

**LAKWOOD PLANNING BOARD
REGULAR MEETING
MINUTES
MAY 16, 2006**

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 Ocean County Observer and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: The Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Franklin, Mr. Neiman, Mr. Banas, Mrs. Wise, Mr. Dolobowsky, Mr. Klein,

3. SWEARING IN OF PROFESSIONALS

4. OLD BUSINESS

5. NEW BUSINESS

- 1. **SD # 1522** (Variance requested)
APPLICANT: UMAN HOLDINGS LLC
Location: River Avenue, south of Chestnut Street
Block 534 Lot 18
Preliminary and Final Major Subdivision - 25 townhouse units

Mr. Peters stated applicant is proposing 25 lots. Proposed project consists of removing an existing garage, improving the site and around the existing office building and constructing 22 townhouse units, and is located in the HD-7 zoning district. The following variances will be required: lot area of the commercial site, proposed .855 acres where 1 acre is required; front yard setback for commercial site, proposed 94.3 ft. where 150 ft. is required; parking in the front yard for the commercial site, the front yard setback and parking in the front yard are existing conditions. The applicant will be required to obtain all outside agency approvals. The applicant has provided a shade tree easement along proposed road “A”. The planning board should determine if a shade tree easement will be required along Route 9. The applicant will be required to form a homeowners association to be

responsible for the common areas, and the stormwater management facilities. The provided turn around area appears insufficient for fire pumper trucks and full size school buses. The applicant's engineer shall revise the plans or provide evidence that the turn around area is adequate. Road "A" will be a private road, access through proposed lot 18.01. This will result in the residential portion of the subdivision having no frontage on a public street, requiring a variance. The rest of the comments are in reference to the map filing law.

Mr. Truscott read from a letter dated April 24, 1006. The property is 3.4 acres located in the west side of River Avenue. The variances are the same as Mr. Peters with addition of: the lot area of Road "A" is proposed to be 27,000 sf where 1 acre is required; the lot area for the stormwater management basin is proposed to be 11,651 sf. where 1 acre is required; front yard setback is 150ft. required, but converted office building would be 94.3 ft. from the front of the property line. Parking is not permitted in the front yard if a building setback is less than 150 ft. The applicant should clarify the purpose of creating separate lots for the office community center building, and he believes the applicant will speak of some revisions he has to address that. The applicant should address the positive and negative criteria for each of the requested variances. The review comments are: site plans shows townhouses fronting on private road with parallel parking, final plat shows private road which does not intersect with River Avenue. The townhouse lots do not have access to River Avenue unless there is a cross access easement across proposed lot 18.03. A variance from NJSA 40:55D-35 is necessary. He recommends the minimum that the applicant provide access to utility easements across that lot. The conversion of the office to an office/community center violates the front yard setback. Architectural plans for the proposed office building should be provided for review. 47 off street parking spaces are provided in front of the townhouse units, 30 provided in a parallel parking arrangement. Landscaping should be provided along the office building and landscaping and street trees around the perimeter of the parking area. Sidewalks should be provided for the parking area behind the office/community center to the front door of the structure. The balance of the comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. The applicant changed their plans based on the recommendations from Stan S. and Max to combine it into one lot; therefore all the variances and comments are no longer necessary. The community building and the townhouses are all going to be on one lot. Ray Carpenter said there were 3 variances listed in Stan S. letter A, B & C regarding lot area and size. They combined the office building, the road and the detention basin all into one lot, therefore, there are no lots under 1 acre. There wasn't enough time to get revised plans to the board after receiving Stan's letter.

Mr. Banas stated the plans are not what they are talking about, the plans don't match. The # of townhouse units don't match, the plans are not the same as the testimony given now. Mr. Banas is totally confused and wants to clarify the errors. There is a typo on page 1, the # of townhouses is 23 not 22. Plans say 23 single family townhouses, drawings say 23 two-family townhouses.

Mr. Banas suggested that this should be put aside to the next planning board meeting.

Mr. Penzer apologized but said his client would loose the financing if it is not done tonight.

Mr. Banas said since the applicant has changed all the plans to conform to the 2 requests of the professionals, and they are sizable differences than what they have now, he has a hard time advancing this forward, hardship to his client or now. Mr. Penzer thought that it was only lot lines that were changed. Mr. Banas spoke with reference to Stan's letter #6 references 22 townhouses where 23 townhouses are proposed. UDA said 22 and Mr. Penzer said it is a typo.

Mr. Dolobowsky questioned the same typo on the sheet 3 of 10 for parking spaces? Mr. Penzer admitted maybe another typo. Mr. Banas asked if they were single or double family. Mr. Penzer said single.

Mr. Banas still saw no reason for this to advance and he would suggest the board consider that measure.

**A motion was made by Mrs. Wise, seconded by no one, to table this application until the necessary changes are made and the board is able to review in the proper manner and give the professionals the change to review to the next technical meeting
No one seconded, the motion dies.**

Mr. Penzer apologized again, and proceeded again. Mr. Banas wanted to correct the gross corrections, such as: are there 22 or 23 townhouses, single family or 2 families?

Mr. Carpenter stated there were 23 single family townhouses and one commercial building. The commercial building is existing, the townhouses are proposed. They are proposing to combine the commercial lot with the road lot as it exists today along with the stormwater management basin all into one lot as recommended by the planner and engineer. The size of the proposed basin is in the new lot 75,901 sf. which is almost 2 acres. The basin is the same amount as it was before. Mr. Penzer stated they are single family townhouses with unfinished basements. The office/commercial building is an existing condition, along with the parking in front. A cross access easement will be granted. The variance is needed for a private road, and was advertised. Utilities and cross easements will be provided. The engineer will meet with Mr. Franklin and come to an agreement about the terminus. Architectural plans were not given because they are not being changed. They are going to be providing 3.3 parking spaces. They agree to do all the other items, landscaping, sidewalks, fire hydrant, solid waste collection for the office building. NJAWCO will provide water and sewer. He asks that instead of the TWA approval being a condition of final subdivision approval, it should be for the time of the actual building permit. They will put a shade tree easement along Route 9 if the board requests. A homeowner association will be formed and the road will be private, so snow removal is the homeowners' responsibility.

Mr. Franklin has problems with these private roads, that after approval, the residents call and want the township to take them over. Mr. Penzer stated they would provide each homeowner with a notice that he has to sign that the township is not responsible.

Mr. Franklin spoke about the turnaround and he thinks they can make it work. It is 20 feet deep. They would have to eliminate 1 parking space by the turnaround.

Mr. Peters questioned the frontage and the need for a variance. Mr. Penzer agreed. Mr. Dolobowsky questioned parking on road A and backing out, and asked if there was going to be a problem? Mr. Peters said it would be tight but it would work. He also questioned the exiting onto Route 9, at the entrance into the development. Mr. Kielt said the island idea should be looked at before and Max and Ray said it would be right in and right out. No left turn signage needed. Mr. Dolobowsky did not like the type of buffer (white pines) along the south side. Mr. Dolobowsky said they buffered the town homes from the basin but not the adjoining neighborhood. Mr. Penzer said they would buffer it, similar to other side. They questioned the 137 cypress trees and the width was questioned. Mr. Carpenter said they were cypress and the buffer was 5 ft., but they would not be enough for the car doors opening. Mr. Dolobowsky questioned where the playground will be. Mr. Carpenter suggested arborvitaes, which are more, narrow than cypress. A white vinyl fence was suggested and agreed upon, with the area being grassed, and some arborvitaes between the parking stalls. Mr. Carpenter said there were playground plans, but they moved away from the mike, so the testimony was not heard. It sounded like the playground was located at the last unit to the east, but it is not shown on the plans.

Mr. Dolobowsky said that the existing 2 story office building was going to stay the way it was. Is it equipped with offices already? They have no plans. They have no architectural for the community center, but there seems to be a change.

Mr. Klein referred to Max's report to the amount of space for school buses, and he understands that school buses do not enter private road, which means they would have to be picked up on Route 9.

Mr. Penzer said the place to put the shelter and the playground is behind. (Pointed to the map)

Mr. Banas said putting the children behind the building and the bus not seeing them is not a good idea. Mr. Penzer said the only other place is front within the 100 ft.

Mr. Banas went back to the statement he made earlier, and that was that maps are not drawn up well enough to be approved. There are too many discrepancies.

People were talking, not into the microphone, and the discussion could not be heard. They talked about moving the buses around, then talked about losing more parking spaces when Rte. 9 would be widened. They talked about taking 3 spaces for the buses, but Mr. Peters said they would have to check the radius for the buses.

Mr. Dolobowsky said the plans need to be redone, they might have to lose a lot for the playground, and more parking. He suggested they come back.

Mr. Penzer said he would like to come to the next public meeting on May 23rd instead of another Plan Review Meeting. Mr. Kielt said it was full.

It was left up to Mr. Penzer to decide what to do. Mr. Banas stated it was as if they were designee a new set of plans and that is not the board's function. The board is just to review the plans, not to design them.

Mr. Penzer requested to be put onto May 30th, and was told it was impossible, they needed to come back to a Plan Review Meeting. One thing requested of Mr. Carpenter, to make the scale larger for the playground and turning radius.

Mr. Neiman also questioned where the trash pick up would be, and they would put it on the plans, along with all the numerous items discussed above.

Mr. Kielt said the next available meeting would be the June 27th Plan Review Meeting. Mr. Penzer asked to be moved to the meeting June 27th without further notice.

Motion was made by Mrs. Wise, seconded by Mr. Akerman to move to the Plan Review Meeting of June 27th, 2006.

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

2. SD # 1505A (Variance requested)

APPLICANT: 1368 RIVER SL LLC

Location: River Avenue, north of Locust Street
Block 534 Lots 7, 8 & 10

Preliminary & Final Major Subdivision and Preliminary & Final Site Plan - 28 single family townhouse

Mr. Peters stated the property is 2.727 acres site currently contains 3 buildings and a large paved parking area. The property is in the HD-7 zone and a similar development was previously approved by the board. The applicant has acquired lots 8 & 10 and expanded the project. Variances are required for the following: Lot 10 – 0.91 acres are provided, 1 acre is required; front yard setback 87.9 ft. provided, 150 ft. is required; this is an existing non-conformance; side yard setback, 28.9 ft. provided, 30 ft. required, also existing non-conforming; rear yard setback 42.1 ft. provided, 50 ft. required, and for accessory structure, 9.2 ft provided, 20 ft. required, existing non conformances. The applicant will be required to obtain all outside agency approvals. The wording for the homeowners association will be provided to the Planning Board Attorney for review. The association agreement shall address ownership and maintenance of the stormwater management system, access easement, tot lot and how snow removal will be provided. The approval of homeowner's documents should be a condition of approval. The applicant shall provided testimony where school children will be picked up, the proposed turn around areas appear too small for access by full size school buses, and are not sufficient to allow garbage trucks to turn around. The inside radius must be enlarged and a backup area provided.

Mr. Truscott read from a letter dated May 11, 2006. This is an expansion of a previous approval. For projects 25 units or more, 5% of the land area should be provided for recreation, and the applicant should provide evidence of compliance. The environmental impact statement be modified to address the new lots, which are now part of the proposal. The applicant should address the progress and/or results of the NJDEP investigation into

leaking 4,000 underground storage tank on the site as described in a letter from the DEP dated April 3, 2006. There are comments from the Lakewood Shade Tree Commission which should be addressed. The rest of the comments are the same as Mr. Peters or are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant, along with Mr. Flannery. Mr. Flannery said the application is for the addition to a previously approved application. The entrance is in the same location, the townhouse units were the same and the northerly part of the part was the same with the exception of the tot lot which has been moved to the center. The net effect is to add 4 townhouse units to each of the easterly, westerly side so now we have 28 units. The only variances we have are for the existing commercial site, new lot 10.01, which is a Lakewood landmark, Sidney Krupnick's office. Other than that it is a fully conforming subdivision. In Mr. Slachetka's letter item C in the review comments, they have provided a tot lot area and an open space area to the northerly side along with the conservation area along the front (100 ft. setback) which total 30% area set aside.

Mr. Banas said that when Rte. 9 is expanded to 4 lanes, where is the 30%? Mr. Flannery said when the highway expands it will take 22 ft. the 30% would be reduced to 26-27%. Mr. Truscott agreed with Mr. Flannery who said the tot lot area itself is 3% and the area on the northerly side which is open space is 1 ½%. Mr. Banas asked from the property line of the development to the center of the road, how many ft. are involved. Mr. Flannery said 100 ft.

The applicant agrees with the items in the review letter and said the letter from the NJDEP will stand and if they find any contamination, it will be handled when the results come in. Right now they haven't even started testing at this site. When the state finds the leak, and whoever the owner is, they must do the cleanup. This is on the opposite side of the groundwater flow path, and not in contact with any of that. Mr. Flannery feels the chances of the contamination being from this property is slim, but if it was this property, it is a matter of treating the groundwater (they sink the wells, they pump and they treat). The area we will develop is outside of the area where the station was.

Mr. Banas asked Mr. Jackson if the board needed to be concerned about this area and he said it is a reasonable request and depending on what the board is comfortable with and ask for assurances that there will not be a problem later. Mr. Penzer wanted the board to know that the applicant will move forward at his own risk.

Mr. Dolobowsky said usually the DEP uses the shotgun approach and alerts everyone in the area. Mr. Penzer said the applicant checked on his own, and there was nothing there. Mr. Kielt asked if the site would have sewer and water and was told yes.

Mr. Flannery said they would defer to the board's professionals as far as the shade tree commission recommendations are. Mr. Flannery acknowledged the turn around is too small for a bus to turn around in and the bus stop would be location on Route 9. He deferred to Mr. Franklin to see if the size of the turn around is large enough for his trucks. With regards to Mr. Peters report, the applicant agrees with all.

Mr. Franklin said the 2 parking spaces would not let him get the trucks out, it is too close to the property lines and would mean the loss of 4 parking spaces.

Mr. Klein asked what the feasibility of creating some type of indentation to allow a school bus alone Route 9. Mr. Flannery said they could attempt to get from the NJDOT since that is a state highway. The traffic will have to stop anyway.

Mr. Flannery agreed they would shift the spaces to accommodate the garbage trucks. Mr. Dolobowsky requested a bus shelter, and Mr. Flannery said they would put on it. Mr. Penzer asked where the bus shelter would be located since they want to keep the 100 ft. setback. Mr. Flannery show where on the map it would be located. Mr. Dolobowsky also questioned where the community building would be. Mr. Flannery said there is no community building proposed, and no room to add on in the future. Mr. Dolobowsky said rather than add 8 more units, it would be better to make a community center for the residents, and Mr. Banas agreed. Mr. Flannery said the applicant may find 28 families who say they don't need a community building. They could designate 1 unit for prayer, but it would be for sale. Mr. Dolobowsky also questioned the left out of the development crossing over safety lines. Mr. Flannery said they needed a permit from the DOT and if so they would be conforming to the DOT. Mr. Jackson said just because the DOT approves it, it doesn't release the planning board from their duty to make sure they are ok with the safety issues. Mr. Banas said there was no way a vehicle would be safe making a left turn, especially during the busy time of the day. Mr. Flannery said if the board felt a right in right out was more appropriate, they would revise the application.

Mr. Banas opened the microphone to the public. No one approached and Mr. Banas closed the portion to the public.

Mr. Banas felt that whole Route 9 scenario is a bad situation and he would be inclined to move to a right in right out, or have a traffic study done on it. Mr. Flannery agreed to the right in right out and felt a traffic study will show the level of service F, the turning movements inside the development are going to be level of service A and the traffic engineer will say it will be safer with right in right out.

Mr. Neiman questioned where the development was located and was told it was on the west side of Route 9 so right in right out would put them southbound on Route 9, so for them to go north they would have to go around the circle of Route 70 or Honey Locust to Massachusetts Avenue.

Mrs. Wise wanted to ask the applicant to consider a community center, because of the volume of units and families. Mr. Flannery stated the applicant is not present but he would be willing to designate one of the units as a community building, but he has to tell the board that if the client doesn't agree, he would have to come back and present the case again.

Mr. Jackson said that could create some noticing issues, if he were to come back and do a redo. Mr. Flannery said they would provide notice if they came back.

Mr. Dolobowsky asked what to do about the environmental issue, let it ride or be more firm and make sure there is no problem before they can occupy. Mr. Penzer said they would proceed at their own risk.

Mr. Neiman asked if there was a place for the bus shelter and Mr. Penzer said yes. It was agreed to be adjacent to the Route 9 right of way on the southerly side of the entrance just past the site triangle easement.

A motion was made by Mr. Dolobowsky, seconded by Mrs. Wise, to approve with the addition of the community building, improvements to shift the parking spaces to accommodate the garbage trucks turning around, bus shelter, environmental issue being deferred to the DEP, city sewer and water, and the right in right out.

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

Mr. Penzer stated due to the lateness, he requested items **#9 SD 1529, #10 SD 1530 & #11 SD 1533** be carried to the meeting of May 23, 2006 without further notice. Mr. Penzer waived the time limitations on these 3 applications

Motion was made by Mr. Dolobowsky, seconded by Mrs. Wise to carry the above 3 applications to the May 23, 2006 meeting.

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

Mr. Banas stated that there are other applications that will not be heard, so he suggested carrying **#8 SD 1532 David Herzog**, to May 23, 2006 and Mr. Shea agreed to the time limitations. Mr. Kielt questioned possible variances, and Mr. Shea said there weren't any.

Motion was made by Mrs. Wise, seconded by Mr. Klein to carry the above application to the May 23, 2006 meeting.

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

Mr. Banas stated that they weren't going to get to **#7 SD # 1531 Astrid Jane De Cicco** to May 23, 2006 and Mr. Shea agreed to the time limitations.

Motion was made by Mrs. Wise, seconded by Mr. Dolobowsky to carry the above application to the May 23, 2006 meeting.

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

Mr. Banas stated that they weren't going to get to **#6 SD # 1527 GWei LLC** to May 23, 2006 and Mr. Shea agreed to the time limitations.

Motion was made by Mrs. Wise, seconded by Mr. Klein to carry the above application to the May 23, 2006 meeting.

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

- 3. SD # 1523** (No variance requested)
APPLICANT: SYLVIA MANHEIM
Location: Albert Avenue, between Bellinger Street & Towers Street
Block 801 Lots 4, 6
Minor Subdivision to create 2 lots

Mr. Jackson disclosed that he has had dealings with the applicant as a mediator, which is concluded, and he feels there will be no conflict with this. Mr. Banas asked Mrs. Manheim if she had any problem with that statement and she said no.

Mr. Peters stated no new dwellings are proposed at this time. The property is located in the R-20 zone and no variances are required. The applicant will be required to obtain all outside agency approvals from Ocean County Planning Board and OC Soils Conservation District. The applicant has shown the lots to be deed restricted from accessing CharityTull Avenue, formerly Sunset. The remaining comments deal with the Map Filing Law.

Mr. Truscott read from a letter dated May 10, 2006. Since the new lots front on 2 parallel streets they meet the definition of through lots and Section 805F of the UDO requires that newly created through lots provide a landscape buffer a minimum of 5 ft. along the secondary frontage. No landscape buffer is proposed however the applicant's addressed this requirement by a deed restriction for the access to CharityTull Avenue which is an unimproved street. The form and content of the deed restriction for access should be reviewed by the board attorney prior to filing with the county clerk. We ask that the off street parking requirements meet NJ RSIS. All improvements in the right of way should be bonded prior to the map. The balance of the comments are technical in nature.

Richard Butryn appeared on behalf of the applicant, along with Mrs. Manheim. Mr. Butryn responded to the planners letter and stated the reason he went with the deed restriction was because if they put in a landscaping buffer now, with the existing woods, it will die. The intent to keep vehicles from exiting onto 2 different streets is the reason for the deed restriction.

Mr. Banas asked how wide the tree area was and Mr. Butryn stated the vacant lot is entirely treed and the existing house lot is cleared up to the lot line, but there is an overhang of trees from the right of way.

Mr. Dolobowsky recommended a buffer on the developed lot and keep the deed restriction on the vacant lot. The buffer for developed lot would be for privacy, not only restriction. Mr. Butryn agreed.

Mr. Butryn agreed with the comments on the planners' letter. He did a site investigation of adjacent wells and septic tanks and spoke with adjoining property owners to the northeast. Based on the conversation with the neighbors and the depth of theirs, there should be no problem putting well and septic on the new lot. Mr. Peters said there was sufficient room and distance for that. With regard to the engineers' report, he agreed with the comments.

Mr. Banas opened the microphone to the public. No one approached and Mr. Banas closed the portion to the public.

A motion was made by Mr. Neiman, seconded by Mrs. Wise, to approve with above comments

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

4. SD # 1526 (Variance requested)
APPLICANT: ESTHER PHILLIP
Location: Harvard Street, east of Park Place
Block 170 Lot 1
Minor Subdivision to create two lots

Mr. Peters stated the applicant plans to subdivide existing lot 1 to create 2 new lots. Two new dwellings are proposed. Located in the R-7.5 zone and the following variances are required: minimum lot area, lot 1.01 proposed 7,367 sf where 7,500 is required; rear yard setback for accessory structure, 2.8 ft. is proposed where 7 ft. is required (this is an existing condition); minimum lot width, 49.47 ft. is proposed where 50 ft. is required. Concrete sidewalk will be installed along the property frontage. The applicant will be required to obtain all outside agency approvals. The board should determine if a deed restriction should be placed on the two lots to prevent access to the unnamed paper street in the event the street is developed in the future. The existing dwelling should be removed prior to approval or a bond posted to ensure prompt removal after subdivision is completed. The remaining comments deal with the Map Filing Law.

Mr. Truscott read from a letter dated April 19, 2006. There is a proposed rear yard setback for an existing shed which is an existing condition. A design waiver from Section 805C of the Lakewood UDO is required for side lot line which is not at a right angle to the street line. Based on the angled lot lines in this block, a waiver is justified. We ask that the applicant show compliance with the RSIS and that sufficient off street parking can be provided. The balance of the comments are technical in nature.

Mr. Shea, Esq. appeared on behalf of the client along with Charles Surmonte, engineer.

Mr. Shea stated the application is straight forward and the variances requested are diminutive in nature. They agree with the recommendations with the regard to the restriction to the access of the unnamed street and all other recommendations made.

Mr. Banas said 49.47 ft. really is diminimus. Mr. Dolobowsky asked if the shed could be shifted, and Mr. Surmonte said it is too large to move, so leave it. Mr. Jackson spoke but not into the microphone so the statement could not be heard. The conversation was something about the building envelope, and to make sure the new building fits into the existing footprint. Mr. Peters thought it would be cleaner if they moved the lot lines slightly so the existing building lot would be a conforming lot and making the other lot slightly undersized, and they might have problems with permits. Mr. Jackson said if they do the resolution correctly, there would be no problems. Mr. Jackson they spoke but not by the mike, so it could not be heard, but the statement re-iterated the conversation that took place about the building envelope.

Mr. Banas opened the microphone to the public.

Herb Cottrell, 111 Harvard Street was sworn in. He is in favor of this application. These are single family homes, which he is in favor of instead of duplexes. He recommends doing something about the parking, because it is a narrow street and 2 cars cannot pass, especially during the winter. He requests to have one side of the street parking only. Mr. Banas said he could appear before the committee himself and request it himself.

Ellsworth Moore Jr., 606 East County Line Road was sworn in. He agreed with Mr. Cottrell and said he went to the Township Committee and there is nothing they can do. Mr. Banas said that maybe that can be addressed in the Master Plan.

No one else approached and Mr. Banas closed the portion to the public.

Mr. Neiman questioned Mr. Moore on any objections to people parking on one side of the street and he said no.

A motion was made by Mr. Dolobowsky, seconded by Mr. Neiman, to approve with all of the stipulations stressed tonight. He also recommended the attorney send a letter to the Township Committee asking them to look at the parking situation again.

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

Mr. Banas said that looking at the time, it appears they will not be able to complete this application tonight. There are several problems that do exist. If there are any board members who are not here, they need to listen to the entire recording of what happened tonight before they would be able to participate in any further discussion. We could be here today, and not the next one, and nothing would happen. He then asked Mrs. Weinstein if she wished to start the application for only 15 minutes or start fresh at a later meeting. She questioned if it would be heard next week, but he can't make any promises. May 23rd was a special meeting established to hear the overload of cases, so it would not be fair to Mr. Kiert to make a decision. They might discuss the need for another special meeting. Mrs. Weinstein said she wanted to proceed for the next 15 minutes. Mr. Banas stated there may be some objectors.

5. **SD # 1509A** (No variance requested)
APPLICANT: MAJESTIC CONTRACTING LLC
Location: Massachusetts Avenue, south of Prospect Street
Block 445 Lot 18
Preliminary & Final Major Subdivision – 17 single family townhouses

Mr. Peters stated the applicant is requesting to construct 17 2 family townhouse units on 2.295 acres. The property is currently a single family residence and is located in the R-M zoning district. Based on the comments from the board and the technical meeting, the applicant has increased the off street parking from 53 to 68 spaces. No variances have been requested by the applicant. The applicant will be required to obtain all outside agency approvals. The applicant shall provide documents outlining the homeowner's association agreement for review by the planning board attorney and engineer. The agreement shall include ownership and maintenance of the stormwater management basin. Comments were received by the Ocean County Engineer regarding neighboring lot 17. Due to the site distance and safety concerns, the county is requiring an adjacent developer to revise the Massachusetts Avenue access to be right in right out only, and add a secondary access to Prospect Avenue. We believe the Alpine Court access will have similar issues that could result in significant redesign and recommend the applicant meet with the county engineer to discuss site access. The applicant may wish to investigate shared access with the neighboring development. Mr. Peters stated he has been contacted by some objectors to set a meeting with himself and the county engineer to review site access and safety concerns. The applicant has revised the proposed turn around, we recommend the pull in on the south side of Alpine Court be widened as much as possible and no parking signs be installed on both sides of the street. The planning board previously approved the site plans for improvements to neighboring lot 17. Lot 17 has a proposed retaining wall in close proximity to the one being installed along the northern property line for this project. We have concerns with the minimal separation between the walls will impact their performance. The applicant's engineer must be aware of the tiered wall situation when design the proposed retaining walls. The remaining comments deal stormwater and with the Map Filing Law.

Mr. Truscott read from a letter dated April 21, 2006. Access road, off street parking, stormwater basin and tot lot will also be constructed. The majority of the parcel in wooded, except for the single family residence and in ground pool. The planning board approved subdivision approval for the same parcel in October 2005 to LWI Enterprises for 16 unit townhouse units on adjoining lot 17 to the north of this tract. We ask that a minor correction be made to the application form in terms of the number of town homes that are proposed and the number of lots to be created. The rear setback of building #2, 3&4 to the southern property line must be 20 ft. to the property line as required by ordinance otherwise no variances are required. A retaining wall is proposed, and the height is not to exceed 5 ft. Since the wall will be the effective edge of the property, we ask applicant provide additional information regarding the setback from the building to the retaining wall. If terracing is required, that would reduce the setback and the use of the rear yard. Architectural drawings have been submitted for review, and basements are proposed. The 4 bedrooms plus the children's study are shown on the plans and a full bath is also proposed on the 3rd level. The modification of the turn around should be reviewed by the director of public works for use by the solid waste vehicles. We ask the applicant to revise

the tree protection plan to preserve existing trees on the west side of unit 3 of building 1 and in the southeast corner of the site and on the street frontage.

Mrs. Weinstein, Esq. appeared on behalf of the applicant. Brian Flannery is the planner and Ray Carpenter as engineer for the applicant. She said the applicant has tried to comply with all the recommendations from the board from the technical meetings, and the application is now fully conforming. Mr. Flannery stated the applicant agrees to the recommendations in Mr. Peter's letter. With the comment on the access and the county engineer, Mr. Flannery was the engineer on the adjoining application. The adjacent application has a court order, and he feels that this application has adequate access, and feels the county will have suggestions if and when this is approved by this board. As far as the meeting Mr. Peters will have with the county engineer and the objectors, he feels that is highly unusual and will drain the applicant's escrow, and Mrs. Weinstein added that the applicant was not made aware that this meeting would be taking place.

Mr. Jackson said there wasn't any inappropriate in the meeting process with the planning board engineer and county engineer. They are neutral parties, and there should be no problem with it, it is part of the process for reviewing applications. Mr. Flannery said the applicant should be invited to the meeting, advised of the meeting so he could be available to the meeting. Mr. Jackson stressed that would be up to the engineer, because he is neutral and may not wish to meet with the applicant at the same time as objectors. Mr. Jackson did not speak into the mike, so not all the conversation was heard. Mr. Flannery wanted to make sure that the applicant is being treated fairly, and that would be when a meeting is set up the applicant is notified. Mr. Jackson would take that into consideration. Mr. Peters said he had no objection to the applicant and the applicant's engineer be present.

Mr. Gasorowski spoke as the gentlemen who wrote to the county and asked to meet with them. He said Mr. Peter's letter suggested the applicant contact the county prior to this meeting, and he chose not to. Mr. Gasorowski contacted the county, the applicant's engineer, Mrs. Weinstein, prior to this meeting and invited her to attend.

Mr. Banas looked at the time and said it was time to stop. Mr. Kielt stated it would be placed on the agenda for May 23, 2005

A motion was made by Mr. Dolobowsky, seconded by Mrs. Wise, to continue this application to the next meeting of May 23, 2006

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

6. **SD # 1527** (No variance requested)
APPLICANT: **GWEI LLC**
Location: Squankum Road, north of Whispering Pines Lane
Block 172 Lot 18
Preliminary & Final Major Subdivision - 29 townhouses

Carried to the May 23, 2006 meeting

7. **SD # 1531** (No variance requested)
APPLICANT: ASTRID JANE DE CICCIO
Location: Cross Street, west of Massachusetts Avenue
Block 468 Lots 7, 8, & 9 Minor Subdivision to create 3 conforming lots

Carried to the May 23, 2006 meeting

8. **SD # 1532** (No variance requested)
APPLICANT: DAVID HERZOG
Location: Endor Lane, west of Canterbury Lane
Block 25 Lot 68 Minor Subdivision to create 2 lots

Carried to the May 23, 2006 meeting

9. **SD # 1529** (No variance requested)
APPLICANT: MATHIAS DEUTSCH
Location: East Harvard Street, east of Park Place
Block 170 Lots 7, 8 & 9
Minor Subdivision to create 2 duplex buildings (4 lots total)

Carried to the May 23, 2006 meeting

10. **SD # 1530** (Variance requested)
APPLICANT: JONATHAN RUBIN & MOSHE FEINROTH
Location: New Central Avenue, east of Hillside Boulevard
Block 11.29 Lots 3&75 Preliminary & Final Major Subdivision - 6 lots

Carried to the May 23, 2006 meeting

11. **SD # 1533** (Variance requested)
APPLICANT: HARVARD STREET DEVELOPMENT
Location: Harvard Street, between Apple Street & Park Place
Block 171 Lots 11, 19 & 21 Preliminary & Final Major Subdivision - 9 lots

Carried to the May 23, 2006 meeting

6. MEMORIALIZATION OF RESOLUTIONS

1. **SD # 1524** (Variance requested)
APPLICANT: MTR VENTURES
Location: East Harvard Street, west of East End Avenue
Block 227 Lot 3
Minor Subdivision to create 2 lots

A motion was made by Mr. Franklin, seconded by Mrs. Wise, to approve

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

2. **SP # 1825** (Variance requested)
APPLICANT: 216 RIVER AVENUE ASSOC.
Location: Route 9 (River Avenue), north of Manetta Place
Block 413 Lots 3, 4 & 6
Preliminary & Final Site Plan for proposed addition to existing office building

A motion was made by Mrs. Wise, seconded by Mr. Franklin, to approve

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

3. **SD # 1519** (No variance requested)
APPLICANT: LAKEWOOD EQUITIES
Location: River Avenue, south of Oak Street, across from Cushman Street
Block 1040 Lot 1
Preliminary & Final Major Subdivision- 66 lots and 1 community building

A motion was made by Mr. Franklin, seconded by Mrs. Wise, to approve

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

4. **SD # 1486A** (Variance requested)
APPLICANT: TOVIA HALPERN
Location: Woodland Drive, west of Hillridge Place
Blocks 12.05 Lot 9
Extension of Minor Subdivision approval

A motion was made by Mr. Franklin, seconded by Mrs. Wise to approve

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

5. **SD # 1490A** (Variance requested)
APPLICANT: MORDECHAI ROZSANSKY
Location: corner of East County Line Road and Brook Road
Block 174 Lot 51
Extension of Minor Subdivision approval

A motion was made by Mr. Klein, seconded by Mrs. Wise to approve

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

6. **SP # 1836** (No variance requested)
APPLICANT: LAKEWOOD TOWNSHIP AIRPORT AUTHORITY
Location: Lakewood Airport, Cedar Bridge Avenue
Block 1160 Lots 220, 242 & 246
Courtesy Review of overall Master Plan of Lakewood Airport

A motion was made by Mr. Klein, seconded by Mr. Akerman to approve

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

7. CORRESPONDENCE

None at this time

8. PUBLIC PORTION

Gerry Ballwanz, 208 Governors Road, Lakewood. She prepared a speech in regard to #9 & #11, but it is not really specific to that is feels now is the appropriate time. She made a similar speech to the township committee. This is in reference to the UDO and the permitted use of duplexes, 2 families in the certain zones, the R-10, R-7.5 and the R-M. She believes that when the township adopted the UDO that they improperly adopted it because the planning board did not have the opportunity to review the particular component of the UDO, the permitted use of the 2 family in those particular zones. The board did not see that copy of the UDO only the draft copy. At that time the only place that allowed duplexes was in the R-15 zone. She downloaded the 10 pages of minutes from that meeting, and no where in the minutes were duplexes even discussed. The only time duplexes were mentioned were at the next tech meeting in June, and Mr. Herzl questioned whether they was sufficient parking for duplex in the R-15 zone and that was the only time a reference was made. 2 days prior to the meeting of the second reading at the township committee meeting the public finally had the opportunity to review the

revised version of the UDO and at that time, certain minor things were found, but there were 240 pages and nothing to show where the changes were (it was all the same type, no italics, no underlining) to show the public where changes were made from the 1st version to the 2nd version. In this there was a significant change, duplexes were taken out of the R-15 zone and miraculously appeared in the R-10, R-7.5 and the R-M, zone and she believes this was all done without the boards knowledge and without you reviewing it. How can a land use regulation side step any planning board input, this is a serious issue and concern. If it was the intent of the Township Committee to allow duplexes in these specific zones, then she thinks the board should have been given the opportunity to do your required review and either reject or accept the concept. Since this review was not done, she believes that section of the UDO is not valid and should be declared null and void and the planning board should deny both application #9 & #11 that are for duplexes in the R-7.5 zone.

Mr. Jackson responded to Mrs. Ballwanz concerns and said this sounded like laying the groundwork for an appeal. The comments certainly address the validity of the ordinance, the planning board has the duty to review proposed changes and make recommendations. He doesn't recall the specifics of what they reviewed. He doesn't feel it is appropriate for the board to respond since it may become the subject of litigation. She may have a valid complaint that could be made more appropriately before the governing body.

Mrs. Ballwanz said she did speak to the committee and their attorney said the changes were minor from the preliminary copy to the final copy.

Mr. Jackson said he was very impressed by her argument, but would respectfully hope she understands the board cannot respond to her comment, and advises the board not to do so. If she were going to set the stage for an appeal on those applications, that is something to come into play at that time.

Mr. Banas stated those ordinances are those of the governing body, they are the laws of our community and we must adhere to them.

Zev Feldberger who said he is in opposition to one of the applications. He requested that on the next meeting they be moved higher up in the agenda (they are #6-SD 1527 G Wei LLC) Mr. Kielt responded that he feels for all the applicants who have submissions, every one of them is in the same position. We just cannot hear all the applications that have been received, and have even added meetings. Mr. Banas said they would look into to.

Mr. Banas closed this portion to the public.

9. APPROVAL OF BILLS

A motion was made by Mrs. Wise, seconded by Mr. Akerman to approve

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

10. APPROVAL OF MINUTES

None at this time.

Mr. Kielt asked the board for a special meeting for June 20, 2006. No objections were heard.

A motion was made by Mr. Akerman, seconded by Mr. Klein to approve a special meeting

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

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary