

**LAKWOOD PLANNING BOARD
PLAN REVIEW MEETING
MINUTES
SEPTEMBER 5, 2006**

1. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Franklin, Committeeman Miller, Mr. Banas, Mr. Dolobowsky, Mr. Gatton, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Banas asked that the agenda be changed and the members go into executive session for attorney-client business regarding pending litigation.

Motion was made by Mr. Dolobowsky, seconded by Mr. Franklin, to go into executive session.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

Mr. Klein and Mr. Akerman arrived while in executive session.

Mr. Kielt stated there were several changes to the agenda.

**Item #2 SD 1545 – 319 Prospect LLC, at the request of the attorney,
Item #3 SD 1542 - Rye Oaks LLC, revised plans were not received,
Item #5 SD 1551 - Hope Hill Lane, revised plans were not received,
all tabled to the meeting of October 3, 2006.**

Motion was made by Mr. Dolobowsky, seconded by Mr. Miller, to table the 3 items to October 3, 2006

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

Mr. Kielt said the other item in question is item #9 – SD 1552 Moshe Mendlewitz, there is a variance but no notice was done.

Motion was made by Mr. Akerman, seconded by Mr. Klein to table item #9 to October 3, 2006 and applicant to notice.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

Mr. Kielt said **item #4 - SD 1543 – Batim Management LLC/Michael Burstyn**, had a problem and Mr. Jackson said the planner, in his review letter, indicated that the applicant required a use variance because of the number of units per acre. Based upon that determination, it must be brought up to the Zoning Board and Mr. Liston, the applicant's attorney, is withdrawing the application at this time.

Motion was made by Mr. Akerman, seconded by Mr. Klein, to withdraw #4 and take it off the agenda.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

Mr. Penzer wanted to clarify #13, which Mr. Banas said he did not have on his agenda. Mr. Penzer said he noticed it and it was pulled off the agenda behind his back.

4. WAIVER REQUEST

1. SP # 1851

Applicant: Condor Jackson LLC

Location: West Kennedy Boulevard at east corner of Forest Avenue
Block 57 Lot 1

Preliminary & Final Site Plan for two story office building

Waiver request from checklist items:

#B-2 – topography within 200 feet of site

#B-10 – man made features within 200 feet of site

Mr. Peters recommended a partial waiver for B-2, topography should be shown to the drainage high points and to the far side of the road adjacent to the property. For Item B-10, he recommends a granting of the waiver.

Motion was made by Mr. Akerman, seconded by Mr. Miller, to approve waivers as stated by Mr. Peters.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

2. SP # 1852

APPLICANT: ISSER KOTLER

Location: Laurelwood Avenue at southeast corner of Tuxedo Terrace
Block 32 Lot 1

Preliminary & Final Site Plan –residence with synagogue in basement

Waiver request from checklist items:

#B-2 – topography within 200 feet of site

Mr. Peters recommended a partial waiver be granted for B-2, topography should be shown to the drainage high points and to the far side of the 2 adjacent roadways.

Motion was made by Mr. Dolobowsky, seconded by Mr. Miller, to approve waivers as stated by Mr. Peters.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes,
Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes,
Mr. Percal; yes

3. SP # 1853

APPLICANT: KHAL CHASIDIM INC.

Location: corner of Fourteenth Street and Cedar Row
Block 25.11 Lot 18.01

Preliminary & Final Site Plan

Waiver request from checklist items:

#B-2 – topography within 200 feet of site

#C-13 – environmental impact statement

Mr. Peters recommended granting a partial waiver of B-2, topography should be shown to the drainage high points and to the far side of the adjacent roadways. Item C-13, he recommends granting this waiver.

Motion was made by Mr. Klein, seconded by Mr. Akerman, to approve waivers as stated by Mr. Peters.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes,
Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes,
Mr. Percal; yes

4. SD # 1564

APPLICANT: H&C DEVELOPMENT

Location: County Line Road, west of Barrymor Drive
Block 187.15 Lot 9

Preliminary & Final Subdivision – 15 proposed lots

Waiver request from checklist items:

#B-2 – topography within 200 feet of site

#B-10 – man made features within 200 feet

Mr. Peters recommended granting a partial waiver for B-2, topography should be shown to the drainage high points and to the far side of the adjacent roadways. Item B-10, he does not recommend granting this waiver, although an aerial photograph will suffice

Motion was made by Mr. Akerman, seconded by Mr. Gatton, to approve waivers as stated by Mr. Peters.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

5. SD # 1561

APPLICANT: DAVID HERZOG

Location: Negba Street, between East Fourth Street & East Fifth Street
Block 241 Lot 9

Minor Subdivision - Preliminary & Final Major Site Plan

Waiver request from checklist items:

#B-2 – topography within 200 feet of site

#C-13 – environmental impact statement

#C-14 – tree protection plan

Mr. Peters recommended granting a partial waiver for B-2, topography should be shown to the drainage high points and to the far side of the adjacent roadways. Item C-13, he recommends a granting of this waiver due to the location of the site, and item C-14, he recommends a granting of this waiver due to the location of the site.

Motion was made by Mr. Akerman, seconded by Mr. Miller, to approve waivers as stated by Mr. Peters.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

6. SD # 1565

APPLICANT: NATHAN SCHLESINGER

Location: Gudz Road, north of Central Avenue
Block 11.05 Lot 18

Preliminary & Final Subdivision – 5 proposed lots

Waiver request from checklist items:

#B-2 – topography within 200 feet of site

Mr. Peters recommended granting a partial waiver for B-2, topography should be shown to the drainage high points and to the far side of the adjacent roadways.

Motion was made by Mr. Miller, seconded by Mr. Akerman, to approve waivers as stated by Mr. Peters.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

5. PLAN REVIEW ITEMS

1. SP # 1824 (VARIANCE REQUESTED)

APPLICANT: BYR CO. LLC/CABINETICS

Location: corner of Route 9 and Yale Drive
Block 1051 Lot 29

Preliminary and Final Site Plan – proposed addition to retail building

Mr. Carr, the engineer for the applicant, stated the attorney has not yet arrived and asked to be moved down the agenda and allow item #2 to be heard now.

Mr. Silverman arrived and the application was heard.

Mr. Peters stated the property has an existing area of .96 acres and is located at the corner of Route 9 and Yale Road. It is also adjacent to unimproved Idalia Ave. The property is in the HD-7 zoning district. The applicant has indicated that Idalia Ave. will be vacated by Lakewood Township and shall provide document of the vacation once completed. The site contains an existing building onto which a 6,120 sf addition is proposed. The existing access points from Route 9 & Yale Drive will be upgraded and one way parking area is proposed along Yale Avenue frontage and southern property line. Access and parking is also proposed in the rear of the building. The cartway width of Rte 9 will be widened to 8 feet along the property frontage. Variances are required for: lot area; 0.93 acres are proposed where 1 acre is required. Front yard setback: required is 150 feet from Rte 9; applicant is providing 28.1 feet. This is an existing setback that has been reduced by the dedication of a portion of the front yard to the NJDOT. The NJDOT dedication should be increased to provide the typical desired section half width of 57 ft. This will increase the front yard setback variance by 2 ft. For rear yard; 50 ft is required,

the applicant has provided 47.9 ft. This variance is listed in the zoning table but not in the list of variances. The variance list shall be revised. For buffer width; 25 ft. is required, the applicant has requested 3 ft. buffers. For buffers for residential properties, the buffer is 50 ft. is required, the applicant has requested a 10 ft. buffer. For parking setback; 10 ft. is required, the applicant has requested a 4 ft. setback from Yale Avenue. All outside agency approvals must be obtained by the applicant. As per NJAC 13:40, a signed sealed copy of the outbound survey prepared by a licensed surveyor must be submitted for review. The applicant has removed the trench drains in favor of type B inlets as requested, the curb piece shall be revised to be a type N curb piece. The plans show stormwater run off from paved areas will be pre-treated prior to discharge to the underground infiltration system. The applicant shall provide a revised stormwater report that addresses the design standards for bio infiltration systems, and include water quality calculations. Additional grades are required to show how the northern bio filter will be constructed. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated September 1, 2006. The applicant is proposing an addition to an existing one story masonry building of 4,037 sf in area. The proposed use of the addition would be retail. The property has 200 feet of frontage, both on Yale and River Avenues. Retail business establishments are permitted uses in the HD-7 zone. The same variances are required as mentioned by the Planning Board Engineer. A parking variance is required for off street spaces; 55 spaces are required, 38 are proposed. Under review comments, he asked the applicant to describe the characteristics of the facility including the anticipated retail uses, number of employees and hours of operation. The applicant should also describe the on sight compatibility between the existing warehouse and the proposed retail uses. All proposed lighting should be shielded in order to minimize spillage onto off site areas. The signage plans shall be provided. The balance of the comments were technical in nature.

Mr. Silverman, Esq. appeared on behalf of the applicant and Mr. Carr is the engineer. The single issue was the dedication for the desired typical setback on Route 9. Since that time, we checked with the township on the possible vacation of Idalia Avenue. That has been completed but the document has not been filed with the county clerk's office. Lot 1 is owned by the township, so we would get the other half of Idalia Avenue. That has allowed us to increase the roadway, and the curb will be constructed at the desired typical setback and we will dedicate that strip of land to NJDOT for road widening purposes. One point of clarification, is the dedication is for 3 separate parcels, 1/2 of it to Idalia Avenue, 1/2 of it to lot 1 to the south, and the strip along the front that will go to the DOT. That would eliminate them from going to the property owner to get that stub for the future. We have relocated the parking from what we originally had, shifted that to the side property, it has improved our access. We do need some variances, and we feel are diminimus. The site is developed already, so the buffers we are asking are still an improvement from what is there now. The parking situation shows we are 5 spaces short.

Mr. Dolobowsky asked the professionals if we have anything in writing from the DOT saying this section of Route 9 there is going to be a 1/2 width. We have had testimony, but asked if we had anything in writing. He also has a set of plans with a list of variances, which is incorrect, the parking space numbers don't match, he has missing buffers, 3 ft. off a property line with no buffer, we are going to get into trouble. Mr. Carr said the professionals don't have anything in writing, and neither does he. He said he spoke with

the DOT via phone, and we submitted a full set of plans. They were clear they were not going to widen the roadway in our lifetime. There is a document in the DOT (access management code) that clearly says what the ultimate right of way is going to be and it will be 4 lane. Whether they plan on building that in the near future that is up for grabs. We have planned for that. We are dedicating all of the right of way so that this will meet the ultimate right of way, the only thing we can't tell you is when and if they will ever come in with the 4 lane. This application has accounted for that.

Mr. Silverman apologized to the board for all the typos. Mr. Dolobowsky understands the numbers will change with architectural, but pick a number. Mr. Kielt wanted to add to what Mitch and the professional said, and it is his understanding that when you reference the letter from Mr. Lines, the former township engineer, he was given a strong letter from the county engineer, Ron Lotercchio, who had a meeting with Mayor Cunliffe, and he was very firm and said he was looking for 57 feet from the center as the typical desired section. Mr. Lotrecchio said he got that information from the DOT. It varies from 55 to 57 so Mr. Lines always used the worst case when he sent out letters regarding this.

Mr. Dolobowsky would like something in writing with specifics on the proper calculations.

Mr. Carr said they are subject to Ocean County Planning Board approval and NJDOT approval and will work with Mr. Peters on the desired typical sections. Other than that the application takes what is existing and improves it.

Mr. Dolobowsky said they are asking for a waiver of 5 parking spaces, but from what number to what number? Mr. Carr said from the 43 and 38 is proposed. Mr. Banas said that is the engineer's calculations, but he will check with his professionals. Mr. Truscott said in his letter he said 55 spaces based on the total square footage, but mentioned they needed to see the architectural floor plans to have an exact break down of the floors. Mr. Carr said the testimony will show it is not retail but warehousing.

Mr. Banas asked how many variances are they requesting, and Mr. Silverman stated the notice sent out is 9 or 10. Mr. Banas said it will be difficult to approve each one as one variance is asking for a variance of 100 ft.

Mr. Gatton said in Mr. Peter's letter about maximum lot coverage and asked what the square footage would be. Mr. Carr said it is less than 2% impervious coverage. Mr. Truscott said approximately 900 sf roughly.

Mr. Dolobowsky said they were having a meeting with the DOT tomorrow, and wanted this to be put on hold until the outcome of that meeting. Mr. Silverman asked what would happen if nothing is put in writing at that time. Mr. Dolobowsky will bring in this set of plans to that meeting. Mr. Franklin suggested bringing it back to the next technical meeting, and Mr. Carr agreed.

Motion was made by Mr. Dolobowsky, seconded by Mr. Akerman, to carry this application to the next technical meeting of October 3, 2006.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

- 2. SD # 1545 (NO VARIANCE REQUESTED)**
APPLICANT: 319 PROSPECT LLC
Location: Prospect Street, west of Massachusetts Avenue
Block 445 Lot 1
Preliminary & Final Major Subdivision for 53 townhouses and 1 community center

Tabled to October 3. 2006

- 3. SD # 1542 (NO VARIANCE REQUESTED)**
APPLICANT: RYE OAKS LLC
Location: Ocean Avenue (Route 88), east of railroad
Block 536 Lots 1, 2 & 4
Preliminary & Final Major Subdivision- 40 townhouses and 1 retail center

Tabled to October 3. 2006

- 4. SD # 1543 (VARIANCE REQUESTED)**
APPLICANT: BATIM MANAGEMENT LLC/MICHAEL BURSTYN
Location: Sixth Street, between Lexington Avenue & Monmouth Avenue
Block 130 Lots 11 & 12
Preliminary and Final Major Subdivision – 4 townhouse units

Withdrawn by the applicant at this time.

- 5. SD # 1551 (NO VARIANCE REQUESTED)**
APPLICANT: HOPE HILL LANE
Location: Hope Chapel Road, between McKinley Avenue & Shonny Court
Block 11 Lots 5, 16-32, 35, 87-93, 95-98, 100, 101
Preliminary & Final Major Subdivision-38 residential lots and 1 open space

Tabled to October 3. 2006

- 6. SD # 1509A (VARIANCE REQUESTED)**
APPLICANT: MAJESTIC CONTRACTING LLC
Location: Massachusetts Avenue, south of Prospect Street
Block 445 Lot 18
Preliminary & Final Major Subdivision – 17 two family townhouses

Mr. Peters stated the applicant is seeking Preliminary and Final Major Subdivision Approval to construct 17, two-family townhouse units on 2.295 acres. The property is currently a single-family residence. The property is known as Block 445, Lot 18. The property is located on Massachusetts Avenue, south of Prospect Avenue, in the R-M Zoning District. Based on comments from the Board at the June 13 Planning Board meeting, the applicant

has increased the off-street parking from 68 to 75 parking spaces. No variances have been requested by the applicant. Ocean County Planning Board Approval will be required. Certification by the Ocean County Soil Conservation District will be required. A TWA permit will be required from NJDEP. The Applicant shall provide the documents outlining the homeowner's association agreement for review by the Planning Board Attorney and Engineer. The agreement shall include ownership and maintenance of the basin, roadway, and all other common areas of the development. The roadway maintenance shall include snow removal. On May 23, 2006 we attended a meeting with the applicant, the applicant's professionals, the Ocean County Engineer, and a representative of local objectors to discuss access to the development from Massachusetts Avenue. It was agreed upon that the applicant would provide right-in right-out access only to the site and contribute money to the township for future roadway improvements. The plans shall be revised to show the right-in right-out only configuration at the entrance. The curb radii at the entrance to the site shall be labeled. The minimum shall be no less than 25 feet. The Applicant shall provide testimony as to how garbage collection will be handled, whether it will be private or public, and where containers will be stored. The applicant has revised the proposed turn-around. We recommend that No Parking signs be installed on both sides of the street. The hammerhead on the south side of Alpine Court should be separated from the adjacent parking spaces by an island with a curved radius and a handicapped ramp. We recommend a similar configuration at the hammer head on the north side of Alpine Court. The existing parking spaces could be shifted east four feet to allow for an island to separate the hammer head from the parking stalls. As discussed at the previous technical meeting the chain link fence along the southern property line shall be replaced with a privacy fence. At the request of the Lakewood department of Public Works and the Township Engineer the curb piece for the Type B inlet shall be changed from the Eco Type J to a Type N. The Planning Board previously approved the site plans for improvements to neighboring Lot 17. Lot 17 has a proposed retaining wall in close proximity to one being installed along the northern property line. We have concerns that the minimal separation between the two walls will impact their performance. The Applicant's engineer must be aware of the tiered wall situation when designing the proposed retaining wall. The Applicant has included a sign detail for handicap parking spaces. The penalty listed on the sign is listed as \$100. The current penalty is \$250 as per NJDOT designation R(NJ)7-8A. Please revise. The stormwater management for the site has been designed in accordance with RSIS.

Mr. Truscott read from a letter dated July 28, 2006. The applicant is seeking preliminary and final major site plan and subdivision approval to construct seventeen (17) single-family townhouse dwellings at the above-referenced location. In addition to the residences, an access street, off-street parking area, stormwater management basin and tot lot will be constructed. The parcel is 2.295 acres in area and contains a single-family dwelling and in-ground pool. The majority of the parcel is wooded. The parcel is located in the RM Residential Multifamily Zone. Townhouses are a permitted principal use in this zone. Confirm that single-family town homes are proposed. The cover sheet indicates that 17 "two-family" town homes are proposed. The rear setback of Buildings 2, 3 and 4 to the southern property line must be 20 feet to the property line as required by the Ordinance. Otherwise, a variance is required. We note that a retaining wall is proposed along this property line. The retaining wall will have a varying height, but never exceeding five feet in height. Since the wall will be the effective "edge" of the property, we ask the applicant to

provide additional information addressing the setback from the building to the retaining wall. The wall is shown as a vertical wall without terracing. Should terracing be required at a future date, which will reduce effective setback and use of the rear yard, the applicant should be required to submit revised plans to the Planning Board and request relief for a lesser setback, Architectural drawings have been submitted for review of the Planning Board. The drawings indicate that basements are proposed. The floor plans indicate that there will be four (4) bedrooms in each unit plus a children's study. The Board should also note that a full bathroom is proposed on the third level. §902.H.1d of the Lakewood Unified Development Ordinance states, "Notwithstanding the definition of townhouse in this Chapter, for the purposes of this section, any townhouse with a basement should be considered two units." The applicant is providing a total of 75 parking spaces; of which 57 spaces will be in front of the residences, 4 will be on-street spaces, and 14 spaces at the terminus of Alpine Court. The proposed parking ratio is 4.4 spaces per unit (75 spaces/17 units). The applicant should discuss parking compliance with the NJ RSIS and UDO provision that deems a townhouse with a basement as two units. Compliance with the Map Filing Law is required. The proposed lot numbers should be submitted to the Township Tax Assessor for review and approval. Evidence of the Assessor's approval should be submitted to the Board Engineer. All areas put into common ownership for common use by all residents shall be owned and maintained by a non-profit homeowners association in accordance with the requirements of the Department of Community Affairs and the provisions of Section 1010 of the UDO. This would include the tot lot and the proposed stormwater management facility. Four (4) street trees are required along Massachusetts Avenue. The requirements of Section 804 of the UDO (Lighting) must be in compliance for the entire length of the street. In addition, sufficient lighting should be provided for the fourteen (14) off-street spaces in the northwest corner of the site. A retaining wall is proposed on the northeast side of the site, adjoining a proposed retaining wall on the adjacent approved townhouse project on Lot 17. The applicant should coordinate the construction of all improvements in that location with the improvements proposed on Lot. 17. The turnaround at the terminus of the proposed road has been revised to provide an additional turnaround area of 15 feet wide and 18 feet in length (270 square feet) on the north side of the street. The proposed modification should be reviewed by the Lakewood Township Department of Public Works (DPW) for use by Township solid waste vehicles. The applicant should resolve the conflict between the location of shade trees and street lights in several locations. Several small shrubs should be added to the perimeter of the tot lot area. The applicant should consider revising the Tree Protection Plan to preserve existing trees on the west side of Unit # 3 of Building # 1 and in the southeast corner of the site along the street frontage. Outside agency approvals are required.

Mr. Sal Alfieri, Esq. appeared on behalf of the applicant. These are 17 single family townhouse units, not 2 family townhouse units. Mr. Kielt asked when that was changed, because everything came in for 2 family. Mr. Alfieri stated it was an error on the legend on the plan.

Mr. Franklin said they may lose 1 parking space with the hammerhead design. Mr. Flannery said they could lose 1 space if they need to. Mr. Banas said the RM requires 2 additional spaces for a basement. Mr. Flannery said the ordinance isn't crystal clear and Mr. Banas said they voted on it.

Mr. Dolobowsky said since school buses will not pull in to this property, will there be some sort of bus stop for the children, and Mr. Flannery said it was not proposed but if the board wants a shelter, they would. Mr. Gatton asked how many buses, and was told they had no way to know, but the median would be 5.

Mr. Franklin commented on the site drainage and said where the tot lots and head on parking he suggested putting in lolly columns to keep the cars off the tot lot. Mr. Flannery said they would add them to the plans.

Mr. Klein said at the turn around, he wanted to make sure safety was ensured by unit 5 in building #4, and asked Mr. Franklin if he saw any potential safety issue. Mr. Franklin said there would be a curb cut all the way around it.

Mr. Peters said on the topic of the turn around, he asked Mr. Franklin about his suggestion for a concrete island separating the last parking space from the T turn. Mr. Franklin said it would not infer with his trucks and would be a good idea for safety.

Motion was made by Mr. Dolobowsky, seconded by Mr. Klein, to advance this application to the meeting of September 19, 2006.

Mr. Franklin mentioned where the garbage containers are being stored, there can't be a cellar window there.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

7. SD # 1549 (VARIANCE REQUESTED)

APPLICANT: MORRIS WEINBERG

Location: Spruce Street, between Funston Avenue and Caryl Avenue
Block 842 Lot 3

Minor Subdivision to create two lots

The plans received by Mr. Carpenter were not sealed by the surveyor. The board determined that the application should not be heard without sealed plans.

Motion was made by Mr. Franklin, seconded by Mr. Dolobowsky, to table this application to the next technical meeting of October 3, 2006.

Mr. Weinberg, the applicant said he received a letter from Mr. Slachetka stating he needed sealed plans, and the plans are here now, so he would like to be heard. Mr. Banas said he is sorry but the engineer was given notice the last time.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

8. SD # 1550 (NO VARIANCE REQUESTED)

APPLICANT: SEYMOUR INVESTMENTS LLC

Location: Cross Street, west of River Avenue (Calgo Gardens Nursery)
Block 533 Lots 3 & 10

Preliminary & Final Major Subdivision-74 townhouse units, community center and tot lot

Mr. Peters stated the application is seeking preliminary and final major subdivision approval to subdivide 2 existing lots totaling approximately 9.28 acres into 77 lots with 74 proposed townhouse units and 1 community center. 3 lots will be dedicated to the homeowners association, 1 housing a stormwater basin, 1 housing a parking lot and 1 housing the above mentioned community center and playground. The tract has a frontage on Cross Street, approximately 500 ft. from its' intersection with River Avenue. The property is situated within the HD-7 zone. It appears no variances will be required for this application. The applicant will be required to obtain outside agency approvals from the Ocean County Planning Board, Ocean County Soils Conservation District, and NJDEP permit for treatment works approval. It appears the final map has not been sealed by the surveyor. The applicant will be required to form a homeowners association for the maintenance of the public portions of the development, and the documents shall be provided for the review by the Planning Board Engineer and solicitor. The documents shall address ownership and maintenance of the stormwater management system, community building, tot lot and all other public portions of the site, and also include a schedule of when the public amenities will be completed in terms of the # of c/o's. The applicant has proposed curbs and sidewalks and shade tree easements along Cross Street and all proposed interior roadways. The applicant shall provide dimensioning on the way out plans, including curb radii, streets and right of way widths, setbacks, etc. It appears there is insufficient space to provide a landscape buffer of 25 ft. and the minimum rear yard setback of 20 ft. between the Cross Street right of way and proposed lots 3.01 through 3.16 and 10.01 through 10.20 and Block 533 Lot 11 (adjacent lot). Also it appears the existing utility poles along Cross Street will be relocated outside of the right of way. The stormwater piping and sanitary piping are to be constructed by others. Applicant should provide testimony to who will be completing this work and when it will be completed. All work performed by others should be completed prior to the issuance of any c/o's. Applicant proposed modular block retaining walls to be built along the eastern and western property lines. These block walls are to be set along the property line which will require encroaching on the adjacent properties to install the reinforcing geo grid membrane. Applicant must secure a construction and maintenance easement from the adjacent property owners to install and maintain the walls and its' components or shall relocate the walls. Applicant is proposing 6 bedroom townhouses with an unfinished basement that has a separate entrance, the RSIS only provides guidelines for up to 3 bedrooms, which requires 2.5 parking spaces per townhouse, the applicant is providing 3 spaces per townhouse. The community center requires 7 spaces, 1 for handicap; a total of 229 parking spaces is required, the applicant is providing 237 spaces. The board should determine if 3 parking spaces per unit will be sufficient. The applicant should indicate whether the roads within the subdivision are to be dedicated to the township or if they will be private. The rest of the comments are technical in nature.

Mr. Banas said the board has the same problem with this set of plans as the last ones, not sealed by the surveyor. The board determined that the application should not be heard without sealed plans.

Motion was made by Mr. Franklin, seconded by Mr. Gatton, to table this application to the next technical meeting of October 3, 2006.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

9. SD # 1552 (VARIANCE REQUESTED)

APPLICANT: MOSHE MENDLOWITZ

Location: end of cul de sac of Sherie Court
Block 26 Lots 6, 13 & 26

Minor Subdivision to re-align property lines of existing 3 lots

Motion was made by Mr. Akerman, seconded by Mr. Klein to table item #9 to October 3, 2006 and applicant to notice.

ROLL CALL: Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

10. SD # 1554 (NO VARIANCE REQUESTED)

APPLICANT: MARIELLE ARYEH LLC

Location: East County Line Road, between Park Place and Apple Street
Block 171 Lot 3

Minor Subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision to create 2 lots. A 2 family duplex will be constructed on each lot, which is a permitted use in the R 7.5 zone. Proposed lot 3.01 will front on East County Line Road, lot 3.02 will be a flag lot located directly behind 3.01. A 20 foot wide access easement is proposed on lot 3.01 for access to lot 3.02. The plans are not sealed by the surveyor. The existing 22,283 sf property contains a existing 2 story framed dwelling with a pool that will be removed. The applicant will be required to obtain outside agency approvals from the Ocean County Planning Board and the Ocean County Soils Conservation District. Evidence of approvals shall be made a condition of the approval. Applicant shall address how the portion of the shared of the lots will be owned and maintained: driveways, parking areas and yards. Access to the flag lot will be provided by access easement, which is permitted, also a variance from NJSA Section 35 of the MLUL will be required for the lot having no frontage on a public street. The board may request the flag pole portion of the rear lot part of the lot itself in a fee simple manner. This will require a variance for lot area for lot 3.01. Each lot will be provided with 4 off street parking spaces, which conforms to RSIS for 3 bedroom unit. We

recommend the 2 parking spaces located to the west of the proposed building on lot 3.02 be moved north toward the northern limit of the proposed building, this will eliminate the need for a long back up when leaving the parking spaces and reduce the impervious cover. Curb and sidewalk will be installed along East County Line Road, and details have been provided. A 6ft wide shade tree easement dedicated to Lakewood Township has been provided along the front of the property. Additional trees will be provided along the side property lines to supplement the existing vegetation. Arborvitaes and cypress trees will be planted on both sides of the access drive to lot 3.02.

The plans received by Mr. Carpenter were not sealed by the surveyor. The board determined that the application should not be heard without sealed plans.

Motion was made by Mr. Franklin, seconded by Mr. Akerman, to table this application to the next technical meeting of October 3, 2006.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

11.SP # 1850 (NO VARIANCE REQUESTED)

APPLICANT: 212 SECOND STREET HOLDINGS LLC

Location: Second Street, west of Lexington Avenue
Block 121 Lots 12 & 13

Preliminary and Final Site Plan for proposed retail and office building

Mr. Peters stated the applicant seeking Preliminary and Final Site Plan approval to construct a five (5) story retail/office building located on Second Street between Clifton and Lexington. The approximately 0.25 acre property is known as Block 121, Lots 12 and 13. The site is located in the B-2 Business Zone. The B-2 Zone does not have bulk standards for the lots or parking requirements. There are no variances required. Outside agency approval will be required from the Ocean County Soil Conservation District. Evidence of approval shall be made a condition of Final Site Plan approval. The applicant shall submit a signed and sealed copy of the outbound survey for the subject property. The plans note that public water and sewer will service the proposed building. The service lateral locations shall be added to the plans along with the clean out and valve box locations. The plans shall be revised to show trench repair details for the water and sewer services. The applicant has not addressed stormwater management. Due to the nature of the development we recommend a dry well be constructed to the rear or side of the proposed building to infiltrate of portion of the roof runoff with an overflow directed to the gutter.

Mr. Truscott read from a letter dated September 1, 2006. The applicant is seeking preliminary and final site plan approval to construct a five-story building with 47,102.5 square feet of mixed retail/office space on Block 121, Lots 12 and 13. The presently-vacant site has an area of 14,100 square feet and is located on Second Street, between Clifton Street and Lexington Avenue, in the B-2 (Central Business) zone district. Surrounding land uses include a range of commercial uses, in addition to a church and municipal parking lot on adjacent Lots 26 and 14, respectively. The site is located in the B-2 (Central Business) zone district, which permits a full range of retail and office uses. No

bulk variances are required. Architectural drawings have been submitted for review by the Board members. These drawings indicate that the applicant is proposing a total of four (4) ground floor retail units and a total of 25 offices, which are distributed among the five-stories of the proposed building. As shown by the architectural drawings, the applicant is proposing an entrance to the building, which would be located near the rear of the site and accessed from the East. No walkways to this entrance have been illustrated on the engineering plans. This issue must be addressed. A lighting plan has not been provided. Lighting should be provided at the rear entrance of the building, and along any proposed pathway leading to the rear entrance. In addition, we recommend that the applicant provide lighting at the front of the proposed building, around the entrances of the retail stores. The applicant should also provide details of all proposed lighting fixtures, as well as an illustration of all illumination patterns. A landscaping plan has not been provided. We recommend that the applicant provide low- to medium-level foundation plantings along the eastern facade of the proposed office/retail building. If this area will be used for a proposed walkway to the rear entrance, the applicant may wish to consider the use of planters located at defined intervals along the eastern facade of the building. It is our recommendation that the applicant provide such features in this area due to its high visibility from Second Street and Lexington Avenue. The plans should be modified so it is noted that the portion of the fence that is depicted on the engineering drawings as being located on Lot 12 will be removed. The applicant is proposing to replace the concrete walkway and curbing that is located directly in front of the building. We recommend that the Board seek the advice of its engineer with regard to the conformity of the proposed concrete walkway and curbing to that which exists on along Second Street. If approved, Lots 12 and 13 should be merged. The applicant should discuss the status of all applicable outside agency approvals.

Mr. Penzer, Esq. appeared on behalf of the applicant. The applicant agrees to the comments on Max's report, including the dry well. Mr. Penzer said a lot of the things asked for in Stan's letter are shown on the architectural plans, not the engineering plans, and Mr. Carpenter will revise the engineering plans to comply with the recommendations of the planner. Mr. Praver, the architect, said they have 7 ft. of property so there is enough space to put in a walkway and some landscaping, whether it will be in a planter or open shrubs, we can do either. The planner recommended planters and the applicant agreed. Floor plans will also be submitted.

Mr. Franklin stated that there is a capital project to re pave and reconstruct 2nd Street, and suggested the applicant do stubs before the project is done, because they would be restricted for 5 years. Water, gas, sewer, etc. should be done before the capital project. Mr. Carpenter will contact Paul Calabrese at Birdsall Engineering for the details.

Mr. Dolobowsky asked where all the employees are going to park, and Mr. Penzer said they would have to do some walking. Mr. Franklin said the municipal parking lot could be resurfaced and possibly add more spaces to the lot.

Motion was made by Mr. Akerman, seconded by Mr. Klein, to advance this application to the meeting of September 19, 2006

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

12. SD # 1559 (NO VARIANCE REQUESTED)
APPLICANT: VOLODIMIR & ALLA KURTEEV
Location: Albert Avenue, south of Oak Street
Block 1159 Lot 73
Minor Subdivision to create two lots

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide one residential lot into two residential lots; one will be a flag lot. The property contains an existing dwelling that will remain; a single family home is proposed on the flag lot. The property is situated on Albert Avenue, approximately 1,600 feet north of Salem Street, within the R-20 zone. No bulk variances are required. Access to the flag lot is proposed to be provided by an access easement. The easement is permitted, although, a variance from NJSA Section 35 of MLUL will be required for the lot having no frontage on a public Right of Way. The board may wish to consider requesting the applicant make the flag pole portion of the rear lot a part of the lot in a fees simple arrangement. This will require a variance for lot area for Lot 73.01 that could be rectified by moving the lot line that separates 73.01 from 73.02. Making the flag pole part of the rear lot will also cause Lot 73.01 to require a lot width variance. The zone requires a lot width of 100 feet, without the flag pole the width of Lot 73.01 would be 95 feet. Ocean County Planning Board and Ocean County Soil Conservation District Approvals will be required. Evidence of approvals shall be made a condition of final subdivision approval. The Zoning Requirements Table states that each lot will require two (2) off street parking spaces. Based on the RSIS each lot will require a minimum of two 2.5 parking spaces. The driveways shown on each lot can contain at least four cars. Curb and sidewalk are shown along the property frontage. It is not clear if the curb and sidewalk is existing or proposed and shall be clarified. If they are proposed, construction details for full height curb, depressed curb, sidewalk, and driveway apron shall be provided. A six (6) foot wide shade tree easement dedicated to Lakewood Township shall be provided along the property frontage. We recommend additional screening be provided to shield the dwelling on proposed Lot 73.02 from the existing dwellings on Lots 72 and 74. An existing concrete pad is shown where the proposed lot line will be located. The concrete pad shall be removed and indicated as such on the plan. The remaining comments deal with the map filing law.

Mr. Truscott read from a letter dated September 1, 2006. The applicant is seeking minor subdivision approval to subdivide existing Block 1159, Lot 73 into Lots 73.01 and 73.02. A two-story frame dwelling currently exists and will remain on Lot 73.01. A two-story dwelling is proposed for Lot 73.02. Existing Lot 73 has an area of 44,438 square feet. Proposed Lots 73.01 and 73.02 would each comprise an area of 22,219 square feet. The site is located in the R-20 (Residential) zone district. Single-family residences are a permitted use in the R-20 (Residential) zone district. Proposed Lot 73.02 would be landlocked. Therefore, a planning variance is required from N.J.S.A. 40:55D-35, which states that no permit for the erection of a building or any structure shall be issued unless the lot abuts a street giving access to such proposed building or structure. As a result of the above, the applicant should be prepared to provide testimony in accordance with N.J.S.A. 40:55D-36 to substantiate variance relief. N.J.S.A. 40:55D-36 provides that where the enforcement of the above provisions of N.J.S.A. 40:55D-35 would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require

the structure to be related to a street, the Board may upon application or appeal, vary the application of N.J.S.A. 40:55D-35. The applicant has submitted architectural drawings for the proposed single family dwelling. We find the design of the proposed dwelling to be both attractive and suitable for the site. Proposed Lot 73.02 will be serviced by a private well and septic system. The applicant should modify the plan to include a proposed location for the well and septic system. Proposed Lot 73.02 will be serviced by a proposed driveway located within a twenty-foot wide access easement. The applicant should provide the Board with a description of the materials that will be used for its construction. The applicant must submit a copy of the proposed twenty-foot wide access easement for the Board's review. We recommend that the applicant consider an alternative design for the driveways of proposed Lots 73.01 and 73.02. A common driveway would minimize the curb cuts along Albert Avenue. Minimizing curb cuts will provide increased aesthetic appeal and safety for residents, pedestrians, and local traffic. We recommend that the Board seek the opinion of its engineer and local police, fire, and emergency medical service officials regarding the suitability of the driveway design for emergency vehicle access. As indicated on the plan, the metal shed that currently exists in the northeastern corner of proposed Lot 73.02 will be will be relocated to proposed Lot 73.01. The applicant must verify that the shed will not be relocated to a location that is within ten (10) feet of the rear and side lot lines. The plan depicts a concrete pad that is located on proposed Lots 73.01 and 73.02. We recommend that the pad be removed from the site in order to eliminate the potential for any conflicts that may result from its location on more than one (1) property. The balance of the comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. He has a legal problem with the comments from the engineer and planner with regards to needing a variance because a flag lot law clearly allows an access easement. The last 3 or 4 months, the position of both engineer and planner has been to say that no frontage on a public right of way requires a variance. He didn't advertise for variance because he studied the flag lot law and didn't think one was necessary. If the board likes the idea of fee simple, he will advertise for the next meeting.

Mr. Banas said what the board likes in a flag lot, is if there is an easement, friends today, enemies tomorrow, so we jumped the gun and said let's not do it that way. Mr. Penzer said he will send out notices for the next meeting.

Mr. Penzer said he would notice for fee simple, and agreed to comply with the recommendations of the professionals. He asked for guidance on the landscaping buffers and Mr. Dolobowsky told him what the board has been asking for in the past, to buffer both sides of the flag pole portion for screening, along with between the 2 lots and the rear portion of the flag lot. The applicant stated they would rather put a six foot fence in the pole portion, and Mr. Banas said he did not like that idea. Mr. Dolobowsky said they would bring that up at the master plan advisory meeting, but fire commissioners and emergency management are not happy with 10 ft. driveways, but at least with shrubbery, there is some give there, but with a fence, there is no give. Mr. Penzer agreed to shrubs and will show on the plans. He questioned the curb cuts and the combined driveways and Mr. Voss, from GTS Consultants, said now that is fee simple, it would have 2 driveways. The remaining comments will be complied with.

Mr. Dolobowsky asked for a location to be shown on the plans for the trash container.

Motion was made by Mr. Dolobowsky, seconded by Mr. Akerman, to advance this application to the meeting of September 19, 2006

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

6. CORRESPONDENCE

None at this time.

7. PUBLIC PORTION

None at this time.

8. APPROVAL OF BILLS

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

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

9. APPROVAL OF MINUTES

None at this time.

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary