

**LAKWOOD PLANNING BOARD
MINUTES
MAY 20, 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. Neiman, Mr. Akerman, Mr. Fink, Mr. Schmuckler, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Kramer were sworn in. Michael Elward appeared as the planning board attorney.

Mr. Kielt stated there were 3 changes to the agenda. **Item #2 SP 1880 T&T Development LLC, Item #7 SP 1882 Sudler Lakewood Land LLC and Item #8 SP 1883 Sudler Lakewood Land LLC** was tabled to the meeting of June 17, 2008

Motion was made by Mr. Schmuckler, seconded by Mr. Akerman, to carry the above applications to the meeting of June 17, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

4. NEW BUSINESS

- 1. SP # 1886 (NO VARIANCE REQUESTED)**
APPLICANT: CONGREGATION SANZ OF LAKEWOOD
Location: Spruce Street
Block 778.06 Lots 55 & 56
Preliminary & Final Site Plan for construct 10,600 sf school

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Site Plan Approval for Block 778.06, Lot 55 & 56 to construct a two-story private school and associated site improvements. Two (2) existing one story single family dwellings are located on Lots 55 and 56, which will be removed. The property has frontage on Spruce Street, within the R-10 zoning district. No variances are requested by the applicant, however waivers are required for not providing the buffers required under section 18-906 A of the Lakewood UDO. A ten foot buffer is required to the non-residential use to the west and a 20 foot buffer is required to the residential use to the east. The applicant has provided a ten (10) foot side yard to the west to be planted with a single row of cypress. A sixteen (16) foot landscaped buffer is provided to the east. The board should determine if reduced buffer will be acceptable and to what extent any addition screening maybe required. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals should be made a condition of the Planning Board approval. The applicant has provided eighteen (18) proposed parking spaces, one for each proposed classroom or office as required by the Lakewood UDO. The proposed school will be serviced by public sewer and water. The proposed project spans two separate lots. The two lots shall be consolidated by deed prior to signature of the site plans. A 6' shade tree and utility easement is proposed along the Spruce Street at the property frontage to be dedicated to the Township. Existing curb and sidewalk are located along Spruce Street at the property frontages. They will both be reconstructed as part of this application. The applicant shall revise the plans to show the correct radius. The handicapped landing area adjacent to the proposed handicapped parking space shall be revised to have minimum dimensions of 5'x5'. The proposed light fixtures shall be fitted with cut-offs to block the spill of light onto neighboring properties. We are particularly concerned with the light spillover to the residential lot to the east of the site. The remaining comments are technical in nature.

Mr. Kramer read from a letter dated April 7, 2008. The applicant seeks preliminary and final major site plan approval to construct a two- story private school and associated site improvements at the above-referenced location. The school will contain fifteen classrooms and three offices. The site improvements include an off-street parking area for eighteen (18) vehicles, two driveways from Spruce Drive, and a play area in the rear. The tract is located on the north side of Spruce Street, approximately 210 feet east of River Avenue (Route 9). The parcel contains two single-family dwellings which will be razed. The surrounding land uses include an office to the west and single-family residences to the east. This application was discussed at the March 4, 2008 Plan Review meeting. The applicant has submitted a revised site plan addressing the comments of the Planning Board and its professionals. Public and private schools are a permitted principal use in the R-10 Zone. No variances are requested. In our opinion, a variance is required from the buffer requirements. The site plan does not provide a 20-foot wide buffer on the east and north sides to the residential use in terms of buffer width and plantings. At the Plan Review meeting, the applicant's attorney described the operational characteristics of the facility as follows: 15 classrooms, maximum 25 students per class, maximum number of students, 375; 15 teachers; and, Eight (8) school buses visiting the site on a daily basis; We have the following comments concerning the Environmental Impact Statement: The date of the referenced site plan should be updated to December 26, 2007. The square footage of the school should be consistent with the site plan - 10, 600 square feet. The reference to a use variance in Section 1.7 should be deleted. The driveway entrance and

bus drop-off area has been revised. We defer to the Board Engineer as to whether or not the turning radius is sufficient. Performance guarantees should be posted for all improvements in accordance with ordinance provisions. The property will be serviced by public water and sewer. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Sewer and water utilities, prior to issuance of construction permits; and. All other required outside agency approvals.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. Mr. Herzl stepped off the dais and will abstain from this application.

Mr. Penzer said with reference to the planner's report, they are maxed out at 15 classrooms and 25 students with the maximum of 375 students and 15 teachers and 8 school buses on the site. Mr. Carpenter said the turning radius has been drawn with the templates for a single unit school bus and it is compliant and will accommodate the larger size school buses. Mr. Peters agreed. Mr. Penzer said the main issue is the buffering and said they can give a 20 ft. buffer on the north and said the board has taken the position that it is not a variance if it is supplemented with sufficient plantings; and they have 16 ft. This is as far back as they can go and still use the property so they have no problem meeting with the engineer and supplementing with enough trees to make sure it is sufficient. Mr. Peters referred to the planner with regard to the landscaping. Mr. Penzer said they agreed to the remainder of the planners report. In regards to the engineer's report Mr. Penzer said there are no wells and there is a septic on Lot 56 which they will show on the plans and note that it will be abandoned in accordance with OC Health Dept. standards. Mr. Penzer said he had a problem with them having a report done from an asbestos inspector when the building is demolished and said they normally have someone from the inspection department check before they give them a demolition permit. He also commented on the suggestion of having a historical check done to see if it has ever been a farm, and said this has been a house for about 50-60 years and they have never had to check out pesticides and herbicides before and asked that requirement be waived. Mr. Neiman asked Mr. Peters about the asbestos inspection and Mr. Peters said he would defer to the building department when they issue a demolition permit. Mr. Peters said usually in the EIS it discusses the previous use of the property and if they investigate it and it was a farm; because of the use as a school it would be a good idea to do a pesticide sampling. Mr. Peters said they need to check some historical photographs to see what it was before a house, normally they are in the EIS. Mr. Penzer said they agree to the chain link fence and the remainder of the comments in the engineer's report.

Mr. Neiman asked when they expected the school to open and Mr. Penzer said there are 3 different schools that are negotiating with them so depending on which one, it would be probably 6 months to a year. Mr. Neiman asked if there was any plans on putting trailers on this property until the schools are built and Mr. Penzer said he did not know yet, that is why they did not come in with trailers. Mr. Penzer said if they did have trailers, they would either have to come back or speak to Mr. Mack. Mr. Kiert said for the record, if they were going to put in trailers, the board will not see them again.

Mr. Schmuckler said there is a retaining wall and asked if the 4 ft. chain link fence is sufficient for the safety of the children and Mr. Carpenter said it will keep the children contained. Mr. Schmuckler asked how steep it was and Mr. Carpenter said the wall is 3 ft. at the most.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Akerman, seconded by Mr. Percal, to approve the application.

ROLL CALL: Mr. Neiman; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

2. SP # 1880 (NO VARIANCE REQUESTED)

APPLICANT: T & T DEVELOPMENT LLC

Location: 312 5th Street, west of Clifton Avenue
Block 93 Lot 6

Preliminary & Final Site Plan to construct 3 story, 16,200 sq.ft. office/retail bldg.

Carried to June 17, 2008

3. SD # 1409A (VARIANCE REQUESTED)

APPLICANT: VILLA MARIE LLC

Location: Miller Road, between Attaya Road & Whitesville Road
Block 11.04 Lot 15

Re-approval of Minor Subdivision to create two lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide Lot 15 of Block 11.04 into two new lots to be known as Lots 15.01 and 15.02. Two single family dwellings and driveways are proposed on new lots 15.01 and 15.02. The site is located along the Miller Road, within the R-12 zoning district. The applicant is requesting minimum lot width variances for lots 15.01 and 15.02: 90 ft is required; where 86.05 ft are provided. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for a wetlands Letter of Interpretation are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. The applicant shows on the plan driveway and garage combinations for lots 15.01 and 15.02 to provide up to five and half (5.5) off-street parking spaces for each lot. In accordance with the NJ RSIS, three (3) off-street parking spaces are required for single family dwellings with unknown number of bedrooms. The Board should determine if the proposed parking spaces will be adequate. A 6' shade tree and utility easement is proposed along Miller Road at the property frontage to be dedicated to the Lakewood Township. The applicant shows on the plan, proposed curb and sidewalk along Miller Road at the property frontage. The applicant shows in the "List of Landscape Material" table, six (6) plant species, but only three (3) of the six species are shown on the Improvement Plan. The applicant shall address this discrepancy. A five (5) foot wide road widening dedication is proposed along the Miller Road frontage. The remaining comments deal with the Map Filing Law and are technical in nature.

Mr. Kramer read from a letter dated April 7, 2008. The applicant seeks re-approval of a proposed minor subdivision to create two lots. The lots exceed the minimum lot area requirement, but require a variance from the minimum lot width. The tract is 1.35 acres (or 58,991 square feet) in area and contains a single-family residence. The dwelling will be removed. The rear portion of the parcel is constrained by freshwater wetlands, and the wetlands boundary and transition line are both shown on the plat. The applicant proposes a five (5) foot wide dedication for road widening purposes. The parcel is located on Miller Road, approximately 322 feet south of Attaya Road in the western area of the Township. The property is located in the R-12 Residential Zone. The surrounding land uses are generally residential. The Planning Board granted minor subdivision and variance approval for this minor subdivision by resolution memorialized on November 18, 2003. The approval has expired; therefore, a re-approval is required. Since the date of the approval, the Unified Development Ordinance has been revised to decrease the required lot width in the R-12 Zone from a minimum of 100 feet to 90 feet. This application was discussed at the March 4, 2008 Plan Review meeting. The subdivision plat has been revised to address the comments of the Planning Board and its professionals. Single-family detached dwellings are a permitted principal use in the R-12 Zone. A variance is requested for a lot width of 86.05 feet for Lot 15.02 and 86.05 feet for Lot 15.01. The minimum required lot width is 90 feet. The applicant must address the positive and negative criteria for the requested variances. The applicant should confirm that the list of property owners within 200 feet shown on the plat is current. Individual septic systems and potable wells will be provided on each lot. The applicant indicates in a letter dated March 19, 2008 that the nearest public water line is along Whitesville Road approximately 200 feet south of the property, and the nearest sanitary sewer line is along Miller Road approximately 500 feet north and at a higher elevation. Off-street parking for each lot must comply with the NJ Residential Site Improvement Standards. The map is based upon a 2003 survey which should be updated prior to the public hearing. The plat has been revised to indicate that monumentation will be set to identify the wetlands and transition area lines to protect these areas from future disturbances. Performance guarantees should be posted for all improvements in accordance with ordinance provisions. Outside agency approvals which will be required include: Ocean County Planning Board Soil Conservation District, (prior to construction permits) Ocean County Board of Health for the well and septic systems, (prior to construction permits) and, all other required Outside Agency approvals.

Mr. Penzer Esq. appeared on behalf of the applicant and said the application was previously approved but the map was never signed and is expired. The application was approved when the lot width was 100 ft required and they only have 86.05 ft and since then the ordinance has been changed to 90 ft. so now they are only 4 ½ ft. short. With regards to the engineer's report, they only need 3 parking spaces and are providing 5.5. They will provide shade tree utility easements and curb and sidewalks. The landscaping plans are shown and they will provide the 5ft. wide roadway dedication along the Miller Road frontage. They agree to comply with the remaining comments in the engineers report.

With regard to the planners report, Mr. Penzer said these lots are large and the lot area is 29,000 sf, about 2 ½ times the required for the zone and felt the variance was diminimus. They will revise the plan to provide a list of current property owners and the survey has been updated. They agree to comply with the remainder of the planners' comments. Mr. Akerman asked why the curb cuts are right next to each other and Mr. Penzer said the board wanted it at that time and that is why they did it that way.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

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

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

4. 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

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide Lots 8 and 11 of Block 20 into three (3) new Lots, Lots 8.01, 11.01, and 11.02. Existing dwellings are located on new Lots 11.01 and 8.01, and will remain. The property has frontages along Iris Road, Magnolia Drive, and Autumn Road, and is located within the R-12 Zoning district. No construction is proposed under this application. The applicant is requesting the following variance: Minimum front yard setback for Lots 8.01 and 11.01; 30 ft are required, where 29.6 ft is provided to Magnolia Drive and 29.8 ft is provided to Autumn Road for Lot 8.01; and 29.1 ft is provided to Iris Road for Lot 11.01. Minimum side yard setback for an accessory building; 10 ft is required, where 3.3 ft is provided, on Lot 8.01. All the above variances are existing conditions, in addition the proposed subdivision will create the following new variances. Minimum rear yard setback for Lot 8.01; 20 ft is required, where 18.1 ft is provided. Minimum rear yard setback for the garage on Lot 8.01; 10 ft is required, where 8.4 ft is provided. The pool located on proposed Lot 11.02 is noted as to be removed at the time of construction of a home on that lot. The subdivision of the property will create a variance for the pool being located within the 10 feet side yard. The applicant shall request the required variance or remove the pool prior to signature of the subdivision plan. Outside agency approval from the Ocean County Planning Board is required. Evidence of the approval shall be provided prior to signature of the subdivision plan. The proposed dwellings will be served by public water and sewer line. In accordance with NJ RSIS standard, three (3) off-street parking spaces are required for a dwelling with an un-known numbers of bedrooms. With a combination of driveway and garage, Lots 8.01 and 11.01, each can accommodate more than three (3) cars. The applicant has added a note to the plan stating that three (3) off-street parking spaces will be provided for Lot 11.02 at the time of construction. The Board should determine if three (3) off-street parking spaces for Lot 11.02 will be adequate. The applicant has revised the plan to show curbs and sidewalks either existing or proposed along Iris Road, Magnolia Drive, and Autumn road at the property frontages. A sidewalk detail should be added to the plan. The combined apron and sidewalk detail may be sufficient with additional detail and notations. The remaining comments are technical in nature.

Mr. Kramer read from a letter dated May 2, 2008. The applicant is seeking Minor Subdivision and variance approvals to consolidate the two subject lots and create three residential lots. The property is located on the north side of Magnolia Drive between Iris and Autumn Roads. The subject tract contains two single-family residences and accessory structures and improvements. The tract is 37,500 square feet in area. The residential structures will remain; however, an in-ground pool and patio areas will be removed. This application was discussed at the February 5, 2008 Plan Review meeting, and a revised review letter was issued on March 13, 2008. Revised plans have been submitted based on Board and professional comments. In addition, two additional variances are now requested. The subject property is located in the R-12 Residential Zone, and single-family residences are a permitted use in the R-12 Zone. There is a number of pre-existing non-conforming setbacks of principal and accessory structures. These pre-existing conditions are not exacerbated by the proposed subdivision and should be acknowledged in any action of the Board. They are as follows: Front Yard setback: a minimum of 30 feet is required and 29.1 feet existing for new Lot 11.01 (Iris Road frontage); 29.6 feet (Magnolia Drive) and 29.8 feet (Autumn Rd) on new Lot 8.01. Accessory building (garage) setback - side: 10 feet required and 3.3 feet existing. The applicant has provided the rear yard setback dimension for the pool on Lot 11.02. The lot has an existing non-conformity for the rear yard setback of the pool- a minimum of 10 feet is required and 9.3 feet is existing. The pool is proposed to be removed at the time of construction. The proposed subdivision will create a variance for the rear setback of the existing garage on new Lot 8.01 - a minimum of 10 feet required and 8.4 feet proposed. Accessory Use - Private swimming pool side yard setback; a minimum of 10 feet is required and 1.5 foot is proposed. The pool will be removed. The applicant has revised the lot layout since our March 13, 2007 review letter. The site now requires the following bulk "c" variances for proposed lot 11.02: Lot area- 10,625 square feet provided, where 12,000 square feet is required. Lot width- 85 feet provided, where 90 feet is required. The positive and negative criteria should be addressed for the requested variances. Review Comments. Previously, we requested that the subdivision plat be revised to clearly indicate the limits of the improvements to be removed. This item was partially addressed. The plans now indicate the driveways to remain; however, the plan for the fence near the pool on Lot 11.02 should be clarified. The dimension of the northerly property line of Lot 11.02 should be revised to read "85 feet." Street trees are proposed along all three street frontages as well as a shade tree and utility easement. Off-street parking for three vehicles is proposed for each lot. The applicant should provide information as to the number of bedrooms in each of the existing dwellings. Compliance with the NJRSIS requirements for off-street parking is required and a note is provided on the plat. A bond should be posted for the removal of the swimming pool since the applicant proposes to remove the pool after the plat is filed but before the issuance of any construction permits. The new lot will be served by public water and sewer. Compliance with the requirements of the Map Filing Law is required. Ocean County Planning Board approval is required.

Mr. Neiman asked the board attorney if he had to recuse himself because Dr. Gittleman is his children's pediatrician and the Mr. Elward said no. Mr. Schmuckler said he was his pediatrician as well.

Mr. Mandell Esq. appeared on behalf of the applicant. Mr. Mandell said the original plan was to take 2 oversized lots and create 3 conforming lots with existing structures that

would create minor technical variances. The applicants now have a contract purchaser for Lot 11.01 and they felt they needed 11 more feet just in case they were unable to bring city sewer to the lot, so the plans have been revised to take the 11 ft. from Lot 11.02 and now they need an additional variance.

Walter Hopkin is the engineer for the applicant and he stated the application is still for 3 lots and he has done an analysis of the area and there are several lots within this block that have 85 ft. of frontage. The existing lots will continue to face where they face and there will be a new lot proposed in the middle which will be slightly undersized as far as width. As far as the positive criteria, this provides an opportunity to provide another housing unit and he does not see any negative impact with this subdivision. They are showing shade trees to comply with the ordinance but this area is heavily treed so the plans do show "if required" so there will not be any discrepancies.

Mr. Neiman asked about the pool and Mr. Mandell said the Gittlemans have set up an LLC to own the middle lot and it will be reserved for a family member or sold at a later date, so as of now they would like to keep the pool as it is, grant the variance for the pool as it sits very close to the line and if the board would consider no requiring them to post a bond since this it could be 10-15 years in the future and if there is a time where they will apply for a building permit then the pool will have to be removed. Mr. Neiman said as long as it was in the resolution, it should be fine. Mr. Mandell said the board had asked for the number of bedrooms to be constructed in each house and he said one would have 4 bedrooms and the other one has 5 bedrooms. Mr. Neiman asked Mr. Peters if there was adequate parking and Mr. Hopkin said a minimum of 3 were provided for the existing houses and 3 will be provided for the new lot.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

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

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

5. SP # 1696B (NO VARIANCE REQUESTED)
APPLICANT: AUGUSTA BOULEVARD ASSOCIATES LLC
Location: Augusta Boulevard and Cross Street
Block 524.23 Lot 1 Block 524 Lot 77.02
Preliminary & Final Site Plan – addition to clubhouse

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Site Plan Approval for Block 524.23, Lot 1 and Block 524, Lot 77.02. The following improvements are proposed: construction of a 1,049 SF addition to the club house, construction of a 1,365 SF terrace & gazebo, conversion of a 3,195 SF canopy over the existing patio area to a hard roof, modifications to the halfway house, and a 289 SF addition to the existing golf

cart storage area. The country club has its main entrance located on Cross Street with the southern limit of the site adjacent to Toms River. The site is situated within the R-40 zoning district. No variances are requested by the applicant. A copy of the signed Soil Erosion and Sediment Control certification has been provided. No other outside agency approvals are required. The applicant notes on the Title Sheet that the proposed expansion of the club house is not intended to increase the capacity of the existing banquet facility, but to improve quality of the facility. A note shall be added to the architect plan stating that no tables or chairs will be added to dining area of the club house. It should be noted that the 1,049 SF expansion area will yield twenty-one (21) additional required parking spaces; with 326 existing parking spaces the applicant can still meet the parking requirements. The balance of the comments are technical in nature.

Mr. Kramer read from a letter dated April 7, 2008. The applicant seeks preliminary and final major site plan approval to construct additions to the existing Eagle Ridge Clubhouse. The additions include clubroom (1,049 square feet), a terrace and gazebo (1,365 square feet), conversion of a canopy to a “hard” roof (3,195 square feet), modification of “halfway house” and an addition to the existing golf bag storage area (289 square feet net). The subject property is located in the R-40 Zone in the southern part of the Township. The total tract (18-hole golf course) is 167 acres. The golf course and clubhouse are a permitted principal use in an adult community project. No variances are requested. The building expansion is proposed without any commensurate expansion of the parking area. The site plan contains the following note: “The proposed expansion is not intended to increase the capacity of the existing banquet facility. The expansion is only intended to provide more room for the functions currently being held at the facility.”

The parking computations provided on the site plan are as follows:

Facility	Requirement	Required Parking Spaces
8,400-square foot Clubhouse	1 space/50 sq. ft.	168
300-person Banquet Facility	1 space/3 chairs	100
800-square foot Office Area	1 space/200 sq. ft.	4
Total:		272 spaces

326 Parking Spaces Provided 54 Spaces Surplus

The applicant should provide testimony concerning the adequacy of the current parking areas for the existing clubhouse operation and events. Information as to the impact, if any, of the proposed building expansion on parking demand should be provided. We note that one handicap parking space is being removed without replacement due to the clubhouse expansion. A total of eight (8) handicap spaces will remain. It appears that eight (8) handicap spaces meet the requirements of the NJ Barrier-Free Subcode. Any approval is subject to all required outside agency approvals.

Mr. York Esq. appeared on behalf of the applicant. He said the application includes a club room of approximately 1,000 sf of terrace; 1,365 sf gazebo; conversion of a canopy which currently overhangs the outside deck of 3,195 sf and adding 290 sf to the existing half way house. Danielle Kokes testified as the applicant and she said there is currently 326 parking spaces which exceeds the amount needed and will not need additional parking with the addition requested. Mr. Neiman asked the reason for the expansion and Ms.

Kokes said there is a need for the space. The interior expansion is the cocktail area so there will not be any large amount of people coming in to eat and the outside is due to the golf course adding another 9 holes. Mr. York said the existing bar area is extremely small space which is too small for the size of the room that the banquet holds. Ms. Kokes said there is always enough parking.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

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

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

6. SD # 1550 (NO VARIANCE REQUESTED)

APPLICANT: SEYMOUR INVESTMENTS LLC

Location: Cross Street, west of River Avenue, former Calgo Gardens site
Block 533 Lots 3 & 10

Preliminary & Final Major Subdivision – 74 townhouse unit, community center and tot lot

Mr. Peters stated the applicant is seeking Preliminary and Final Major Subdivision Approval to subdivide two (2) existing lots, totaling approximately 9.3± acres, into 77 lots with 74 proposed townhouse units and one community center building. Three lots will be dedicated to the Homeowners' Association; one housing a stormwater management basin, one housing a parking lot, and one housing the above mentioned community center and a playground. The tract has frontage on Cross Street, approximately 500± feet from its intersection with River Avenue (N.J.S.H. Route 9). The property is situated within the HD-7 Zone. No variances are requested by the applicant. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP permits for TWA and Water Main Extension. The project requires a sewer main easement from the neighboring home owners. The applicant should provide information on the status of obtaining the required easement agreements. All required easements shall be finalized prior to signature of the final plat. Approval of the proposed street names by the Township Zoning Secretary shall be made a condition of the Planning Board approval. The applicant will be required to form a Homeowners Association (H.O.A.) for maintenance of the public portions of the development. H.O.A. documents shall be provided for review by the Planning Board Engineer, Planner and Solicitor. The documents shall address ownership and maintenance of the stormwater management system, community building, tot lot, interior roads, and all other public portions of the site. The documents shall also include a schedule of when the public amenities will be completed in terms of number of certificates of occupancy. The applicant is proposing six (6) bedroom townhouses, with unfinished basements that have a separate entrance. For townhouses, the Residential Site Improvement Standards (RSIS) only provides guidelines for up to three (3) bedrooms, which requires 2.5 parking spaces per townhouse. The applicant is providing 4.0 parking spaces per townhouse for a total of

296 parking spaces. The board should determine if 4.0 parking spaces per unit will be sufficient for this application. The applicant shall address parking for the community center as well. The applicant has provided curb, sidewalk, and shade tree easements along Cross Street and all proposed interior roadways. Because the applicant has revised the right of way of interior roads, some of the right of way and front yard setback dimensions shown on the plans are pointing to open spaces. The applicant shall revise the plans to match up with the revised right of way lines. It appears that there is insufficient space to provide the required landscaped buffer of 30 feet and the minimum rear yard setback between proposed Lots 10.01 through 10.20 and Block 533, Lot 11. A buffer is required between a new residential development and an existing commercial use as per Section 18-803 E.2.c of the UDO. A design waiver is required and shall be requested by the applicant. The buffer issue should be discussed with the Board. The applicant has indicated on the plans that the proposed stormwater piping that ties the proposed basin into the existing stormwater conveyance system associated with the adjacent development and the proposed sanitary sewer piping that also ties the site's sanitary sewer system into the adjacent development's system are to be constructed "By Others." The applicant shall provide testimony regarding who will complete this work and when it will be completed. It shall be noted that all of the work to be performed "By Others" shall be completed prior to the issuance of any Building Permits. The applicant has proposed modular block retaining walls to be built along a portion of the eastern and western property lines. These block walls are to be set along the property line, which will require encroaching onto adjacent properties to install the blocks and the reinforcing geogrid membrane. The applicant will be required to obtain a Construction and Maintenance easement from the adjacent properties to install and maintain the wall and its components, or shall relocate the walls to alleviate this issue. In addition, the exact limits of the proposed walls shall be shown on the plans and top and bottom of wall elevations provided on the grading plan. The Tot Lot shown on the plans, as well as the detail, is unreadable. The applicant shall revise the plans so the Tot Lot detail can be reviewed. There are numerous over-writes on the plans, making them difficult to review. The applicant shall relocate some of the text to make the plan easier to read. With respect to the proposed work to be done within Cross Street, the plans have been revised to show the area of the road widening and grades at the proposed gutter line. The cross sections provided are too small to read and shall be revised to be shown larger. The applicant shall provide testimony as to the specimen trees that exist on-site, as is noted on the Tree Protection Plan. It was observed that there may be specimen trees existing on the eastern lot, the Calgo Gardens lot is cleared. The plan has been revised to show three dumpster enclosures have been added to the site plan. At the technical review meeting ten (10) dumpsters were discussed. The dumpsters are located up to 500 feet from some of the units. Additional dumpster locations shall be added to the site plan. The applicant shows on the Grading, Drainage & Utilities Plan 2 a pump station detail. The applicant shall show on the plan the location of the pump station. If no pump station is proposed, the detail shall be removed from the plan. A portion of Chestnut Street is labeled on the site plans that it will be vacated; however, the Final Plat does not show the street vacation. The plans shall be revised to be consistent. The existing storm pipe passing through the site from Cross Street to neighboring Lot 85 shall be labeled as to be removed. In addition the easement lines shall be called out on the plans and the easement grantee identified. It appears that no soil borings were performed for the site. The applicant shall provide two (2) soil borings with the footprint of the proposed basin, and one soil boring under the

proposed location of each recharge system. Soil permeability test are also required. The proposed stormwater management system has been revised as shown on the site plans. The applicant shall provide the revised Post-development Drainage Area Map and stormwater report to the Planning Board for review. In the Stormwater Management Report, the applicant refers to a proposed drainage easement within a previously vacated section of Chestnut Avenue, but this easement is not shown on the plans. The applicant shall address this issue. The Existing Drainage Area text appears on the Proposed Drainage Area Map. The applicant shall address this issue. The applicant shall revise the map and submit to the Board Engineer. We are questioning the 93.28 (N&S) invert elevations at 'E' inlet 1-10. The S. invert elevation is lower than the down stream elevation of 96.12 shown on the plan and with the up stream invert elevation of 96.72, the N. invert elevation will not yield the 0.5% slope labeled on the plan on the upstream pipe. The EIS states the former use of the property was a plant nursery. The EIS made no mention of the possibility of pesticide contamination on the site. This issue shall be addressed. The remaining comments are technical in nature.

Mr. Neiman asked if there was communal parking or would each home have 4 parking spaces. Mr. Peters said he would check on the plans and get back to him.

Mr. Kramer read from a letter dated May 14, 2007. The applicant is seeking preliminary and final major site plan and subdivision approvals to develop a 74-unit townhouse community with an associated community center, tot lot, roadway, parking, drainage, landscaping, and lighting improvements. The 9.3 ± acre property is located with frontage on Cross Street and Chestnut Street in the HD-7 (Highway Development) Zone District. Lot 3 is presently developed with a landscaping/nursery business with planted fields and structures. Lot 10 contains a frame dwelling and several accessory structures, in addition to large wooded areas. Surrounding land uses include a mix of nonresidential development, undeveloped lands, and residential development of varying densities. The applicant has revised plans previously submitted in order to exclude drainage easements across adjoining properties and to add parking spaces in the front of the townhouse units. The site is located in the HD-7 Zone. Townhouses are a permitted conditional use in the HD-7 Zone. No bulk variances are requested. The townhouses are proposed on fee-simple lots. Architectural drawings have been submitted for the Board's review. We note that, as required by Section 18-1010.B.5 of the Code of the Township of Lakewood, the proposed townhouse buildings are shown to have adequate variations in façade setback. Side and rear elevations of the townhouse buildings are required, but have not been submitted to the Board. The bulk table for townhouse requirements must reflect the correct number of parking stalls (311) shown on the site plans (296 off-street and 15 on-street). The amount of spaces provided to the community center (6) should be deducted from this total, and included in the separate bulk chart for Lot 3.17 The architectural plans show a building elevation that depicts a townhouse development that is 2.5 stories, with seventy four (74) units, each having four (4) bedrooms, which would require 2.4 parking stalls per unit. In addition to the four bedrooms provided the floor plans indicates that each unit will have a children's study and a habitable living space with a full bathroom in the attic, both of which can easily be converted into fifth and sixth bedrooms. These additional bedrooms would increase the parking requirements for each unit to 2.7 spaces per unit, less than the 4.2 spaces proposed ($311 \text{ spaces} \div 74 \text{ units} = 4.2$). Of greater concern, is the plans show an unfinished basement with a separate entrance which can

theoretically be converted to a separate living unit. The minimum additional parking required for this second (basement apartment) unit is 1.8 spaces, which added to what a six (6) bedroom unit requires (2.7 spaces) is greater than the 4.2 spaces currently provided ($1.8 + 2.7 = 4.5$ spaces). We note the above calculations count all parking provided on the site plans. When the applicant supplies revised plans deducting the parking stalls to the community center, the spaces per unit will be reduced. We recommend that the Board consider limitations to ensure that the proposed bedroom count is consistent with the proposed parking ratio. Such measures could include a deed restriction to prohibit the conversion of the unfinished basement area into an accessory apartment, a limit on the number of bedrooms per unit, or a restriction on basement height. The thirty six (36) parking stalls located in the western part of the development appear to be more than 150 feet from units they would be dedicated to. We note Section 18-1010 (Townhouses) which governs townhouse conditional use standards for the HD-7 zone does not include the minimum 150 foot from unit standard used in Section 18-900.H (Townhouses), which governs Townhouse Development where allowed as a permitted use. A 6-foot high board-on-board fence is now proposed along the eastern property line. A construction detail is necessary. Section 803.E. (Buffering) requires in Paragraph 2.c. that residential subdivisions adjacent to an existing commercial use provide a buffer area of at least 30 feet. The Board has discretion in this section to reduce the buffer width to 15 feet, if a dense screen is provided. A buffer of 15 feet would reduce the useable rear yard required under Section 1010. The current setback is 20 feet. The applicant proposes a 6-foot high board-on-board fence and presented testimony at the Plan Review meeting addressing the sufficiency of the proposal. Section 803.E.2e requires a buffer strip of twenty-five (25) feet wide or wider where a residential subdivision abuts a higher order road. The setback of the town homes from Cross Street is 25 feet and includes rear yards and decks which do not comply with this section. The UDO allows the Planning Board to reduce the required buffer to 12.5 feet in width if the developer provides a "dense landscaping screen." We would recommend a double row of vegetative screening along Cross Street to comply with any buffer width reduction. The applicant should submit architectural drawings for the proposed community center and playground. In accordance with Section 18-1010.B.6, each unit shall have an area designated for the storage of trash and recycling containers. In addition, all containers shall be screened with a material that blends into the façade, and the size of the enclosure should be approved by the Public Works Department. There is a lack of proximity of the supplemental refuse enclosure on the west side of the site to Building Nos. 3 and 8. The applicant should consider landscaped peninsulas within the parking lots to mitigate the excessive number of parking spaces without landscape separation. An Environmental Impact Statement has been submitted for the Board's review. This statement's general finding is that the proposed project will not have any noticeable or measurable impacts on the Township of Lakewood. The statement also finds that the proposed project will not cause any significant adverse impacts on the topographic, soil ecological, hydrologic, water quality, or noise environments at the site or in the surrounding area. We defer to the Board's engineer with regard to additional review of this document. It is noted that Lot 3 is the site of a landscaping/nursery business. We are, therefore, concerned that there may be residual pesticides present onsite. The applicant should discuss the results of any testing that has been conducted onsite. If not yet performed, testing for residual pesticides should be conducted. The applicant should submit all documentation related to the proposed homeowner's association for the Board's review. Shade tree and utility easements are provided throughout the tract, and a 5-foot

wide landscaped buffer is provided along Cross Street. Required approvals include, but may not be limited to, the following: Ocean County Planning Board; Soil Conservation District; and, Sewer and water utilities.

Mr. Fink indicated that he lived in proximity of the property but he felt that he could be fair and impartial. He is located farther than 200 ft of the site.

Mr. Alfieri Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer and planner. Mr. Alfieri said this is a second visit of this application. When they were at the board previously, there was significant objection, easements that were running through the rear residential development and draining into their stormwater management facilities and there was also an issue of deficient parking. They have since revised the plans and have addressed the issues of concern.

Mr. Flannery stated the application has no variances. Most of the details in the reports are minor technical issues but they have 3 issues they need to address and they agree to comply with the remainder of the comments. The issues are buffering, specimen trees and parking.

Mr. Neiman said he wanted to discuss the drainage and said there was an issue with drainage in the last time they were in front of the board and Mr. Flannery said the prior drainage problem has been eliminated and the neighbors are present tonight so if there is an issue they will speak. Mr. Flannery said Mr. Carpenters' office did have surveyors look and stated there are no specimen trees and in light of Mr. Peters' comments they will agree as a condition of approval, to send someone out and do a more thorough tree survey and if there are any specimen trees they would report it to the board. Mr. Neiman said what would they do after they reported it to the board, would they cut them down anyway and Mr. Flannery said yes. Mr. Neiman asked if they had a tree preserve plan and Mr. Flannery said in the HD7 zone there is no requirement to preserve the trees but they would do replanting and the ordinance specifies what you need to do to replace them if they are there and they need to be cut down and he stated they could make minor modifications if they are in an area where there is homes and parking, but if they are coming down, then replacement would be done in accordance with what is specified in the ordinance. Mr. Neiman said they could make it a condition of the resolution and Mr. Flannery agreed. As far as the buffering issue, Mr. Flannery said they have buffering in 2 places: one is along Cross Street and the planner suggested remediation for that and they agree; the second buffering issue is along the eastern property line and that is a buffer to an existing commercial site (old garage warehouse buildings that have been there for many years) which has been abandoned for years. When that site does get redeveloped, and it becomes a commercial site, they would have to put in buffers so in his opinion, that provision of the ordinance is not applicable and what they provided with fencing is sufficient. They have provided 4.2 parking spaces per unit and Mr. Neiman asked him to show him and Mr. Flannery said they have a total of 311 spaces on site and the arrangement is set up so you come into the site and go down to the access roads and the access roads have parking spaces all in front of the units. Mr. Neiman said they are side by side and there is no front back parking and Mr. Flannery said yes. Mr. Flannery said all the side by side is in front of the units and if you add up the total number of parking spaces and divide by the number of units there is 4.2 spaces per unit. Mr. Neiman said

they have 3 by each unit and 1 parking area away from the units to make up for the other one. Mr. Flannery said the plan indicates 4.2 spaces per unit and they professionals estimated 4.5 spaces per unit and to do that, they indicated the attics, which have bathrooms and studies, can be converted to bedrooms. Mr. Neiman said they will be bedrooms upstairs and Mr. Flannery said if they left it the way it is there is a likelihood there would be but what they are proposing is to make it an unfinished attic with no bathrooms and studies and they would agree to a restriction and it would be uninhabitable. Mr. Fink wanted to make it clear that the attic would be storage only and Mr. Flannery said that is correct.

Mr. Schmuckler asked if there are going to be stairs to the attic or will it be a pull down type and Mr. Flannery said they could limit it and say there will be no stairway other than the pull down type. Mr. Schmuckler said they would not have bedrooms with pull down stairs.

Mr. Flannery said that would eliminate .2 parking spaces per unit which brings them down to 4.3 spaces per unit, or 7 ½ spaces short, and they would agree to revise the plans along Hummingbird Court in the front, there is one open space where they could fit 8 parking spaces so they would have 4.3 spaces per unit and that would allow for the basements, assuming there is a high likelihood that they might be occupied also. Mr. Neiman asked if there will be parking on both sides of the streets or one side and Mr. Flannery said along the entrance road it is on one side only and each of the access strips has parking on both sides. Mr. Neiman asked if the roads would be public or private and Mr. Flannery said private and Mr. Neiman asked if they buses would go in and Mr. Flannery said he would anticipate that the buses would go in and there is access through the back of the site so it is a drive through without a turn around.

Mr. Fink asked if the buses would enter through Cross Street or Route 9 and Mr. Flannery said it would make more sense to enter off Route 9, come down Chestnut, come through the development and come out to Cross Street but the Board of Education does all the routing.

Mr. Neiman said the Enclave, which is further west of this project, only has a right in and right out and this project is closer to Route 9 than the Enclave, so is this project full access or right in right out and Mr. Flannery said they have proposed this as 2 way access, but it is a county road so if the county feels a restriction is needed the county would impose that. Mr. Fink asked if they had gone to the county with this application yet and Mr. Alfieri said they are checking. Mr. Schmuckler asked about Bluebird Lane and what the width was and Mr. Flannery said it was 30 ft. wide and the parking spaces were 9x18 and he thought it is not safe but Mr. Neiman thought it was fine. Mr. Percal said there were 13 parking spaces on that street with 8 additional spaces but asked about the visitor parking and Mr. Flannery said the visitor parking is built into the parking count in the 4.3 parking spaces per unit. The RSIS takes into account visitor parking. Mr. Fink asked if on Cross Street they are putting in sidewalks and Mr. Flannery said yes and Mr. Fink would like to see the sidewalks come to the Enclave because he sees a lot of pedestrian traffic and Mr. Flannery said they would agree to build the sidewalks if the county lets them. Mr. Alfieri said the records indicate that the county gave preliminary approval in 20006 without any restriction to the access but they will have to go back and address conditions and submit

the revised plans which they have not seen since 2006. Mr. Fink said he would like to make it contingent on the board knowing right in and right out and said he is in favor of a left turn from their development but thinks the board should be notified of the county's decision.

Mr. Neiman asked what type of equipment will be in the tot lot and Mr. Flannery said there will be equipment and would make sure it is on the plans. Mr. Neiman asked about the 7 spaces for the community center and Mr. Flannery said there is a parking lot that is just past the units and then it is the community center and they have 6 spaces associated with the community center.

Mr. Schumckler said his opinion is still to have less parking on Bluebird Lane and have safety and Mr. Fink agreed. There was talk if that would create a parking variance but Mr. Flannery said parking is stipulated by the RSIS and it doesn't say that the basement needs 1.8 spaces, it is not even in the ordinance. Mr. Schmuckler said they could put signs that said no parking and Mr. Flannery said if that is what the board wants, they would agree signage.

Mr. Alfieri and Mr. Flannery stated they agreed to comply with the remainder of the technical comments in both professionals' report.

Mr. Peter had a question and said at the technical meeting there was talk about putting dumpsters and there were a few added, but there is only a few throughout the site and it is a large area and Mr. Flannery said they would agree to meet with Public Works and satisfy them with the dumpster locations.

Mr. Neiman opened the microphone to the public

David Richardson, 441 Monticello Lane was sworn in. He said he is president of the Enclave Homeowners Association and they were the principal party that negotiated the settlement for the easement. Ocean County Soils and Ocean County had put into the request when approving the Kokes development that the stormwater drainage system and sanitary sewer system be designed such that they would provide for these HD7 properties that abut the boundaries that line up with theirs to the west, that their overflows would come into and carry through their system pending an easement and he is happy to report that they have a preliminary agreement worked out with this applicant and the only problem is that they are utilizing 2 legal firms, one from Kokes and one from the homeowners association and they were unable to finalize the agreement before this meeting. They do not see any reason why they will not successfully do that but pending that finalized agreement he would ask the board grant a conditional approval.

Mr. Neiman asked him to comment on the 2 way access and Mr. Richardson said that is a problem for them because the county has not allowed them to make a left hand turn at their rear entrance nor can they exit and make a left turn and that to them is a real problem because with further development down Cross Street around the Massachusetts, Prospect and Cross Street area, the load onto Cross Street is getting more and more severe and that is one of the reasons in the settlement that they were able to reach with Seymour they demanded that they have a egress and access onto Chestnut or Walnut, whichever name they decide on. He said they will visit with Ocean County and they area hopeful that they

will have support of Seymour and Ocean County will see that the best and safest thing is left for both developments. Mr. Neiman asked if he was in favor of this application and Mr. Richardson said yes.

Noreen Gill, 192 Coventry Drive was sworn in. She asked about the garbage and if they are going to have the big bins and if they will be able to lift them. She does not know how those roads will be but she would have thought that garbage cans would be easier than the dumpsters. She also asked about the 4.2 spaces and if they are staying with that number and Mr. Neiman said yes. She asked about the attic and if they were going to make a restriction and Mr. Neiman said the attic will have pull down stairs. She asked about the basement and Mr. Neiman said the basement is the basement.

Janet Scher, 1050 Cross Street was sworn in. She said one of the biggest criticisms made about Lakewood is that they do not have a Tree Preserve Ordinance. Everyone is in agreement on it but it is not on the books and Mr. Banas has proposed it endlessly and she wants the comments when a builder comes in and says they will agree to the technical comments of the professionals, they need to spell out the fact that the professionals tonight have identified specimen trees on this property and you can not replace specimen trees by saying we will shrub accordingly. She does not know whether they would want to set up something with the Shade Tree Commission but she strongly advocates that before there is the clear cutting that exists in this township as soon as a site approval is granted, someone with a botany degree or an expert should come and make some reasonable assessment as to what trees will be preserved and where they will be preserved. She said you cannot replace specimen trees.

Mr. Neiman said the board could not agree more and they are waiting for an ordinance to be developed from Lakewood Township on this Tree Preservation and they gave their opinions to them. Mrs. Scher said in the interim the board is giving an approval tonight on a conditional use on a 4 bedroom townhouse location and these townhouses will be 6 bedrooms plus so the board can put in the record stipulations as to how something like that will be handled. There is attached to the appendix of the existing Master Plan an archetypal tree ordinance that has been attached by Mr. Banas. She is not saying you should uphold a law that does not exist but she is saying that since they are all in agreement and they have the power and leverage, make some stipulation and there should be something spelled out beyond and will you adhere to everything that the professionals recommend. There should be a sub category that says yes there are specimen trees and yes such and such a thing will be done to at least have some discussion about their preservation. Mr. Neiman said it is hard to do that without an ordinance backing it but they would try their best.

Lawrence Abrin, 144 Enclave Boulevard was sworn in. He is a resident of the Enclave and said he supports this application but he has one question and one reservation. His reservation is on the egress to Cross Street and he heard that school buses may come out to Cross Street and said currently it takes 2 to 3 lights to get up to Route 9 and if they have a back up of school buses that will make it an enormous delay and Mr. Neiman asked if he had any suggestions and he said he thought there would be a traffic light on Chestnut Street to Route 9 but was told by the board that it was not so. He said turning right onto Cross Street is an enormous blockage without additional lanes. His second point is that

he thought there was not supposed to be plumbing in the basements and he did not hear that and Mr. Neiman said currently by the builder the way he understood it was there will be no plumbing in the basement and asked the applicant if he was correct. The board pointed out there was no plumbing shown on the plans.

Gerry Ballwanz, Governors Road was sworn in. She told Mr. Neiman she was dismayed because he felt that he have nothing to do because there is no ordinance for specimen tree save that you feel it is impossible to do something but she said they seem to forget that townhouses are a conditional use, they are not outright allowed so you can demand special considerations and she thinks they have powers that they can use and say that maybe 72 units is way too much and she thinks it is. She also thinks the buffer for the commercial zone should be the responsibility of the developer because if something goes on to the commercial property at a later time it will be a problem for these people because this buffer that should be there isn't there and she thinks that buffer should be put in. She thinks there are too many units and it will impact those trees and the board has the ability to reduce that amount to make it a better neighborhood for the people who are living there and the people who will be coming in and out of Cross Street or Route 9.

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

Mr. Alfieri responded to Mrs. Ballwanz and said conditional use is a permitted use provided they meet the conditions and they have met the conditions and if they did not they would be in front of the zoning board. Mr. Neiman said what he thinks they are trying to say is that there are a lot of trees on this property and there might be a number of specimen trees here and said what the board wants to see is besides the every "x" amount of feet that you have to plant a tree for the shade tree easement, in the park area to put more trees there, it will look nicer. 74 units, yes it is allowed but it is a lot of units and if they could just dress up this project with more trees, especially since they may be cutting specimen trees and maybe cutting all of them.

Mr. Flannery said they would agree to add more trees, even though it is beyond what the ordinance requires. Mr. Carpenter has indicated that they are already putting in a couple hundred trees in accordance with the landscaping plan and they would agree to increase that.

Mr. Fink said the area between the western border with the Enclave, the buffer with the trees, he thought it was to be 15-20 ft. buffer and the trees were going to be preserved and Mr. Flannery said Mr. Carpenter said that was correct and it is shown on the plans. Mr. Fink wanted it on the record that what happened with Cal Wei did not happen with Calgo. Mr. Flannery said he would agree to a condition that a snow fence be put up around the trees to be saved before any clearing is done and that would be approved by the Township Engineer. Mr. Fink asked if they could make a contingency that when Mr. Alfieri goes to Ocean County for the left turn that the same left turn is initiated by Mr. Alfieri for the Enclave as well, because he feels you can't have a left turn at their entrance which is 1/10 mile away from the Enclave entrance and they can only make a right, that is an accident waiting to happen. Mr. Alfieri said the county looks at all the curb cuts within the county roads to make sure the access points are safe an efficient and Mr. Flannery said he did not think they could tie them in but said they could agree to have a meeting with the

County Engineer and invite a representative from the Enclave and the board's engineer Mr. Flannery said they would set up the meeting.

Mr. Richardson said the residents of the Enclave are hounding him about when they will be getting the left turn. Mr. Neiman said this is the opportunity for them to discuss it with the county but they could not just tie it into this application.

Mr. Schmuckler said he did not see any active recreational area on the plans and Mr. Flannery said there is a tot lot next to the clubhouse and they will have the details of the equipment on the plans. Mr. Schmuckler asked about the retaining wall and the 6ft. board on board fence and asked if there is a reason why it is wood and could they go for something that would last longer and Mr. Flannery said the board on board lasts 30 years.

Mr. Peters had a question for Mr. Fink on the trees to be preserved on the property line with the Enclave. He said from what he sees the trees to be preserved are on the Enclave property, but on the neighboring property there is already the driveway for the nursery that pretty much goes up to the property line, so there would not be any trees saved on the nursery side, it would be on the Enclave side. Mr. Peters said the easement is also located there and he wants to be sure when they come for resolution compliance because he will not be involved with the easement agreement itself. They discussed the plans.

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to approve the application with no parking on Bluebird Lane, adding the additional trees, the pull down stairs for the attic, the 8 additional spaces, adding dumpsters if suggested by Public Works, sidewalks on Cross Street if the county allows, meeting with the County Engineer and the Enclave HOA for 2 way access and no plumbing in the attic and basement and signage for where there is no parking.

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

7. SP # 1882 (NO VARIANCE REQUESTED)
APPLICANT: SUDLER LAKEWOOD LAND LLC
Location: Oak Street, New Hampshire Avenue & Salem Street
Block 1160.02 Lot 7.01
Preliminary & Final Site Plan for 140,000 sf warehouse/office "Building 30"

Carried to June 17, 2008

8. SP # 1883 (NO VARIANCE REQUESTED)
APPLICANT: SUDLER LAKEWOOD LAND LLC
Location: Oak Street and Paco Way
Block 1160.04 Lots 54, 383
Preliminary & Final Site Plan for 70,000 sf flexible use "Building 29"

Carried to June 17, 2008

9. SD # 1621 (NO VARIANCE REQUESTED)

APPLICANT: MARK BAUMAN

Location: Albert Avenue, north of Salem Street
Block 1159.01 Lot 7

Minor Subdivision to create two lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide Lot 7 of Block 1159.01 into two (2) new lots, to be known as Lots 7.01 and 7.02. An existing single family dwelling will remain on new Lot 7.02. A single family dwelling and its driveway are proposed on new Lot 7.01. The site is situated along Albert Avenue, within the R-20 zoning district. No variances are requested by the application. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. The applicant shows on the plan, an asphalt driveway that can accommodate up to six (6) cars is proposed on Lot 7.01, and a driveway and garage combination that yield five and half (5.5) off-street parking spaces is existing on Lot 7.02. In accordance with NJ RSIS three (3) off-street parking spaces are required for single family dwellings with unknown number of bedrooms. The Board should determine whether the proposed and existing off-street parking will be adequate. A 6' shade tree and utility easement is proposed along Albert Avenue at the property frontage to be dedicated to the Lakewood Township. The applicant shows on the plan, proposed curb and sidewalk along Albert Avenue at the property frontage. The applicant shall call out the proposed curb and sidewalk on the plan. In addition, a bond for the construction of the curb and sidewalk in front of Lot 7.02 shall be posted prior to signature of the final plat. The applicant shall note in the sidewalk detail that where proposed driveways are located thickness of the sidewalk shall be increased to 6". The applicant shows on the plan three (3) shade trees along Albert Avenue at the property frontage. The Planning Board should determine if three (3) shade trees will be sufficient. Since septic system is proposed for Lot 7.01, the applicant shall provide testimony on location of the nearest public utilities to the project site. The remaining comments are technical in nature.

Mr. Kramer read from a letter dated April 7, 2008. The applicant seeks minor subdivision approval to create two conforming lots. The tract is 43,600 square feet (or 1 acre) in area and contains a single-family residence. The dwelling will remain on new Lot 7.02. The parcel is located on Albert Avenue, approximately 300 feet north of Salem Avenue. The property is located in the R-20 Residential Zone. The surrounding land uses are generally residential. Zoning. Single-family detached dwellings are a permitted principal use in the R-20 Zone.

No variances are requested by the applicant. Review Comments. Sidewalk is now proposed along the tract frontage; however, the improvement should be identified on the plat. An individual septic system and potable well will be provided on new Lot 7.01. The applicant should indicate the proximity to the nearest public water and sewer lines. Off-street parking for each lot must comply with the NJ Residential Site Improvement Standards. The plat indicates that three (3) spaces are proposed for each lot. Performance guarantees should be posted for all required improvements in accordance with ordinance provisions. The map or deed must be filed in accordance with the Map Filing Law. Outside agency approvals which will be required include: Ocean County

Planning Board; Soil Conservation District, (prior to construction permits) Ocean County Board of Health for the well and septic systems, (prior to construction permits) and, All other required Outside Agency approvals.

Mr. Doyle Esq. appeared on behalf of the applicant with Mr. Surmonte as the engineer. Mr. Surmonte said there will be curbs and sidewalks shown on the plans and they will bond if necessary. They will comply with RSIS and they will provide for the shade tree easement. The distance from public sewer and water is approximately 1500 ft. away from this site and is impractical. They have sufficient distance between the disposal fields and the well. They agree to the comments in the professionals report.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

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

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

10.SD # 1624 (VARIANCE REQUESTED)

APPLICANT: MORDECHAI EICHORN

Location: southwest corner of New Central Avenue & Gudz Road
Block 11.05 Lots 77, 80

Minor Subdivision – 4 lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide two existing lots into four new lots, to be known as Lots 77.01, 77.02, 77.03, and 77.04 of block 11.05. Existing Lot 77 is currently vacant. A split level frame dwelling that will be removed exists on Lot 80. No residential dwellings are proposed under this application; however, some site improvements are proposed. The property has frontages along Central Avenue and Gudz Road. The site is situated in the R-12 zoning district. The applicant is requesting minimum lot width variances for Lots 77.02, 77.03, and 77.04; 85 FT are provided where 90 FT are required. Outside agency approvals from Ocean County Planning Board and NJDEP for Treatment Works Approval are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. In accordance with notes #5 and #6 shown on the plan, existing septic and well on site will be abandoned and the proposed lots will be served by public water and sewer. The existing dwelling shall be labeled on the plans as to be removed. Removal of the dwelling shall be performed prior to signature of the Subdivision Plan, or a bond posted to ensure the promptly removal of the dwelling. The applicant shows on the plans a gavel path located in the rear yard of Lots 77.01 through 77.03. The path should be labeled on the plans as to be removed since Lots 77.02 and 77.03 will be restricted to have access to Central Avenue only, as is stated on the plans. The applicant shows in the zoning schedule two and a half (2.5) parking spaces are required and three (3) parking spaces are provided for each proposed lot. In accordance with NJ RSIS regulations, two and a half (2.5) parking spaces are required for single family dwelling with un-known numbers of bedroom. The Board should

determine if three (3) off-street parking spaces are sufficient for the proposed use. A note shall be added to the plans stating that a minimum of three (3) off-street parking spaces shall be provided for each lot when residential dwellings are proposed to ensure conformity of the regulation. The applicant shows on the plans 6 FT utility and shade tree easements along Central Avenue and Gudz Road are to be dedicated to the Township. A 1343 SF triangle easement at the corner of Central Avenue and Gudz Road is to be dedicated the Ocean County. In addition, the applicant also shows a 15 FT roadway widening dedication to Ocean County along the Central Avenue. Concrete curb exists along Gudz Road, but not along Central Avenue. The curb shall be clearly identified or the line type added to the legend. The applicant has proposed concrete sidewalks along Central Avenue and Gudz Road at the property frontages. The sidewalk shall be clearly labeled and called out on the plan. The remaining comments are technical in nature.

Mr. Kramer read from a letter dated May 9, 2008. The applicant is seeking minor subdivision plan approval to create four residential lots from two existing lots. Lot 77 currently is a vacant lot and there is an existing split-level residential dwelling unit on Lot 80. The existing residence will be removed. The site fronts on Central Avenue and Gudz Road. Three residential lots will have access onto Central Avenue, and one residential lot will have access from Gudz Lane. The subject site is located within an area of residential uses. The applicant has proposed a 5-foot wide road dedication along New Central Avenue to Ocean County, a 5-foot wide sidewalk easement and a 6-foot wide utility and shade tree easement to Lakewood Township. Access to new Lot 77.01 at the corner of Gudz Road and New Central Avenue will be deed restricted to only Gudz Road. The parcel is located in the R-12 (Residential) Zone District. The proposed residential single-family use is a permitted use within the R-12 Zone District. The applicant has requested variances for lot width for proposed Lots 77.02, 77.03, and 77.04. The R-12 Zone District standards require a 90-foot lot width. The applicant has proposed a lot width of 85 feet. The positive and negative criteria should be addressed for the requested variances.

Review Comments- Subdivision Plan. Previously, we requested that the applicant revise its bulk schedule to address compliance for Lots 77 and 80. Proposed Lot 77.01 is a corner lot. Township development regulations require that the applicant provide two front yards as well as provide one (1) side yard and one (1) rear yard. On the subdivision plan, the applicant complies with the Township requirements for this lot. The applicant has indicated a side yard along the southerly property line; therefore, it appears that the house is proposed to face Gudz Road. The applicant should testify regarding the configuration. The applicant has revised the plans to reduce the right-of-way dedication from 15 feet to 5 feet, and has included a 5-foot wide sidewalk easement and a 6-foot wide utility and shade tree easement to Lakewood Township within the boundaries of the subject lots. The applicant should testify regarding the proposed configuration versus providing a wider right-of-way and placing these items in the right-of-way. The applicant is subject to the requirements of NJ RSIS for off-street parking. As the applicant has not specified the number of bedrooms proposed for each unit, the applicant has indicated that they would comply with the 2.5 parking spaces per unit requirement. The applicant has proposed 3 parking spaces per lot. The applicant has partially addressed our prior comment which indicated that, based on the nature of driveways on New Central Avenue, the Planning Board should consider a requirement for a driveway turnaround (i.e., a K-turn driveway for Lots 77.02, 77.03, and 77.04). The applicant has provided a note indicating that a driveway turnaround will be provided for each driveway; however, we recommend that the

location and configuration of the driveways be added to the plans. The applicant indicates that the existing septic and well will be abandoned as part of the subdivision. The location of the septic and well should be identified on the plans. The applicant should comply with all requirements of the Ocean County Board of Health and NJDEP. Public water and sewer will be provided by New Jersey American Water Company. The applicant should provide letters to the Board indicating that service may be provided on these lots. Shade trees should be shown on the improvement plan. The applicant should prepare the appropriate deed language for the proposed sight triangle easement and the utility and shade tree easements for the Board's review and approval. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; Sewer and water utilities, prior to construction permits; and, all other required Outside Agency approvals.

Mr. Penzer Esq. appeared on behalf of the applicant. He said all of the lots exceed the area in size for an R12 zone. They are here for a 5 ft. width variance. All the engineering comments can be met and Mr. Flannery is the engineer for the applicant. Mr. Neiman asked Mr. Flannery the meaning of deed restriction to Gudz Road as opposed to Central Avenue is because the corner lot would only have access to Gudz Road rather than New Central and they agree to do that. He said they could have gotten approval for flag lots with no variances but they are coming to the board with a conventional subdivision but with a width variance of 5 ft. The positive criteria for the variances is that they are diminimus in nature and it is his opinion there is no negative criteria associated with this application as they are providing all lots well in excess of the zone requirement and He quoted from MLUL NJAC 40:55-D2 under "E" which states to promote the establishment of appropriate population density and concentrations that will contribute to the well being of persons, neighborhoods, communities and regions and preservation of the environment. He feels this is smart growth and is smarter than a flag lot. They agree to comply with the comments in the professionals' reports.

Mr. Neiman asked about the "K" turn driveways and Mr. Flannery said they have put a note on the plan that they will put in the "K" turn driveways and show them on the plans. They also put a note on the plans to provide at least 3 parking spaces for these lots and Mr. Neiman asked him to try to put 4 and Mr. Flannery agreed to 4.

Mr. Peters asked if they would like to have the TWA be a condition of a building permit as opposed to subdivision and Mr. Penzer said yes.

Mr. Neiman opened the microphone to the public

William Meyer appeared on behalf on Ron Gasiorowski who has been retained to represent Josh Weinfeld, Mike Halpert and Paul Mechik and said there are some concerns with regard to Central Avenue. He said there is a gravel drive that services the present home that is located in the rear and he is advised that the house utilizes that gravel road to get over to the side road (Gudz) because of the dangerous and hazards on Central Avenue and it is such a concern that even though they can provide for K turning and circular driveways it is wiser to exit onto Gudz and the fact that they are asking for a variance and said there are no negatives is not the case. Mr. Neiman said the 5ft. variance is minute

and granted by this board regularly. Mr. Meyer said in this particular case what it will amount to is an extra lot and the lot is going to be deficient and will bring more traffic onto Central Avenue than you would have to require adherence to the zoning requirements and you could reconfigure this to dump off onto Gudz and avoid anybody from having to go out onto Central. He said the conformity with the neighborhood will be changed because the house and adjoining home have the lot line just about dead in the middle of the corners of the homes and once you reconfigure this to have lot 77.04 you will have long narrow lots so the one house will have to be reconfigures and will bring it out of conformity to what currently exists and will bring it much closer to the home on Lot 9.01 and it will not conform with the neighborhood, He had a Google map to mark into an exhibit and Mr. Penzer objected and stated he is not a planner and he is testifying as a planner. Mr. Meyer would like to have another meeting date so he can bring in a planner and Mr. Neiman said he had no objection to looking at the map and Mr. Penzer said fine.

Mr. Elward asked if the people he is representing are within 200 ft and Mr. Meyer asked them to come up to the microphone and Mr. Neiman and Mr. Penzer said that is not necessary. Mr. Neiman asked what the concern was and Mr. Meyer said they are concerned with Central Avenue and the safety issue. Mr. Neiman asked where his clients lived and was told they live on Katie Court and their homes about the back section of what this new subdivision would be. They are also concerned with the buffer; their lots were configured and their subdivision was designed with a different configuration and the new subdivision will be long narrow lots, the homes will have to be turned sideways and it will bring the rear of the house much closer to their back lots which were not designed for houses that close, so now this is basically changing the neighborhood and the set up and it is his position that the variances is not necessary. Mr. Neiman asked for his exhibit to be marked and Mr. Penzer withdrew his objection so it was marked O-1 and Michael Halpert made a mark to show between the existing house and the home that would be on Lot 9.01. Mr. Penzer asked Mr. Halpert if he was the owner of lot 9.01 and Mr. Halpert said he is the owner of Lot 10.08 and Mr. Penzer asked why he is talking about Lot 9.01 if he is not the owner and Mr. Penzer said if they look at their maps they will see that he is not touching Lot 9.01 and Mr. Meyer said his point is to show that the re configuration by this subdivision will change the character of the neighborhood and Mr. Penzer said he objected to that unless he is a planner. Mr. Meyer showed the members the Google map. Mr. Neiman asked how long ago Katie Court was built and was told about 10 years and Mr. Neiman said did they never expect there to be frontage on Central Avenue even with this developable land which fits into the requirements of the zone.

Michael Halpert said he lives at 5 Katie Court which is lot 10.08 and said he is directly affected by the proposed subdivision and 2 of the proposed lots will back his property. He said his property is not deep and it has an in ground swimming pool. As narrower lots tend to have higher and deeper houses with 2 houses directly overlooking his lot he has major privacy and modesty concerns with the plans as submitted. He has spoken to the applicant and he believes they have informally agreed on the following adjustments: a tall buffer utilizing existing trees where possible and planting new ones where existing trees are unavailable; increasing the minimum rear setback substantially (he believes 100 ft. was mentioned). He would also like rights to plant new trees in the buffer to maintain the buffer as trees perish or are removed. Hopefully the board will agree that these are reasonable requests, they are in keeping with the neighborhood aesthetics and have them

incorporated into the planning documents. He said he has Google overhead satellite pictures of the area to help the board visualize the problems he has mentioned and it was marked O-2.

Mr. Schmuckler asked if the issue is a matter of buffering and Mr. Penzer said they would give them 10 ft. of trees existing to make sure those trees are there. Mr. Schmuckler asked if they could put a fence in the back and was told there is an existing fence but when houses go up they go up 40 ft. and they look right over into his pool.

Shia Weinfeld was sworn in and said he moved to Lakewood to have a nice peaceful quiet neighborhood and with this development, even though it is 5 ft. but the 5 ft. is another house and he is talking on behalf of himself and his other neighbor who is Lot 10.10 and he is Lot 10.11 and to have 4 houses in the backyard is not something they need to put up with. This will ruin their views and result in more traffic on New Central Avenue. Lakewood is concerned with quality of life and he thinks it would be a big disappointment if they gave them this variance. Mr. Penzer said the adjoining lot to his is the one lot that conforms, and he said if he looks crooked than no. There was talk about a besem.

Gerry Ballwanz, Governors Road was sworn in. She said she finds it highly offensive that Mr. Penzer is saying that because a neighbor is not exactly right nearby that he shouldn't be objecting. She remembers years back when John Patrick was sitting up there and Mr. Penzer said this on an application on Route 9 and Mr. Patrick said people are neighbors and they have a right to object. She speaks on different properties even though they are not neighbors of hers and she supports these gentlemen's concerns.

Mr. Meyer said his clients would like to have the opportunity to present a planner particularly since there were objections that are on the record and in summary the negatives to this particular subdivision and the need for a variance can be obviated by simply changing it from a 4 lot subdivision to a 3 lot subdivision and it would comply and in so doing you can avoid having to tear down a split level framed home that currently exists and keep conformity with the neighborhood and keep the same approximate distance between the homes that presently exists all the way around.

Mr. Penzer said Mr. Flannery would summarize but said he wanted to remind the board that they could have put in flag lots that would have been conforming with no variances. Mr. Flannery said apparently the public was not listening when he indicated that they could do a 4 lot subdivision with a flag lot that would be conforming, so this is not about getting another lot, this is about 4 lots with one of them being a flag lot which from a planning standpoint doesn't make sense, or 4 lots that need a 5 ft. wide. He lived in this area in 87 and when Katie Court was built, it changed the character of the neighborhood, the trees came down and the gentleman that lived in the split level had 5 houses that were now in his back yard and these lots are bigger than those. The nature of these variances are diminimus and the fact that they could get 4 conforming lots with a conforming subdivision negates the argument that we are getting one extra lot. We are not getting one extra lot, we are doing 4 lots smarter.

Mr. Meyer said if that is the case he thinks it would be wise for them to submit a drawing of what the conforming lots would look like and let his clients look at them and discuss that so they have 2 proposals that they can compare, the other one might be better.

Mr. Neiman said this is the proposal they have submitted to the board and this is build able land that is allowed to be subdivided and that is the way Lakewood is now. He understands what they are worried about but it is not happening tonight.

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

Motion was made by Mr. Fink, seconded by Mr. Percal, to approve this application. Mr. Fink said the positives far outweigh the negatives and Mr. Percal said this is a much more preferable scenario than a conforming flag lot situation.

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Committeeman Miller arrived at the meeting

11. SD # 1525A (NO VARIANCE REQUESTED)

APPLICANT: SARAH BODEK

Location: 6 New York Avenue, between Ridge Avenue & E. 7th
Block 223 Lot 95

Amended Minor Subdivision for 2 lots

Mr. Peters stated the Applicant is seeking Planning Board Approval to amend the previously approved minor subdivision of Block 1159, Lot 95. The previously approved plan has been revised to transfer 2,000 SF of land from Lot 95.01 to Lot 95.02, the flag lot. Two single family dwellings are proposed on Lots 95.01 and 95.02 which is a flag lot. The property is situated along New York Avenue, within the R-10 Zoning District. It appears no variances will be required. Ocean County Planning Board and Ocean County Soil Conservation District approval will be required. Evidence of the approvals shall be made a condition of final subdivision approval. The applicant shows on the plan a minimum of five (5) parking spaces for Lot 95.02 and three (3) parking spaces for Lot 95.01. Three (3) minimum parking spaces were required by the Planning Board from the previous approval; however, the parking spaces were based on un-known number of bedrooms for each dwelling as no dwellings were proposed at that time of approval. The architectural plans show five bedroom buildings with unfinished basements. The Planning Board should determine if additional parking spaces will be required. The dimensions of the lots and the lot area are in conflict. The applicant shall review the area calculations and revise the dimensions or lot area as required. The applicant shall provide an update on status of the existing dwelling shown on the previous plans. There appears to be an error in the dimensions of the side lot lines for Lot 95.01. The parallel sides of the square lot are labeled with different lengths. The proposed dwellings will be served with public sewer and water. Sewer and water connections for the dwellings shall be shown on the plan. Curb exists along New York Avenue at the property frontage and concrete sidewalk is proposed at the property frontage. A 6' utility and shade tree easement along New York Avenue is proposed to be dedicated to the Township.

Mr. Kramer read from a letter dated May 12, 2008. The applicant is seeking minor subdivision approval to create two (2) lots, one of which will be a flag lot. The parcel contains one single-family dwelling, which will be removed. The parcel is 0.62 acres (27,000 square feet) in area. The tract has approximately 108 feet of frontage on New York Avenue located between East Seventh Street and Ridge Avenue. The Planning Board previously approved a flag lot subdivision for this parcel in July, 2006. The plat has been revised to show the proposed dwelling on the rear lot, angled rather than parallel to the lot lines. In addition, the lot line which separates the two proposed residences has been revised to increase the lot area of the rear or flag lot (Lot 95.02) by 2,000 square feet. The site is located in the R-10 Residential Zone and single-family residences are a permitted use. No variances are requested. An amendment to the Flag Lot provisions of the Unified Development Ordinance is scheduled for final reading and adoption on May 29, 2008. We note the following variations of the subject plan from the proposed ordinance amendments: (waivers): Flag lots will not be permitted in the R-10 Zone; the access strip must have a width of 25 feet, where a width of 20 feet is proposed. The access drive must be paved with a width of at least 15 feet, where 12 feet is proposed. The plans shall be revised or a design waiver is required. Applications for flag lot subdivision shall submit architectural plans for the proposed dwelling to be constructed on the flag lot. A 10-foot wide buffer shall be provided around the balance of the perimeter of the flag lot. The applicant provides a 10-foot buffer for three (3) sides of the flag portion of the lot, and a 5-foot buffer for one (1) side. The buffer shall be revised to 10 feet for all 4 sides or a design waiver is required. The Planning Board has the power to grant exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review if the literal enforcement of one or more of the provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. The Flag Lot Ordinance prohibits such lots from further subdivision. A restriction should be placed on the property if the subdivision is approved. In accordance with Section 805.G.6 of the UDO, the applicant "shall demonstrate a need, consistent with good planning principles, for the creation of the flag lot" and provide the reasons for using a flag lot concept in contrast to a standard subdivision. Public water and sewer will serve the new building lots. Sidewalk and street trees are proposed along the street frontage. The plat should contain a note that off-street parking shall comply with the NJ RSIS. Compliance with the Map Filing Law is required. Required approvals include, but may not be limited to the following: Continuing Comment; Ocean County Planning Board; Soil Conservation District (prior to issuance of a construction permit); and Sewer and water utilities (prior to issuance of a construction permit).

Mr. Penzer Esq. appeared on behalf of the applicant. He said this application was previously approved as a flag lot and what they did was improve it; instead of having one lot behind the other, they angled it out so that the rear lot will have a frontage onto the front lot and will be able to see the street. Other than that it is the same application and they have increased the lot area of the rear flag lot by 2,000 sf to make it more conforming. With regard to the planners' report, there is a suggestion that the buffer be revised for 10 ft on all sides they can do that and will do that. They agree to the remainder of the items in the planners report.

With regard to the engineer's report, they agree to all the items except to point out to the board that the same spaces approved for the same amount of bedrooms, they are asking

them to do it again. They agree to all the other issues. There is existing sidewalk but they agree to fix any that are broken. Mr. Neiman asked if they will fix the dimension error they said yes.

Mr. Neiman asked if there was any way they can fit in a 4th parking spot in the rear and Mr. Penzer said yes.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

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

ROLL CALL: Mr. Herzl; yes, Mr. Miller; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

12.SP # 1891A (NO VARIANCE REQUESTED)

APPLICANT: BNOS DEVORAH

Location: Prospect Street, west of Williams Street
Block 411 Lot 26

Preliminary and Final Site Plan- change of use from residence to school

Mr. Peters stated the Applicant is seeking Preliminary and Final Site Plan approval for Block 411, Lot 26, to construct a 3,712 SF school and associated site improvements on a 36,700 SF lot. The property has frontage along Prospect Street approximately 365 feet west of William Street. The site is situated within the R-12 zoning district. No variances are requested by the applicant. The applicant shows conflicts between the proposed setbacks shown on the plan and the zoning schedule. The applicant shall address this discrepancy. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be made a condition of Site Plan Approval from the Planning Board. The applicant has provided seven (7) off-street parking spaces. One (1) off-street parking space is required for each classroom, library, and office in accordance with section 18.906 of the Lakewood UDO. The applicant shows on the architectural plans three (3) classrooms, one (1) library, and two (2) offices are proposed, the number of rooms result in six (6) required parking spaces. The board should determine if the proposed parking spaces will be adequate. The applicant shows on the architectural plans, an unfinished basement. A note shall be added to the Site Plan stating that the proposed basement is for storage only. Use of the basement may result in the need for additional parking spaces. As per section 18-906 Of the Lakewood UDO, twenty (20) foot buffers are required along property lines adjacent to residential uses. The buffer is required to contain a landscaped screen, and no parking is permitted within the buffer. To the west the applicant has provided 5 feet from the property line to the parking area and 24.5 FT to the building. To the east 17 feet are provided between the property line and the building. Since last revision, the applicant has proposed additional landscaping along the sides of the building. The board should determine if any addition screening will be required. Curbs and sidewalks are provided along Prospect Street at the property frontage. A 6' shade tree and utility easement along

the property frontage is usually required to be dedicated to the township. The board should determine if such easement will be required. The remaining comments are technical in nature.

Mr. Kramer read from a letter dated May 16, 2008. The applicant proposes to raze an existing residence at the subject site and build a private day school. Associated site improvements are also proposed. The proposed school will be 3, 712 square feet in area and seven (7) off-street parking spaces are proposed. A recreation area to the rear of the proposed school is identified on the site plan. The school will be a one-story building with a basement. The floor plan indicates that the school will include three (3) classrooms, a library, and two (2) offices. The school building will have a residential appearance. This application was discussed at the May 6, 2008 Plan Review meeting and the applicant has submitted a revised site plan addressing the comments of the Planning Board and its professionals. The site is located in the R-12 Residential Zone, and Public and private schools are a permitted principal use in the R-12 Zone. The following variances are required: Buffer. 906.A.2. A maximum 20-foot wide buffer is required. The applicant proposes a 17-foot wide building setback on the east side. The area contains seven (7) White Pines and Compact Inkberry Holly for the low-level screening. On the west side of the lot, the building setback is 24.5 feet. Per the discussion at the May 6th meeting, Leyland Cypress are proposed to buffer this area. The site plan does not comply with 906.E. which addresses the location of bus-loading, unloading areas, so that children do not cross a parking area. The applicant should address the positive and negative criteria for the necessary variances. All variances should be noted on the site plan. The application form should be amended to indicate that preliminary and final site plan approval is sought. The form should also be updated to reflect the current application (e.g., 7 parking spaces). Mr. Hopkin's letter, dated May 12, 2008, indicates that Ms. Weinstein will submit a revised application form. The applicant should reiterate the information, provided at the concept plan stage, concerning the number of students and grades, number of teachers and staff, types of buses serving the proposed school, and hours of operation. The Ordinance requires a minimum of five (5) parking spaces based on three (3) classrooms, a library, and two (2) offices. Seven (7) off-street spaces are proposed. A playground detail is shown on the site plan for the proposed recreation area. Prospect Street is a County road and site plan approval from the Ocean County Planning Board will be required. It is our understanding that solid waste will be stored in trash containers which will be transported to the curb for pick-up by the Township. Performance bonds and inspection fees should be posted for improvements in accordance with the UDO. Other outside agency approvals include, but are not limited to: Soil Conservation District; Sewer and water utilities.

Mr. Alfieri Esq. appeared on behalf of Miriam Weinstein and the applicant with Mr. Hopkin is the engineer. Mr. Hopkin said they have enhanced the landscape buffer and provided a low level under story buffering along the area where the variance is being requested (17ft is proposed where 20 ft is required) The other side where they do meet the buffer requirement they have enhanced it with Leyland Cypress and added the playground area and some general details as to where it will be and the type of playground that is proposed and they have attempted to address the remaining comments.

Mr. Neiman asked what type of school it is and Mr. Yosef Notis, who is the director of the school, said there is 3 classrooms and a library for an elementary school. Mr. Neiman

asked what he will be doing when he has 6 classrooms and he said he would be back here. Mr. Alfieri wanted to clarify the comment about the basement being for storage only and the applicant wants to change that so it can be used for room for the children to eat lunch. There will be no kitchen in there or any kind. Mr. Schmuckler suggested a safety window and was told it is on the plans but it is an inspection department issue. Mr. Neiman was unsure if children are allowed in the basement and Mr. Notis said the ceilings are 11 ft. and Mr. Alfieri stated they would comply all building codes, but he wanted to clarify the comment made in the professional's report of it being for storage only. Mr. Peters said his concern was if it was to be made into classrooms which would require more parking spaces. Mr. Hopkin spoke about the bus loading and the ordinance that requires that the children no cross the parking area and that was not the intent, the intent was to circulate the buses through the circular driveway and there is a small parking lot between the circular drive and the building but there is a break for the handicap, a striped out area that no one can park in and the children can walk in that area directly to the front door.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Miller, seconded by Mr. Percal, to approve with all the stipulations mentioned, making sure the basement is done to code.

ROLL CALL: Mr. Herzl; yes, Mr. Miller; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

13.SP # 1888 (VARIANCE REQUESTED)

APPLICANT: CONGREGATION CHASIDEI BOBOV OF LAKEWOOD

Location: Astor Drive @ corner of Kennedy Boulevard East
Block 104 Lot 29

Preliminary and Final Site Plan to construct a synagogue

Mr. Peters stated the applicant is seeking Preliminary and Final Major Site Plan Approval to construction a synagogue and its associated site improvements on existing Lot 29 of Block 104. The site is currently vacant. The property has frontages along East Kennedy Boulevard and Astor Drive, within the R-12 zoning district. The applicant is requesting a front yard setback variance along East Kennedy Boulevard; 15.84 FT are proposed where 30 FT is required. The applicant shall revise the zoning schedule to show the proposed side yard setback of 55.0 FT and the proposed rear yard setback of 24.91 FT, to match the orientation of the building. The project requires outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District. Evidence of approvals shall be made a condition of site plan approval. NJDEP permit for Treatment Works Approval, local approval for Water Main Extension are required. Evidence of approvals shall be provided to the Township Engineer prior to issuance of a building permit. A 6 ft shade tree and utility easement along frontage of property is generally required to be dedicated to the township. The Planning Board should determine if an easement will be required along East Kennedy Boulevard and Astor Drive at property

frontages. In accordance with section 18-905 of the Lakewood Township UDO, one (1) off-street parking space per every one hundred (100) SF of sanctuary area is required for synagogue with sanctuary area between 800 to 1,999 SF. The applicant shows on the plans sanctuary area of 1,310 SF for the proposed synagogue, which yields fourteen (14) required parking spaces. The applicant has proposed fourteen (14) parking spaces. Concrete curb is existing along both property frontages and sidewalks are proposed along the property frontages. In accordance with section 18-905 of the Lakewood UDO a twenty (20) foot buffer is required along the northern and western property lines, or a design waiver is required. The applicant has provided a six (6) foot board on board fence with a row of cypress trees. The Board should determine if the buffer provided will be adequate. At the technical review meeting the resurfacing of Squankum Road and possible road opening moratorium were discussed. The applicant should discuss with the Board the status of the water main connection design. The applicant shall revise the Layout Plan to remove the extra dimension lines, in the proposed sidewalks, carried over from the previous revision. The applicant shall revise the Existing Condition Plan to show the bearing and distance of the eastern property line. The applicant has revised the Layout Plan to show the proposed lighting fixtures. The lighting fixtures west and north of the proposed synagogue shall be provided with cutoffs to prevent spillover to the adjacent lots. The section of the sidewalk east of the proposed synagogue, next to the southeastern corner of the building has cross slope over 6%, which does not comply with the NJ RSIS standard. In accordance with the NJ RSIS, a maximum slope of 2% is required. The applicant shall provide testimony on the method by which solid waste generated from the site will be collected from the proposed waste receptacle. Depressed curb may be required in front of the trash enclosure to allow the receptacle to be rolled out and waste to be collected. We do not believe a four foot wide handicapped ramp will be adequate. The remaining comments are technical in nature.

Mr. Kramer read from a letter dated May 15, 2008 Revised May 16, 2008. The applicant is seeking preliminary and final site plan approval with associated variances to construct a one (1) story house of worship (synagogue) on Block 104, Lot 29, with supporting parking and infrastructure improvements. The tract is located on a corner lot at the intersection of Astor Drive and East Kennedy Boulevard, one block west of Squankum Road (CR 547). The tract is vacant. Contiguous uses are single-family and multi-family residential. This application was discussed at the May 6, 2008 Plan Review meeting and revised plans have been submitted to address the comments of the Planning Board and its professionals. Zoning and Variances. Lot 29 is located in the R-12 (Single-Family Residential) Zone. Places of worship are a permitted principal use. The applicant has requested the following variance: Front yard setback: 30' required; 15.84 feet proposed on Kennedy Boulevard. Section 18-905B3 requires a perimeter buffer of 20 ft to a residential use and 10 feet to a non-residential zone or use. The plan should be revised to comply or a "c" variance is required. As proposed, the site plan proposes a 6-foot high solid fence and a single row of unidentified plantings. The positive and negative criteria for the requested bulk variances should be addressed. Review Comments. Section 18-905 provides additional regulations pertaining to places of worship and religious facilities. Section 18-905A calculates parking based on the main sanctuary area. The site provides 1,310 square feet of main sanctuary, therefore, 13.1 spaces are required ($1,310 \text{ SF} / 100 = 13.1 \text{ spaces}$). The applicant provides 14 spaces which meets the parking requirement. Section 18-905D requires curb cuts to be provided in a manner that is consistent with safe traffic flow, avoiding excessive proximity to intersections and other hazardous situations.

The proposed 50 foot curb cut along Astor Drive has 5 parking perpendicular parking stalls along the roadway, which will require backing out near the intersection. The applicant should testify regarding safe traffic flow relative to these stalls. We defer to the Board Engineer for further review. We defer to the Board Engineer for review of the proposed inlet location relative to the ADA ramp on Astor Drive. Six (6) foot wide sidewalk is now proposed on both sides of the building to accommodate the vehicle overhang. The underground drainage system is now situated in the parking lot area, as discussed at the Plan Review meeting. The new location allows for screening of the area adjoining a residential use. As noted, screening is now provided along the northern property line. However, the buffer species is not identified on the plan nor in the planting schedule. Please provide testimony and revise Sheet 4. Performance guarantees should be posted for all improvements in accordance with ordinance provisions. Shrubs should be provided around the trash enclosure. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; Sewer and water utilities; and, All other required Outside Agency approvals.

Mr. Penzer Esq. appeared on behalf of the applicant. With regards to the engineer's report, they agree to comply with the comments and address the following: they are having a 6 ft board on board with a row of cypress trees to meet the requirements of the board, therefore they do not need the waiver the planner discusses. Mr. Franklin brought to their attention that Squankum Road was being paved and the possible problem for water connection. They have contacted NJAWCO and there is a stub so they can go right in there. They will look into the comment made about the cross slope over 6% which does not comply with RSIS and will try to take care of it.

Mr. Carpenter stated in the northwestern corner of the site they have put a trash receptacle right behind the handicapped parking space and that will be used for the site. Mr. Penzer said they changed the underground recharge system and revised the stormwater management plan. Mr. Carpenter said they will have a management plan put into the specs of the plans, it is a sheet that has all the management procedures that have to take place. Mr. Penzer said they will have water and sewer and have provided a cleaning and management plan for the stormwater management trench system.

With regards to the planners report, the only comment they have is about the parking and the 5 perpendicular spaces on Astor Drive. He said all the houses on that street, including the ones close to the intersection, back out and nobody has a circular drive. Unfortunately they would love to be able to do that but in order to have the parking, they have to conform with the neighbors, so the 50 ft. curb cut is there. Mr. Neiman said he hates to see people backing out and Mr. Carpenter said the actual intersection with Kennedy Boulevard is a good 70 ft. from this driveway so they are backing out on Astor Drive but other than a cut off from Kennedy Boulevard there is no other traffic in this area, it is a relatively quiet street. Mr. Penzer said they cannot do anything about it but they did make a bigger sidewalk from 4 ft to 6ft to accommodate the vehicle overhang. They took care of the drainage system and they did the screening and will get the agency approvals.

Mr. Peters asked Mr. Carpenter about the trash collection and if the truck would have access to the enclosure and Mr. Carpenter said it would be a standard trash enclosure and Mr. Peters stated the enclosure is behind the sidewalk and the handicapped ramp and he is concerned about the truck accessing it if it will be lifted and Mr. Carpenter said it would

either be a container with wheels or just garbage cans. Mr. Peters said if it is a container with wheels he would like to have the handicap ramp widened so it could fit. The applicant has a 6 ft. wide enclosure and a 4 ft ramp. Mr. Carpenter said it would be private pick up. Mr. Schmuckler agreed with Mr. Peters on widening the ramp. The applicant agreed.

Mr. Neiman opened the microphone to the public

Noreen Gill, 192 Coventry Drive was sworn in. She asked if there will be a basement and Mr. Penzer said there will be a basement for a mikva. She said she has lived in this area for 35 years and when the schul on Kennedy Blvd. was approved it was given 18 spaces for parking and they back out and it is the worst thing. She made it a point to have signs put up that when we pull out of Coventry her life is not in jeopardy. They were given 18 spaces and last week there was 54 cars on Kennedy Boulevard parked where everywhere and she is concerned about Astor Avenue and she asked them to change the signs because the people who do live on that street, they cut off of Squankum Road, cut through on Astor and come onto Kennedy. She understands the people from the schul may be walking but there is no more room on Kennedy Boulevard to park cars and there is no more room on this lot for expansion unless they buy the house next door so right now they are asking for approval for this particular lot and the parking is off-street parking so good luck. Mr. Neiman said they are meeting the requirement but he is sure they will an overflow. She says it is a very dangerous intersection.

Isaac Rubin, Whispering Pines was sworn in. He said he is not aware of people cutting through and he goes by this property every day and it is an eyesore and he is happy they are doing something beautiful. It will be for a small congregation. Now there will be sidewalks which will improve it.

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

Motion was made by Mr. Miller, seconded by Mr. Percal, to approve the application.

ROLL CALL: Mr. Herzl; yes, Mr. Miller; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

14. DISCUSSION- SP 1878 – CONGREGATION SANZ OF LAKEWOOD

Application previously denied- Attorney for the applicant would like to discuss

Mr. Penzer said at the meeting it was denied they realized the board had concerns about the building and what they are asking the board to reconsider the application to cut down the building by at least 20%, maybe 25%, so it would meet the parking issue. The other problem was that the board had a problem with using Renee Drive, but he does not know if Renee Drive will every open up, there are certain things he cannot say because he represents the client who is adjoining to it but there is a very strong possibility that that will never be opened: therefore, there is no access. In addition, the zoning board had given an approval for a duplex on the very lot in question which is only 80 ft. from Highway 9 while this is 100 ft. back from Hwy 9. Cox says they have a right to ask for reconsideration if it is substantial change and he feels each item he made is substantial. These are reasons he requests to come back.

Mr. Neiman did not like bringing other boards' approval here but likes the fact they did make the building smaller by 20 – 25% is significant. Mr. Nieman asked the opinion of the other board members but he would have no problem reconsidering this application. Mr. Miller said aside from the significant change Mr. Penzer is correct in regards to Renee Street and the builder is going through hard times and they do not know when and if Renee Street will ever be opened or given to the Township and if it not given it is private and the board cannot demand they go through that road. Mr. Fink said as long as the entrance is still going to be on Route 9 he would like to see a right in right out and prohibit a left turn. Mr. Penzer said that is a good suggestion and stated that there was a board member who came over to him and he apologized for any derogatory remark made.

Mr. Kielt said they would have to submit a revised package and he would deem it complete and get it onto the next technical meeting. Mr. Penzer said they would do new notices.

Motion was made by Mr. Fink, seconded by Mr. Percal, to reconsider the application.

Mr. Kielt asked if the members present at the denial were the only ones who could vote and Mr. Miller was not at that meeting but said he read the minutes and drove the site.

Mr. Elward said the people who were here the last time are the ones to vote.

ROLL CALL: Mr. Herzl; yes, Mr. Miller; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

15. DISCUSSION- Vote on special meeting of June 24, 2008

Mr. Neiman questioned the need for a special meeting since they cleared everything tonight and Mr. Kielt said not at this time.

5. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1524A

APPLICANT: MTR VENTURES LLC

Location: East Harvard Street, west of East End Avenue
Block 227 Lot 3

Extension of previously approved Minor Subdivision

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

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

- 2. 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

There was a question about item #2 – Thompson Grove so they discussed that item. Mr. Elward said he was in receipt of a letter from Mark Steinberg, Esq. who represents an objector and asks that the board include in the resolution a condition that the applicant not be permitted to do any clearing until such time that he obtains all NJDEP treatment works approvals. Mr. Elward did not read the proposed resolution so he does not know what that language is but it seems to him that the objectors' attorney is asking for a new condition that the applicant was not privy to last time and he suggested that the board not insert that without notice to the applicant's attorney.

Mr. Kielt said he was the only one that got that notice when he arrived at his office at 5 pm and most people who it got faxed did not receive it before they left to come to the meeting. Mr. Shea is the applicant's attorney.

Mr. Schmuckler asked the professionals if those conditions are in the resolution and Mr. Kielt said it is a little more involved and suggested they wait until the meeting of June 3rd to memorialize it to give Mr. Shea time to talk to Mr. Steinberg. The board members agreed.

- 3. SD # 1619 (VARIANCE REQUESTED)**
APPLICANT: MOSHE MENDLOWITZ
Location: Hope Chapel Road, Country Club Drive, Sherie Court
Block 26 Lots 6, 13 & 26
Minor Subdivision to re-configure three lots

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

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

- 4. SD # 1622 (NO VARIANCE REQUESTED)**
APPLICANT: PARK AVENUE EQUITIES LLC
Location: Harvard Street at northeast corner of Park Place
Block 170 Lots 1.01, 1.02 & 3
Minor Subdivision from 3 lots to 2

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

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

5. SD # 1603 (VARIANCE REQUESTED)

APPLICANT: JOSEPH ROSENBAUM

Location: River Avenue, between James Street & Edgemont Court
Block 415 Lots 10, 11, 12

Amended Resolution for Preliminary & Final Major Subdivision for 7 duplex buildings

Motion was made by Mr. Fink, seconded by Mr. Percal, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes,
Mr. Percal; yes

6. CORRESPONDENCE

Letter from Lakewood Township MUA requesting the Planning Board determine if Site Plan is required for a 12 ft. high radio antenna mast at the Woodlake Sewage Pumping Station

Mr. Kielt asked Mr. Peters if he received the letter and said there is a question on that and Mr. Peters said he did receive the letter. Mr. Peters said the MUA is doing upgrades to a pump station and it is all internal but as part of that they are adding a 12 ft. antenna and their question was do they have to come to the board for approval. Mr. Kielt said if he went to the zoning officer Mr. Mack he could give an administrative approval for that. Mr. Peters and the board agreed and Mr. Kielt will send the MUA a letter.

7. PUBLIC PORTION

- None at this time.

8. APPROVAL OF MINUTES

- Minutes from April 29, 2008 Special Planning Board Meeting
- Minutes from May 6, 2008 Plan Review Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes,
Mr. Percal; yes

9. APPROVAL OF BILLS

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

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Fink; 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