

**LAKWOOD PLANNING BOARD  
MINUTES  
JUNE 19, 2007**

**I. CERTIFICATION OF COMPLIANCE**

Chairman Banas called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Mrs. Johnson 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 Ocean County Observer and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: The Asbury Park Press, The Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

**2. ROLL CALL**

Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas, Mr. Fink

**3. SWEARING IN OF PROFESSIONALS**

Mr. Peters and Mr. Truscott were sworn in.

Mrs. Johnson said there were 3 changes in the printed agenda.

**ITEM #1- SD # 1583 KRUPNICK & SCHUSTER** sent a letter requesting to be tabled to the July 31, 2007 public meeting

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to table this application to the meeting of July 31, 2007

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Fink; yes

**ITEM #7 ON THE AGENDA SD # 1584 – SOMERSET DEVELOPMENT** sent a letter asking to be tabled to July 31, 2007

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to move this application to the meeting of July 31, 2007

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Fink; yes

**ITEM #10 ON THE AGENDA – SD# 1577 YOSEF & ESTHER TESSLER.** A letter from their attorney was received asking to be moved to the June 26, 2007 because of the heavy agenda this evening, he felt they would not be reached. Motion was made by Mr. Neiman, seconded by Mr. Fink, to carry this application to the meeting of July 31, 2007

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Fink; yes

#### 4. NEW BUSINESS

**1. SD # 1583 (NO VARIANCE REQUESTED)**

**APPLICANT: KRUPNICK & SCHUSTER**

Location: North Lake Drive and 14th Street, between Curtis Lane & Cedar Row  
Block 24 Lots 12, 21, 24 & 30

Minor Subdivision to create 3 lots

Tabled to July 31, 2007

**2. SP # 1866 (NO VARIANCE REQUESTED)**

**APPLICANT: BATIM MANAGEMENT**

Location: Fifth Street, east of Clifton Avenue  
Block 117 Lots 11 & 12

Preliminary & Final Site Plan for 5 story building with retail/office and restaurant hall

Mr. Gasiorowski appeared as an attorney for objectors to this application and stated he knew Mr. Fink and said he was part of a group that retained him in another matter before this board. Mr. Fink has dropped out of that organization but Mr. Gasiorowski felt it should be brought to the attention of the applicant's attorney, Abe Penzer and the board to see if they felt it rises to the level of a possible conflict. After much discussion and questions of Mr. Fink, Mr. Penzer was satisfied he would be impartial in this case and there would be no conflict of interest. Mr. Gasiorowski also stated he filed a prerogative writs suit with regard to the zoning board of adjustment decision which had to do with interpretation of whether or not the subject property is located in the RM zone or the B2 zone and it is his opinion this board would not have jurisdiction to hear this application. Mr. Penzer felt comfortable in proceeding forward and in the event Mr. Gasiorowski was successful with the litigation he recognizes any action the board takes this evening would be void. Mr. Penzer stated there is no injunction or stay whatsoever, the litigation involved the zoning board and he feels absolutely confident that there is not a scintilla that will be overturned and therefore proceed at their own risk and felt it would not be a waste of the board's time.

Mr. Jackson said he asked Mr. Gasiorowski for a copy of the case law and he did not get the opportunity to get that so he is not familiar with anything that would provide for an automatic stay of a proceeding based upon an appeal being filed on a matter on another board. His analysis of it is that it would be insufficient as a matter of law to stop this proceeding because he thinks somebody then could file a suit as a means of preventing a case from going forward. The objector has been aware of this for several days, if not a

week and he thinks if this became an issue his initial indication from Mr. Gasiorowski was that not involve a stay and no one applied for a stay and that was not done. There is also a consideration that the board may wish to say this is not a routine issue and not want to deal with it now pending the outcome of the court case so it is ultimately the board's call. It is a discretionary matter that the board could make a decision on. Mr. Banas asked Mr. Penzer who made the determination to come to this board rather than the zoning board and Mr. Penzer said there was a question as to where the line was drawn, whether it was in the RM zone or the B2 zone and it was a question of interpretation of the map. It was the zoning board's opinion that it belongs to the B2. What Mr. Gasiorowski is raising an issue is whether or not there is a notice requirement for an interpretation of law or not. Mr. Cox says yes it is a better practice but it is not a defect on it. Mr. Penzer said after the zoning board made its decision they published a notice of its decision and on November 6th, 45 days have since elapsed. In addition, at the last board meeting, Mr. Gasiorowski raised an issue with this board and asked why is it 3 months from now, if that was adequate notice and Mr. Penzer did re-notice for tonight's meeting. This is another delaying tactic that would hurt the applicant and Mr. Penzer requests that this proceed tonight. Mr. Gasiorowski agreed with his position. Mr. Banas remembers there being hot and heavy at the last appearance and he suggested a cooling off period and asked if they have come to a method of working this out. Mr. Gasiorowski said Mr. Penzer has an application, and Mr. Gasiorowski represent objectors that are opposing it. Mr. Penzer agreed and apologized for loosing himself at the previous appearance.

Mr. Banas asked if there was anyone on the board that wished to speak on this and no one did.

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan approval for Block 117, Lots 11 & 12. Lot 11 currently contains a two story dwelling and a barn, and Lot 12 currently contain a two story dwelling and a shed. The applicant proposes removing all of the existing structures and constructing 3 story building with approval for two additional stories for a total of 5 stories of retail and office and parking lot. The building will contain retail shops on the first floor, a restaurant in the basement, and offices on the second, third, fourth, and fifth floors. The site is located on Fifth Street, in the B-2 Zoning District. No variances will be required for this project. Ocean County Soil Conservation District approval will be required. Proof of approval shall be made a condition of final approval. Sidewalk and curb exists along the property frontage. Although no parking is required in the B-2 Zoning District, the applicant has provided nine (9) off street parking spaces. The site will be serviced by public water and sewer. The applicant should consolidate the two existing lots into one lot. The lot consolidation shall be completed prior to signature of the site plans. The bearings and distances for the lot lines are still too far away from the lot lines. The applicant shall clarify the "Rock Face Block to Match Exist. Structure" note included in the Trash Enclosure detail. The Layout Plan states that the trash enclosure is a board on board fence, the proposed structure will have brick facing. The applicant should discuss with the Planning Board how a front loading trash truck will be able to access the dumpster at its current location. If the dumpster will be on wheels, depressed curbing will be required. The applicant has provided 9 parking spots for the 5 story building. The 9 spaces are likely to be filled by office employees leaving no parking for the retail uses. The applicant may wish to impose some parking restrictions for the lot. The applicant should discuss the parking design with the board. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated May 1, 2007. The applicant is seeking Preliminary and Final major site plan approval to construct a three (3) story commercial mixed-use building, expandable to five (5) stories. The roof deck of the structure at its maximum five story height would be sixty (60) feet above ground level. The applicant has submitted plans indicating retail uses for the first floor, and offices for floors two through five. The site plan has been revised to indicate that a catering hall will be located in the basement area. The tract is approximately 15,000 square feet in area, located between Clifton and Lexington Avenues in the northern part of the Township. Two (2) commercial and one (1) residential building (with accessory garage) are currently located on the site. Contiguous land uses on Block 117 are predominately residential. Senior-citizen housing is located across Clifton Avenue to the west, and the Clifton Avenue Grade School is one block north. Township offices and assorted commercial uses are located on the south side of Fifth Street. The tract is located in a B-2 (Central Business) Zone, with its eastern edge bordering the R-M (Multi-Family Residential) Zone. The applicant has submitted plans revised through March 7, 2007 addressing the comments of the Planning Board and its professionals at the March 6, 2007 Plan Review meeting. Retail trade and offices are permitted uses in the B-2 Zone. The applicant has not requested any variances. The applicant should provide a walkway located along the border with Lot 10 to the east of the site from the sidewalk to the east side of the building. The applicant should demonstrate that pedestrians will have unimpeded access to the main entrance(s) to the proposed building without having to cross over proposed parking stalls and/or the parking lot. Revised architectural plans have not been submitted since the Plan Review meeting. The initial architectural plans do not label the basement as a catering hall. We recommend it be confirmed that the use of this basement area will be a catering hall. The applicant has proposed nine (9) off-street parking spaces. Off-street parking is not required for non-residential uses in the B-2 Zone in accordance with Section 870.B.9 of the Lakewood Unified Development Ordinance. The off-street parking area should be screened along the frontage with vegetation or a short wall. Since the tract is surrounded by residential uses, we recommend that all roof-mounted HVAC equipment (if applicable) be appropriately screened. The Environmental Impact Statement (EIS) submitted for Planning Board Review notes the proposed building will contain 22,000 square feet of office and retail space. The applicant should verify this total and note square footage for each floor (currently proposed and the future additions) on the site plans, and also correct Paragraph 1 of the EIS, which references a "proposed synagogue". This issue was addressed at the Plan Review meeting. The EIS indicates that the existing structures on the tract will be removed. The structures must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. We recommend that Lots 11 and 12 be consolidated by deed. Applicant should more clearly identify existing trees and proposed landscaping. We note that a tree is indicated in the dumpster area - if this tree is to be removed it (and others to be removed) should be clearly labeled as such on the plans. We recommend the applicant provide more landscaping (foundation plantings) along the side and rear yards, both of which border residences. All proposed signage should comply with applicable regulations. The remaining comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. Mr. Penzer stated it was not a catering hall but a restaurant in the basement. Mr. Banas asked about a proposed synagogue and Mr. Penzer said that was 2 plans back and it was

straightened out. Mr. Penzer marked items into evidence: A-1 is the board of adjustment resolution finding this is a B2 zone; A-2 is a copy of the notice that the board of adjustment published in the newspaper; Mr. Gasiorowski wanted to note his objection. A-3 and A-4 are in regard to the parking requirements and he has the resolution to show there is no parking requirements, A-3 being resolution SP 1833 -Clifton Development LLC and A-4 is another resolution SP 1850 -212 Second Street, both showing no parking which is what the B2 requires. Mr. Gasiorowski objected to the introduction of these documents and their relevance. Mr. Banas asked Mr. Gasiorowski if he accepted that the zoning board adjudicated that it was a B2 zone. Mr. Gasiorowski objected to the relevance to these items being entered into evidence. Mr. Neiman said he knows there is no parking in the B2 zone, but what he said was he questioned that you have to also understand that it is butting up against a residential zone and you have to be a little more sensitive to parking, so you can't compare a building on 5th Street to another building. Mr. Penzer apologized for misunderstanding, but said for the record, 1st Street is residential next door. Mr. Jackson said it is written in the ordinance so the evidence is not needed, but suggested they be entered into the exhibit but that these are not offered as precedent. Mr. Penzer agreed. Mr. Jackson asked what the issue was with the zone line and was the zone line drawn wrong on the map. Mr. Penzer said he was not the attorney on that application, that Mr. Doyle was the attorney for that ruling. Mr. Jackson thought it was on the right side of the B2 zone on the map. The zoning board ruled after testimony that it was located in the B2 zone.

Mr. Carpenter stated where the subject premises was located and entered into evidence A5 which is a tax map of the area. He also superimposed an aerial photograph showing the surrounding neighborhood. Lots 11 & 12 on 5th St. are the subject property, on 6th St. there is an office building on the corner, 4 residential dwellings, a synagogue then a single family residence. On 5th St. there is an apartment building on the corner, the subject property, a single family dwelling on Lot 10, vacant land on Lot 9, Lot 8 has a single family home on it and Lot 7 is a multi family dwellings. Across the street from the site is parking lot and a commercial building on the corner with another commercial building next to it and directly across the site is a mixed use of commercial and residential buildings. The parking lot is a county lot. On the southwest corner and the northwest corner is multi family dwelling and the northeast corner is multi family. Senior housing is on Clifton Avenue and there are stores located south on 5th Street. There are no single family homes on Clifton Avenue between 5th & 6th Street, there is an apartment complex, and an office building on the 2 corners. This property is zoned for commercial uses and the applicant is seeking a combination of retail/office and food establishment in the basement. Retail will be located on the 1st floor and the 2nd to 5th floor will contain offices. They are all permitted uses in the B2 zone and the applicant is not seeking any variances or waivers. There are no parking requirements for the B2 zone. Mr. Carpenter said he was in the parking lot across the street on numerous occasions and said the lots is within 200 ft. of the premises and could be used for parking.

They went through the report of Mr. Peters. They will be removing all existing structures and constructing a 3 story building with an approval to add an additional 2 stories for a total of 5 stories of retail/office and a parking lot. They propose all new curb and sidewalk as shown on the plan (exhibit A6 layout and lighting plan). 9 off-street parking spaces are being provided and there is sufficient public sewer and water to service this project. They



will consolidate the lot. They will correct the bearing and distance discrepancy. They will provide isolux lighting and it is located on the plans. At the plan review meeting they discussed that they would put in a larger trash enclosure to allow for 2 dumpsters in the trash enclosure at Mr. Franklin's recommendation. It will be located right at the entrance to the driveway on the left hand side and Mr. Franklin said that was satisfactory. The dumpsters will be on rollers and will roll out into the driveway to be loaded on to the truck. The trash enclosure will be revised to show a board on board fence. There are no plans that they could find on record to show any easements and they are not proposing any easements. They will add details for the handicap ramp to the plans. The applicant is willing to designate certain percentage of parking spaces for employees and certain space for retail clientele. Mr. Penzer suggested that all of it should be restricted to employees and Mr. Banas agreed. Mr. Fink asked if they have gone to the county to see if it is feasible to build a multi story parking lot there. Mr. Penzer said he wished he could do that, maybe the Township Committee can do that, it is out of their jurisdiction. He was told they needed a parking authority to do that and Lakewood does not have that yet. Mr. Fink said he has personally used that parking lot and can never get a spot in there. Mr. Penzer said he had no problem writing a letter to the Township Committee requesting it. Mr. Carpenter said they would revise the plans to show the current trees to be saved. The grading and landscape plans will be revised to show the bearing discrepancy. Mr. Carpenter said the lights will have shielding so that the light will not cast beyond the property lines and they will make a note on the plans. (It has to be retrofitted) They will remove the note about the architectural plans.

As for the planners report, except for the comments about the catering report, they agree to all the comment in the project description (sections A & B). With regards to the walkway Mr. Carpenter showed exhibit A6 and stated there is parking in front of the building and there is no room to put a sidewalk from the sidewalk to the building, they would have to walk through the parking lot to get to the building but there is one space on the plans that designated with cross hatching, that would not be occupied by a vehicles and it is right in front of the main door to the building. Mr. Truscott said he would rather to cross hatch all along the parking lot and have some kind of connection to the existing sidewalk but that it was not ideal at all. Mr. Banas asked if there were doors in the rear of the building and Mr. Carpenter said he believed there was. Mr. Banas said they would need a walkway from the back to the front and Mr. Carpenter said there is 8 ft. on either side of the building that they can construct a walkway. Mr. Banas wanted it connected to the sidewalk as Mr. Truscott indicated. Mr. Truscott said they would lose some of the parking area and maybe a space to get to the front door and Mr. Banas agreed that they needed sidewalk to get to the front door and rear door. Mr. Carpenter said they would lose one parking space. Mr. Fink said with retail stores, he is concerned with the deliveries and where they would park to unload. He felt they would block the traffic to restock the stores on a daily basis. Mr. Carpenter said they are not required to provide any parking or delivery access to the building. Mr. Penzer said they needed to find a way to do it. Mr. Carpenter said they could take one of the spaces and designate it as a loading zone. Mr. Fink said a UPS truck is 40 ft. Mr. Neiman said unless there is no parking in front of the building, but that would have to be done by Township Committee. Mr. Peters said it would be difficult for a delivery truck to maneuver in the parking lot and they would be better to park in the street so there should be no parking. They decided to come back to the parking and loading/unloading area later. Mr. Carpenter said the applicant would put vegetation on the

frontage and would meet with the professionals. The HVAC equipment would be adequately screened. The existing building is 85 x 97 on each floor, which would total 8245 per floor. The number in the EIS is incorrect. They will indicate which existing trees will remain and the one tree designated in the dumpster area will be moved elsewhere on the site. There will be not site signage, only on the individual stores and if there is other signage, they will have to come back to the board. They agree to the remaining comments in the planners report.

Mr. Gasiorowski stated that exhibit A6 and A5 and asked Mr. Carpenter if the structures to the north are residential and Mr. Penzer objected. Mr. Jackson recommended overruling that objection and asked Mr. Penzer to let him answer. Mr. Carpenter said yes. Mr. Gasiorowski also asked if the property to the west an apartment complex was residential use and Mr. Carpenter said yes. Mr. Penzer objected to the characterization. In response to numerous questions by Mr. Gasiorowski Mr. Carpenter had the following responses. The existing homes on the site are not occupied. The property owners adjoining the subject lot on Sixth Street at the present time are looking at an open area behind these 2 residential homes. Mr. Carpenter said he did a topographical study of the site and that was marked A7 which a grading and landscape plan. Mr. Carpenter said the proposed restaurant will be below grade. After construction 90% of this lot will be covered by pervious surface, and currently it is 30-35%. When it rains most of it runs into 5th Street but after completion the runoff will be reduced based on the new stormwater regulations enacted by the state because they will have to reduce the runoff from an existing condition to a an 80 percentile. Mr. Carpenter stated he submitted a plan to the Township Engineer reflecting that. No variances or waivers are being applied for. Mr. Gasiorowski asked if there was an emergency needing utilization of fire prevention vehicles in the rear, how will they get there and Mr. Carpenter said they can access it from the adjacent site, the apartment building to the west. There is a drive isle in the adjacent parking lot. There will be no access to the rear of the building and it is not required. Mr. Gasiorowski asked Mr. Carpenter if he was familiar with the zoning ordinance where it deals with buffering and Mr. Carpenter said yes. They discussed where buffering is necessary where there is incompatible uses with Mr. Gasiorowski stating his belief is they needed buffering and Mr. Carpenter stating it does not. Mr. Jackson asked Mr. Truscott his opinion on when there is 2 zones, as there are here, that buffering is required. Mr. Truscott said under Section 803 it is required under certain circumstances a 25 ft. buffer was required for residential development (6 or more detached single family dwellings). In general circumstances, buffering is required between incompatible uses. Mr. Penzer said this is an RM zone and buffering is not applicable to this because there is 0 lot line in downtown Lakewood and the RM zone does not require buffering. Mr. Gasiorowski said if you read what it says, it says existing single family residential development, it doesn't say a residential development, but existing residential single family development and feels this does require a waiver. Mr. Gasiorowski said the Township of Lakewood has made provisions to ameliorate the effect that a commercial use may have upon a residential use. Mr. Carpenter responded to Mr. Gasiorowski question that this application does not create any type of buffer and there is a building 60 ft. high 10 ft. off the property line.

There was discussion on where the zoning lines are and there was a discrepancy between the maps that board had than what the display shows. The title page (page 1 of 5), of the

Preliminary and Final Site Plan, zone map Block 117 Lot 12 by RC Associates SP 1866 is incorrect. Mr. Carpenter said the correct map is the one labeled A5. They discussed where the correct zone line is located. He stated there are 3 different zoning maps out and it was an error. It is an RM zone to the north and to the east of the property. Mr. Gasiorowski is contesting in the other litigation that the lot line run straight down 5th Street and not make that turn and cut out these 2 houses. Mr. Banas asked if the Board was wasting their time and maybe they should wait until the case is settled and Mr. Penzer felt the adjudication will be upheld because it is well out of the appeal period and has already been decided by the zoning board. Mr. Carpenter read from exhibit A1 and said it indicated that Lots 9, 10, 11 & 12 in Block 117 are the subject premises of the resolution and they are B2. Mr. Gasiorowski said that is incorrect, because it is residential use. He asked Mr. Carpenter if in his opinion he needed a 50 ft. buffer and Mr. Carpenter said no. A single family development is defined as 6 or more detached single family dwellings. Mr. Penzer objected to the question of whether a 25 ft. buffer is required between a residential zone and non residential use because there is no buffering in the B2 zone. Mr. Carpenter said these plans were submitted to the Fire Commissioners for their approval and they received a letter stating no comments. Committeeman Miller arrived but could not participate in this matter.

Mr. Banas asked the board professionals if they came up with an interpretation and Mr. Truscott said he disagreed with Mr. Carpenter that an office building and residential uses are incompatible. They may be inconsistent but not incompatible because typically in many mixed use developments residences, retail and office buildings are all within the same development and can co exist with the proper safeguards. In terms of the buffer requirements it is his opinion that there would be a 25 ft. buffer required but in the past the board has also looked at it for screening not buffering and the ordinance does provide in small lot developments the board may require privacy landscaping fences or walls which would be a deviation from the requested width that is required. It would be a waiver under the provisions of Section 800 of the ordinance. He is not of the opinion that a 50 ft. buffer would be required based on some of the opinions offered by the applicant. Mr. Peters agreed with Mr. Truscott and said the beginning of the section leaves a lot of leeway to the board.

Mr. Gasiorowski called a witness to testify, Mr. John Chadwick, licensed professional planner for the state of New Jersey. He stated he reviewed the Master Plan and the ordinances for the Township of Lakewood. They have discussed the Section 803 EA2 which is the buffer section and it is his opinion that this section absolutely applies, there is discretion in any standard for a planning board to grant waiver or variances. The board has had no testimony either under a C1 or a C2 basis and they are left with their own decisions which is a particularly precarious situation for any board member to be in. The application is for a 5 story structure in an area that is predominated on 6th Street by single family homes and a synagogue with a multi family development to its' west and on the edge of the downtown district, that is why you have buffers. It is his opinion that the buffers are applicable and should be applied. He said there has been no testimony whatsoever to waive the standards set forth in the ordinance and no basis for it and it would have a substantial impact.



Mr. Penzer questioned that Mr. Truscott said a waiver and Mr. Chadwick said a variance. He said Mr. Chadwick mentioned C1 and C2 and Mr. Chadwick said in his opinion the standard for granting a variance and a waiver is the same. Mr. Gasiorowski said this board has leeway as to requiring a waiver for buffers and they would need testimony on the granting of the waivers. They discussed the Cox book and Mr. Jackson said it was a reasonable standard and you don't have to go through the checklist of C1 or C2. You have to have a good reasonable and thoughtful basis for granting a design waiver. Mr. Penzer asked Mr. Chadwick if he had the opportunity to look at other approvals granted by the Planning Board on 5th St. 4th St. and 1st St. area in which office buildings were next to residential. Mr. Gasiorowski objected. Mr. Chadwick qualified the apartments as residential zone. Mr. Penzer stated the Fire Commission reviewed this application and had no comments. Mr. Penzer said the owner on the immediate right of the project (Lot 10) Mr. Helmreich does not want buffers. Lots 14 and 2 are owned by the applicant (under contract) and they do not want a buffer. Mr. Helmreich stated they have no need for buffers and they need more commercial space and it is his opinion and he would like to see this application approved. Mr. Bursztyn also testified that he does not want a buffer and he is the owner of Lot 14 and the contract purchaser of Lot 2. Mr. Gasiorowski asked him if any time in the future he plans on making an application for any variances or utilization of those properties and Mr. Bursztyn said they are definitely going to make a move, they just are not sure what. Mr. Banas asked Mr. Herzl if he had any questions or does anyone else from the board.

Mr. Gasiorowski had some brief comments, but was told to wait until the public portion was over.

Mr. Banas opened the microphone to the public

Janet Scher, 1050 Cross Street, was sworn in. She stated she was concerned about the fire and safety issues. It appears there is no comment but no signature with regard to who made the determination on the Fire and Safety issues. With a structure this size you are agreeing to whatever consequences will occur and she is concerned with loss of life and having responsibility on the board for making a decision that will result in that loss of life. Mr. Banas said the signatures are generally from one of the fire commissioners but asked her to be somewhat comfortable that they do have fire equipment that will be able to tower this building. She said she would like to see a signature as to who on the commission made this determination because to her it is inviting disaster.

Nisson Schwartz, 24 6th Street, was sworn in. He said the Bursztyn's are his neighbors and they are wonderful people. He thinks in this point and for the sake of the community they are concerned with the parking and traffic and the quality of life. It is not just the board's concern but also the neighborhood, at least 50 to 100 families that are unhappy with what is going on and he is opposed to this application. He concern is that the office building might become a continuous thing and will turn the street into a commercial neighborhood. He is worried about no buffering and asked if it would matter what his interest is since he is within 200 ft. He would want a buffer.

Zev Reifman, 208 5th Street, was sworn in. He said 5th Street, between Clifton and Lexington, is an unofficial parking lot for the buses that go to the Strand and on Fridays,

there is a whole line of buses there which takes away from the driving. Adding an office building would add much more traffic. In his complex, (corner of Lexington & 5th ) and across the street there are at least 2 children who are special needs and more traffic on this street he feels is dangerous for them. If you come to that corner between 8 & 9 there are literally close to 100 children who go on buses in the morning. He is against this proposal.

Arnold Rozsansky, 1429 14th Street, was sworn in. He said he likes this project and thinks we need more commercial space in town and this will definitely help.

Mordechai Fieler, 220 5th Street, was sworn in. He is against this proposal because he likes his block very much and it is a communal area and they are friendly with all the neighbors, including the Burzstyn's but feel this proposal will increase the traffic and change the whole outlook of the block and area.

Pearl Cook, 3 Maplehurst Avenue, was sworn in. She said her concern is the fire hazard and she just got off the phone with the fire commissioners (2 of them) and they feel this might have slipped by them and they did send back a no comment but we don't have any equipment that goes over the top. They have aerial ladders but nothing that can reach that back of that building. She said she just talked to Mike D'Elia and she thinks they should re address the fire part. Lives are important and there has to be enough room to get trucks around the back, and there isn't. She said Mr. D'Elia said mistakes happen and they would like to address it again.

Her son is the fire chief of Lakewood, which is why it means so much to her. Mr. Penzer said everything she said is heresay and should not be permitted to be before this board and asks that her testimony be stricken from the record. Mr. Jackson said Mr. Penzer is accurate and the board should not account for the heresay information. There is not a signature on that letter and the board might want to ask the engineer about whether the 5 stories could be reached. Mr. Gasiorowski said listening to that opinion, he wonders if the unsigned document from the Fire Commissioner should be stricken since there is not a member of the Fire Department or a Fire Commissioner here who will subject himself to cross examination with regard to that unsigned letter. That document should be stricken and Mr. Banas said rightly so. Mr. Peters stated he did not have any information on what height the fire equipment can reach, he does not know what the town has, but when they do get those memos, they are generally faxes over and they generally do not have a signature, similar to the Environmental Commission and the Tree Committee memos are generally unsigned. Mr. Banas said the letter has no credence and no place here.

Heshy Berkowitz, 214 5th Street, was sworn in. He said the zoning ordinances in this town are made to protect the residents who live in the different zones. The zoning on 5th street was protecting their residential area, the line was right down the middle of the road. They felt pretty safe by the zoning of the town. Somehow Lots 9 & 10 were re defined and interpreted as a B2 zone. But we turn to the Planning Board and say since the zoning doesn't protect them, they ask the board to protect the residents of 5th Street. Every towns need to have certain commercial block, 2nd Street has all the stores and they don't see any need why 5th Street needs to be changed from the residential area it was until now and have commercial vehicles, etc. Most people on the block have little children and

they drive their bikes and by putting in this new building you are changing the whole future of the downtown area into residential neighborhood where people were comfortable living. He asks the members of the board to safeguard the community and their residential neighborhood by not stuffing it up with much more traffic and more commercial vehicles. Once a week the street gets closed off by buses, about 10 buses come and they close the whole 5th Street based on the Strand Theatre. Their street is pretty congested as it is with no place to park. Mr. Neiman asked him about the zone and it used to cut through 5th Street, the north side was commercial and the south side was residential, and asked what he is basing it on. Mr. Berkowitz said on the 1986 ruling of the zoning board that ruled the north side was B2. There are 3 times that the zoning board specifically said the zone on the north side was B2, the line was on the street. Somehow on the '05 map there seems to be some misunderstanding where the line might have been a little moved and the zoning board interpreted it and said that these lots changed to B2. They have no idea how that happened but they can't cry over it. Those are the facts. Mr. Neiman asked him if he saw any reason why the line was moved over and include those lots, and Mr. Berkowitz said he saw none. Mr. Neiman asked how many residents, or families live on 5th Street and Mr. Berkowitz said there are 8 families in his complex, adjacent there are another 8 residences, the next house is residential, and the adjacent used to have another 4 (right now about 17 families).

Tony DiStafano, 72 White Road, was sworn in. He said a year ago there was a change in the zone. Mr. Banas asked him what this had to do with 5th Street. He said how come every time someone comes down here and applies for a zoning or variance, the map is always changed from the original. Mr. Jackson said under ordinary circumstances it would be irrelevant, once the zoning board has made its' determination, you can say they have to rely on the zoning board. There is a lawsuit filed here though and in past cases there were questions of easements, the board waited until the easement issue was resolved. Ownership issues have come up and the board has said we are not going to decide the ownership issue. There is a threshold question that the board can say, is there sufficient question here to wait and see what the court case is or go ahead and vote because they are confident the zoning board determination will stand. The comments with what happened with that underlying issue is relevant so that this board can determine if there is a real issue here. Mr. Banas said the applicant's attorney, in his opening remarks, stated that he is taking all responsibility should this be done in error and would not hold anything one way or the other.

Mr. DiStefano continued to say he was here for 2 ½ hours and this application has so many holes in it you people should have cut this down 1 ½ hours ago and can't understand why the board is spending so much time on this particular area. You can't even put a shoehorn in this area and what they should do is have somebody investigate the area, you have a hill where kids can roll down. You also have parking that belongs to the county which they park their cars in. Where are the occupants going to park. He believes this application should be turned down. Mr. Banas said he used to live in the house that is being torn down.

Mr. Burzstyn approached, but he is the owner and is represented by council, so Mr. Penzer said his comment was that he went before and tried to get an apartment complex on the site and the neighbors objected to that as well. Seeing no one else, this portion was closed to the public

Mr. Gasiorowski said there is only one word which describes this application, that is arrogant. You have a use proposed on this property which is contrary to the prevailing areas to the north, east, and to the west and an applicant who not only owns the property he is coming in with, but also surrounding property. He is covering approximately 90-95 % of the lot, removing all pervious surfaces from the lot, and covering it with a building that is 60 ft. high with a setback of 7 ft on each side and 10 ft in the rear. This board has certain leeway with regard to the buffering. Mr. Truscott has given his opinion as to what buffers are required by the ordinance which he believes would be 25 ft. Mr. Gasiorowski takes the position it should be 50 ft. You have to ask why the Township Committee place those protections in there. They were put in for instances just like this. How are they going to buffer a building like this from the neighbors, are they going to build a fence 60 ft. high or plant shrubs 60 ft. high? The next argument will be the property on 6th St. the applicant owns should be used for commercial are because the residential uses is being prejudiced by the presence of this building 60 ft. high next to it. This calls for common sense. The board has to look at this application and ask if it makes any sense on 5th Street to permit a building 60 ft. high basically on the property line to be constructed where a safety vehicle cannot get to the rear. You can't change that this property is in the B2 zone but you can say you need to have a smaller building which provides some buffering for these surrounding residential neighbors. All he can ask the board to do is enforce those protections which were put in place by the Township Committee to protect those surrounding properties.

Mr. Penzer said this application can be confused but if you boil down everything said tonight, you have two issues. The issue is what is this property zoned, that is B2. Other applications brought up tonight has the same issues for safety and the fire department had no problem getting in to the back of the building. It is impossible that all of these buildings were approved with the fire commission approval and this one is an issue. He has more faith in the fire department than that and cannot believe that this application they made a mistake. Mr. Truscott said 25 ft. but said the board had the power to say privacy fence or tree. This application does not meet the buffering requirements. They feel confident that the lawsuit will not overturn this application. The question is what is legal and what is not, this is a B2 and his opinion is they don't need a waiver. The adjoining neighbors do not want a buffer.

Mr. Franklin said when they put the B2 ordinance in effect they did not have transition zone that you gradually worked down to residential. He can't see putting in a buffer if it is not called for. It is the way you are reading it. He thinks Lakewood is in a terrific growing position with the houses going in and the town is going to grow too. It won't be long where we will have 100,000 people here and with that many people, there will come more and more commercial and offices. You are going to see your downtown start to spread, you are going to get tax ratables and we need them so badly right now because of the cost of keeping up with all the homes. He thinks it is a good looking project. We are going to see more high rises coming in to town.

Motion was made by Mr. Franklin, seconded by Mr. Banas, to approve this project as presented with the few changes in the front with the parking to be worked out with the applicant and the engineer plus all the comments. Mr. Peters said an issue to be

discussed is the loading and if there should be a no parking area in front or trucks into the lot. Mr. Franklin said if you move that driveway over to the center, you can have the parking going to the sides both ways, you would lose a few parking spaces but you would have the whole center open up where you can back the trucks or vans in. Mr. Jackson said some of the conditions were they were going to request the Committee have no parking in front of the building, agree to screen the front with vegetation instead of a wall, roof mounted HVAC which would be screened, consolidate the lots by deed, something to do with the trees and that is what he has in his notes. Mr. Penzer said Mr. Fink suggested sending a letter to the Township Committee for a multi level garage. Mr. Franklin said to include them all in that motion. Mr. Banas said he felt the building was a little too big, and he would like to get a fire truck down there and Mr. Franklin said he didn't think you would find a fire company that would drive their truck in right along side that building if it was on fire.

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; abstain, Mr. Fink; no

Committeeman Miller wanted to acknowledge the wonderful work the Cook family does with their dedication as fireman in this town and asked for a round of applause.

**3. SP # 1820B (VARIANCE REQUESTED)**

**APPLICANT: 1161 ROUTE 9 LLC**

Location: Route 9, between Chestnut Street and Yale Drive  
Block 1064 Lot 4

Amended Preliminary & Final Site Plan for addition to existing building

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to carry this application to June 26, 2007

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**4. SD # 1542 (VARIANCE REQUESTED)**

**APPLICANT: RYE OAKS LLC**

Location: Ocean Avenue (Route 88) east of railroad  
Block 536 Lots 1, 2 & 4

Preliminary & Final Major Subdivision for 40 townhouses and 1 retail center

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to carry this application to June 26, 2007

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes



**5. SD # 1581 (VARIANCE REQUESTED)**

**APPLICANT: MEIR KOHEN**

Location: Albert Avenue, between Oak Street and South Street  
Block 855.06 Lot 15

Minor Subdivision to create two lots

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to carry this application to June 26, 2007

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,  
Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

Mr. Peters stated The applicant is seeking a minor subdivision of Block 855.06 Lots 15. Two single family lots are proposed. A dwelling building is proposed on each of the new Lots. The existing lot is currently used for single family dwelling that will be removed. The site is located along Albert Avenue and between South Street and Oak Street in the R-20 Zoning District. A variance is requested for lot area. Each of the proposed lots has an area of 19,270 S.F, where 20,000 S.F are required. The applicant has provided three (3) off street parking spaces for each of the proposed dwellings. The Planning Board will determine if three (3) parking spaces are adequate for the site. Outside agency approvals will be required from the Ocean County Planning Board and the Ocean County Soil Conservation District. Evidence of both approvals should be made a condition of final subdivision approval. The applicant proposes to dedicate a 6 ft wide shade tree easement to the Township of Lakewood along the property frontages on South Street, Albert Avenue, and Oak Street. Curb and sidewalk are either existing or proposed along the property frontages. The applicant proposes that the future dwellings will be served by individual septic and well. The applicant shall provide testimony on the nearest location of public water and sewer. The applicant should revise the zoning schedule to show "front yard setback (oak st./south st.)" for the front yard setbacks of Oak and South Street. The existing dwelling shall be removed prior to signature of the final plat or a bond posted to ensure its prompt removal after the subdivision is completed. The applicant should show on the plan detail of truncated domes. The applicant shall revise the P.L.S certification to replace "and with the outbound corners marked." with "and that the outbound corner markers as shown have been found, or set."

Mr. Slachetka read from a letter dated June 6, 2007. The applicant seeks minor subdivision approval to subdivide existing Lot 15 into two (2) new corner lots, located within Block 855.06. Lot 15 currently contains an existing bi-level frame dwelling which will be removed as part of this project. The existing lot is 38,540 square feet in area. The tract is located in the southern part of the Township. The tract and contiguous properties are located in the R-20 (Residential) zone. The surrounding land uses are residential in nature. Revised plans have been submitted by the applicant subsequent to a Plan Review meeting held on March 27, 2007. Single-family detached housing is a permitted uses in the R-20 Zone. The applicant has requested the following variances: Minimum Lot Area: 20,000 square feet required, 19,270 square feet proposed for both lots. The positive and negative criteria for the requested bulk variances should be addressed. During the Plan Review meeting, the applicant indicated that the dimensions of the proposed lots and the

contemplated land use(s) in comparison with current lot sizes and uses in the surrounding area will be addressed. The Zoning Table and subdivision plat reflect the fact that the proposed subdivision is creating two (2) corner lots; one (1) rear yard, one (1) side yard and two (2) front yard setbacks are indicated on the plans, and should remain unchanged, and the proposed lot numbers are duly noted on the subdivision plans. Parking for all proposed lots must comply with NJ RSIS standards. Confirm that sufficient area is provided for three (3) vehicles for all proposed lots. Proposed and existing septic tanks, disposal fields and wells are indicated on the subdivision plan. The plans indicate that the existing septic system shall be abandoned in accordance with applicable statutes. The plat indicates an existing dwelling on Lot 15. The dwelling and existing improvements (including the existing septic system, if applicable) must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Compliance with the Map Filing Law is required. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; County Board of Health for the well and septic (prior to construction permits), and; All other required Outside Agency approvals.

Esq. appeared on behalf of the applicant

Mr. Banas opened the microphone to the public

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

Motion was made by , seconded by , to approve

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Gatton; yes, Mr. Percal; yes

**6. SD # 1582 (VARIANCE REQUESTED)**

**APPLICANT: YAAKOV SINGER**

Location: White Road, east of Cross Street  
Block 251 Lot 9.02

Minor Subdivision to create 2 lots

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to carry this application to June 26, 2007

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

Mr. Peters stated The applicant is seeking a minor subdivision of Block 251 Lot 9.02. Two new lots are proposed. A new dwelling will be constructed on each of the proposed Lots 9.04 and 9.05. The site is located on White Street in the R-40 Zoning District. The applicant is requesting a variance for lot width for both of the proposed lots. Proposed Lots 9.04 and 9.05 have widths of 125 ft, where a lot width of 150 ft is required. Outside

agency approvals will be required from the Ocean County Planning Board and Ocean County Soil Conservation. Evidence of both approvals should be made a condition of final subdivision approval. The applicant proposes to dedicate a 6 ft wide shade tree & utility easement to the Township of Lakewood along the White Street frontage of the property. The applicant proposes that the future dwellings will be served by individual septic and wells. The applicant shall provide testimony on the nearest location of public water and sewer. Curb and sidewalk are proposed along the property frontage. The applicant shall revise the zoning table to show the required and proposed number of parking spaces. Each driveway can accommodate more than four parked cars. The two corner markers for the western property line of proposed lot 9.04 shall be set prior to signature of the final map in accordance with the surveyor's certification.

Mr. Slachetka read from a letter dated June 6, 2007. The applicants seek minor subdivision and variance approvals to subdivide existing Lot 9.02 into two (2) new lots, located within Block 251. Lot 9.02 is a wooded, unimproved lot. The tract is located in the southwestern part of the Township, near the border with Jackson Township. The tract and surrounding properties are located in the R-40 (Residential) Zone. In general, the surrounding land uses are low in density, with individual lots either residentially developed or wooded and unimproved. Lots 9.03 and 9.01, which adjoin the property to the east and west, respectively, contain residences.

Applicant has submitted plans which have been revised subsequent to a March 27, 2007 Plan Review meeting. Single-family detached housing is a permitted use in the R-40 Zone. The applicant has requested the following variances for both of the proposed lots: Minimum Lot width: 150 feet required, 125 feet proposed. The positive and negative criteria for the requested bulk variances should be addressed. Applicant should discuss the dimensions of the proposed lots and the contemplated land use(s) in comparison with current lot sizes and uses in the surrounding area. Any attempts to purchase additional property to mitigate the variances should be noted. Parking for all proposed lots must comply with NJ RSIS standards. Confirm that sufficient area is provided for three (3) vehicles for all proposed lots, and indicate as such on the subdivision plans, preferably under the zoning bulk table. A shade tree and utility easement indicating three (3) trees to be planted for each proposed lot is shown on the subdivision plan. The revised plans indicate that sidewalks are proposed along White Street. Proposed septic tanks, disposal fields (partially in the front yard setbacks) and wells are indicated on the subdivision plan. Lots requiring septic systems shall be of sufficient size to achieve required separation distances in accordance with New Jersey Department of Environmental Protection septic design regulations, and shall be designed in accordance with the requirements of the State enforced by the County Board of Health. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. The signature block for the surveyor, fee owner of the property, and the Lakewood Township Tax Assessor are unsigned on the reviewed subdivision plans. Proposed lot numbers must be approved by the Lakewood Township Assessor, and compliance with the Map Filing Law is required. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; County Board of Health for the well and septic, prior to the issuance of construction permits; and All other required Outside Agency approvals.

Esq. appeared on behalf of the applicant

Mr. Banas opened the microphone to the public

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

Motion was made by , seconded by , to approve

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,  
Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes,  
Mr. Fink; yes, Mr. Gatton; yes, Mr. Percal; yes

**7. SD # 1584 (VARIANCE REQUESTED)**  
**APPLICANT: SOMERSET DEVELOPMENT LLC**  
Location: 975 East County Line Road, west of Lucerne Drive  
Block 174.04 Lots 24 & 63  
Preliminary & Final Major Subdivision for 9 lots

Tabled to July 31, 2007

Mr. Peters stated

Mr. Slachetka read from a letter dated

Esq. appeared on behalf of the applicant

Mr. Banas opened the microphone to the public

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

Motion was made by , seconded by , to approve

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,  
Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes,  
Mr. Fink; yes, Mr. Gatton; yes, Mr. Percal; yes

**8. SD # 1585 (VARIANCE REQUESTED)**  
**APPLICANT: ARBORETUM PROPERTIES LLC**  
Location: Arboretum Parkway and County Line Road West  
Block 25.07 Lots 54 & 60  
Minor Subdivision for 3 lots

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to carry this application to  
June 26, 2007

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

Mr. Peters stated The applicant is seeking Minor Subdivision Approval to subdivide two residential lots into three residential lots. The property contains two existing dwellings, which will be removed. Three new single family homes are proposed. The property is located at corner of Arboretum Parkway and County Line Road West, within the R-12 zone. The applicant is requesting variances on lot areas. Each of the proposed lots has an area less than 12,000 S.F which is required by the Lakewood UDO. Proposed lot sizes range from 10,623 S.F to 11,000 S.F. The applicant proposes to dedicate a 6 ft wide shade tree and utility easement to the Township of Lakewood along Arboretum Parkway and County Line Road West. The applicant proposes to dedicate a 1,609 S.F sight triangle easement to Ocean County. Evidence of Ocean County Planning Board approval should be provided prior to signature of the final plat. The water and sewer services will be provided by New Jersey American WaterCompany. The applicant has showed on the plans existing curbs and sidewalks along County Line Road West and existing curbs along Arboretum Parkway. The applicant has provided sidewalks along Arboretum Parkway. The curb detail shown on the Development plan has a 2" thick stabilized base. We commend a minimum of 3" thick stabilized base. The existing dwelling shall be removed prior to signature of the final plat or a bond posted to ensure its prompt removal after the subdivision is completed. Each of the proposed dwellings contains a one car garage, and room to park three cars in the driveways on Lots 60.02 and 60.03. The proposed Lot 60.01 has room for four cars to park in the driveway. The board should determine if the off-street parking spaces provided are adequate. B. Map Filing Law. The official tax map shows the 3' alley extending to County Line Road West, which is different from what is shown on the plan. The applicant shall address this discrepancy to the Planning Board. The length of the lot line between neighboring property Lot 1 and proposed lot 60.01 shows a length of 135.34 ft, which should be 135.35 ft in accordance with the lengths of the two line segments shown on the plan, on the east side of the line. The two segments are 82.26 ft and 53.09 ft long as shown on the plans. The sum of the two segments should be 135.35 ft.

Mr. Slachetka read from a letter dated June 12, 2007. The applicant seeks minor subdivision approval to subdivide existing Lots 54 and 60 into three (3) non-conforming new lots, located within Block 25.07. Both lots currently contain existing one (1) story frame dwellings. Approximate lot sizes for the existing lots are as follows: Lot 54: 0.38 acres, Lot 60: 0.36 acres. The total size of the tract is 32,539 square feet in area (0.75 acres). The property is located in an R-12 Zone in the northern part of the Township, just north of Georgian Court University. Zoning for the tract and surrounding properties is R-12 (Residential). The surrounding land uses are residential in nature. Part of the tract borders County Line Road West, which in this portion of the Township is bordered by residential uses. The applicant has submitted plans revised through April 11, 2007 addressing the comments of the Planning Board and its professionals. Single-family detached housing is a permitted uses in the R-12 Zone. The applicant has requested the following variances: Minimum Lot Area: 12,000 square feet required: 11,000 square feet proposed (Lot 60.01); 10,916 square feet proposed (Lot 60.02); and 10,623 square feet proposed (Lot 60.03). The applicant did not request variances for minimum lot width, which is 90 feet in the R-12



Zone. We note that the Lakewood UDO specifies that, in addition to minimum lot width measured at the front setback line, the mean width shall not be less than the required lot width; "mean" is commonly defined as the average value of a set of numbers. A review of the subdivision plat indicates that the mean lot widths of the interior proposed lots are less than 90 feet. As the mean lot width is not permitted to be less than the required lot width, variances may be required for Lot 60.02 and 60.03. The positive and negative criteria for the required bulk variances should be addressed. The applicant has requested a waiver from orienting lot lines at right angles to Arboretum Parkway. The applicant should explain why it is not practical to have the new side lot lines at right angles to Arboretum Parkway. The current lot line between Lot 54 and Lot 60 is at an approximate right angle to Arboretum Parkway, which, though it curves slightly at the intersection with County Line Road, is on a relatively flat plane with most of the frontage for the tract. The maximum height listed in the zoning bulk chart (30 feet) is incorrect for the R-12 Zone. The applicant must revise the chart to reflect the correct maximum height of 35 feet. The applicant should discuss the dimensions of the proposed lots and the contemplated land use(s) in comparison with current lot sizes and uses in the surrounding area. The submitted architectural plans are for a five (5) bedroom house (Lot 60.01) and two (2) six bedroom homes (Lots 60.02 & 60.03). Parking for all proposed lots must comply with NJ RSIS standards. Confirm that sufficient area is provided for three (3) vehicles, and revise the zoning bulk charts on the plat to reflect three (3) provided spaces for Lot 60.03. Proposed sidewalks are indicated on the revised improvement plan. Street trees are not indicated on the subdivision plat or proposed improvement plan. Shade tree/utility and sight triangle easements are indicated on the plat and plans. We note a 3-foot wide alley bordering the rear yard of 60.02 and 60.03, and a notation for Lot 63. The applicant should discuss the discrepancy between the filed maps to confirm that there is no adverse impact on the subject lots. We will defer to the Board Engineer's determination on this issue. The plat indicates existing dwellings on Lot 54 and Lot 60. The dwelling and existing improvements must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. The signature block for the fee owners of the property are unsigned on the reviewed subdivision plans. The subdivision plans have been signed in a signature block by the Lakewood Township Tax Assessor confirming that the proposed lot numbers have been approved. Compliance with the Map Filing Law is required. 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.

Esq. appeared on behalf of the applicant

Mr. Banas opened the microphone to the public

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

Motion was made by \_\_\_\_\_, seconded by \_\_\_\_\_, to approve

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Gatton; yes, Mr. Percal; yes

**9. SD # 1587 (NO VARIANCE REQUESTED)**  
**APPLICANT: ELANA SHAIN**  
Location: Gudz Road, north of Central Avenue  
Block 11.10 Lots 72.01 & 72.02  
Minor Subdivision from 2 lots to 3 lots

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to carry this application to June 26, 2007

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**10. SD # 1577 (NO VARIANCE REQUESTED)**  
**APPLICANT: YOSEF & ESTHER TESLER**  
Location: Lakeview Drive, west of Myrtle Place  
Block 12.06 Lots 5.01, 44  
Minor Subdivision for 2 lots

Tabled to June 26, 2007

## 5. MEMORIALIZATION OF RESOLUTIONS

Committeeman Miller wanted to wish Mr. Kielt a speedy recovery.

**1. SD # 1578 (NO VARIANCE REQUESTED)**  
**APPLICANT: RACHEL ROSENFELD**  
Location: 257 East 4th Street, east of Sampson Avenue  
Block 243 Lot 28  
Denial of Minor Subdivision to create 2 lots (1 flag lot)

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain

**12. SD # 1558A (VARIANCE REQUESTED)**  
**APPLICANT: YITZCHOK SINGER**  
Location: northwest corner of Sunset Road and Central Avenue  
Block 75 Lot 14  
190 day extension of previously approved Minor Subdivision to create two lots

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain

**23. SD # 1575 (VARIANCE REQUESTED)**  
**APPLICANT: KENNEDY INVESTORS LLC**  
Location: West County Line Road and cul de sac of Kennedy Boulevard West  
Block 27 Lot 47  
Minor Subdivision to create 2 lots

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,  
Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain

**4. SD # 1566 (VARIANCE REQUESTED)**  
**APPLICANT: DAVID HERZOG**  
Location: Miller Road, south of Shady Lane  
Block 12.02 Lot 21  
Minor Subdivision to create two lots

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,  
Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain

**5. SD # 1560 (VARIANCE REQUESTED)**  
**APPLICANT: BAIS TOVA GIRLS SCHOOL**  
Location: E.County Line Road & East Kennedy Boulevard, east of Somerset  
Block 174.04 Lot 57  
Preliminary & Final Major Subdivision for 8 lots

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,  
Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain

**6. SP # 1865 (NO VARIANCE REQUESTED)**  
**APPLICANT: BNOS RIVKA**  
Location: Oak Street, west of Albert Avenue  
Block 795 Lot 1.01  
Preliminary & Final Site Plan to construct an elementary and high school

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,  
Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain

**7. SD # 1580 (NO VARIANCE REQUESTED)**  
**APPLICANT: JONATHAN RUBIN & MOSHE FEINROTH**  
Location: New Central Avenue, between Irene Court & Hillside Boulevard  
Block 11.29 Lots 3, 4 & 75  
Preliminary & Final Major Subdivision for 8 lots

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,  
Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain

## 6. CORRESPONDENCE

A copy of the Ocean County Planning Board, there is a comment about Claytons SD 1366C, a letter was received from the Ocean County Engineer for the board to review the county did. They recommended that access to the site be permitted from Gudz Road and restricted from Ocean County 528. Mrs. Johnson said she would put copies of the minutes in with the application when it is in front of the board to be heard. (it has not been placed on an agenda)

Mr. Jackson informed the board he has prepared a resolution appointing Mrs. Johnson the interim secretary until Mr. Kielt returns. The resolution reads assistant secretary.

Motion was made by Mr. Franklin, seconded by Mr. Herzl to appoint Mrs. Johnson assistant secretary.

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,  
Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

## 7. PUBLIC PORTION

None at this time

## 8. APPROVAL OF BILLS

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,  
Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

## 9. APPROVAL OF MINUTES

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

**ROLL CALL:** Mr. Herzl; abstain, Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

## 10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary