

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Fink, Mr. Neiman, Mrs. Koutsouris, Mr. Banas, Mr. Schmuckler, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

Mr. Kielt said there was one change in the agenda. Item #2 SD 1660 – Yeshoshua Frankel will not be heard because it was not noticed and it will be on for the July 7th meeting and will be noticed for that meeting.

Mr. Jackson said he received correspondence from Mr. Shea on a previous resolution that was prepared for Weinstein (SD 1425C) and asked the board to take a moment to address this. He said the board approved the subdivision and he put language in the resolution that said it was for a single family home and the applicant did not want to put a single family home, they have the square footage and they meet the criteria for a duplex but they are worried that the language will prohibit them and he believes the board did not have that intent to do that. Mr. Jackson said he has no problem modifying the resolution but he wanted to bring it to the board's attention. Mr. Shea says that the situation has come up numerous times in the past and Mr. Kielt indicated that the zoning officer is fine with making it a duplex. He said this is for Block 172 Lots 17 Aryeh Weinstein (SD 1655) and Block 172 Lot 16 Osnate Weinstein (SD 1425C)

Mr. Flannery said these are 2 minor subdivisions; one was a minor subdivision with one lot that was 10,000 sf which qualifies for a duplex, the other was both lots were 10,000 sf which would qualify for a duplex. The language in the resolution said single family and he said these are single families but not single family detached and the only thing he would correct Mr. Jackson

on is that they were concerned that the language would be a problem; he is not personally concerned because it still works but the applicant is concerned that the language may preclude a duplexes which are permitted by law. The sizes are there and everything is in accordance with what is required and when you go for building permit they will look at it for that zone and 10,000 sf and know you can have a duplex. The applicant would like the resolution to say single family or duplex as permitted by the zoning board. Mr. Jackson wanted the board to give him the authority to change it.

Mr. Banas said with a subdivision, if the parking meets the constriction etc., he does not think the board has to address the issue.

Mr. Jackson asked if the board was in favor and the board was unanimously in favor. Mr. Jackson said he would do an addendum to both resolutions.

4. PLAN REVIEW ITEMS

1. SD # 1671 (Variance Requested)
Applicant: Bais Yaakov High School of Lakewood
Location: James Street, west of Hearth Court
Block 321 Lot 1
Block 339 Lot 1
Block 340 Lot 1
Block 341 Lot 1

Preliminary & Final Major Subdivision-23residential lots, 1 stormwater/open space lot

Mr. Vogt prepared a letter dated May 27, 2009 and is entered in its entirety. The applicant proposes to subdivide four (4) existing lots into twenty-three (23) residential lots and one (1) stormwater management/recreation lot. The subject project is located on the northerly side of James Street in the westerly portion of the Township, immediately to the west of the Bais Yaakov High School. The tract is wooded and a freshwater wetlands area is located to the northeast of the site. A fifty foot (50') transition area encroaches onto a small part of this subdivision. All of the existing lots are vacant and wooded. The applicant proposes the creation of twenty-three (23) single-family residential lots with the development of three (3) paper streets (Grantwood Avenue, Northfield Avenue, and Eden Avenue) and the creation of a new dead end street, (Eden Lane). Temporary cul-de-sacs are proposed for the three (3) paper streets to allow for the possibility of future extension. A twenty-fourth (24th) lot is proposed to be dedicated to the Township for recreational use and stormwater management. Proposed stormwater management facilities and utilities are associated with this project. The subject site will have a public water system, but will be serviced by individual septic disposal systems. The project is also proposing curb along all developed streets, including James Street. Sidewalk is being proposed along the frontages of all developed residential lots. Unimproved Firestone Avenue, bordering the easterly side of the site, is not being improved as part of this application. Also, portions of Northfield Avenue, Oxford Street, and Eden Avenue encompassing most of the proposed recreation lot will remain unimproved. The subject property is located within the R-12 Single-Family Residential Zone District. Single-family residences are a permitted use in the

zone district. The applicant is proposing to reduce the lot sizes by fifteen percent (15%) from 12,000 square feet to 10,200 square feet in accordance with the provisions of UDO Section 18-908. In addition, the applicant is proposing to reduce the lot width by ten percent (10%) from 90 feet to 81 feet. In order to comply with the rules which govern such reductions, the applicant is proposing to dedicate a 2.00 acre lot to the Township of Lakewood. Zoning-The site is located in the R-12 Residential Zone and single-family residences are a permitted use in the zone district. The applicant is proposing to reduce the lot sizes by fifteen percent (15%) from 12,000 square feet to 10,200 square feet in accordance with the provisions of UDO Section 18-908. In addition, the applicant is proposing to reduce the lot width by ten percent (10%) from 90 feet to 81 feet. In order to comply with the rules which govern such reductions, the applicant is dedicating a 2.00 acre lot to the Township of Lakewood. The land resulting from the reduction in lot size shall be set aside for park, playground, or other recreational purposes. The plans indicate a proposed walking trail around a proposed stormwater management facility. The bulk of the lot to be dedicated will remain wooded. The land to be dedicated for recreation must be deemed suitable by the Board. Minimum lot size variances for areas less than 10,200 square feet are being requested for the following proposed lots: Block 320, Lot 2 (9,686 SF). Block 320, Lot 3 (9,638 SF). Block 341, Lot 1 (10,152 SF). A variance for minimum front yard setback is required for proposed Lot 4 in proposed Block 320. A proposed fifteen foot (15') front yard setback to Firestone Avenue, a paper street, is being provided. A thirty foot (30') front yard setback is required. Temporary cul-de-sac easements are proposed for Grantwood Avenue, Northfield Avenue, and Eden Avenue. The Board may wish to consider a minimum setback from these easements since the front yard setback is only a minimum of five feet (5') behind the easement. The applicant must address the positive and negative criteria in support of the requested variances. Review Comments- The limit of freshwater wetlands was located in the preparation of the Boundary and Topographic Survey. Accordingly, approval of the wetlands location and associated transition area by NJDEP is pending. The proposed transition area encroaches onto proposed Lot 2 in proposed Block 320. Transition Area Averaging or a Transition Area Waiver may be required. The applicant is proposing curb along all improved streets. Portions of Northfield Avenue, Oxford Street, Eden Avenue, and Firestone Avenue abutting the subdivision remain unimproved. The applicant is proposing sidewalk along all improved streets with the exception of the west side of Grantwood Avenue. The Board should consider whether this arrangement is acceptable. A depressed curb for a future handicapped ramp is required at the northwest intersection of James Street and Grantwood Avenue. A temporary cul-de-sac easement is proposed on existing Lot 1 in Block 338. While this property is not part of this application, the property is owned by the applicant, therefore the easement can be granted. The Board Attorney shall review the form of easement for all temporary cul-de-sac easements. Our office shall be provided with descriptions of all temporary cul-de-sac easements for review. The applicant proposes 3.5 off-street parking spaces per unit where 2.5 off-street parking spaces are required per RSIS. The applicant shall revise the zoning table to provide proposed off-street parking in whole numbers since the project is all single-family residential lots. The Board shall determine if the parking provided will be sufficient for the type of development proposed. One (1) new road name, Eden Lane, has been proposed for the project. The proposed road name is subject to approval from the Township and proof of approval shall be provided. Eden Lane, a new proposed road, terminates at Firestone Avenue which is an existing paper street. No means of turnaround has been provided. Furthermore, the end treatment of the road has not been addressed nor has proper access to and from the adjoining school site. Testimony should be provided by the applicant's professionals regarding vehicular access to the two (2) proposed lots at the end of the road terminus. The applicant must provide proof that all proposed Block and Lot numbers have been approved by the Lakewood Tax Assessor. The requirements in 18-821 (Building Uniformity in Residential Developments) must be addressed. A minimum of five (5) basic house designs are required for developments consisting of between

sixteen (16) and twenty-five (25) homes. Plan Review- The acreage of the property in General Note #2 shall be corrected to 7.81. Accordingly, the density provided shall be corrected to 2.9. The allowable density still complies with the allowable 3.1 units per acre. General Note #11 incorrectly refers to a detention basin rather than an infiltration basin. The last sentence in General Note #18 shall be corrected to state that monuments shall be "set" by a licensed New Jersey Professional Land Surveyor. Sight Triangle Easements dedicated to the Township of Lakewood are shown along all intersecting roads with James Street. Since James Street is a County Road the Sight Triangle Easements shall be corrected and dedicated to the County of Ocean. A five foot (5') dedication to the County of Ocean is being provided along the James Street frontage of the entire project. Plans shall be included for the widening of James Street. The proposed septic disposal field on proposed Lot 2 in proposed Block 320 conflicts with the cul-de-sac and must be corrected. The setback along Firestone Avenue of proposed Lot 4 in proposed Block 320 must be corrected on the Development Plan to match the Final Plat.

Grading - A detailed grading plan is provided on Sheet 3 of 16 and shall be correctly labeled. Consistent with existing topography, proposed grading will generally slope from south to north. A storm sewer collection system is proposed to collect runoff and convey it to a proposed infiltration basin. Vertical curves are required for all road grade changes in excess of one percent (1%), including curb grades around cul-de-sacs. The vertical curves must be at least twenty-five feet (25') in length for every percent difference in grade. There are not enough soil borings to determine whether the proposed basements maintain a two foot (2') separation from the seasonal high water table. Our review of the limited number of borings provided indicates many of the proposed basement floor elevations are too low. Profiles are required for James Street and the drainage easements. It appears fill will be imported to the site to achieve the proposed grades. If fill is to be imported, we recommend that the applicant perform analytical testing on the fill at a frequency suitable to demonstrate that contaminants are not present within the fill soil at concentrations above the relevant NJDEP limits.

Stormwater Management- A proposed storm sewer collection system has been designed utilizing reinforced concrete pipe to convey stormwater runoff into a proposed infiltration basin. The proposed infiltration basin is located on the northerly portion of the project. The applicant is proposing to dedicate the proposed stormwater infiltration basin to the Township as part of the lot for recreational purposes. Drainage easements are shown on the Final Plat without a dedication to an entity. A Stormwater Maintenance Plan is included as the last sheet of the development plans. A formal Stormwater Maintenance Plan per the NJ Stormwater Rule (NJAC 7:8) and Township Code will be required as a condition of approval, if granted. Access to the infiltration basin must be provided. Justification of the permeability rate used for design must be provided. The two foot (2') separation to seasonal high water table for the infiltration basin shall be measured from the bottom of the sand layer. Accordingly, the bottom of the infiltration basin needs to be raised a half foot. The minimum top of berm distance for the infiltration basin must be ten feet (10'). A ten foot (10') distance has been provided between the proposed sixty-two (62) contour lines. However, the top of the berm is at elevation 62.8. Therefore, the top of berm is too narrow. The Stormwater Management Report must account for the post development drainage areas not being collected and conveyed to the infiltration basin. The result could be an increase in volume of the basin to insure the allowable peak discharge of the 100 year storm is not exceeded. Additional proposed drainage is recommended to intercept proposed runoff from leaving the site. The Collection System Drainage Area Map requires corrections. Some additional collection structures and piping, or revised grading will be necessary. Storm sewer profiles shall show existing and proposed grades and all pipe views at all structures. There is a post and rail fence detail typical of what is provided throughout the Township for stormwater basins on the detail sheets of the plans. However, the location of post and rail fencing is not indicated in plan view. Should it be the intent to fence the infiltration basin, it may conflict with the proposed walking trail shown around the rim of the basin.

Landscaping- The overall

landscape design is subject to review and approval by the Board. Per our 5/19/09 inspection of the property, the majority of the site is young oak-pine forest. Testimony should be provided by the applicant's professionals whether any specimen trees exist on-site. If so, compensatory plantings may be required unless waived by the Board. Shade trees are being proposed in sight triangles and drainage easements. These plantings should be relocated. The planting schedule requires correction in identifying deciduous and coniferous trees. Corrections are required in the Landscape Notes provided in the plan set. The applicant is proposing a six foot (6') wide shade tree and utility easement along all proposed road frontages except for Oxford Street and Firestone Avenue. These two (2) streets are remaining unimproved with this application.

Lighting- A Lighting Plan has not been provided. The General Notes state that lighting plans shall be designed to conform to the Township Standards. Furthermore, the General Notes state that the developer will pay for onsite lighting and the plans for such lighting will be designed by the Township Engineer in cooperation with the Electric Company.

Utilities- The plans indicate sewage service will be provided by individual septic disposal beds. The plans show water service will be provided by extension of public water mains. The plans state that electric, telephone, gas, and cable to be provided underground. The applicant shall revise the plans as required by the Fire District.

Signage- Proposed signage needs to be added to the Development Plan along with respective details. No project identification signs are proposed.

Environmental-Environmental Impact Statement- Environmental Impact Statement was provided for review, and is generally satisfactory. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, grassland, and wood turtle habitat areas. Per NJDEP mapping, the site is mapped as potential state threatened species habitat. While this site is not likely "critical" habitat due to surrounding development, we recommend that the applicant retain a qualified consultant to investigate the site habitat based on a request for NJDEP natural heritage database information, and provide a summary report of the findings.

Tree Management Plan - A Tree Management Plan has not been submitted. A plan is necessary unless waived by the Board. It should be noted that the proposed limit of clearing closely matches the proposed limit of disturbance. Therefore, no extraneous trees will be removed as part of this subdivision plan.

Construction Details - On the Post and Rail Fence detail, the spacing dimension shall be corrected to the centers of the posts and the posts shall be 5" square. The Stop Sign detail should be revised to include a red reflective strip that should be installed the length of the post. The Street Sign detail shall match Township standards. The Municipal Trench & Pavement Repair detail shall be removed. There are no existing municipal roads to trench and repair. Except for inverts, which may be constructed of Class S concrete, any concrete shall be a minimum of Class B. The strength of Class B concrete is 4,500 psi. All references to Class C and D concrete shall be removed from the details as these mixes are no longer used by NJDOT. Bicycle safe frame and grate number shall be 2618. A drainage manhole detail must be added. Some dimensioning and the cross slopes on the Municipal Road typical section requires corrections. The Scour Hole Outlet Protection detail must match the current design. Two (2) types of curb details are shown on the plans. The locations of the different curb types must be indicated. Details must be added for the infiltration basin berm, spillway, and walking trail. Details for Handicap Ramps must conform to the NJDOT Standard Details - Final Plat - Compliance with the Map Filing Law is required. Certifications in accordance with UDO Section 18-604 B. 3. Final Plat Major Subdivision shall be provided. Language for a Conservation

**PLANNING BOARD MEETING
JUNE 2, 2009
MEETING**

**TOWNSHIP OF LAKEWOOD
PLAN REVIEW**

Easement has been provided on the Final Plat, but the location of the Conservation Easement is not clear. Drainage and Sight Triangle Easement Language has been provided on the Final Plat. This must be reviewed and approved by the Board Attorney. Curve numbers 8 – 11 shown in the curve table do not appear on the Final Plat. It is noted the Surveyor's Certifications list a different surveyor than the preparer of the Final Plat. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Ocean County Board of Health (septic); New Jersey American Water Company (water); NJDEP Letter of Interpretation; NJDEP Transition Area Averaging or Waiver; and All other required outside agency approvals. It is recommended that the applicant's engineer meet with our office to review our comments and recommendations prior to providing a revised submission. A revised submission should include a point-by-point summary letter of revisions.

Mr. Penzer Esq. appeared on behalf of the applicant. He said they agree to almost everything in the engineer's report and Mr. Vogt said one issue they need to speak about before the public hearing is the Eden Lane turnaround and said they have a short road that going to terminate at the property line and there are 2 rear lots which will not have access off that terminating road and the issue is whether the access, as currently shown, be adequate to get vehicular access to those 2 rear properties.

Mr. Stevens showed the board what Mr. Vogt is talking about on the map. He said they are planning to build a stub street that would have driveways from 3 homes that would have access from 3 homes and he believes there is adequate provision for vehicles to turn around without the need for a cul de sac. He said the applicant has buffered the adjoining high school (Bais Yaakov High School) to the east and the Firestone Avenue right of way is in between the 2 projects and it is meant to stay undeveloped and that is what the applicant proposes. They could come in and develop Firestone Avenue and obtain additional residential lots for this property but the applicant is looking to buffer that so they are trying not to disturb the existing vegetation in the Firestone Avenue right of way. Mr. Stevens said if the board has a problem with that, they can improve a small portion of Firestone Avenue and provide a hammerhead turn around but they believe that the stub street is adequate.

Mr. Franklin said he totally disagrees with that and said his vehicles can't get turned around in there. Mr. Neiman asked if these roads were going to be public or private and Mr. Stevens said public and Mr. Franklin said they are going to need a hammerhead. Mr. Penzer said they would agree to that. Mr. Penzer recommended Mr. Stevens show Mr. Franklin the plans for the hammerhead prior to the meeting.

Mr. Stevens said they have provided sidewalks along both sides of all the proposed roadways with the exception of the western side of Grantwood Avenue and that is because they are not developing the property on the western side of Grantwood Avenue. When and if that property comes in for development, that sidewalk can be built. The curb will be put in and the roads will be 30 ft. wide so there can be parking on both sides.

Motion was made by Mr. Herzl, seconded by Mr. Schmuckler, to advance to the meeting of June 16, 2009

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

2. SD # 1660 (Variance Requested)
Applicant: Yeshoshua Frankel
Location: 339 Laurel Avenue-west of Clover Street
Block 538 Lot 25
Minor Subdivision to create 2 lots

Tabled to July 7, 2009

3. SD # 1509B (Variance Requested)
Applicant: Majestic Contracting
Location: Massachusetts Avenue, south of Prospect Street
Block 445 Lot 18
Preliminary & Final Subdivision & Site Plan for 17 two family townhouses

Mr. Vogt prepared a letter dated May 27, 2009 and is entered in its entirety. The applicant proposes to develop this property for multi-family development, including seventeen townhomes within three (3) proposed on-site buildings. Proposed amenities include but are not limited to a privately-owned cul-de-sac (Alpine Court), seventy-five (75) parking spaces, a proposed tot lot, an underground detention systems and an above-ground recharge basin. The property is located in the Residential Multifamily (RM) Zone. Per our interpretation of the submitted documents, including the Final Major Subdivision Plan, the property will be maintained through a future Homeowners' Association with the proposed lots being Fee Simple. Per our review of the documents, an earlier version of this application was denied by the Planning Board at its November 21, 2006 meeting due to Board and public concerns expressed including but not limited to three (3) primary issues: Parking – Due to the potential for basements proposed within the development being converted into inhabited basements, the Board expressed concerns regarding the number of parking spaces (75) proposed. Buffer – The Board felt that Lakewood buffer ordinance for multi-family or townhouse development adjacent to single-family development/zoning, Section 18-803(E)(2)(b) should be applied to the project. Cul-de-sac – The Board requested a Cul-de-sac turnaround for the proposed Alpine Court terminus in lieu of “other suitable means” such as hammerheads allowed by RSIS standards for multifamily cul-de-sac stems (NJAC 5:21-4.5(m)). Per review of the Findings in Judge Vincent Grasso’s March 5, 2009 (written) Court decision, the Court found that the Board’s denial of the proposed seventy-five parking spaces was “arbitrary and not based on credible evidence in the record”. However, our interpretation of the Findings indicates that the Court found that the Planning Board was entitled to request a cul-de-sac turnaround for Alpine Court, as well as the landscape buffer to single family-development/zoning stipulated in Section 18-803(E)(2)(b) of the UDO. We offer the following comments and recommendations per review of the current application, the above referenced Planning Board resolution of denial, the Findings of the Court, and prior engineering and planning review letters by T&M Associates dated September 15, 2006: Zoning- The property is located in the Residential Multifamily (RM) Zone. Townhouses are a permitted principal use in this zone. No variances are requested with this application. In response to Code Section 18-900(H)(10) requiring structures with more than two (2) units having a variation in offset of at least two (2) feet, the architectural drawings were revised to show an offset of two (2) feet per unit (as scaled from the First floor Plan provided on Sheet P2). Testimony should be provided from the applicant’s professionals indicating that the two-foot minimum standard will be met. Review Comments- General. As indicated on the site plans, and as upheld by the Court’s decision, a Cul-de-sac bulb is now proposed at the terminus of Alpine

Court. The proposed Cul-de-sac bulb has a design radius of only 30 feet as depicted on the submitted plans. Per RSIS standards for Cul-de-sacs for "Multifamily access" (NJAC 5:21-4.5(m)), "Cul-de-sacs shall provide for a cartway turning radius of 40 feet or other suitable means for vehicles to turn around, such as hammerheads". Since the applicant is providing a Cul-de-sac are required by the Board, and upheld by the Court's decision, vs. "other suitable means", our interpretation of the design requirements is that the Cul-de-sac bulb must meet the minimum 40' cartway turning radius identified in the RSIS. The road should be redesigned accordingly. We defer detailed review of the road design, including proposed grades and alignment, until review of the above referenced design revision. The applicant proposes seventy-five (75) parking spaces to serve seventeen (17) townhomes, or 4.4 spaces per unit. These are the same numbers and ratios proposed in the prior application. The Court Findings (page 28) indicated that the Board's denial of the proposed parking was arbitrary. Therefore, our interpretation of the Court findings is that the proposed number of parking spaces (75), or 4.4 parking spaces per unit is adequate for the project. We note that the requested cul-de-sac bulb cartway width revision could impact parking proposed along the northwesterly portion of Alpine Court, providing 75 spaces as proposed may not be feasible. The plans show four (4) proposed parallel spaces proposed within the northerly cartway portion of Alpine Court, across from 90-degree spaces proposed for units in Buildings One and Two. Based on a scaled cartway width of 28 feet, and (minimum) 7-foot wide parallel spaces, an aisle width of only 21 feet would be provided for the Alpine Court parking spaces across from these parallel spaces. Per RSIS (NJAC 5:21-4.16) Table 4.5, "Parking Angles and Aisle Widths", a minimum 24' wide aisle width must be provided to for all of the 90-degree parking spaces. Design revisions are necessary. The revised plans depict two (2) proposed handicap accessible spaces across from Building #2. Unfortunately, there would be no sidewalk access from these spaces to any of the proposed units. We recommend that the applicant consider relocating these spaces to be directly in front of one of the proposed Buildings. If the design could accommodate, providing one accessible space for Building #3, and one accessible space for Buildings #1 and #2 would be an improvement. Sidewalks are now proposed along Massachusetts Avenue, as well as in front of the residential units. Testimony should be required to address accessibility to, and the adequacy of the proposed trash enclosure at the Alpine Court terminus. As requested in T&M's 9/15/06 engineering review letter, the Alpine Court Access is proposed to be right-in, right-out. This is satisfactory. As requested in T&M's 9/15/06 engineering review letter, the Alpine Court Access turning aisle widths were recommended to be a minimum of sixteen (16) feet, vs. 14 feet as proposed unless the design engineer could provide a turning plan indicating the proposed width's adequacy for trash truck access. This issue must be addressed by the applicant's engineer. The proposed Alpine Court access design is subject to Ocean County approval. One (1) new road name, Alpine Court, has been proposed for the project. The proposed road name is subject to approval from the Township and proof of approval shall be provided. The applicant must provide proof that all proposed Block and Lot numbers have been approved by the Lakewood Tax Assessor. Plan Review- If this project is approved by the Planning Board, metes and bounds will be necessary for the proposed Sight Triangle Easements dedicated to the Township of Lakewood as shown at Alpine Court's intersection with Massachusetts Avenue. This easement should be depicted on the Subdivision Plan as well. A fifteen-foot (15') drainage easement is proposed along the property's Massachusetts Avenue frontage as depicted on the Subdivision Plan. A tot lot is proposed immediately west of Building #3. A detail is provided on Sheet 5 of the plans. All play equipment must be installed over an impact-absorbing surface. We recommend that a CPSI (Certified Playground Safety Inspector) certify that the equipment is installed properly prior to project release by the Township, and that the tot lot is ADA-accessible. These conditions shall be met prior to issuing a certificate of occupancy. Homeowners documents must be provided for Township review in accordance with UDO requirements if/when this project receives Board approval. Grading -Proposed grading is

provided in sufficient detail on Sheet 4, "Grading and Drainage Plan. The grading design as indicated is generally acceptable for preliminary approval purposes. Five (5) retaining walls are proposed along the property perimeter as part of the grading design. If this project is approved by the Board, design information for each of the wall systems will be required during compliance review. Stormwater Management- As depicted on the plans and in the stormwater report, two (2) proposed basins will provide stormwater management for the facility. An underground detention system, consisting of a network of 36" diameter HDPE perforated piping is proposed underneath of the Cul-de-sac, with an overflow discharge to a "bubbler" inlet to be constructed along the southern edge of Prospect Avenue. A "Stormceptor" pretreatment unit is provided to meet the NJ Stormwater Rule's Total Suspended Solids (TSS) removal requirement. In addition, an above ground retention basin is proposed in the southeast corner of the property, along the Massachusetts Avenue frontage. A stormwater management report is provided, indicating that the two (2) proposed basins are designed per the NJ Stormwater Rule. No site-specific soil information is provided for the proposed stormwater design. Soils information must be provided via borings or test pits, including information on soil lithology, percolation rates, and depth to seasonal high water table (SHWT). An impact analysis of the proposed "bubbler" discharge onto Prospect Avenue must be provided by the applicant's engineer. A drop manhole should be considered in lieu of the proposed 15" diameter outfall pipe slopes for energy dissipation purposes. An overflow weir should be provided for the proposed above ground basin. A stormwater maintenance manual will be required in accordance with NJ Stormwater Rule (NJAC 7:8) and Township standards. A final review of the stormwater design will be performed upon receipt and review of forthcoming soils information and design revisions. Landscaping- Proposed landscaping is depicted on Sheet 5, "Lighting and Landscape Plan" of the revised submission. The proposed design includes evergreen trees along the majority of the property's perimeter, to consist of White pines, Norway spruces, Leyland Cypress, interspersed with Littleleaf lindens, Red oaks and Red Maples. A double row of evergreens is proposed along the southerly property line, and residentially zoned Lot 2. The applicant's engineer should testify whether any mature vegetation with this site can be preserved. If so, tree protection measures should be provided on the plan. Additionally, final plans for this project (if approved by the Board) must include proposed root protection for trees to remain at the property line with adjacent Lot 2. As evidenced in the Board's resolution and Court Findings, the issue of the proposed buffer provided to adjacent (residential) Lot 2 was discussed in detail. Our interpretation of the Court Findings (Page 24) indicated that the Board has a right to require buffer to adjacent (residential and residentially zoned) Lot 2 as referenced in Section 18-803(E)(2)(b), specifically "Multi-family or townhouse adjacent to an existing single-family residential development or an area zone for single-family residential land uses shall provide a buffer area of at least thirty (30) feet in width, as measured from the property line toward the proposed use. The Board may reduce the required buffer to fifteen (15) feet in width if the developer provides a dense landscape screen." Per review of the plan, a 10-wide buffer (as scaled) is proposed along the southerly property line abutting Lot 2. Unless a design waiver is requested and granted by the Board, this buffer must be widened to at least 15 feet (if the Board is satisfied with the proposed buffer), or the buffer must be revised to a minimum 30 feet in width. Landscaping should be provided to the satisfaction of the Board. Additionally, compensatory tree plantings for specimen trees that will be lost (or equivalent monetary contribution) must be provided in accordance with the Township's Tree Protection Ordinance. Lighting- Lighting as proposed is included on Sheet 5, "Lighting and Landscape Plan". Six (6) lantern pole lights appear to be proposed along portions of Alpine Court. As required by the UDO, lighting for Residential Area Parking and Drive Areas should include an average intensity of 0.5 footcandles, with intensities not less than 0.2 footcandles. A separate lighting plan (without contours or natural features) should be provided so the proposed lighting intensities can be reviewed. Unless the above referenced light intensities are provided, a design waiver

will be necessary. Utilities -Existing and proposed water and sewer utility services are provided on the Grading and Drainage Plan. If this project is approved by the Board, more detailed utility information, including individual water and sewer services proposed (per unit) will be required during compliance review. Similarly, additional services (telephone, gas, cable, electric) will be required during compliance review if this application is approved. Signage- Traffic, parking and directional signage details are provided on the plans. The applicant should indicate whether any additional signage is proposed for this project. If so, details must be provided. Environmental Impact Statement- An Environmental Impact Statement was provided for review, and is generally satisfactory. Additionally, locations, sizes (diameters) and types of mature trees are provided on the plans. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated sites (including deed notices of contaminated areas); Bald Eagle foraging and Urban Peregrine habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, grassland and wood turtle habitat areas. Per NJDEP mapping, the wooded area in the northwest corner of the site, and along the northerly property line is mapped as potential state-threatened species habitat. While this wooded area is not likely "critical" habitat due to surrounding development, we recommend that the applicant retain a qualified consultant to investigate the site habitat based on a request for NJDEP natural heritage database information, and provide a summary report of findings. Phase I/Areas of Environmental Concern (AOCs)- As depicted on the plans, there is an existing well near Massachusetts Avenue that will be sealed per NJDEP requirements. The applicant's professionals should testify whether there are any known areas of environmental concern (AOCs) within the site (e.g., underground or above ground fuel tanks). A Phase I study for the property, if existing, should be submitted for review. At a minimum, Board approval for this project should be conditioned upon the applicant removing and disposing of all on-site structures, materials and debris in accordance with applicable State and Local requirements, including on-site septic systems (if any). Construction Details-Construction details are provided on the plans. Except for inverts, which may be constructed of Class S concrete, any concrete shall be a minimum of Class B. The strength of Class B concrete is 4,500 psi. All references to Class C and D concrete shall be removed from the details as these mixes are no longer used by NJDOT. Bicycle safe frame and grate number shall be 2618. A drainage manhole detail must be added. Details for Handicap Ramps must conform to the NJDOT Standard Details. All details must be revised to conform to applicable NJDOT, County or Township standards (as necessary). If this project is approved by the Board, a more detailed review of construction details will be performed during compliance review. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; New Jersey American Water Company (water); and All other required outside agency approvals. A revised submission should be provided addressing the above-referenced comments, including a point-by-point summary letter of revisions.

Mr. Vogt said this application was denied and then appealed by the applicant. Judge Grasso had some comments on some key issues and the applicant should address that.

Mr. Alfieri Esq. appeared on behalf of the applicant. He said there were 3 bases for the denial of the original application: 1- parking count; 2- buffer to the adjacent property ; and 3- they had a hammerhead turn at the end of the road. The court ruled that the denial based on parking was

unreasonable but the denial for the other 2 reasons was reasonable. They are here with a revised application to address the 2 items that the court decided on the board's favor. They have put a cul de sac instead of a hammerhead and the report from the engineer was that it is not adequate. Mr. Vogt said that the RSIS standard is 40 ft. and they have provided 30 ft. Mr. Alfieri said the width of the buffer has been increased to 10 ft. Mr. Neiman asked what the neighboring lot was and Mr. Alfieri said it is a single family house, which is the Payne residence. Mr. Alfieri said the Payne's were objectors in the lawsuit as well. Mr. Alfieri said those two issues are what the board has to deal with and they agree to comply with the remainder of the comments in the professional's report.

Mr. Vogt said there are 2 other issues which need to be addressed; there are 4 parallel parking spaces and there is an outfall structure for drainage going on to Prospect Street which is improved. Mr. Carpenter said there is curb around the corner on Prospect Street but may not be at that part of Prospect. Mr. Alfieri said they will address both issues as well.

Mr. Vogt said the main issues are the cul de sac and the buffer- which the ordinance states is 30 ft, or 15 ft. if the board is satisfied with the buffer and the 4 parallel spaces.

Mr. Neiman said there are 75 parking spaces and Mr. Vogt said the orientation of those 4 parallel spaces is the issue. The RSIS requires where there is a 90 ft. parking space, you have to have a minimum drive aisle of 24 ft. to back up and then turn around and the way this lays out, with the dimensioning, you have a 28 ft. cartway-the parallel space is 7 ft. wide-the maximum drive aisle is going to be 21 ft. so it does not meet RSIS. Something needs to be done to make those spaces meet or if you can have them, they have to be relocated or adjust the building unit number based on the 4.4. parking space ratio. Mr. Alfieri said they would address that issue so it won't be a problem.

Mr. Alfieri said they will address all the issues at the public hearing and said he does not know if the objector will be at the public hearing. He has been in touch with their attorney.

Mr. Schmuckler asked if the 17 homes were single family or two family and Mr. Carpenter said because there are basements in these units they have to be considered 2 family and provide for parking for 2 family.

Mr. Banas asked if it was possible to get a copy of the judgment so they know what they can and where they can make improvements. Mr. Jackson said he provided that to the board and he will resend it. Mr. Banas asked if they have enough parking spaces in this plan and Mr. Vogt said the way this is laid out they have 17 units and 75 spaces. The judge basically agreed with the rationale which is about 4.4 spaces per unit, so if you go with 17 units it is adequate.

Mr. Schmuckler asked who is owning these roads and was told a condo association and the roads will be private.

Mr. Alfieri said they will not be revising the plans butt will testify on the comments and Mr. Vogt requested they send something in writing to respond to his report.

Mr. Schmuckler asked why there are handicapped spaces in a private town home and asked if the units will be sold or rented and Mr. Alfieri said they needed them for the guests. Mr. Alfieri said they will be sold as townhouses.

PLANNING BOARD MEETING
JUNE 2, 2009
MEETING

TOWNSHIP OF LAKEWOOD
PLAN REVIEW

Motion was made by Mr. Herzl, seconded by Mrs. Koutsouris, to advance to the meeting of July 21, 2009

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. Kielt asked if they were going to submit revised plans and Mr. Alfieri said being the date is so far off, they may submit revised plans. Mr. Kielt said they should.

4. SP # 1851A (Variance Requested)
Applicant: Condor Jackson LLC
Location: 450 W. Kennedy Boulevard-corner of Kennedy Blvd. & Forest Ave.
Block 57 Lot 1
Amended Site Plan for proposed office and medical office

Mr. Vogt prepared a letter dated May 27, 2009 and is entered in its entirety. The applicant is seeking Amended Preliminary and Final Site Plan and Variance approval in order to construct a two-story, 6,300-square foot office building with parking areas on a 13,880-square foot property along Kennedy Boulevard West at the intersection of Forest Avenue. There is an existing one-story residential multi-family dwelling on the lot which will be removed as part of this plan. The proposed building will include medical office use on the first floor and general (non-medical) office space on the second floor with an unfinished basement. The applicant has proposed a total of twenty-one (21) parking spaces for the proposed office use. The tract is located in the northern portion of the Township on the south side of Kennedy Boulevard West at the southeast intersection with Forest Avenue. A vacant lot borders the site to the east. A commercial use borders the property to the south. A large shopping center is located on the north side of Kennedy Boulevard West. The subject site is located within a developed area with residential and commercial uses. There is existing curbing along the property frontages. Sidewalk exists along the Kennedy Boulevard West frontage. The applicant has proposed sidewalk along the Forest Avenue frontage with a small sidewalk easement near the intersection. Sight right easement dedications to Ocean County also have been proposed since Kennedy Boulevard West is a County Road. The parcel is located in the OT Office Transitional Zone District. Professional offices including medical office uses are permitted in the OT Zone. A bulk variance and a design waiver are required. Waivers- The following waivers have been requested from the Land Development Checklist: B2 -- Topography within 200 feet thereof. B4 --Contours of the area within 200 feet of the site boundaries.C13 -- Environmental Impact Statement. The indicated reason for waiver requests on B2 and B4 is that access to neighboring properties has been denied. A waiver has been requested for an EIS because of the developed nature of the site. *Per Section 18-820 of the UDO, an EIS is only required for major site plans including 5,000 square feet or more of commercial space, and may not be necessary.* In any event, we support the waiver requests. Zoning-The site is situated within the OT, Office Transitional Zone. Professional offices, including medical offices are permitted uses in this zone. A variance is being requested for the number of parking spaces. The application and plans indicate that twenty-five (25) parking spaces are required, and twenty-one (21) parking spaces are proposed. Testimony should be provided as to how the number of required parking spaces has been calculated. A waiver is being requested from Ordinance Section 18-803 E.2.a., which states: "Except as otherwise stated in this chapter, non-residential development shall provide a minimum twenty-five foot (25') wide buffer area as measured from the property line toward the proposed use." Corrections are required to the schedule of bulk requirements in order to match

the amended site plan layout. The applicant must address the positive and negative criteria in support of the requested variances. Review Comments-Site Plan/Circulation/Parking- Additional dimensions are required on the site plan for the various site improvements. A seventeen (17) space proposed parking area will access Kennedy Boulevard West. A four (4) space proposed employee parking area will access Forest Avenue. The circulation for the designated employee parking area shall be addressed. Curb exists along the entire frontage of the property. Sidewalk exists along the Kennedy Boulevard West frontage. The applicant has proposed sidewalk along the Forest Avenue frontage with a small sidewalk easement near the intersection. Sight right easement dedications to Ocean County have been proposed since Kennedy Boulevard West is a County Road. A table for the sight right easement descriptions need to be completed on the site plan. Some of the General Notes require corrections, such as the medical office use, soil removal, and plastic piping. Building access points need to be shown and coordinated with the architectural plans. Handicap parking shall be properly placed for accessibility to the building. Columns for the 2nd floor building overhang are shown in the parking lot. The column locations are situated in dead zones between the parking spaces. However, the locations are not consistent with the architectural plans and will conflict with pedestrian access to vehicles. Architectural- An architectural plan was submitted for review. The floor plans at the building access points do not match the site plan. Minimum yard setback variances may be required. Testimony shall be provided. The plans indicate a building height of 34'-9". This complies with the allowable height of thirty-five feet (35'). Information should be provided for utility connections. Location of air conditioning equipment should be shown. Said equipment should be adequately screened. Grading- Revisions to the grading plan are required to show all the proposed floor elevations and square footages. The elevation of the basement shall be at a minimum of two feet (2') above the seasonal high groundwater table. Seasonal high groundwater table information must be provided. The architectural plan indicates three (3) exterior stairs and a ramp associated with the building, yet the site plan and grading plan show none of this information. Clarification is required. Additional proposed grades are required for review of the grading plan. Stormwater Management- The Stormwater Management Report provided is dated February 20, 2006. It is our belief that the previous approval was granted based on this report and was prior to the Township adoption of its stormwater ordinance (modeled after NJAC 7:8). Confirming testimony should be provided by the applicant's engineer. Per our review of the proposed improvements as described in the report, less than 0.25 acres of additional impervious coverage is proposed, exempting the project from being "major development" as defined in the Township Code and in the NJ Stormwater rule. Information regarding the proposed roof leaders and their discharge(s) into the stormwater collection system must be provided. The plan and profile of the proposed storm drain system do not correspond. Landscaping- The applicant has provided a landscape plan as part of this submission. Landscaping has been proposed to screen the southern side of the site. A board on board fence is proposed along the east side of the property. The overall landscape design is subject to review and approval by the Board. Landscape details are missing from the plan set. The applicant has not provided a six (6) foot shade tree and utility easement for the proposed project. Should the Board require any easements, the applicant must show the easements and should provide legal descriptions and easement language for review. The easements shall be filed as a condition of approval. Lighting- Site lighting is being provided by three (3) proposed fixtures. Site lighting should be configured to minimize any impact on adjoining sites. Lighting details are missing from the plan set. Therefore, evaluation of the lighting plan cannot be made. Utilities- Public water and sewer services will be provided by New Jersey American Water Company. New services connecting from Forest Avenue are proposed for the site. A separate fire service line is being proposed for the building. The notes provided on the utility plan are too general and not site specific. The notes must be revised. Signage- No signage information is provided other than traffic signage. A full signage package for free-standing and building-

mounted signs identified on the site plans (requiring relief by the Board) must be provided for review and approval as part of the site plan application. All signage proposed that is not reviewed and approved as part of this site plan application, if any, shall comply with Township ordinance. Environmental- Site Description- Per review of the site plans, aerial photography and a site inspection of the property, the site is developed. Per our 5/19/09 inspection of the site, the lot contains an existing one-story residential multi-family dwelling. The dwelling fronts Kennedy Boulevard West and has driveway access to Kennedy Boulevard West. Environmental Impact Statement-The applicant has requested a waiver from submission of an Environmental Impact Statement; contingent upon comments (if any) received from the Environmental and Shade Tree Commissions. To assess the site for environmental concerns, our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: Known Contaminated Sites (including deed notices of contaminated areas); Threatened and endangered species habitat areas; and NJDEP Landscape Project areas, including known forested wetlands, emergent wetlands, forest, and grassland areas. Per NJDEP mapping, there were no environmental issues found to be associated with this developed property. Tree Management Plan- The Existing Conditions Plan only notes a Norway Maple and a couple of White Oaks as significant. The applicant must also comply with the requirements for tree protection and removal as applicable on the site. Construction Details- Construction details are provided on Sheet 7 of the plans. Details include both county and site improvements. All proposed construction details must be revised to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific, and use a minimum of Class B concrete @ 4,500 psi. Additional information is required for the trash enclosure detail. No footings are shown for the posts. The concrete slab has no reinforcement. No information is provided for the closing mechanisms on the wood gates. The Stop Sign detail should be revised to include the reflective strip that should be installed the length of the post. The Roof Leader detail with the use of splash blocks does not correlate to this site plan. A Van Accessible Sign Detail must be added. A Depressed Curb Detail must be added. A Trench Repair Detail must be added. A Bollard Detail must be added. The plans shall be amended to include handicapped ramp details from sheet 37 of the 2001 NJDOT Standard Details to account for the multiple types of ramps on the project with truncated domes. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Ocean County Soil Conservation District; Water and sewer utilities, prior to occupancy permits; and All other required outside agency approvals. A meeting between the professionals is recommended prior to providing a revised submission addressing the above-referenced comments.

Mr. Brown Esq. appeared on behalf of the applicant. This application has previously been approved and the change is that some of the space is to be used for medical and therefore would require relief from the parking requirements. Mr. Brown said the comments in the engineer's letter will be addressed at the public hearing. Mr. Flannery is the applicant's engineer.

Mr. Neiman said this was approved for a regular office building and now they are coming back with part of it being a medical building which requires more parking and Mr. Brown said that is correct. Mr. Brown said if it was the entire building being medical, they would require a lot more parking but as of now, they are providing 21 spaces and 25 are required. Mr. Flannery said the

majority of the building will still be general office; it is 2,600 sf that they are asking for medical and that requires 4 additional spaces and they will address that at the public hearing. Mr. Flannery also stated they will address all the comments in the report and will make plan revisions and provide the testimony at the public hearing.

Mr. Banas asked if this was a waiver rather than a variance and Mr. Flannery said the designs are in the design standard which makes it a waiver rather than a variance. The parking is in the design standards but to be conservative they are asking for a variance. Mr. Vogt said they are asking for relief whether it is a variance or a waiver and Mr. Flannery said yes.

Mr. Neiman asked if they will show where the parking is on the plan and Mr. Flannery said the plan does show all the parking; it is the same parking that was approved previously; the same building that was approved previously; everything in the approval is the same, they are just asking to have medical in order to make the building work.

Motion was made by Mr. Fink, seconded by Mrs. Koutsouris, to advance to the meeting of July 21, 2009

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

5.DISCUSSION – Proposed revised ordinance regarding non conforming lots

Mr. Kielt said the only that changed in the ordinance is Item #E under continuous- what this is allowing you to do is (previously this ordinance was revised if you had an existing house you can add to it in a non conforming lot) now it says if you have a vacant lot you can also build a house on there so long as you maintain the setback requirement. Before, if you wanted to build a house on an undersized lot you had to go to the Zoning Board.

Mr. Neiman said he thinks that makes sense because what are they going to gain by going to the Zoning Board and Mr. Kielt said they did an analysis and there are so many lots within the town that would require Zoning Board approval and they feel the Zoning Board would be overburdened so that is why they came up with this proposed ordinance.

Mr. Neiman asked if the creeping minor be affected and Mr. Kielt said it does not apply here because that would be a subdivision and this is only about one lot.

The board all thought it made sense. Mr. Jackson thought it was a brilliant idea because the Zoning Board has to essentially approve an undersized lot regardless or else it is an inverse condemnation. It also saves the landowner money from going to the Zoning Board.

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 recommend the change to the Township Committee

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

5. CORRESPONDENCE

-None at this time

6. PUBLIC PORTION

Gerri Ballwanz, Governors Road, Lakewood. She said at a recent Township Committee meeting, there was a question about when an applicant comes before the board and whether or not they have all their taxes paid. There was that tax sale and the Township paid \$6,000.00 for all these tax liens and upon looking at them, she noticed some of those names sounded familiar based on the application before the Zoning or Planning Boards. There were 2 applications at the last Planning Board meeting where the properties were on the tax lien sale and she asked how do you know that those taxes have been paid because it seems at a certain point the taxes weren't paid and maybe the board should not have heard the applications.

Mr. Neiman said that is a valid question and he does not have an answer to that and Mr. Kielt said he has an answer but he would prefer John Jackson give the answer. Mr. Kielt said they have an item in the ordinance that says the taxes must be current; however, the MLUL allows it to be deemed complete but withholds the resolution based upon the payment of the taxes. Mr. Jackson agreed and said that is a catch 22 from a policy perspective because if you give the approval, it adds value to the property and then it makes it more likely that the taxes are going to be paid because somebody wants to do something with it and if they want to get a building permit they are going to have to pay the taxes. Mr. Jackson said he does not know if the board administratively is advised that the taxes are unpaid, he does not know how the board would have known that. She asked if there was a checklist on the different things that need to be done, because it is not just a requirement of the local ordinance, it is also part of the MLUL and she thought the comment was that to get a permit to do something, you don't necessarily have to have the taxes current but it is really only before the Planning or Zoning Board and that is at the time that unpaid taxes or taxes due are really thought about. Mr. Jackson said he would have to look into that and he will get back to her at the next meeting. She also said when you are dealing with a tax sale that is dealing with unpaid taxes from the previous year and that should be applicable to the different quarters and she did check and on one of the properties they paid off the taxes but they are not current for the second quarter and that is going to be coming up possibly at a resolution at the next meeting. She said the big one on Route 70 where they have owed at one point \$59,000.00 that is unpaid and this just raises questions when you see this big ad and you see those names look familiar and then you check out the agendas and you see that they are there. She thinks this needs to have better scrutiny. She asked if the board has access to this checklist or not and Mr. Kielt said it is not provided to the board members.

Bill Hobday, 30 Schoolhouse Lane, Lakewood. He talked about Article 9-design standards and he inquired about land locked non conforming lot in a residential area that is land locked with the exception of a paper street and asked if it was possible to build anything on that lot without improving the street. He asked because the ordinance they have recommended sparked his imagination about several lots that he knows of that are land locked with the exception of a paper street. With a paper street, he assumes there is no access without improving the street and therefore they would not approve construction of anything on those non conforming lots if

the street was not improved. Mr. Vogt said typically you cannot occupy a site that does not have vehicular access and Mr. Kielt say the way they have done it in the past is if they have a lot that only has frontage on a paper street, they have to improve the paper street to the township's standards. Mr. Hobday asked if that would also apply to a cell tower and things like that. Mr. Neiman said that was a valid question. Mr. Franklin said you have to get special approval for a cell tower from a board. Mr. Hobday said he is focusing on a non conforming lot that is land locked with an exception of a paper street and he is trying to imagine what possibly can go there and the only thing he can think of is without an improved roadway and/or utilities is a cell tower. He is looking for the opinion of the Planning Board whether someone came in with an application for a tower and Mr. Jackson said they cannot answer that. They take every application as it is comes and they make their ruling, they do not give advisory opinions. Mr. Jackson said it is inappropriate for a quasi-judicial body to give advisory opinions on general questions.

7. APPROVAL OF MINUTES

- Minutes from May 19, 2009 Planning Board Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

8. APPROVAL OF BILLS

Motion was made by Mr. Herzl, seconded by Mrs. Koutsouris, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Fink; yes, Mr. Neiman; yes, Mrs. Koutsouris; yes, Mr. Banas; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. Neiman announced that this will be Mrs. Angela Koutsouris' last meeting until after maternity and he wanted to wish her luck and an easy labor.

Mr. Banas asked if there was any progress on the question that they have going forth to determine an ordinance or requirements for a 200-300-400 sf warehouse and how many parking spaces are needed. He said he thought the professionals were going to investigate that.

Mr. Neiman also said that Mr. Franklin brought up a point and said it is a valid point and he thinks there might have to be an ordinance change or maybe internally- when people come for undersized lots and they want to subdivide and they want both of the lots to be undersized under the ordinance it would be helpful for the board if they could come with a map as part of the application and Mr. Kielt said as new submissions come in he has already requested it as a policy if they find the policy is a problem he will talk to the governing body, but you have to go to the governing body to change that ordinance. He would rather do that as a policy right now to see if they have a problem but he thinks it is in their best interest. Mr. Jackson said that is also a question of them proving their case and if they want their application to be approved they will supply it.

9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

**submitted
Johnson
Board Recording Secretary**

Respectfully

**Chris
Planning**