what happens 2 years down the road and Mr. Penzer said they will have to come back if they want to expand. Mr. Flannery said they are not proposing any lighting, these are the primary grades that are all going home by 3:30 and lighting isn't needed. They agree to the supplemental buffer landscaping and will satisfy the professionals. They need a design waiver on the parking spaces and it is his testimony that they will provide the required parking. Mr. Banas asked who has automobiles 15 ft. long and Mr. Flannery said there is a little room for an overhang in front, and a little overhang in the back, and they do not drive big trucks or SUV's and it is his testimony the vehicles will fit.

Mr. Banas said sidewalks are required along the site frontage. They planned on rolling the trash out to the curb unless Mr. Franklin has another suggestion. The current septic system does have the capacity. The play area has been shown on the plans and the details of the equipment are shown. They agree to comply with the remainder of the comments in the planners report.

With regards to Mr. Peters' report, Mr. Flannery said no outside agency approval is required. They have provided a shade tree and utility easement. They will revise the architectural plans and the site plans to match each other. They will revise the details on the trailer to the satisfaction of the professionals and will also provide additional information on the drop off area for the bus. They will provide the handicap ramp detail and will supplement additional screening if the board requires it. Mr. Banas said he had a problem with white pine because it grows rapidly and does a good buffering job but not only does it grow up but rapidly to the side and said there are other specimens that can be put in there. Mr. Truscott said he would help them with that and Mr. Flannery said arborvitae is typically what is put in they will satisfy Mr. Truscott's office. Mr. Banas asked how deep the garage is and Mr. Flannery said it is standard garage, longer than 15 ft. Mr. Flannery said the property line and the driveway is what prevents them from making larger parking spaces. The dimensions of the property narrows down and the existing dwelling limits how much space there is and how deep they can go with the parking and would have to come back in the future. Mr. Banas asked if it would be prudent to do it in this step rather than 2 phases and Mr. Flannery said as configured, this works for the school at this time.

Mr. Percal asked if it would be logical to move to designate the 2 garage spaces for oversized vehicles as opposed to the upper class teachers and Mr. Flannery said he is sure the administration of the school will look at the parking needs and distribute them accordingly.

Mr. Banas opened the microphone to the public

Raymond Forse, 1508 Long Beach Avenue was sworn in. He is opposed to this application and apologized to Mr. Penzer for not attending his meeting but felt his

comments were aimed here at the meeting. He has several concerns with the physical plans as it currently exists. The bulk requirements of the R20 zone call for a minimum lot width of 100 ft. the radial width for the property is 94.67 ft. He is not certain if a variance is being requested for the buffer or not but the latest plans specifically say a variance is requested. Mr. Banas said they preferred a variance. He said Section 18-03 B1 indicates that the buffer must be of grass and ground cover and it appears the applicant intends to leave a stone drive in the buffer area. Section 18-906 also requires that there be no parking within the buffer zone and it appears that is not met. The plan spaces are striped all the way to Joe Parker Road and the last parking space actually touches the end of the existing driveway which would make it extremely difficult to get into that parking space. He questions where the drainage from this parking area is collected because the existing grading seems to direct the flow onto the adjacent property. Section B1 C of 18-803 calls for a minimum tree caliper of 2 inches and this is not spelled out in the plans. He said Mr. Flannery spoke about the septic system and said the existing system is sufficient. Under NJ Administrative Code 7:14 subchapter 23, the total sewer flow from a 3 bedroom single family residence is 300 gallons per day. It also says that a school with no shower or cafeteria would be 10 gallons a day per student. Mr. Banas indicated to him that before any septic system is accepted or rejected, the OC Health Department would be involved and they are the ultimate agency to determine whether permission would be granted. The planning board does not get involved because if it not approved by the county the project is not approved. Mr. Forse said if there are going to be 120 students at 10 gallons a day, that is 1200 gallons per day and he does not see how the existing septic system could accept that. On the 2/20/08 revision to the plan, it is labeled as a Major Site Plan even though he has heard it referred to as a Minor Site Plan and he believes as such it requires a stormwater management report. In addition, with the trailers being in place, there is an additional 2300 sf of impervious roofing area which would seem to make it improbable that the existing drainage would be sufficient. There are 3 other concerns he finds troubling: first, he asked where the emergency access to the trailers was as it appears fire trucks or other emergency vehicles can get past the existing home; second, the trailers are already in place, and after the February meeting he contacted Mr. Mack who informed him that he did grant permission after the trailers were in place. He finds it appalling that they would allow someone to violate the ordinance and then not have to trouble themselves to remedy the violation when it is pointed out to them. In addition he is surprised that permission of this sort can be given with no written record, it is strictly verbal. His last question was if there any tree clearing that was to accommodate the trailers, which he believes there was, would that level of clearing require a tree protection management plan as spelled out in the UDO.

Mr. Banas asked Mr. Flannery to respond to those questions. Mr. Flannery said the lot width is measured at the setback line and the lot complies and this is an existing lot anyway so it is not an issue. Mr. Peters agreed. Mr. Flannery said they are requesting relief of the buffers and they have upgraded it and are asking for a waiver and asking the board to approve the buffer as shown because this is what fits. They are adding the fence and additional landscaping. Mr. Flannery said they are asking for relief from the buffers that relates to the driveway that is in the buffer and parking that is not allowed to be in the buffer. He also said that is an existing condition. To the comment about the parking spaces being lined to the edge of the street Mr. Flannery said they don't come to the edge of Joe Parker Road, they come close to the right of way and that is typical and there is

plenty of room for a vehicle. Mr. Jackson asked how much room was there between the edge of the striping and the actual roadway and Mr. Flannery said it scales as 18 ft. before it comes to the roadway and Mr. Flannery said it is his opinion that it is a safe configuration. With regard to the drainage, Mr. Flannery said the pavement as indicated in A1 is all existing, it is the small area on the northwesterly side that is being added and that is a diminimus area and the drainage is going to go where all the other drainage goes and the trailers in the back are up above the ground so it allows water to percolate into the ground at ground level and those are separated from the driveway area and is consistent with what the State looks for in stormwater management and he feels the drainage is sufficient is as proposed. He agreed to comply with the board's professionals on the types and calipers of the trees for the buffer. In response to the comment made about Section 7:14 23 and the standards by the state and Mr. Flannery said the 10 gallon a day per student is accurate but the design flow for a 3 bedroom house is not 300 gallons a day, they require a 200 gallons a day for the 1st bedroom and 150 gallons a day for each additional bedroom so that would be 500 gallons but that is a minimum. His office measured the septic system that is measured the system that is out there and it is his testimony that it is sufficient and that is something that the OC Board of Health has to review. He did not have the figures with him but said it exceeds the 1200 gallons per day. As far as the discrepancy in the title blocks Mr. Flannery said he would have to review the plans to see what the title blocks say but the application is what the application is, a Minor Site Plan. Mr. Peters said the title block just says Site Plan but the signature block says Major. When he first reviewed it he was under the impression that it would be a Minor Site Plan based on the number of parking spaces, but Mr. Truscott and himself are now reviewing the ordinance an it appears if it is over 1500 sf that a Major Site Plan would be appropriate. Mr. Flannery said the only place they exceed this is in the trailers and the ordinance specifically allows schools to put in trailers for up to 3 years with no site plan approval and that is where they were going initially. Mr. Peters said in a Major Site Plan such as this he would generally recommend waiving the stormwater management plan, anything under 5,000 sf of disturbance would not need to go soil erosion, so he considers it a diminimus increase in flow. With regard to the issue of emergency access for the trailers Mr. Flannery stated it is his professional opinion that there is no reason for vehicles to access the back of the property. If a building was constructed of the same depth there would be no access for vehicles to get to the back. For fire personnel it is an easy hose length and any other emergency personnel has a short walk.

Colleen Brennan, 493 Joe Parker Road was sworn in. She had some pictures that were entered into exhibit Brennan-1 and she took the picture that shows her views from her deck. She showed how ugly and dilapidated the trailers are and other neighbors have pictures. They are peeling, the windows are broken and it looks totally unsafe. She showed another picture of what it looked like before they cleared all the trees, Brennan-2. Mr. Jackson took all the photos and she said they are all hers from her property and they were marked Brennan 1 through 4. Mr. Penzer was being provided with viewing the photos along with the board members having a view of them. Mrs. Brennan said she did not have much of a presentation except for the fact that when you look at that, she doesn't see how anybody can think that that would be acceptable to look at from their back deck and a 6 or 8 ft. tree will cover that. It is not going to buffer 120 kids which they had previously told her was only 50 and the noise will be increased. It is dangerous for her to leave from her driveway, he lives right on a corner and Joe Parker Road is a busy road.

She said her neighbors have the technical things regarding this application she has the emotional side of it because she cannot imagine looking at it and it is really close. She said when they said they would make improvements they would have to buy property from the neighbor to expand and that is unfair. She said when her husband called about the trailers when they were first delivered he was told that they did not have permission for the trailers and she doesn't know why they were not told to remove them. She also thinks that the vinyl fence will have to go farther than they are saying it is going, it is in a little spot and they will be parking right there and it will be a nightmare. Put in a 12 ft. tree and give her a break so she does not have to see those trailers. She said for bathrooms, the homeowner only had one bathroom in the house so how are they going to accommodate 120 students. Mr. Banas said that is maximum. She said her well is right in the back by the fence and she and her neighbors all have well water and the drainage is a worry. She also questioned the gravel drive and how are they going to park there if it is a buffer.

Mr. Penzer said he saw the pictures and she is right, the problem was that he did get permission and Mr. Mack revoked the permission and they couldn't move the trailers. She is right that it is a disgrace what it looks like but what can he do when he received permission and he is suddenly told no he can't touch the trailers until he goes to the planning board. He assures her that if you look at the pictures the trailers are only halves, they have not been joined and the trees around it will cover it, right now they are not. If Mr. Mack had told them no, they would never have put the trailers there. They are paying for those trailers sitting empty. As those trailers are sitting there in the wintertime, they are getting damaged and the children will get hurt using those trailers because they can't do anything because they have been ordered to appear before the planning board to get it done. Mr. Penzer introduced the man who is building it, Mr. Rottenberg and said if they have a problem with the trees or the trailers being made nice, to call Mr. Penzer. He said no one is trying to hide or make the neighbors have a hard life and he apologizes for the neighbors being so upset. The reason why the parking is configured in this manner is because they only have 17 ft. and he would love to have parking in the rear but he can't because he needs to be 24 ft. wide. She asked if he was going to put new trailers in there because there is no way to repair those dilapidated ones and Mr. Penzer said he couldn't answer that question. Mr. Penzer asked her if she got the invitation to the meeting and she said she did but her husband has cancer and he is very sick. She said the noise level will be out of control with children in the playground etc. Mr. Penzer thanked her for bringing it to the board's attention.

Carol Suckno, 59 Foxwood Road was sworn in. She said if she heard Mr. Penzer correctly, she thought that he said that SUV's and the big cars would not be a concern and most of the mothers do not drive. She worked for YTT headstart at 685 River Road and 99% of the moms that bought the preschoolers every morning drive great big vans and her question to Mr. Penzer is it going to be on the application for the school that the mom is going to come to the school in a normal size car and absolutely not bring big vans in there. She would like to know how he knows. Her second question is if the school is starting out with 50 children and can expand to 200, she would assume they would need more teachers and would like to know, with the lack of parking where these new teachers will park? Mr. Banas said that was explained earlier and he asked Mr. Penzer to answer her questions. He said this is a different kind of school than the YTT headstart, which is boys school and the mothers drove their husband's cars. Mr. Jackson said this was an

argumentative line and it does not have any relevance as to what cars they drive, they will be dropping the children off and Mrs. Suckno said these are little girls and the parent will walk them to the classroom and sign a slip, and repeat that when they pick them up so they will be parking. Mr. Jackson said her position is that it is not just a drop off or pick up and she said absolutely not.

Ann Richardson, 1870 Lanes Mill Road was sworn in. She said they are going to put all this on 1.4 acres and she talked about the septic system and said this is a residential area and she has seen the dimensions of her septic and she has a larger house and she knows that the septic tank that are put in to Lakewood Township over the years are not that big to accommodate 120 students and asked if they would be putting in a new septic system to accommodate 6 trailers of children. Mr. Banas said if the requirements are not met by the OC Board of Health the school will not open. If it requires a larger septic system and it doesn't provide the healthy water it will not open. She suggested the members go out there, look at this property, see where the house is located and see exactly where these trailers are going to go. Lakewood Township public schools have had children in trailers for how many years, it has been a long time and no has done nothing to take those children out of those trailers. Now you are going to put more trailers and more children in them to form a school. What about their kids, when are they going to get their day? Mr. Banas said there are various reasons for approving trailers and this is but one. There is a federal law that involves trailers and that is another issue completely.

Jacqueline Dunham, 419 Joe Parker Road was sworn in. She had pictures of the property and took the pictures herself Friday, one in the summer, one in the wintertime a few years ago and the one from the street was taken about 5 years ago. Mr. Jackson referred to the exhibits collectively marked as Dunham 1 through 8 and 1A for a total of 8 photographs. One is of her view from her deck. The fourth picture, is what the property looks like now. She said looking at the plans, the fence line on her property, which is 187, the vinyl fence is her fence. That fence is not on the property line, it is about 3 or 4 feet in on her property and apparently they like to take that fence and move it to the property line and use it as one of their buffers and that is not going to happen, her fence will not be moved. They will have to put in an 8 ft. fence and even putting up an 8 ft. fence and putting in the 6 ft. white pines, you can see from the view from her deck that is not going to help her at all. You would have to have at least 12 ft. not to see what she sees when she looks at every single morning. In the spring right through September, that is where we live, we live in our backyard, she lives on her back porch, she lives on her deck and that is what she has to look at. Her concern is also recess time, maybe 120 children, and she asked how long recess is and what time and Mr. Penzer said he didn't know but asked for a moment to find out. She said whatever the recess time is, the noise level has to be incredible coming from that amount of children. She asked how many days they went to school. Mr. Penzer said recess is 15 minutes twice a day, 10:30 am to 10:45 am and 2:30 pm to 2:45 pm. She said they will be very close to her property where she spends most of her time 5 months of the year. She said on their property, somewhere in the back, there is a septic tank but she thinks it may be fairly close to where those trailers are and she said they are looking at an opening of 9 ft. and that has to be expanded if they are going to put a 12 ft. section to this trailer in and she doesn't know how close to the septic tanks they are going to be or even overlap the tank. Her well is in her backyard and she is concerned about that. She said the playground is pretty big and said she went online and found something similar and it is

a very large play unit and she doesn't know where they are going to put it. She assumes they will have to cut down more trees. She said if you look at the picture that was taken of the front of the house, there is 4 pictures and you will see the parking space that they are talking about and it is very near Colleen's property line and there doesn't appear to be enough room to accommodate the 4 spaces and on the other side they are putting in a 9 x 18 and that 9 is right on her property line. She wanted to know about the buffer zone and if it extended to the driveway area and thinks possibly yes and her concern is they would have to put a fence coming down to the driveway; it would have to start at 8 ft. step down to 6ft. maybe 4ft. and if you look at her driveway, she has a very large driveway with 2 side parking areas. If you take the extended driveway and you extend it over it will be a foot or 2 ft. from her driveway and it will look like a parking lot and her concern is when you have people dropping off students not everyone coming out of that driveway will be patient and they will cut right across onto her driveway and that will be another way of exiting. She also wanted to know in the summer months, will they be eating outside and Mr. Penzer said they are closed in the summer. She said if you look at the trailer there is two very large electrical boxes on either side and she wanted to know how they got hooked up, do they hook it up overhead or underground and if it is overhead, where do the wiring go. Mr. Banas said it would be secure and safe. She asked how many children would be arriving by bus.

Mr. Penzer pointed out where the playground is going on the map and they will have to remove some trees. Mr. Penzer said Friday school closes at 12:00, Saturday is closed and Sunday it is closed. The full days are Monday through Thursday. The children will be eating at their desks because they are small. Mr. Penzer said Mrs. Dunham's husband met with Mr. Rottenberg and he asked if they could move her fence over to the line and plant trees and your husband was going to get back to them and they are agreeable to do that. She said there was no answer given and she has just given her answer. She said the fence will not be moved and they would need to install an 8 ft. fence.

Mr. Banas had a question about exiting the property and Mrs. Dunham indicated there might be a way of cutting across her driveway and Mr. Flannery said they would put something there that would eliminate vehicles from having access and will satisfy the board's professionals on how to do that. Mrs. Dunham said in closing that even though she brought up everything that will be taken care of, in no way for her satisfies that she wants that school there. She does not want to see it there. She said with all the talk about buying 7ft. here etc. why did they even bother to choose that property if you knew there was not going to be enough space to accommodate it.

Pat Forse, 1508 Long Beach Avenue was sworn in. She has several questions and several comments. She has a question about the national holidays and she said they will not be open on Sundays and not in the summertime and the hours will be 9-3:30 with no extended use to that property after those hours. Mr. Penzer said that is the intent at this time, they are dealing with 4th graders and she is concerned with the intent at this time. She also asked if they had any concerns subsequent to this evening, who should they be addressed to i.e. the condition of the trailers, condition of the property etc. and Mr. Banas said the zoning inspection department. She had a concern that Mr. Flannery addressed that there would be no lighting on this property and asked if that was also conditional and Mr. Penzer said no. Mr. Banas said that might be changed before the evening was over

simply because he has concerns. Mrs. Forse's other concern was for Joe Parker Road because it is very heavily traveled and with the addition of the Kara Homes property with many homes, and next to that property will be another development and she is concerned that the students will be courtesy bussed and she cannot even imagine a child would be allowed to cross the road from the newer development to attend that school. Courtesy bussing is a large portion of the school budget and Mr. Banas said every item given to public school is given to private school students. She was under the impression several years ago that many of the private schools be in a certain geographical area whereby bussing would be in that area and lessening the millions of dollars that is used for that. The other thing she would like to note is fact that the condition of the trailers are, and even though they have been there since November, she took pictures of them many months ago and she questioned whether they are safe for children. Mr. Banas said complaints should be levied to the inspection and zoning department. She said they could be levied all they want, they have not been addressed and she would hope they would not put children in housing such as that. The Lakewood public school had to go through a great deal of process in order to have their trailers be in a safe and good condition. She would also like to address Mr. Penzer's comment and she said she received a note in her mailbox on Wednesday evening that there was a meeting on Thursday so it did not give much notice.

Gerry Ballwanz, Governors Road was sworn in. She said there is an existing house and in the future that existing house will be changed into the school and Mr. Banas said it is a school or it will be a school. She asked what the use is now and Mr. Penzer said it is vacant. She asked why the house can't be built up as a school and you don't have to use the trailers and Mr. Penzer said they already have more students and they are already full. She asked if the trailers are in use right now and Mr. Banas said no, so she asked where the students that are already enrolled are. Mr. Penzer said they are in other locations that they had to scramble for. She said it would seem like how long it would take to remodel that house to make is a school shouldn't really take the 3 years or so that those trailers will be there with a vacant house and thinks there should be some plan as to when that house will be changed is important factor. She also questioned the drainage and how it percolates to the soil and she said now there will be a lot of that land with the gravel put on and there will be a higher intense use of that soil which will be compacting that soil affecting the amount of infiltration of that water and she thinks there will be a problem with the drainage. Mr. Banas said no if you have gravel the water will percolate into it. She thought with all the buses and heavy traffic it would have some kind of a negative impact. They are supposed to be planting trees in the back, but who is going to be responsible for making sure that those trees grow and be fertilized and watered? Mr. Banas asked Mr. Truscott if there was a clause in the resolution that provides for 2 year growth and Mr. Truscott stated there was usually a 2 year maintenance bond. She said someone still needs to water them.

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

Mr. Banas talked about the lighting and said there needs to be lighting for safety. Mr. Flannery said it closes at 3:30 and it is never dark at 3:30. Mr. Banas asked for some security lights and Mr. Flannery said that was an excellent idea and will be shaded so it does not penetrate into the surrounding property.

Mr. Schmuckler asked if this was going to be a variance or a waiver and Mr. Banas said there are some areas where a waiver is requested and some areas where the board was talking about a variance and they will be granted accordingly.

Mr. Peters had a question for Mr. Flannery and it was when Mrs. Dunham was discussing the fence, the plan shows the fence just off the property line but it says to be relocated and Mr. Flannery said there was a misunderstanding between the applicant the neighbor and they will indicate that they will put a fence on the property line. They heard the testimony of the objectors and the main thing is the buffering and the applicant is willing to extend the fence to meet the professional's advice as to how far they should go and it certainly makes sense to put it up front where the parking will be and they are willing to put in taller trees, the 6 ft. trees will take a few years and they will put in 10-12 ft. tree such as the arborvitae so there is a substantial buffer from day one. Mr. Banas said not one row, they should stagger them and Mr. Flannery said they will meet the board's design requirements.

Mr. Akerman was curious why they didn't put a taller fence around the both sides of the property so nobody should see anything. Mr. Flannery said they are proposing an 8 ft. fence but it does not go all the way to the front, they stopped it and someone commented it should go further and step it down as they go to the front and they will do that to the satisfaction of the board's professionals.

Mr. Schmuckler said the professionals noted they had 8 ft. on one side and 6 ft. on the other side and Mr. Flannery said they would be willing to put 8 ft. on both sides. Mr. Kielt added they should be careful they don't create a variance scenario in the front setback and Mr. Flannery said that is why they are going to step it down from 8 ft. to 6 ft. to 4 ft.

Mr. Neiman wanted to make sure that if anything else has to be added, if they make any changes to the school if they want the school to grow down the road that they do have to come back. What they are asking for today is "as is" this home, this size and these trailers in the back, there is nothing more at this point that is being asked. Mr. Banas said that is correct and that an approval of the trailers is for a period of 3 years. Mr. Penzer said then they will be converting those into classrooms. Mr. Banas said that is another matter. Mr. Penzer said they are asking for approval for 6 classrooms, a computer room, and an office and what they are saying is in the place where the trailers are they are going to make that a permanent building. So rather than come back they are going to put in that area where the classroom is going to be. Mr. Flannery said the ordinance stipulates that the trailers can remain for 3 years and then they have to come back; they are asking for it now in front of the board. If Mr. Mack had approved it, then they would have had 3 years before they had to come to the board.

Mr. Banas said the applicant has heard from the residents and audience indicating that the windows are broken, it needs a paint job and that would be required. Mr. Flannery said the would, absolutely, and the school will need a certificate of occupancy from the township on the units and they won't get one with broken windows, etc. Mr. Banas asked if the trailers meet the state code or else they would not get a CO. Mr. Penzer wanted to clarify he agrees with Mr., Neiman's interpretation that if they increase beyond 120 students they would have to come back but he is asking that as long as they keep to the 6 classrooms, even though it is not going to be a trailer it is going to be a building it will be the same.

Mr. Franklin said the planning board works very hard to work with these schools to try to get them into different areas, but of all the plans he has seen come before this board, this is probably the most disruptive for an area that he has seen. The parking is really poor, it is parked right up to the peoples' fence and when you take that angle the cars will be hanging back in the driveway that doesn't have a proper turning radius, you will not be able to get a bus in, and what happens when the people come to see their kids in a play or visit the classroom; there is no parking for them, they will be parked on Joe Parker Road, you heard the one woman speak how bad the traffic is and he has driven there himself and it is very poor plan. Then you are talking about increasing it in a future time which means more traffic, buses unloading, the garbage end of it is not a problem but the whole rest of the plan is very poor and poorly thought out.

Motion was made by Mr. Neiman, seconded by Mr. Akerman, to approve this plan with a number of conditions that were spoken about, the 6 classrooms, 120 students, and he thinks even more important condition is to really have the building work with the neighbors. He knows schools are permitted in this zone but he feels they need to be as sensitive as they can to the neighbors that are living there; to come up with proper buffers, better than as best they can, the proper trees, the proper fencing to buffer it, the 8 ft. fence along both sides until the front and work on the parking. The school has to be sensible to see if the parking is not adequate to somehow figure out how to make it adequate. 6 parking spots may be adequate now but if they see that it is not, something has to be figures out; but the main thing is working very closely to try to keep this neighborhood of Joe Parker as nice as it is now.

Mr. Akerman wanted to make a comment and to tell the public that although he is seconding the motion he is well aware of them, he would not want a school next to his house either but it is a permitted use and there are no variances and it may not be the best plan but they fulfill the ordinance. He would recommend to Mr. Penzer as well that in the future when they do raise the funds they should take it into account that the plan is not the best one and they should try to spruce it up.

Mr. Franklin said he believed there were variances so Mr. Akerman was mistaken. Mr. Banas said there are variances for buffer and a waiver for parking.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; no, Mr. Neiman; yes, Mr. Banas; no, Ms. Velnich; no, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

There was a slight recess and when the meeting came back to order Mr. Banas stated it was impossible to finish the agenda today and doesn't see where they would finish #6 and probably #3, they have a time constraint on #4 and as a result he has already committed himself and the board to hear that at 9:00 or after. He asked the attorney's for the 2 cases for them to be carried. The applicant for #6 – SD 1620 granted the extension of time.

Motion was made by Mr. Franklin, seconded by Mr. Neiman to table item #6 –SD 1630 Neal & Marilyn Gittleman to the meeting of April 15, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

2. SP # 1860 (VARIANCE REQUESTED)
APPLICANT: CONGREGATION AVREICHIM
Location: 10th Street @ northeast corner of Clifton Avenue
Block 112 Lot 11.02
Preliminary & Final Major Site Plan for house of worship

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval for Block 112, Lot 11.02. The project consists of a two story House of Worship with an unfinished basement and 3,656 S.F. of sanctuary space. Stormwater management measures, and parking facilities are also proposed. The site is located at the corner of Tenth Street and Clifton Avenue, in the R-10 Zoning District. The applicant is requesting the following variances: Front Yard Setback: 22 feet to Tenth St. and 28 feet to Clifton Ave. are proposed where 30 feet is required. Maximum Lot Coverage: 36% is proposed where 25% is the maximum permitted. Parking: 9 off street parking spaces are proposed where 20 parking spaces are required. Buffer to a residential property: A five (5) foot buffer has been provided where twenty (20) feet is proposed. Ocean County Soil Conservation District approval will be required. Proof of approval shall be made a condition of final approval. Concrete curb and sidewalk exist along the property frontages. A six foot (6') wide shade tree and utility easement exists along the property frontages. Note 5, which is shown on the Site Development Plan below the zoning table shall be revised to state 20 off street parking spaces are required. The applicant shall provide sufficient spot elevations on the proposed handicapped ramp east of the building to demonstrate that the ramp is designed in conformance with ADA standards. The site has been designed in accordance with the stormwater regulations of Lakewood Township and the NJDEP.

Mr. Truscott read from a letter dated November 1, 2007. The applicant is seeking preliminary and final major site plan approval to construct a two (2) story house of worship with a basement on Block 112, Lot 11.02, a 7,500-square foot corner property, with supporting parking and infrastructure improvements. The tract is located on the corner of 10th Street and Clifton Avenue, one block east of Madison Avenue (Route 9), in the northern part of the Township. The tract is unimproved and mostly wooded. Contiguous uses are residential and recreational, with Lakewood Township-owned baseball fields directly south on 10th Avenue. The applicant has submitted plans, revised through October 5, 2007, accompanied by a cover letter dated October 15, 2007 addressing the comments of the Board's professionals. Lot 11.02 is located in the R-10 (Single-Family Residential) Zone. Places of worship are a permitted use. The applicant has requested the following variances: Front yard setback: 30 feet required; 22 feet proposed (Tenth Street frontage). Front yard setback: 30 feet required; 28 feet proposed (Clifton Avenue frontage). Maximum building coverage: 25% maximum permitted; 36% is proposed. Parking: 20 spaces required; 9 proposed with the handicapped accessible space relocated nearer the relocated handicap access towards the eastside of the building. Buffer to residential properties: 20 feet required, 5 feet proposed (Section 905.B.1 and 3). The positive and negative criteria for the requested bulk variances should be addressed. The Planning Board should discuss the variance for off-street parking spaces being requested. Testimony must be provided to address the parking variance, describing how parking will be provided for the proposed use. A copy of any agreements with adjacent/nearby properties to allow off-street parking should be submitted to the Board

Attorney prior to the public hearing. The zoning regulations pertaining to houses of worship and religious facilities (18-905) address curb cuts. We note a wide driveway apron is proposed for the 9 off-street parking space area. The applicant should provide testimony that the proposed design is consistent with safe traffic flow. We have a concern about the number of spaces which must back out onto Tenth Street. Additionally, these parked vehicles will be crossing an active sidewalk. The applicant proposes to place stairs to the basement in the rear yard. At a minimum, the plans should be revised to clearly indicate that the stairs will be no closer than the five feet from the rear lot line to clearly limit any encroachment of this projection into the buffer area. We note that the plans indicate certain traffic signage, such as school crossing signs, are to be relocated. All proposed signage should comply with applicable regulations. Signage appears to be appropriately located for the site. The site plan notes existing site triangle and shade tree/utility easements, as well as existing sidewalks. The applicant will dedicate a 450 square foot sight triangle to Lakewood. The Township may accept the dedication and require the applicant to maintain the vegetation within the sight triangle. The survey description and the easement document should be reviewed by the Board Engineer and Attorney prior to filing of the easement document with the County Clerk. A six-foot solid fence is required to screen the proposed parking to adjacent residential Lot 13, per Section 905.A.2 of the UDO in lieu of the required 20-foot buffer as defined in 905.B (Buffer requirements). The fence has been shown. An enclosure is shown on the site plan at the east end of the lot for a roll-out dumpster. Signage regarding no parking on collection day is also proposed. The balance of the comments are technical in nature.

Mr. Alfieri Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery said the property is on the northeasterly corner of 10th & Clifton Avenues, to the north of the little league field. The applicant previously came in with a larger building closer to both the north and easterly property lines and this plan is the result of the technical meeting where they went back to the architect and shrunk the facility to the maximum extent practical to meet the needs of the congregants. They went from 42% lot coverage to 36% lot coverage and 25 % is permitted. With regards to the planners report, they are requiring a variance from front yard setback of 22 ft, on 10th Street and 28 ft. on Clifton Avenue. The applicant has an agreement with the Cheder School that they would be able to use their parking facility on 10th Street which would compensate for the lack of 11 parking spaces. They are proposing a fence and dense landscaping in lieu of the 20 ft. buffer. The positive criteria is providing a facility that satisfies an inherently beneficial use to provide community facilities to meet the needs of the residents. The negative criteria would be traffic, drainage and aesthetics and the architectural plans speak for themselves, it is a very pleasing building. The front setback of 28 & 22 are rather minimal in nature and in that area it will not look out of place. The property owner to the north, they have provided 10 ft. and 20 ft. to the property to the east. They have provided a drainage system in accordance with RSIS standards. It is his professional testimony that the board can grant these variances without any detriment to the zone plan or zoning ordinance. With the issue of coverage, Mr. Flannery said they have reduced it from 42% to 36% and that is closer to the 25% and if you had a house there of 25% coverage it is not going to look substantially bigger than the facility they are proposing here and the house would not provide that inherently beneficial use. It is his testimony that the coverage they are requesting does make good planning sense. Mr. Banas said to convince him that those 9 parking spaces are safe and Mr. Flannery said the 9 spaces individually are any of the

parking spaces on 10th Street, it is narrow and parking on both sides and the congregants using them are familiar with the situation and they will back out of those parking spaces the same as someone backing out of a driveway. Mr. Banas said he did not think the intent of the ordinance is satisfied. If you had a driveway coming from a home, you would be dealing with one car coming out of a parking area but when services are over, you will have 9 drivers trying to get out simultaneously. Mr. Flannery said it will be 9 drivers that do this on a regular basis and are familiar with it. Mr. Alfieri added that it is the applicant's position that the 9 spaces are not even needed for their use because virtually all the congregants live within walking distance. Mr. Flannery said the parking lot is right across the street. Mr. Alfieri said they have a written letter from the Cheder School providing parking and he submitted that letter to Mr. Jackson. Mr. Flannery said they agree to the remainder of the comments from the planner's report.

Mr. Neiman said he understands what Mr. Banas is saying and he knows that street very well. He asked Mr. Flannery and the professionals if they could eliminate all that parking of 10th & Clifton. It is very dangerous to have 10 cars shooting in and out of 10th Street. He would eliminate all the parking, have no parking on the site and park everything in the Cheder School. Mr. Flannery said that makes sense and Mr. Banas asked if they could get 9 additional spaces from the Cheder School and Mr. Alfieri said the letter they presented does not have a number of parking spaces as a limitation and this house of worship is in the Cheder School presently. They do not have any objection to eliminating the spaces and they would park where they are parking now and just cross the street. They agree the suggestion is a good one and would incorporate that in the plans. They would agree to the specific location stipulated as part of the approval

Mr. Schmuckler asked if the Cheder have parking to give out and Mr. Alfieri said this facility is currently operating at the Cheder and will only be operating primarily before or after school and weekends.

With regards to Mr. Peters' report, Mr. Flannery said they agree to the details in his report that were not covered by the recommendations from the planner.

Mr. Banas asked how tall the building was because the handicap ramp was pretty high up and has 3 loops. Mr. Flannery said the ramp is to get up 7ft. or for every inch of height you have to go 12 ft. and you need flat turnaround spaces and that is what it is.

Mr. Peters said when you eliminate the spaces, the handicap ramp will remain along with the dumpster.

Mr. Schmuckler said if they were to make this lot into a fully conforming lot, with off street parking on your own parking, what size building would this have to be and Mr. Flannery said they did not do that calculation because when they got to a point where it was smaller than it made sense for the congregation they stopped looking. If they had to make the building smaller they would have to go find a different piece of property.

Mr. Banas opened the microphone to the public

Ann Richardson, 1870 Lanes Mills Road was sworn in. She said this building that they

want to put up is on 10th Street which is a heavily traveled road with the Cheder School and she questions the letter they received from the school because the school has very limited parking at that school and the entire ½ block behind that building is fenced in for playground area and she asks where are they going to park, on the streets or is the time going to be opposite of school closings and Mr. Banas said the parking will be at the Lakewood Cheder School, except for the handicap space which will remain. She asked him if he has seen the parking lot because it is very small and the board member said there are 2 parking lots and Mr. Flannery said they agreed to the approval being subject to them getting an agreement for the number of parking spaces and it has been done in the past and they will indicate where those parking spaces are. Mrs. Richardson said the only time the spaces would be available is when school is closed and Mr. Neiman said that huge lot is used as a playground when school is in session but off school hours they do allow other cars to park in the fenced area.

Noreen Gill, 192 Coventry Drive was sworn in. She said this is the worst place in town to put a synagogue. She said there is rumors, and if this school is sold does the agreement go with the sale or will there be any stipulations made to that effect and Mr. Banas said yes.

David Richardson, 441 Monticello Lane was sworn in. He said in order to reduce those 9 spaces which is already 50% less than the minimum standards, was there anything in that agreement that said that agreement exists in perpetuity and that it might not be withdrawn in 30 days? Mr. Jackson said the ordinance is drafted so it provides the board has to be reasonably satisfied that the parking is sufficient, adequate and adequately protected. Mr. Richardson said he would ask that the board consider something more definite than a simple letter. Mr. Banas said it is in a letter and also in an ordinance form. Mr. Richardson also said there are 2 other variances, one had to do with the failure to meet the 25 % impervious coverage and also that a buffer zone be reduced from 20 ft. to 5 ft. if the board in its wisdom decides they are going to allow the parking to move across the street, why the buffer zone and the 25% coverage could not be adjusted accordingly in a permanent basis. Mr. Banas said it is lot coverage not impervious coverage.

Chaim Abadi, 217 Tenth Street, was sworn in. He said he is the only neighbor next door to this property and he said they came to him before they made the plans, they were neighborly and went over the plans and did what they had to do as good neighbors. He is very happy with the plans and thinks it will get rid of the garbage that is all over the place and does not believe there will be a parking problem because there is already a parking problem and it can't get worse. Most of the people live in the neighborhood and walk to the synagogue. He also wanted clarification on the parking for the synagogue. Mr. Neiman explained the problem with the cars backing out and Mr. Abadi said they could use the spaces. Mr. Schmuckler had an idea that if you turn the parking spots instead of perpendicular you make it at an angle so you can only come in from 10th Street. Mr. Neiman asked Mr. Abadi if it is a problem and he said he did not and he lives on the right side of the property.

Shlomo Klein, 189 Chateau Drive was sworn in. He does not live in that neighborhood but wanted to mention the possibility of 9 people leaving the same time but said this a place where they don't finish at the same time (he used an inaudible phrase).

Ernest Weill, 123 Hudson Street was sworn in. He is a congregant of this congregation for the last 8 ½ years and he has heard the concern about the traffic on 10th and Clifton, He agrees there are a lot of cars parked on 10th Street from both sides and it is a narrow street but the traffic pattern is from 9:30 to 4:30. He passes that street every morning at 6:30am because he goes to services on 10th and Madison and there is no problem at that hour. The services that would be conducted in the Congregation Avreichim are mostly visited by working people that start work at a reasonable hour like 8am so the services would be at an hour where 10th street is still passable and it is still reasonable as far as parking. From an aesthetic aspect it is better to clear up the debris and the dump that is there and put up a building. He would urge the board to approve the plans.

Menachem Rottenberg, 11th Street was sworn in. He lives where they want to build and says he has a problem parking too. From 9am to 2 and then from 4:30 to 8pm you cannot park at all. He would recommend that this board should take this big lot that is across the street and build a 5-6 story parking lot. Mr. Banas said that is not the point of the parking lot. Mr. Rottenberg said it is a suggestion.

John DeFilippis, 314 5th Street was sworn in. He said he agreed with the board, he owns a building that has 16 parking spaces, not all 16 cars pull out at one time but most of the cars in his parking lot will actually try to make a u turn in the parking lot so they don't have to back out and the ones that do back out either hit cars parked across the street, run over people in the sidewalks or a car coming down the street that they don't see get into a collision. He thinks it is a bad idea to have 9 parking spaces backing out to the street.

Gedalia Haberfeld, 72 Carey Street was sworn in. He said Mr. Neiman was worried about 9 cars backing out at one time and said it is impossible to back 9 cars out at once. When you back out, only one car can back out of the driveway at once. They will line up and back out one at a time. The little league had more cars than the congregation will ever have. This congregant is used mainly on Saturday when they do not drive. The little league played on Saturday and there was never any problems with parking. Mr. Abadi has 7 or 8 cars in his driveway and he has no problem with the parking.

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

Mr. Akerman said Mr. Richardson brought up a point that if we are eliminating the parking should we move the building up to clear up the rear yard variance. Mr. Banas reminded him they still needed the handicap parking space and the spot for the dumpster area. Mr. Akerman asked why they couldn't make it sideways along the building a few feet into the lot. Mr. Banas said they needed a ramp to go to the first level. Mr. Peters added there is already a front yard setback variance along both streets so moving the building away from either of the rear yards then you are making the front yard worse.

Mr. Jackson suggested they ask the applicant's council to clarify where they stand on the elimination of the parking and the applicant agreed to the elimination of the 8 spaces and they suggested leaving 2 handicap spaces and grass the rest.

Motion was made by Mr. Schmuckler, seconded by Mr.Percal, to approve the application with the 2 handicap spots and the rest is a grassy area and the Cheder School will provide the spaces in accordance with the letter.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. Penzer granted the extension of time for **item #3 –SP 1878 -Congregation Sanz of Lakewood**

Motion was made by Mr. Herzl, seconded by Mr. Akerman to table item #3 – Congregation Sanz of Lakewood to April 15th

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

- 3. SP # 1878 (VARIANCE REQUESTED)**
APPLICANT: CONGREGATION SANZ OF LAKEWOOD
Location: River Avenue, north of Sterling Place (Gila)
Block 423.14 Lots 13 & 77
Preliminary & Final Site Plan for construction of 1.5 story synagogue

Tabled to April 15, 2008

- 4. SP # 1875 (VARIANCE REQUESTED)**
APPLICANT: SOMERSET DEVELOPMENT LLC
Location: Fairways Boulevard
Block 524.01 Lot 1
Preliminary & Final Site Plan for addition to clubhouse and parking lot

Mr. Peters stated the applicant is seeking Preliminary and Final Site Plan Approval to construct two additions to an existing clubhouse and 28 parking spaces. These rooms will provide additional recreational area to a newly developed adult community that contains 93 detached units. The additions will provide 1,420 sf. of recreational area and 720 sf. of storage space. The property is situated along Fairway Boulevard within the Fairways at Lakeridge Development. The project is in the R-40 zoning district. The applicant is requesting the following variance for Lot 1: Minimum swimming pool area; 5,455 sf is required, where 4,125 sf is proposed. This is an existing condition expanded by the additional 93 residential units. This variance was approved by the board of adjustment under Application Number 3570A. Minimum number of parking spaces; 332 spaces are required, where 202 is proposed. The applicant has proposed the required number of parking spaces for the additional recreational area. The deficiency is an existing condition. Outside agency approval from Ocean County Soil Conservation District will be required. Evidence of the approval shall be provided prior to signature of the Site Plan. The board should be aware that the applicant has revised the plan to show fewer existing parking spaces within the project area, 179 existing parking spaces were shown on the previous

plans, and 174 are shown on the current plans. The applicant should be prepared to discuss the actual number of existing parking spaces with the Board. The applicant has revised the plans to show nine (9) existing handicapped parking spaces where five or six were previously shown. The spaces were not previously clearly identified previously. The applicant shall clearly identify existing and proposed striping within the lot. It should be noted the bank of four (4) existing handicapped accessible spaces south of the clubhouse and the bank of three (3) newly shown existing spaces north of the clubhouse do not meet ADA requirements. Van accessible spaces require a minimum eight (8) foot wide striped area, and car accessible spaces required a minimum five (5) foot wide striped area between parking spaces. The plans shall be revised to meet the ADA standards. The applicant shall provide proposed grades where additional parking stalls are proposed. The proposed grades shall demonstrate positive on-site drainage is achieved. The applicant shall provide testimony at the public meeting on the size of the additions in terms of percent increase in floor space.

Mr. Slachetka read from a letter dated March 13, 2008. The applicant seeks preliminary and final major site plan approval to construct a 2,148-square foot addition to the rear of the Fairways Clubhouse. The application also includes a proposal to add twenty-eight (28) parking spaces. The additional floor area includes 1,420 square feet of ballroom space and 720 square feet of storage area. The subject site is located within the Fairways at Lake Ridge housing development, off Fairways Boulevard. The parcel is located in the R-40 Zone. No variances are requested. Any required outside agency approvals should be addressed.

Mr. Gross Esq. appeared on behalf of the applicant. He went over the history of this application and said on January 21, 1997 the planning board approved Lake Ridge north which is Fairways at Lake Ridge with a clubhouse and approved 179 parking spaces. The reason for the 179 space variance was because the board was convinced that many of the residents would walk to the clubhouse and therefore the number of required parking spaces was not necessary. The Kelly horse farm is adjacent to Fairways at Lake Ridge and was approved by the Board of Adjustment and the applicant and Cross Street Associates entered into an agreement with the Fairways at Lake Ridge homeowners association that required the applicant to contribute to the expansion of the Fairways clubhouse and the expansion of the number of parking spaces. This is what is before the board this evening. Mr. Rosati appeared as the engineer for the applicant.

Mr. Rosati had 2 exhibits, A-1 is a colored rendering of the clubhouse sheet 1 of 2 that the members have with one exception and that is because they have had discussions with the residents of the community and previously they had shown 2 parallel parking spots along one of the entrance drives and there was a concern raised that it was an undesirable location so they relocated those spots adjacent to the retention pond. Exhibit A-2 is a colored rendering of the floor plan of the expansion of the clubhouse showing the additions to the great room and 3 storage areas. The expansion of the clubhouse is in addition to the great room a totaling of 1,420sf, 2 additions, one on either side flanking the great room and additionally another 720 sf of storage outside the great room and then next to the men's or women's locker room. The dark green areas in exhibit A1 are treed areas that are deed restricted from the CAFRA permit which was necessary from the initial development so there can be no encroachment in those areas. The additional parking

spaces are shown on the colored rendering shaded in red and there are 28 proposed spaces. As far as the addition, the usable square footage of approximately 1420 sf requires 28 spaces so they conform to the ordinance for the addition. At the technical review meeting there was discussion on the number of handicap parking spaces and originally proposed was 6 spaces and Mr. Rosati has walked the site since and located an additional 3 handicap spaces adjacent to the shuffleboard courts which they have noted on the revised plans. Mr. Peters noted that they are not ADA compliant, they are 3 9x18 ft. spots that were striped by the association so they would have to re-stripe the center one as an access aisle for the van accessible spot so they will have a total of 8 handicap spaces. The homeowners association has deemed that 8 handicap spaces sufficient and the number of spaces required are 7 and they are providing 8 with 4 van accessible spots. The original plan showed 179 spaces and between the time the approval was done and the final build out of the entire site, several spots were striped "No Parking Fire Lane" and he does not know why, if it was directed by the Fire Commission or something they decided to do on their own for safety but there were 6 parking spaces lost. They have calculated the percentage increase in floor space that was brought up at the technical meeting and the existing development has 1,034 units and they are proposing an additional 93 units or an increase of 9%. The existing clubhouse is 15,145 sf and adding the 1,420 sf to the great room is an increase of 9.4%. If they do the total of 2,140 for the net aggregate addition that is an increase of 14.1%. The existing parking is 174 with an addition of 28 which is an addition of 16.1%. There was an existing condition that the pool was undersized by ordinance and they are not proposing any addition to the pool due to the 93 units so it is still in variance. That was also discussed with the homeowners association.

Mr. Banas asked if the 1,420 sf is all the space that is required for the 93 home that are being constructed and Mr. Rosati stated that was what the board directed them to add to the existing building. Mr. Banas asked what is required for 93 units and Mr. Rosati said it would be 15 sf per unit and the total would be 1,395 so they exceed it. Mr. Peters agreed with the math but would have to check the ordinance to see if the 15 sf is correct. Mr. Banas said it seems small to have a hall increased by 1420 sf with 93 units and asked Mr. Truscott said it under recreational facilities it is 15 sf inclusive of a basement unit in an adult community. Mr. Banas asked about the storage area and Mr. Rosati said there are 3 storage areas, area 1 & 2 are adjacent to the great room additions and storage area 3 is adjacent to the locker room.

Mr. Banas opened the microphone to the public

Joe DeFalco, 38 Oakmont Road was sworn in. He said he is appealing to the board's conscience to review the facts and to rule in accordance with the dictates as laid out in Ordinance 1001 Adult Communities and not to allow a variance to same. He has been a resident of Lakewood for 3 years and am also a candidate for the Fairways board of directors. He personally spoke with Jan Kokes of Cross St. Assoc. on November 29, 2005 about his company and Somerset Development desire to expand the number of homes at the Fairways. Mr. Kokes stated "that I am buying land that has been approved for development of 93 homes from Somerset Development" In December 2005 issue of The Legend, which is a monthly newspaper of the Fairways, past president of the board, Shirley Jones, stated that the association would receive 1.2 million dollars as a buy in

consideration. The contribution would come from Cross Street Associates and Somerset Development. The developer, Cross Street Associates, states that the association is responsible for the cost of providing the amenities that are mandated for the developer's plan. He asks for help because Cross Street Associates assigned the task of submitting variances with their agreement with Somerset Development and he asks why. Somerset Development has a past history of obtaining approvals and variances from the Zoning Board for the purposes of overbuilding which increases their profit margin and he gave facts.

Mr. Jackson interrupted and said it seems Mr. DeFalco has issues with the arrangement with the developer and builder but the focus of the planning board relates to the application, the land, whether the variance makes sense from a design and land use perspective and the business dealings between the developer and the association is not an appropriate thing for the board to consider. Mr. DiFalco said it can show that experience of Somerset and his objective is to see that the Ordinance of 1001 is complied with and he does not think they need the variances.

Mr. Banas said rather than point to Somerset Development, he asked Mr. DeFalco why he feels the variances are not necessary. Mr. DeFalco said it is not enough for the Planning Board to accept a letter of approval from an association made up of Senior volunteers with little or no experience in these matters. Cross Street Associates representative, Jan Kokes, deliberately omitted the amenities... Mr. Banas interrupted and told him that his association has legal advice when the settlement was discussed and it was relied on when the matter was handled. What the board is talking about here is just what the plans are, the monetary values that he stated is not what they are here for. He asked him again to speak about the variances and why he feels they are not required or necessary and said to use the maps the point them out. Mr. DeFalco said the Cross Street Associates would absorb its' financial obligation and work with the association the financial element of the variance requested could be eliminated. Mr. Banas asked him what variance and Mr. DeFalco said the clubhouse and they are 200 or so feet below it. Mr. Jackson said the board has a responsibility to make a decision based on the law. If he doesn't like the configuration, the driveway, if he thinks it is unsafe, if he thinks the variances can't be granted, etc. those are all valid points of an objection and Mr. Banas is asking him to limit the comments to that kind of argument but not as it relates to the business relationship between the various entities they cannot consider it.

Mr. DeFalco continued and said there is enough space on this property to accommodate the dictates of Ordinance 1001 without asking for variances and he is asking the board to stick to that.

Mr. Banas said that is exactly what he was asking for when he asked for the comparison between the size of the hall and the 93 proposed buildings and if it was a proportional percentage increase and he was given the information that it was and the number of 15sf per unit can be used in terms of expanding the hall x the 93 homes. The developer is providing more than is required.

Larry Simons, 7 Schoolhouse Road, was sworn in. He handed out something to the members. He stated that contrary to misconceptions by some members of the Fairways community, he wished to make it absolutely clear that he is in favor of the expansion proposal and the Fairways homeowners association voted to accept. He just wants to make certain that the numbers contained in the application are correct and the applicant adheres to existing township ordinances and resolutions. He noted several arithmetic errors that must be corrected before this application is moved forward. In his hand out in the right hand corner is the letter "A" and he is referring to that when he said the site plan shows that there are now 174 existing spaces at the clubhouse and he said this number is correct, not the 179 that Mr. Gross has stated. Mr. Banas asked Mr. Peters what the number is and he concurred that now it shows 174 but the prior plans showed 179. Mr. Simons continued and said hand out "B" according to the township engineer's report dated January 14, 2007 which really should read January 14th 2008, the applicant seeks to add an additional 28 parking spaces for a total of 202 spaces however the report states that a total of 207 are proposed as does the notice of public hearing placed in the Asbury Park Press in hand out reference "C" which says 207, everything refers to 207. If they take 174 and add 28 to that as was stated, we come up to 202. At this point it should be established the total number of parking spaces that will be at the clubhouse that will be at the clubhouse and asked for an answer. Mr. Gross said it was their testimony that it was 202 and Mr. Jackson asked Mr. Peters who said it was going to be 202 but they are taking one handicap space away making the total 201. Mr. Simons said in the public advertisement it stated 207. Mr. Jackson said the public advertisement also has a provision that states such other relief as the board directs etc. for when these minor discrepancies arise. Mr. Simons asked to go into the engineer's report and that states 207 and Mr. Banas said the report he is citing is January 14th and the report that the board has in front of them is from March 14th which is updated from January 14th. The board explained to them that it is an old report which has since been modified and the correct number is 201 as testified today. Mr. Simons continued and said reference handout "D" had a discrepancy in the reports from 2 of the township's professionals. In the planning consultant dated January 24th 2008 item A states the applicant seeks to construct a 1400 sf addition to the rear of the Fairways clubhouse and the report from the Planning Board's engineer item #4 states that the applicant plans a 2140 sf addition. The site plan also states that the proposed addition is to be 2140 sf. and he asked the board again for the total number. Mr. Banas said the additional floor area includes 1420 sf in the ballroom space and 720 sf in the storage area. Mr. Simons asked to be shown the 720 sf and where it is coming from. They showed him on exhibit A-2 and Mr. Rosati read from the exhibit and said addition 1 is 710 sf to the left side of the great room, 14 ft.x48.6 ft. Addition 2 is 710 sf on the right side of the great room, 14ft.x48.6 ft. The storage area #1 to the left rear of the great room is irregularly shaped room but the architectural show it as 14ft.x9.6 ft. or 163sf; storage area #2 is to the right of the great room and is 14ft.x9.6 ft. or 163 sf; storage area #3 consists of 394 sf next to the locker room area and the dimensions of that are 12.6ft.x31.6ft. Mr. Simons said the question he posed is where is the 720 sf coming from storage that will be added to the building not reduced. Mr. Simons said it is coming off of the 2140 sf. Mr. Simons referred to handout "D" and said the floor plan of the Fairways clubhouse reflect an area identified as storage area #3 and the planners report dated January 24th item C as well as the November 11th 2007 plan review transcript both note that storage area #3 as shown on the floor plan does not appear on the site plan and further states the transmittal letter indicates that the architectural plans

have been revised to remove storage area #3 and asked whether storage area #3 exists as an addition and how many feet to the clubhouse and has it been deleted and Mr. Banas said he had been given the answer. The letters have been revised since those letters. Mr. Simons said it seems the applicant is basing his request for a variance on the size of the recreational area and said the law does not address the term recreational area and is clear that the size of the recreation building determines the number of parking spaces and the law requires 43 additional parking spaces for a building that is enlarged by 2140 sf. He has a copy of the law so his question is why 28 parking spaces when the law requires 43. Mr. Jackson said these laws are standards and in certain circumstances the board can give variances from those standards. Mr. Simons said there was a reading of the law that said that the recreational building with no exclusions and asks where in the UDO it says you can subtract out from the recreation building. Mr. Kiert added when Mr. Simons was referring to the letters, the latest letters were not in the file because they were being copied for tonight's meeting and he is going by old reports. Mr. Banas furnished Mr. Simons with the latest reports from the professionals.

Mr. Simons said his last point is reference handout "E" and article 10 of Lakewood's UDO Section 18-1001 titled "Adult Communities-Recreation Facilities" items H1 through H3 which address recreation facilities that are mandatory for any adult community located within all zoning district. It requires parking facilities serving the recreation area to have a minimum of parking spaces equal to 1 for each 50 sf. When the builder built the existing 15,145 sf clubhouse he included the existing storage area in the calculation of the building square footage. The applicant now asks that storage areas be subtracted from the 2100 sf proposed addition to the clubhouse building when the number of parking spaces is calculated and they are doing the arithmetic two different ways. Isn't it reasonable to be fair and consistent if storage areas were included the first time that they should be included now. He referred to handout "F" and said the residents of Fairways need every additional parking space to which they are entitled, due to earlier granted variances in the original formation of the Fairways, the residents are already deprived of 135 parking spaces and are often forced to park along emergency roadways to attend a major clubhouse event. This new variance if granted will only make the parking problem worse. The location of the additional 93 homes is approximately 1 1/2 miles from the clubhouse and the residents of these homes will have to drive to the clubhouse to attend a function there and will encounter a parking problem since at present there are not enough spaces for current Fairway residents. For the safety of the Fairways residents, please require the applicant to provide the additional 43 parking spaces to which these residents are entitled by law. He is in favor of the expansion proposal that the Fairways homeowners voted to accept but asked the board to not cheat the residents. He said with all the discrepancies raised tonight he asked the board to not take a vote on this tonight but instead table it until the issues he raised are resolved.

John Zelinski, 46 Skyline Drive was sworn in. He is currently on the board of the Fairways association as vice president and he is here to affirm that the board has unanimously agreed with the expansion plans as specified on the drawings. He also wanted to comment on the parking issue and said he has been in Fairways for 8 years and he cannot recall one incident where there has been insufficient parking to accommodate the most major affairs at the Fairways and some people walk there. They have 174 parking spaces and the additional 28 will give them 202 and he thinks that it is adequate parking for the

affairs they have as there is a limitation on the occupancy of the clubhouse so you can't fill it with more people than is authorized. To say they have they have insufficient parking is not appropriate.

Vera Curry, 6 Holly Court was sworn in. She said as far as the parking, she feels there is adequate parking and with the 28 spaces is quite sufficient. She is not happy where some of them are going because her house is right there. She showed the members where her house was located on the map. She said with the 12 going there it will cause more traffic with the cars pulling out and the cars pulling and she did pay an extra \$15,000. for that lot to look at the beautiful greenery. Mr. Banas said that greenery will remain but she said not across the street where the parking lot is but she does feel that the 28 lots is sufficient.

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

Motion was made by Mr. Schmuckler, seconded by Mr. Herzl, to approve the expansion

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

- 5. SD # 1586A (VARIANCE REQUESTED)**
APPLICANT: THOMPSON GROVE ASSOCIATES
Location: Drake Road, southwest of Neiman Road
Block 251.01 Lots 32 & 88
Preliminary & Final Major Subdivision - 20 lots

Tabled to April 15, 2008

- 6. SD # 1620 (VARIANCE REQUESTED)**
APPLICANT: NEAL & MARILYN GITTLEMAN
Location: northwest corner of Autumn Road & Magnolia Drive
Block 20 Lots 8 & 11
Minor Subdivision to create 3 lots

Tabled to April 15, 2008

Mr. Miller asked the board to discuss the B2 ordinance. He said at the last planning board meeting the board discussed the B2 ordinance which they felt the wording was if there was anything over 2 stories needed parking and it would not encourage the redevelopment of downtown. The Township Committee decided to scrap that ordinance and asked the Planning Board to come up with some ideas and one of the ideas was a parking bank where a developer could add a financial contribution which the dollar amount could be left up to the Township Committee but the idea could be put into the ordinance that states a developer looking to expand his buildings above the 2 stories would then need to make a financial contribution to this parking bank that the Township Committee

would put in place. There were other ideas the members suggested as well.

Mr. Schmuckler had a problem with that and used an example if someone had a fire in the building and they want to rebuild, if they want to make a minor addition, they would have to put a tremendous amount of money into a fund and now they can't do it to require more parking. Mr. Miller suggested anyone who has an existing building downtown, if there is a fire, etc., and you need to rebuild, you should be allowed to rebuild the same amount of stories that are currently there now. This new ordinance would only affect those who are looking to expand what they currently have to go much higher than what they have now. Mr. Schmuckler wanted to make a strong recommendation for himself and that was that T&M was doing a parking study and he thinks the Township Committee should hold off until the study is done.

Mr. Banas said it is not only what the board proposes, which is a good start, there is an idea of building garage spaces, utilizing many of the spaces that were identified and that will come out in the report, but if there is an urgency he thinks they might go and take the time to identify that.

One space that was discussed at the visioning meeting was the municipal building where the police cars are, move that out to where they built the complex with Public Works to house the police vehicles and vans and use the space there. Someone suggested utilizing the little league field, also the parking lot between 1st & 2nd Streets were mentioned and Mr. Miller said the Township Committee also negotiated some property on 5th Street and it will be paved by the Public Works. Mr. Banas said the money they were talking about as a suggestion could be used to pay for the garages. Mr. Banas said the Franklin Street area which is not developed would be the ideal place to put in parking because of the contour of the area. Mr. Schmuckler suggested a far fetch idea which was to relocate the municipal building to parking instead of multi storied parking garages use single level parking. He said they could pass a quick ordinance that said anybody who is going to bring any plans to either board will have to backdate it with whatever comes from this and comply with the decisions.

Mr. Miller said for some reason there is a sense of urgency with the Township Committee to do something, so he told them that the board will come up with some ideas and John Jackson will address a letter to them will include the ideas they have now and mention they still recommend taking it slow until they get the report from T&M and their study about downtown. We will look at each applicant separately and watch for the parking concerns. Mr. Miller re-iterated the suggestions that included contributing to a parking fund, putting in a clause that states an existing building can be rebuilt to the same size it was prior to reconstruction in case of fire, etc. and Mr. Miller also added that a lot of the buildings are run down and we try to get them to make their buildings nicer and it is costly and they need a reason to do so and he thinks that maybe letting them go from 2 stories to 3 stories and they can be excluded from the requirement. Mr. Banas asked if they had REHABCO yet and Mr. Miller said yes. He said he spoke to Mr. Oross before the meeting and right now REHABCO is for residential buildings and he needs to speak to him about what can be done about the downtown as far as the UEZ. Mr. Banas said REHABCO had funds that were supposed to be turned over and Mr. Miller said right now the programs are for residential and doesn't think it would apply to the downtown area. Mr. Banas said the program was developed by Clifton Avenue, that was what the frontage and streets were done with. Mr. Franklin said it was a bond issue.

Mr. Akerman said he believed there was an issue with a bank wanting to come downtown and they were turned off by the idea that if they wanted to add another floor to a building, they would have to provide parking. Mr. Miller said they would have to look at every building by itself. Mr. Truscott explained what the study his company is doing and said one study is for parking and one study is for traffic circulation and they will work together in terms of their conclusion. He explained what the parking study is: what is the need, where the parking areas are needed based on the demands and what is creating additional parking. The draft should be ready around early June. He also said the one thing they have to be careful about is every time they talk about parking assessment or parking bank is assessing future office development for parking requirements they will need to have the parking study in place with conclusions in terms of what they will need for parking and what is the parking garage and how many spaces is the town going to build so they can make that assessment, it has to be a real number based on real figures.

Nicholas Graviano said he thinks they are all concerned with issues downtown such as appearance and parking, etc. Signage is also a problem downtown and from a design standpoint you are going to want 3 story buildings minimum, if you look at some of the exemplary downtown areas in this region such as Red Bank or Princeton, you do have in certain areas 3 story buildings, so it is not just a parking issue it is a design issue, signage issue, location issue. He said they are only talking about 60 acres here and a lot of that is included with churches, houses of worship, township owned property, that has to stand apart from the rest of the township and he thinks a lot of other things besides parking need to be taken into consideration when planning the downtown.

Mr. Jackson is to prepare a letter with the suggestion that the board has raised and send a copy for Kevin. It worked perfectly the last time.

5. MEMORIALIZATION OF RESOLUTIONS

1. **SP # 1874 (NO VARIANCE REQUESTED)**

APPLICANT: SARAELLA HOLDINGS LLC

Location: Cedarbridge Avenue @ corner of Airport Road
Block 1160.12 Lot 261

Preliminary & Final Site Plan for office, terminal and warehouse building

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

2. **SD # 1614 (VARIANCE REQUESTED)**

APPLICANT: 962 FINCHLEY LLC

Location: Finchley Boulevard, east of Netherwood Drive
Block 430 Lot 37

Preliminary & Final Subdivision for 32 lots, 2 single family homes and 29 townhomes

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

3. SD # 1608 (NO VARIANCE REQUESTED)

APPLICANT: JONATHAN ELY

Location: Carlton Avenue South, south of Lakewood New Egypt Road
Block 269.01 Lot 3.01 Block 266 Lot 1

Minor Subdivision to re-align the lot lines

Motion was made by Mr. Franklin, seconded by Mr. Akerman, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

4. SP # 1869 (VARIANCE REQUESTED)

APPLICANT: J&J GROUP LLC

Location: Cushman Street, west of Route 9
Block 430 Lot 60

Preliminary & Final Site Plan for 5,520 sf 2 story office building

Motion was made by Mr. Franklin, seconded by Mr. Miller, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

5. SP # 1879 (NO VARIANCE REQUESTED)

APPLICANT: H & C DEVELOPMENT CORP.

Location: River Avenue, northeast of Oak Street
Block 782.01 Lot 2

Preliminary & Final Site Plan for 2 story office/retail/commercial building

Motion was made by Mr. Franklin, seconded by Mr. Miller, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Schmuckler; yes, Mr. Percal; yes

6. SD # 1568A (VARIANCE REQUESTED)

APPLICANT: ISAAC GREENWALD

Location: River Avenue, between Halsey Avenue & Edgecomb Avenue
Block 1019 Lot 2

Extension of previously approved Minor Subdivision to create 2 lots

Motion was made by Mr. Franklin, seconded by Mr. Schmuckler, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,
Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes,
Mr. Schmuckler; yes, Mr. Percal; yes

7. SD # 1566A (VARIANCE REQUESTED)

APPLICANT: DAVID HERZOG

Location: Miller Road, south of Shady Lane
Block 12.02 Lot 21

Extension of previously approved Minor Subdivision to create two lots

Motion was made by Mr. Franklin, seconded by Mr. Schmuckler, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,
Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes,
Mr. Schmuckler; yes, Mr. Percal; yes

6. CORRESPONDENCE

- None at this time

7. PUBLIC PORTION

Michael Cohen, 415 Arlington Avenue spoke to the board and said he sees 2 solutions to the parking problem: #1 you can try to make more parking spaces and #2 you can try to get people out of their cars and he is an avid bicycle rider and he doesn't see the Township doing anything to encourage bike riding to get people out of their cars. When he rides into town there is no place to park his bike, a sign is not an acceptable method of parking a bike. They can undo 2 screws on the top of the sign and rip the bike off. It is much cheaper to put in a bike rack that has 8 parking spaces for bikes than it is to build 8 parking spaces and it cuts down on traffic, pollution and makes the town more aesthetic and he would encourage the township before they approve some of these developments especially the variances, he would love to see a bike rack at all these shopping centers that are being approved in town.

8. APPROVAL OF MINUTES

- Minutes from March 4, 2008 Plan Review Meeting

Motion was made by Mr. Miller, seconded by Mr. Franklin, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,
Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes,
Mr. Schmuckler; yes, Mr. Percal; yes

9. APPROVAL OF BILLS

Motion was made by Mr. Akerman, seconded by Mr. Miller, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,
Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes,
Mr. Schmuckler; yes, Mr. Percal; yes

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary