

**LAKWOOD PLANNING BOARD
MINUTES
TUESDAY, SEPTEMBER 6, 2005 • 6:00 PM**

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 the Asbury Park Press and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and a copy of this Agenda has been mailed, faxed or delivered to at least two of 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.”

Mr. Banas welcomed Mr. Klein as a new alternate.

Mr. Jackson swore in Mr. Klein as an alternate member.

II. ROLL CALL:

Mr. Herzl, Mr. Franklin, Mr. Miller, Mr. Banas, Mr. Dolobowsky, Mr. Ackerman (arrived late) and Mr. Klein.

Also present were Attorney John Jackson, Engineer Maxwell Peters and Planner Stanley Slachetka.

Mr. Banas asked if there were any changes to the agenda. Mr. Kielt replied that item #3, SD #1482, was tabled to the September 27, 2005 meeting. No further notice was required of the applicant.

III. WAIVER REQUESTS

1. SP #1823

Applicant: 175 N. Oberlin Assoc. LLC

Location: Oberlin Avenue North, north of Cedar Bridge Avenue
Block 1605 Lot 3

Preliminary & final site plan - 14,611 square foot addition to existing industrial building

Waiver request from checklist item:

#B-2 - topography within 200 feet of site

#B-4 - contours within 200 feet

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

Mr. Peters stated he recommended granting the requested waivers.

On motion by Mr. Miller and seconded by Mr. Herzl, the requested waivers were hereby granted.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Banas, yes; Mr. Dolobowsky, yea; and Mr. Klein, yes.

2. SP #1600 A

Applicant: Brian Terebelo

Location: Second Street, west of Clifton Avenue
Block 90 Lot 16

Preliminary & final site plan - proposed addition to existing office/retail building

Waiver request from checklist item:

#B-2 - topography within 200 feet of site

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

#C-13 - environmental impact statement

#C-17 - drainage calculations

Mr. Peters stated he recommended granting a partial waiver for #B-2. He did not recommend granting a waiver for #B-10. He recommended granting a waiver for #C-13. He did not recommend granting a waiver for #C-17.

On motion by Mr. Dolobowsky and seconded by Mr. Franklin, a partial waiver was granted for #B-2, not granting a waiver for #B-10 but that an aerial photo would be acceptable, granting a waiver for #C-13, and denying a waiver for #C-17.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Banas, yes; Mr. Dolobowsky, yea; and Mr. Klein, yes.

IV. PLAN REVIEW ITEMS

1. SD #1499 (No variance requested)

Applicant: N.J. Hand Inc.

Location: north of Oak Street extension, and east of Vine Avenue
Block 807 Lot 1 Block 808 Lot 2
Block 809 Lots 1, 3 Block 815 Lot 1
Block 816 Lot 1 Block 817 Lot 1
Block 818 Lot 1 Block 819 Lot 1
Block 820 Lot 2 Block 831 Lot 3
Block 832 Lot 3 Block 833 Lot 2
Block 834 Lot 1 Block 835 Lot 3
Block 836 Lot 3

Also contains portions of the following 50 foot right of ways (paper streets):
Washington Avenue, Lincoln Avenue, Sherman Avenue, Funston Avenue, Caryl Avenue,
Kinsey Avenue, Read Street and Towers Street

Informal Review of affordable housing subdivision

Mr. Peters stated the applicant is seeking major subdivision approval to construct a 72 unit low income townhouse development with a community center. The 40.5 acre site is located between Washington Avenue to the west, Wilson Avenue to the East, Bellinger and Towers Streets to the south, and the midway point between Read and Spruce streets to the North. The plans submitted depict Phase I of the project on approximately 9 acres of the site. Based on the number of proposed bedrooms the development will require 173 parking spaces to comply with RSIS standards. Parking has been provided in lots in front of the units. It is not possible to determine the exact number of proposed spaces at this time. We recommend additional parking be provided for the community center to allow for visitors during community events. The applicant has provided an area for stormwater management as required. The overall layout of Phase I is acceptable, provided the applicant provide sufficient details.

Mr. Slachetka stated parking should be addressed as well as the access. Access should be provided to various courtyards.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated the Township gave them a mandate to try and put affordable housing on this site. The Township missed a deadline for the coastal area. He complimented Mr. Slachetka for his work. He worked with him on the affordable housing ordinance. The problem is that there is a situation where they have to make application to the State. They have a mandate to get the project started as quickly as possible. If they engineer the whole site, they would not know if CAFRA would approve it or not. He introduced Rabbi Lefkowitz, Mr. Lanman, and Mr. Sanadi. The issue before the Board is if they could come in with engineering the 74 units without the rest of it until the issue with CAFRA is resolved. At that time, the rest of the site would be engineered. They would design the 74 units so that the infrastructure would be in place. In fact, they probably would over design because they have to bring more infrastructure in for the 74 units to do this. They have to bring water and sewer to the site. They wanted to come before the board with just engineering the units. The new ordinance provides that they can go 22 units per acre with 45% lot coverage and a height of 45 feet. They were sacrificing land in order to help people in need as quickly as possible. Would the board go along with the idea of just the 74 units depending on CAFRA. They would go as close as possible to the 22 units per acre subject to review by the professionals. If they do build it as shown, could they not worry about parking. They were trying to make this happen with the least expense as possible and to try and have the maximum amount left over so they could go at a higher rate.

Mr. Banas were not satisfied with the plans. Mr. Kielt stated it was a concept plan. Mr. Banas stated they had developers with plans showing different phases. He did not see any problem with it.

Mr. Dolobowsky did not object to doing the project in phases. They would want to see sufficient parking for the development. They were not building far enough north to approach the next neighborhood. Buffers would be discussed later. Mr. Penzer stated they were just at the edge. If they come in with full detail engineering plans for the units as phase I would the board be comfortable.

Mr. Miller agreed with Mr. Dolobowsky regarding the phases as long as a thorough plan was provided. He wanted to work with them.

Mr. Penzer stated that phase I would be detailed plans of the units. He asked to be able to deal with the professional staff directly to streamline the issue. The Board was in favor of the same.

Mr. Ackerman arrived at the meeting.

2. SD #1471 (Variance requested)

Applicant: Shlomo Kanarek

Location: Ridge Avenue at terminus of New Hampshire Avenue
Block 190 Lot 63

Preliminary & final major subdivision to create 14 lots

Mr. Kielt noted that it was changed to 11 lots and one lot for a basin.

Mr. Peters stated the applicant is seeking preliminary and final major subdivision approval for the construction of 12 lots for 11 single family homes on Ridge Avenue within the R-15 zone. Variances are required for minimum lot area and for the minimum lot width as indicated on the plans. Three of the 12 lots require variances for minimum lot area, 9 out of the 12 lots require variances for minimum lot width. The applicant should provide architectural plans for the proposed single family homes, indicating the proposed building size, aesthetic design and the number of bedrooms. The applicant will be required to obtain all outside agency approvals. The shade tree commission has stated that Ocean County currently has a moratorium on road openings. The applicant should research this issue and provide testimony as to findings and future plans. Ownership of the sanitary sewer easement shall be transferred to the homeowner's association as a stormwater management easement documentation that the existing easement holder approves the transfer of the easement should be made a condition of the final approval. The zoning table shall be revised to include the number of required and proposed parking spaces in accordance with RSIS standards. The plans indicate curbing will be installed along the Ridge Avenue frontage. The board should determine if sidewalks should also be installed. There are a number of comments regarding the Map Filing Law and details to be provided.

Mr. Slachetka stated the proposed has frontage on Ridge Road which is a county roadway and serves as a collector. There is concern about the proposed building lots which front on Ridge Road. These lots should have increased setbacks for the residences to allow for adequate off-street parking and to avoid backing out onto Ridge Road. The plan has been revised to propose a driveway on the lots which front Ridge Avenue to permit a turnaround on the lot. However, the setback of the dwelling on lots 63.01 and 63.02 should be increased. Off-street parking should be provided in accordance with RSIS. If the number of bedrooms is not specified, 2.5 spaces per dwelling is required. The Township Engineer or JCP&L should approve the proposed street lighting. An underground stormwater management facility is proposed on proposed lot 63.09. Maintenance and operation of the facility should be discussed. A maintenance

schedule should be required. The Planning Board should consider requiring a sidewalk along Ridge Avenue. Proposed lot 63.06 has a street frontage of 20 feet at the end of the cul-de-sac. The resulting lot requires the placement of a dwelling which faces the rear of the adjoining lot. We question the configuration of proposed lots 63.03 and 63.10. The lots are corner lots and by definition, a corner lot has two front yards. As configured, lots 63.03 and 63.10 have only one front yard and two side yards. We recommend that the plat be revised to comply. The side lot line of proposed lot 63.06 is only partially radial to the cul-de-sac. This condition violates section 805.C of the UDO. The plat must be revised or a design waiver requested. The applicant must comply with the provisions of section 821 which addresses uniformity in residential development. Four basic house designs are required for a development of seven to fifteen dwellings. Submit information to the planning board addressing this requirement. The balance of the comments are technical in nature.

Steven Pfeffer, Esq., appearing on behalf of the applicant. With regard to the engineer's report, the comments are technical in nature and they can comply. The only issue is with regard to the sidewalks and where they are going to stop.

Ray Carpenter, P.E., stated there is a water main in the area. Mr. Pfeffer stated other than that they have no problems with complying. Mr. Carpenter agreed.

Mr. Carpenter stated the proposed sidewalk would go along Ridge Avenue along the proposed lots and would terminate where indicated by the County due to road widening. Mr. Banas stated if the curb is installed then you also put the sidewalk in. Mr. Carpenter stated there is wetlands in the area. Mr. Banas asked if they received County approval and Mr. Carpenter replied that they did not. Mr. Carpenter stated they were not allowed to do anything in the wetlands. Mr. Banas stated they were notified years ago that New Hampshire would be cut through to County Line Road. He asked about that. Mr. Carpenter did not think that it would be happening.

Mr. Pfeffer stated that with regards to the planner's report, they met with the neighbors and moved some lots. Mr. Carpenter stated the two setbacks for the two lots would be done to provide a larger front setback for the turn around. Mr. Pfeffer stated no one would back out onto Ridge Avenue. Mr. Slachetka stated another ten to fifteen feet would be acceptable. Mr. Carpenter agreed to the same. They would provide the items requested on the letter. The plat would be revised with regard to the two corner lots. Mr. Slachetka stated it was sufficient for him but would caution them as to what would be sufficient for the board and renoticing. He felt it would be better to resend the notices and that it would be sufficient for the board. Mr. Banas felt they should readvertise. Mr. Kielt stated that the certified list might have changed since the original notice.

Mr. Slachetka stated the plat should be revised to comply rather than granting the variances for the two corner lots. There is a tremendous amount of improvement in the subdivision plat however the corner lots are close to the street edge and the sight triangles which would prevent buffering plantings. Overall there is an improvement but the two lots show a substantial amount of development for the tract. Mr. Pfeffer stated he would readvertise. Mr. Banas asked if everything meets the requirements with regard to the wetlands. Mr. Carpenter stated they have a pending application with the DEP. At

least 50% of the wetlands line was part of the adjacent application. The other 50% is an extension of the lot line. Mr. Banas asked about the easement for the power lines. Mr. Carpenter explained the same. It was in the back of the lots. Mr. Banas wanted to see it on the plans. Mr. Carpenter stated it was on the plans but he would indicate it better. Mr. Franklin stated there is an arrow by lot 63.09 which indicates the same.

Mr. Dolobowsky thanked them for bringing the sidewalk all the way to New Hampshire. Mr. Franklin stated they were doing the widening in the wetlands and felt the sidewalk could be done also. Mr. Carpenter stated they would do what they could but the widening was being done by the County. Mr. Dolobowsky stated the board would be asking for the sidewalks on the plans with the notation that if the County says you cannot do it then okay. Mr. Pfeffer stated they would do the same and request approval from the County. Mr. Dolobowsky stated that lots 63.06 and 63.07 are oversized and a bigger buffer provided even though it would be a jagged buffer. About 14,000 square feet more could be provided in the buffer and 3,290 square feet and still have the 15,000 square foot lot. Monuments would have to be provided. Mr. Carpenter agreed to the same. Mr. Dolobowsky asked about the setback off of Ridge Avenue and that longer driveways should be provided. Lot 63.11 could not be set back too far because it gets narrow fast. Mr. Carpenter stated the house could be moved. Mr. Slachetka stated there was concern with two of the dwellings which violate the front yard setback and that they were against the sight triangles. With the sidewalks, the dwellings would be about two or three feet away from the sidewalk. They should be setback to the front setback line. This may require reconfiguration of the plat to reduce the number of dwelling units. Mr. Carpenter would review the plans to see what could be done because they wanted to preserve the number of lots. Mr. Slachetka recommended that none of the dwellings be permitted closer than the front yard setback. If it could be reconfigured it would be fine.

Mr. Ackerman asked about the ownership of lot 12. Mr. Banas stated that they were proposing that the County take it over.

On motion by Mr. Herzl and seconded by Mr. Dolobowsky, the application would have public hearing on September 20, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.

- 4. SP #1820** (Variance requested)
Applicant: 1161 Route 9 LLC
Location: Route 9 (River Avenue) between Chestnut Street & Yale Drive
Block 1064 Lot 4
Preliminary & final site plan for proposed office building

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated the last time they were here, the board indicated they liked the project but felt there was not enough parking and suggested that he write a letter to the Township to see if they would be interested with regard to the lot they owned next door regarding parking and to report back. He

spoke with the Manager and told him that the Committee discussed the matter and that the manager was to investigate some issues. The Township received brownfield monies for this and they do not know if they could sell a piece off or the entire piece or redevelopment. He requested that the matter be carried for sixty days and renoticed. He was actively pursuing the matter. He copied the board on the correspondence with regard to the matter.

On motion by Mr. Dolobowsky and seconded by Mr. Miller, the application was carried for sixty days.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.

5. SD #1338A (Variance requested)

Applicant: Ezriel & Yaffa Munk

Location: Caranetta Drive, south of Central Avenue
Block 288 Lot 9

Minor subdivision to create two lots

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated he was before the board last month and the issue at that time was regarding the charitable activities and that two houses were built with the assistance of Mr. Simpson. The board asked for some sort of protection that it would not be sold out. He researched it and his client created a foundation trust and they became a 501(c)3 organization. The board wanted to ensure that the property was not used for profit. The applicant would agree that this would be nonprofit and remain so. The board asked him to review it and come back. This was taken care of. They followed the suggestions of Mr. Dolobowsky. He provided the attorney with the documents showing the trust and the 501(c)3 status. Mr. Jackson felt that it could work if it was incorporated into the deed with a reverter clause and that if it was not used for charitable purposes, then the lots would merge back together and it would be a zoning violation. If they agreed to do that, they could come up with restrictive language in the deed.

Mr. Penzer stated they were in court again together regarding this issue. Judge Hyman did not want to keep pushing it off. Revised plans had to be submitted by September 13th.

On motion by Mr. Dolobowsky and seconded by Mr. Miller, the application would have public hearing on September 20, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application would have public hearing on September 20, 2005 at 6:00 p.m. No further notice was required of the applicant.

Mr. Miller left the meeting.

6. **SD #1491** (Variance requested)
Applicant: Shimshon Bandman
Location: Holly Street, north of Stirling Avenue
Block 189.01 Lot 170
Minor subdivision to create two lots

Mr. Peters stated that the applicant is seeking minor subdivision approval for lot 170, block 189.01 at the intersection of Fifth and Holly Streets in the R-7.5 zone. Variances will be required for the lot area where 6,088 square feet is provided and 7,500 square feet is required; front yard setback of 19.4 feet where 25 feet is required and side yard setback of 6.1 feet where 7 feet is required. The applicant will be required to obtain all outside agency approvals. The planning board should determine if shade tree easements will be required along the frontages of Fifth Street and Holly Street. Parking requirements as set forth in the RSIS standards have been provided. The applicant should provide details for the front concrete curbing and concrete aprons.

Mr. Slachetka stated the applicant should address the positive and negative criteria of the required variances. The applicant should confirm that the footprint of the proposed dwelling on lot 170.02 will actually be constructed. The footprint shown is only 540 square feet and may not be a realistic housing size. The applicant should clarify the reason that the proposed dwelling is shown at an angle to the front property line. A driveway should be delineated and the applicant should comply with RSIS standards. Street trees are required. The balance of the comments are technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated they would comply with all the engineer's comments. The house is small because it is existing. They were not changing it. The house is not being touched. Because it is an existing house, that is why it is at an angle. Everything else would be complied with.

Mr. Dolobowsky stated one lot is undersized and that they were creating a side yard variance. If this needs to be done, he would like to see both lots being a little under and more equal to eliminate the side yard variance. Mr. Penzer stated they could move it by one foot. Testimony would be provided at the public hearing. Mr. Banas agreed with Mr. Dolobowsky. Mr. Penzer stated they would change the lot lines to make the side setback conforming. Mr. Bandman stated they did it this way because the existing house is only 540 square feet. A bigger house would be put up and they wanted it to be totally conforming. Mr. Banas stated it was easier to split the lot evenly. Mr. Penzer stated the same would be done.

On motion by Mr. Ackerman and seconded by Mr. Herzl, the application would have public hearing on September 20, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application would have public hearing on September 20, 2005 at 6:00 p.m. No further notice was required of the applicant.

7. SP #1653A (Variance requested)

Applicant: Lakewood Plaza Inc.

Location: Cedar Bridge Avenue & intersection of Dr. Martin Luther King Drive
Block 536 Lot 70

Preliminary & final site plan for addition to existing commercial building

The professionals did not have any comments because there were no revised plans.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated there were several objections and suggestions made. Through a mistake the conceptual plans were dropped off to his office rather than the planning board office.

Brian Flannery, P.E., stated this was an application for an addition to the existing retail. This application was before the board in 2000. The county was widening Cedar Bridge Avenue and they took all the widening on their side of the road. They took so much from their site plan. This plan is for a 3,900 square foot addition. What they had previously was 45% more. When the plan was initially approved, there was parking at a ratio of one space for every 234 square feet. They provided testimony at that time indicating that due to the location there is a lot of walking. At the time, the ordinance required one space for every 100 square feet. He convinced the board that one for every 234 square feet would be appropriate. The ordinance now indicates one for every 200 square feet. The area is unique in that there is a lot of dense, multi family development and that the parking proposed would be sufficient. The applicant now has a problem that there is too much parking and it is a hang out area. The applicant is trying to avoid this. The sketch showed 33 spaces. They were reducing the number of entrances to one and tightened up the parking to get 44 spaces which would be one space for 220 square feet. He felt that would provide more than enough parking and more detail would be provided.

Mr. Penzer stated there were other questions. One was to acquire the property next door. Mr. Boyles advised him that it was in the C-1 corridor and they could not touch it. The second was if DEP stormwater management rulings applied and since the disturbance is less than one acre and as such is exempt. Mr. Flannery stated they would be providing an enhanced drainage system that would comply with water quality and provide more recharge. It would be much better than the existing system.

Mr. Dolobowsky stated there are regular softball games across the street and the parking ends up in the lot. He wanted to hear testimony regarding the same. Mr. Flannery stated the same would be provided.

On motion by Mr. Herzl and seconded by Mr. Dolobowsky, the application would be heard again at the September 27, 2005 technical review committee.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application would be carried to the September 27, 2005 technical review meeting at 6:00 p.m. No further notice was required of the applicant.

- 8. SD#1436A** (No variance requested)
Applicant: Yellow Brick Capital LLC
Location: Warren Avenue & Dr. Martin Luther King Drive, corner of West Street
Block 775 Lot 3
Extension of minor subdivision approval

Mr. Penzer stated the delay in filing the map with the clerk's office was because of the county's delay in getting back to them.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the requested extension was hereby granted.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

- 9. SP #1822** (Variance requested)
Applicant: Chevrans Lomdel Torah
Location: Fifth Street, west of Private Way
Block 48 Lot 10
Preliminary & final site plan for proposed synagogue

Mr. Peters stated the applicant is seeking to replace an existing 2 _ story dwelling with a new 2 story synagogue on block 48 lot 10 along Fifth avenue in the R-12 zone. A variance will be needed for lot area where 7,500 square feet is required and 12,000 square feet is required; lot width where 50 feet is proposed and 90 feet is required; lot coverage where 42.7% coverage is proposed and 25% coverage is permitted; side yard where 7 feet one side and 18 feet total is proposed and 10 feet one side and 25 feet is required; parking where no on-site parking spaces are provided and 16 parking spaces are required, and the bulk requirements are existing conditions. Outside agency approvals are required to be obtained by the applicant. The board should determine if a shade tree easement will be required along the Fifth Street frontage. If so, a legal description should be submitted for review. The applicant has stated that the site will be in compliance with ADA. While a handicapped ramp is proposed at the rear of the property, there is no access to the second floor. Testimony should be provided regarding this. The applicant should provide a method to remove water from the lower landing of the basement steps. The applicant should provide locations and inverts for the roof drains and details as necessary. A roof drainage collection system should be installed underground to prevent discharge onto the sidewalks.

Mr. Slachetka stated the application does not comply with the following provisions of section 905: a 20 foot wide landscaped buffer is required and 2.5 feet is proposed. A landscaped buffer should be provided. The application should provide testimony concerning the location of the congregation relative tot he subject site to justify the parking variance. Landscaping should be provided in the front, side and rear of the proposed building to buffer the use from the adjacent residences. Any proposed site and building mounted lighting should be identified on the site plan with the appropriate isolux levels. The applicant should address provisions for solid waste management for the proposed building. It appears that an Environmental Impact Statement is required.

Miriam Weinstein, Esq., appearing on behalf of the applicant. She stated this is an existing synagogue and has been since August 1973. There will not be an increase in congregates. They want to give the building a major face lift. It made more sense to remove the building and start from scratch. Most of the people walk. The parking would not be increased. Mr. Banas asked about the other variances. Ms. Weinstein stated the variances are existing and the building encroaches on the front yard setback which the new structure will not. Mr. Carpenter stated they could not do anything with regard to the lot width. If the side yard setbacks were complied with, they would not be able to build on the lot. It is basically side yard and lot coverage. The existing synagogue does not meet ADA requirements.

Mr. Dolobowsky stated this is a much larger building. He asked about the basement. Ms. Weinstein stated the basement is not scheduled to be finished. Mr. Dolobowsky stated he had a problem with this because it was too large and no buffers are being provided. He saw a lot of emergency stairs. He did not understand why there were four stairways if the basement was not going to be used. Ms. Weinstein stated currently there is a hall in the structure next door on lot 11. It has been in existence for at least 10 to 15 years. Mr. Dolobowsky stated this was a busy area and needed testimony as to where everything would fit. Ms. Weinstein stated she would stipulate to a buffer. Mr. Dolobowsky felt the building should be 32 feet by 100 feet. Ms. Weinstein stated they would agree to a buffer.

Mr. Banas stated that he could not accept that the basement would not be developed. Ms. Weinstein stated that eventually it would be developed as a hall. Mr. Dolobowsky stated this was a bigger building than either of the houses. Testimony would have to be provided as to how it would fit in the area. Mr. Carpenter asked about the Environmental Impact Statement and which submission ordinance would apply. Mr. Banas stated that the existing ordinance in place would be used. Mr. Jackson stated that the ordinance in existence at the time of the hearing would have to be complied with. Mr. Slachetka stated the applicant could request a waiver from the environmental impact statement. Mr. Banas had difficulty with moving forward on the application at this time. Mr. Franklin agreed. Mr. Banas did not think the plans were correct. It was too big of a building for the size of the lot. Mr. Dolobowsky stated that with the bigger building, where would the rain go because much of the lawn is gone. He sees connecting sidewalks with lot 11. Ms. Weinstein stated lot 11 is the Rabbi's house. Mr. Dolobowsky wanted to see the basement finished and deed restrict lot 11 so it cannot be used. Mr. Jackson stated that the lots could be merged since they were contiguous.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the application would be heard again at the September 27, 2005 technical review committee.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated that if they come back and the plans are changed dramatically, the notices would have to be different.

Mr. Jackson stated the application would be carried to the September 27, 2005 technical review meeting at 6:00 p.m. No further notice was required of the applicant.

10. SD #1479 (Variance requested)
Applicant: Shlomo Katz
Location: corner of Cedarview Avenue & Fourteenth Street
Block 39 Lot 4

Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking minor subdivision approval to divide two existing lots into three proposed lots at Cedarview Avenue and Fourteenth Street within the R-12 zone. A variance is needed for minimum lot area of 10,125 square feet for lots 3.01 and 3.02 where 12,000 square feet is required. A variance is required for lot width where 90 feet is required and 81 feet for lots 3.01 and 3.02 are proposed. The board should determine if a shade tree easement is required. The properties have existing curbing along the frontage. The board should determine if concrete sidewalk will be required to be installed. There are some minor comments regarding the map filing law.

Mr. Slachetka stated the applicant must address the positive and negative criteria of the variance requests. Street trees are required and should be shown on the plat. Off-street parking shall be provided in accordance with RSIS standards and a note should be provided on the plat. The project engineer should certify that all site improvements are designed in compliance with RSIS standards. A performance bond should be posted for any required site improvements. Sidewalk is not provided on either lot and should be discussed. The balance of the comments were minor and technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated they agreed to everything in the planner's report. He did not think the sidewalk was not a big issue. They agree to the engineer's report. The required testimony will be provided.

On motion by Mr. Herzl and seconded by Mr. Ackerman, the application would have public hearing on September 20, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application would have public hearing on September 20, 2005 at 6:00 p.m. No further notice was required of the applicant.

11. SD #1464 (Variance requested)
Applicant: Aaron Peker
Location: Ridge Avenue, east of Brook Road
Block 189 Lot 24

Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 189 lot 24. Two new lots are being proposed and would be known as 24.01 and 24.02. The property is located on Ridge Avenue in the R-12 zone. Variances will be required for minimum lot width. The applicant has proposed 70 feet for each lot where 90 feet is required. The

applicant will be required to obtain outside agency approvals. The board should determine if a shade tree easement will be required along Ridge Avenue. The board should determine if curb and sidewalk will be required along Ridge Avenue. The applicant has stated that all existing structures are to be removed. Testimony shall be provided as to the timing of such removal. If removal of structures will not be completed prior to the subdivision, a bond shall be posted to insure prompt removal. The remaining comments are technical in nature.

Mr. Slachetka stated the applicant should address the positive and negative criteria for the requested variances. The proposed lot line between new lots 24.01 and 24.02 is not in compliance with section 805.c of the UDO in as much that the side lot lines shall be at right angles to straight streets. The applicant should indicate the reason that the lot line is not provided at a right angle, since the eastern lot line is at a right angle to the street. A waiver is required. A total of 2.5 off-street parking spaces are required for each of the proposed dwellings. The plat should indicate that there would be compliance with the off-street parking requirements of the RSIS standards. Driveway aprons for street access are not shown on the plat and should be addressed. The plat indicates that the Assessor has approved the lot numbers shown. Street trees should be provided. Sidewalks were not proposed and should be discussed and provided. The remaining comments were technical in nature.

Salvatore Alfiero, Esq., appearing on behalf of the applicant. The applicant will comply with the recommendations. Testimony would be provided regarding the variances. Sidewalks would be provided if the board required. Mr. Banas stated the board would require them. He asked about the lot lines at right angles. Mr. Alfiero stated if they were to provide the same, it would make the lots smaller. He would have the same reviewed and testimony provided at the public hearing. Mr. Banas asked about the two envelopes. Mr. Alfiero stated the building envelopes are on the plans. Mr. Banas asked about the road. Mr. Alfiero stated the structures are being removed and there would be separate driveways. Mr. Banas asked where the driveways were for the two new lots. Mr. Alfiero stated it would be on the plans when they are submitted. This is for a minor subdivision approval. They would stipulate to the fact that there would be separate driveways based on the layout of the house. Mr. Jackson stated that the Board has the leverage to insist on whatever conditions it deems appropriate since there are variances requested. The board can ask for more specifics because it may affect the variances. Mr. Alfiero stated they could show the location of the driveways. Mr. Banas asked wanted 2.5 parking spaces.

Mr. Dolobowsky stated it was a busy street and there was no on-street parking. He felt there should be four spaces in the driveways. He asked if there were wetlands. Mr. Alfiero stated that there were none that they were aware of.

Mr. Banas did not think the plans were ready for approval because there were too many missing items. Mr. Slachetka felt there should be some flexibility and the applicant would have to address the proposed lot line. Mr. Alfiero stated they could submit revised plans to show the requested items. Mr. Banas suggested that they use the professionals reports to make the revisions.

On motion by Mr. Dolobowsky and seconded by Mr. Franklin, the application would be heard at the September 27, 2005 technical review meeting.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application was carried to the technical review meeting on September 27, 2005 at 6:00 p.m. No further notice was required of the applicant.

- 12. SD #1492** (Variance requested)
Applicant: Zev Berger & Yaakov Wienreb
Location: corner of Leonard Street and East End Avenue
Block 228 Lots 7 & 8
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 228 lots 7 and 8. Two new lots are proposed and would be known as 7.01 and 7.02 the property is located at the intersection of Leonard Street and East End Drive in the R-10 zone. Variances will be required for lot area where 7,500 square feet is proposed and 10,000 square feet is required; front setback for lot 7.01 where 23.3 feet is proposed and 30 feet is required; side setback for lot 7.01 where 20 feet combined is proposed and 25 feet is required; side setback for lot 7.02 where 23 feet combined is proposed and 25 feet is required; lot coverage for lot 7.01 where 30% is proposed and 25% is permitted; and lot coverage for lot 7.02 where 26.9% is proposed and 25% is permitted. Outside agency approvals are required. The applicant has proposed a six foot wide shade tree and utility easement to be deeded to the Township. The frontage of the proposed lots is curbed. The planning board should determine if sidewalk will be required along frontages of Leonard Street and East End Avenue. The applicant should revise the plans to include sidewalks connecting the front steps of each house to the proposed driveways. The applicant should provide finished floor elevations and sufficient spot elevations and contours to show adequate drainage away from the proposed buildings. The applicant has stated that water and sewer service are to be provided by New Jersey American water Company. The plans should be revised to show appropriate trench and pavement restoration details. The balance of the comments are minor in nature dealing with the map filing law.

Mr. Slachetka stated the applicant should address the positive and negative criteria for the requested variances. The applicant should also address the consistency of the proposed lot area with the surrounding residential properties. The setback on the south side of proposed lot 7.01 is a rear yard setback, not a side yard. The applicant should revise the variance requests, zoning schedule and application accordingly. All structures to be removed or relocated should be addressed prior to submission of the map for signature or a performance bond posted with the Township for such tasks. The plat should be revised to provide a 20 foot rear setback for lot 7.01 on the minor subdivision plan and the proposed improvement plan. Compliance with off-street parking requirements in accordance with RSIS standards is required. The plat indicates that three off-street spaces will be provided on each lot. A shade tree easement is proposed on both streets. Sidewalk is not proposed and should be discussed by the board.

Sam Brown, Esq., appearing on behalf of the applicant. This is a minor subdivision because each of the two applicants took title to property which was undersized. They took title from a single owner. As such, it needs to be presented as a minor subdivision and a request for the variances. The subdivision is not along the original lot lines. Rather it is in the opposite direction and are now north/south rather than east/west. It fits better to the surrounding area. The size of the lots is typical of the area. This will be discussed.

Brian Flannery, P.E., stated the comments were minor in nature and they would provide the requested revisions. Sidewalks would be provided and the plans would be revised accordingly.

On motion by Mr. Ackerman and seconded by Mr. Klein, the application would have public hearing on September 20, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application would have public hearing on September 20, 2005 at 6:00 p.m. No further notice was required of the applicant.

- 13. SD #1495** (Variance requested)
Applicant: MTR Ventures
Location: Warren Street, north of Pine Street
Block 768 Lots 17 & 61
Preliminary & final major subdivision to create 5 lots

Mr. Peters stated the applicant is seeking a major subdivision of block 768 lots 17 & 61. Five new lots are proposed and would be known as lots 17.01 through lot 17.05. The site is located on Warren Avenue, between Jay Street and Fern Street in the R-7.5 zone. Variances will be required for front setback for lot 17.01 where 22 feet is proposed and 25 feet is required; side setback for lot 17.01 where 6.9 feet is proposed on one side and 7 feet is required; side setback for lot 17.05 where 4 feet is proposed on one side and 7 feet is required; and the plans indicate a variance is required for combined side yard for lot 17.01 which is not required. Outside agency approvals will be required. The applicant has proposed a six foot wide shade tree and utility easement to be deeded to the Township. The applicant should submit a proposed improvement plan depicting building locations, grades and other improvements. The board should determine if curb and sidewalk will be required along the frontage of Warren Avenue. The applicant should provide finished floor elevations and sufficient spot elevations and continuous contours to show adequate drainage away from the proposed buildings. There are minor comments regarding the map filing law.

Mr. Slachetka stated the applicant should address the positive and negative criteria for the requested variances for each lot. The zoning schedule should be revised to delete the reference to a variance for a combined side yard setback for proposed lot 17.01. All structures to be removed or relocated should be addressed prior to the submission

of the map for signature or a performance bond posted with the Township for such tasks. The application should be revised to remove the references to a "minor subdivision." Compliance with the off-street parking requirements of the RSIS standards is required. Shade trees should be provided in accordance with the ordinance requirements, per note #9. The shade tree species to be provided should be identified on the plan. Sidewalks are not proposed and should be discussed with the board.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated with regard to the planner's report they agree to all the requested items.

Mr. Banas asked about the existing buildings. Mr. Flannery stated there are two existing homes. It is currently two lots and the homes would remain. They were dividing the property into lots and the variances are because of the existing homes.

Mr. Dolobowsky stated it appears that the one house has a deck and stairs. Mr. Flannery stated that would be removed. Mr. Dolobowsky asked about parking. Mr. Flannery stated that three parking spaces would be provided for each lot.

On motion by Mr. Ackerman and seconded by Mr. Dolobowsky, the application would have public hearing on September 20, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application would have public hearing on September 20, 2005 at 6:00 p.m. No further notice was required of the applicant.

14. SD #1496 (No variance requested)

Applicant: Fruma Liebb

Location: Clear Stream Road, west of Hope Chapel Road
Block 120 Lot 2

Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 2 lot 120. Two new lots are proposed. Proposed lot 120.1 will retain the existing structure. Proposed lot 120.2 will be a flag lot on which a new home is proposed. The site is on Clear Stream Road in the R-40 zone. It appears that no variances will be required. Outside agency approvals will be required. The applicant has proposed a six foot wide shade tree and utility easement to be deeded to the Township. The board should determine if curb and sidewalk will be required along the frontage of Clear Stream Road. There are some comments regarding the flag lot which he referred to the planner. The plat has been prepared in conformance to the New Jersey Map Filing Law.

Mr. Slachetka stated item one of his report dated September 1, 2005 lists the requirements of the flag lots of section 805.G. An area shall be provided proximate to the street frontage for solid waste and recyclables pick up on designated collection days. The plans should be revised to show the required area. Section 805.G requires that the

access strip shall be suitably improved with an access drive at least twelve feet wide to the satisfaction of the board based upon the advise of its engineer and the plat should be revised accordingly. Buffering is required between the access strip and the property lines along the pole of the flag lot. A minimum of a ten foot wide buffer area shall be provided along the property line immediately to the front of the flag portion of the flag lot. Architectural plans for the proposed dwelling have been submitted for board review. Street trees are required and should be shown on the plat. Off-street parking is required in accordance with RSIS standards for new lot 120.02. The remaining comments are technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. Mr. Flannery stated that the comments were minor in nature and the requested information would be provided. He felt the road would look better without the curb and sidewalk but he would do as the board wished. Mr. Banas felt that they should be provided for safety reasons.

Mr. Dolobowsky asked how heavy of a truck is needed to plow a driveway 370 feet long. Mr. Franklin stated a substantial truck or front end loader would be required. Mr. Dolobowsky asked if the driveway would be wide enough. Mr. Franklin stated the plow is about ten foot wide.

On motion by Mr. Herzl and seconded by Mr. Klein, the application would have public hearing on September 20, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application would have public hearing on September 20, 2005 at 6:00 p.m. No further notice was required of the applicant.

15. SD #1497 (Variance requested)

Applicant: Sam Bauman

Location: Birch Street, between River Avenue and Williams Street
Block 417 Lots 6 & 7

Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking minor subdivision for block 417 lots 6 and 7. Two new lots are being proposed and would be known as lots 6.01 and 6.02. The property is on Birch Street within the R-10 zone. Variances will be required for lot area where both lots propose 9,470.5 square feet where 10,000 square feet is required; lot width where both lots propose 50 feet where 75 feet is required, and side yard setback where both lots propose 7 feet one side/15 feet total where 10 feet one side and 25 feet total is required. Ocean County Planning Board approval is required. The board should determine if a shade tree easement will be required along Birch Street. The applicant has stated that all existing structures are to be removed. Testimony shall be provided as to the timing of such removal. If removal of structures will not be completed prior to the subdivision, a bond shall be posted to insure prompt removal of the structures. The balance of the comments were technical in nature.

Mr. Slachetka stated the applicant should address the positive and negative criteria for the requested variance for each lot. The testimony should include information concerning the lot area and width of single-family residences in proximity to the subject tract. The subject parcel has frontage on two streets, Birch Street which is improved and Henry Street which is unimproved. The plat should be revised to indicate a 30 foot front yard setback on Henry Street. Compliance with the off-street parking requirements of RSIS standards must be addressed. A total of 2.5 off-street parking spaces are required for each of the proposed dwellings. Two shade trees are proposed along the Birch Street frontage. The balance of the comments are technical in nature.

Henna Bauman, applicant, appearing with regard to the application. Mr. Flannery stated the comments were minor in nature and the requested information would be provided. Sidewalks would be provided as well as the shade trees.

Mr. Banas asked about a breakdown of the homes. Ms. Bauman stated it was already done. Mr. Flannery stated the same would be provided to the board.

Mr. Dolobowsky stated he would want to hear testimony regarding the lot sizes. He would want to see ten feet on each side.

On motion by Mr. Ackerman and seconded by Mr. Herzl, the application would have public hearing on September 20, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application would have public hearing on September 20, 2005 at 6:00 p.m. No further notice was required of the applicant.

Mr. Jackson and Mr. Banas explained the public hearing procedures.

16. Discussion/Recommendation - 2005 Capital Improvement Program

Mr. Banas stated there are only a few items. Much of it belongs to the public works department and the police department. It runs from 2005 to 2010. The board approved the plans that were requested by the departments already.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the Committee was to be advised that the five year capital improvement program meets the guidelines set forth in the master plan and approval was recommended.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Kielt would send the letter to the manager tomorrow.

V. PUBLIC PORTION

None at this time.

VI. APPROVAL OF MINUTES

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the minutes of July 26, 2005 and August 2, 2005 were hereby approved.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes, abstain on August 2, 2005; and Mr. Klein, abstain.

VII. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Elaine Anderson
Planning Board Recording Secretary