

**LAKWOOD TOWNSHIP PLANNING BOARD
MINUTES
REGULAR MEETING
SEPTEMBER 18, 2007**

I. CERTIFICATION OF COMPLIANCE

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

“The time, date and location of this meeting was published in the 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.”

2. ROLL CALL

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

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Banes asked Mr. Jackson for his ruling in the Rye Oaks matter. Mr. Jackson said the vote was 5 members with 2 members voting affirmative for a denial of the application and 3 abstentions. He researched Cox’s treatise on land use and the abstentions are counted toward the vote of the majority unless the abstentions are based on an actual conflict and based on his discussion with the members who did not vote, he does not think there was an actual conflict, so it is his view that this counts as an approved motion denying the resolution and either way the consequence would be that it failed to get an affirmative vote of the quorum present so the application fails regardless. It is his opinion that the application is deemed denied and Mr. Pape has been sent a copy of his correspondence and he has not heard a reply from him. Absent anything to the contrary, case law, Roberts Rule, etc. he will prepare a resolution denying the application that can be adopted in the ordinary course of business at the next meeting.

4. NEW BUSINESS

- 1. SD # 1589 (NO VARIANCE REQUESTED)**
APPLICANT: FAIRMONT INVESTMENTS LLC
Location: 1963 New Central Avenue, east of Irene Court
Block 11 Lot 118.01
Minor Subdivision to create two lots (1 flag lot)

Mr. Peters stated the Applicant is seeking Minor Subdivision Approval to subdivide Block 11, Lot 118.01 into two lots, Lot 118.02 and Lot 118.03. An existing dwelling on the proposed Lot 118.02 will be removed. The applicant has proposed a single family dwelling on each of the proposed lots with Lot 118.03 being a flag lot. The property is situated on New Central Avenue, within the R-15 Zoning District. It appears no variances will be required. Ocean County Planning Board and Ocean County Soil Conservation District approval will be required. Evidence of both approvals shall be made a condition of final subdivision approval. Architectural plans that show basements without separate entrance shall be provided for review. A note shall be added to the plan stating that the proposed basements will be used for storage only, no bedrooms, bathrooms, and kitchen are permitted in the basements. The existing dwelling on Lot 118.02 shall be removed prior to completion of the subdivision, or a bond posted to ensure the prompt removal of the dwelling. If the dwelling remains a side-yard setback variance will be required. The two single family dwellings will be served by public water and sewer. The applicant has agreed to provide sidewalk, concrete curb and a six feet wide shade tree easement along the frontage of the property along New Central Ave. Because ground elevations at the proposed Lot 118.03 are much lower than New Central Avenue along the frontage of the proposed Lot 118.02, gravity flow from the rear proposed dwelling cannot be achieved. A grinder pump will be needed. We defer detailed review of the sewer system to the utility provider. The applicant has provided a stone recharge trench at rear of the proposed lot 118.03 to infiltrate additional storm runoff. A detail of the trench shall be provided. In addition, sizing calculations for the trench are required. We are concerned over flow from the recharge trench will direct a concentrated flow of stormwater to the existing homes to the north of the project. We recommend a level open top storm trench to sheet flow the stormwater overflow from the trench. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated September 11, 2007. The applicant seeks minor subdivision approval to create two (2) lots from Block 11, Lot 118.01, located on the north side of New Central Avenue. Proposed Lot 118.03 is a flag lot; fee simple access is provided from New Central Avenue to the lot via a twelve (12) foot access driveway located inside a 20.25-foot access strip that forms the "flag stem." The property is heavily wooded, and the subdivision plat indicates that an existing dwelling located in proposed Lot 118.02 (fronting New Central Avenue) will be removed. The property is located in the northwestern part of Lakewood Township near the border with Jackson Township. The property and contiguous lots are located in the R-15 (Single Family Residential). Surrounding land use is predominantly residential, with a school (Bais Pinchos) just east of the site. The size of the property is approximately 0.86 acres (37,560 square feet). The flag lot is 21,509 square feet in total (19,128 square feet, exclusive of the flag staff). Proposed Lot 16.01 is 15,800 square feet in size. The applicant has submitted a Vicinity Map as requested at the August 21st public hearing. The Vicinity Map shows the proposed subdivision and the location of existing residences on the adjoining lots. Single-family detached housing is the only permitted residential use type in the R-15 Zone. The applicant has not requested any variances. Section 18-805.G.5 provides the following criteria for creating flag lots: "Flag lots shall be created only in conjunction with an overall development plan of the entire tract of which the flag lot is a part and the applicant shall demonstrate a need, consistent with good planning principles, for the creation of the flag lot and shall further demonstrate that normal subdivision techniques are not practical

because of topography, lot or land configurations or other physical characteristics or constraints of the land related to the proposed development concept.” The applicant should be prepared to discuss with the Board how this application complies with the above requirements. We note similar lots in the vicinity are also deep lots and the applicant should distinguish the need for a flag lot configuration for this parcel. We note that the applicant has also submitted a flag lot subdivision (Application SD-1602) for Lot 116.01, the parcel that abuts the subject site on the east. The two subdivision proposals will create four (4) driveways for the two lots; there are currently two driveways for the two lots. Due to the nature of this collector roadway and the location of the parcels at a slight curve in New Central Avenue, we would ask the applicant to address the feasibility of shared ingress and egress to reduce the number of driveways. The submitted architectural plans for the residence on the flag lot depict a six (6) bedroom dwelling. The bulk chart on the subdivision plat indicates a five (5) bedroom dwelling. The applicant should reconcile the plat and the architectural plans. The applicant is providing four (4) parking spaces for the proposed home on the flag lot (new Lot 118.03), which takes into account the sixth bedroom of the proposed house and addresses NJ RSIS compliance. Parking for the proposed structure on new Lot 118.02 must comply with NJ RSIS standards. The applicant should verify if the maximum building coverage for the flag lot is correct on the plat, as the building footprint has been revised subsequent the Plan Review meeting. The remaining comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant. Mr. Banas stated there was a determination issue that was carried over from the August 21, 2007 Planning Board Meeting on the members who were eligible to vote, whether the 5 members present (quorum) at that meeting all needed to be present to vote, or if the majority of them (3 of 5) needed to be present to vote. Mr. Jackson agreed that only 3 needed to be present to vote. Only Mr. Akerman is missing from the original meeting, the other 4 are present. Mr. Jackson question whether this was a continuation of the prior meeting and asked why the issue of who was present at the last meeting relevant and Mr. Shea stated it is a continuation and there are 4 of the 5 members present.

Mr. Carpenter is the engineer for the applicant. Mr. Shea stated this is a fully conforming application with no variances requested and the reason for the continuance is because the board has adopted a policy that a vicinity map should accompany flag lot applications showing all of the units within 200 ft of the premises for the basis of landscaping screening. Mr. Carpenter stated they will be razing the existing building. The proposed basements will be used for storage only and that notation will be placed on the plans. They agree with the remainder of the comments in Mr. Peters’ report. They also agree with the comments in Mr. Slachetka’s report. The reason they are putting in a flag lot is because convention methods of subdivision would create lot with variances and frontage variances and the flag lot configuration does not create any variances. Mr. Banas asked how many flag lots were in the area and was told there was one now. Mr. Carpenter pointed to exhibit A-1, vicinity map, and said Lot 116.01 has an existing dwelling which is to remain and there is not a driveway on that side of the lot so they cannot combine a driveway that is not going to be there. There are 6 bedrooms in the dwelling that is proposed in the flag lot and the site plan will be revised. Mr. Banas asked about the basements and was told it would be for storage. There would be no bedrooms, kitchen facilities, bathrooms, or anything of that nature and there will be an internal stairway from the first floor to the basement, no external entrance to the basement.

Mr. Peters had a point to clarify. Mr. Gatton asked about the planner bringing up a question about the other lot. Mr. Truscott said they recently received an application about Lot 116.01 for another flag lot for the same owner. He brought up the feasibility of shared access but Mr. Carpenter had addressed it but Mr. Truscott suggested he shift the flag pole portion of it if it is feasible. There was discussion about the possibility of a cul de sac instead of all these driveways and flag lots. Mr. Shea asked Mr. Carpenter if it was feasible and Mr. Carpenter talked about the drainage and how the entire site pitched to the rear of the site and a cul de sac would give no place to get rid of the water but off the rear of the site. Based on the size of these lots, you are probably going to incur variances so a conventional cul de sac subdivision would not work. Mr. Peters asked if these lots were previously submitted to the zoning board for a subdivision and Mr. Chaim Abadi was called up and he stated they were submitted to the zoning board for a 5 lot subdivision but lot 116.01 is an existing 2 family house and there was a drainage issue that was brought up by a lot of the neighbors and Mr. Gasiorowski came to the board and Mr. Shea pulled the application for redesign which is why we are here now.

Mr. Banas asked Mr. Peters about the water flow problem towards the rear but wouldn't that be the same both ways with a cul de sac or a flag lot. Mr. Carpenter tried to explain and Mr. Banas said you have 3 driveways now and with a cul de sac you have only one. Mr. Carpenter said based on the geometry it would not work. You would use up most of the street and the land for the cul de sac. He showed them on the map. Mr. Carpenter said he believes that new application for lot 116.01 shares the driveway with the one here so it would only be 3. There was much discussion on the legalities of the flag lot vs. the conventional subdivision and in this case a conventional subdivision would be impractical and would require variances.

Mr. Neiman said there was another application that was 2 flag lots and they changed it to a small cul de sac that was a much better lay out and it did have a few variances and that is what the chairman was talking about.

Mr. Truscott recommended a shared driveway and Mr. Shea said that would keep it variance free and Mr. Jackson said he did not believe the concept of whether a variances are required is as important as whether the physical layout makes sense and promote harmony amongst the neighbors.

Mr. Gatton asked Mr. Carpenter if his statement was an informal opinion or not so Mr. Carpenter explained the dimensions of a cul de sac to him and drew it on A-1 to show how it would not work on this application. Mr. Peters clarified that they would post a bond for the removal of the building prior to the signature of the final plat and Mr. Shea agreed.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Neiman, seconded by Mr. Franklin, to approve this application with all the recommendations and stipulations made by the applicant.

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

2. SD # 1356B (VARIANCE REQUESTED)

APPLICANT: C HOOK LLC

Location: River Avenue @ corner of Finchley Boulevard
Block 431 Lots 9.01 through 9.47

Preliminary & Final Major Subdivision – 41 lots

Mr. Peters stated the applicant is seeking preliminary and final major subdivision approval for Block 431, Lots 9.01 through 9.47. The proposed project consists of seven (7) multiple unit townhouse buildings with basements, containing a total of forty-one (41) three bedroom units, a playground, and a cul-de-sac access road. The site is located on River Avenue (US Route 9), in the HD-7 zoning district. Townhouses are permitted as a conditional use in the HD-7 zone. Outside agency approvals will be required from, the Ocean County Soil Conservation District, Ocean County Planning Board, N.J. Department of Transportation, and NJDEP for TWA, water main extension, and wetlands disturbance. No bulk variances are required for this major subdivision. The proposed Chevy Lane will be a privately owned roadway; thus, its ownership and maintenance shall be addressed in the Home Owner Association documents. The Planning Board may wish have the applicant petition the township council to pass an ordinance to allow the township traffic laws to be enforced on the roadway. After the extension of the proposed cul-de-sac, the driveways for the two middle units at the west end of the development can no longer accommodate two cars per driveway. We recommend the applicant relocate the units toward the western property line in order to provide a minimum dimension of 18'x18' driveways. Based on the RSIS requirement of 2.4 parking spaces per unit, the applicant is required to provide 98 parking spaces. The board should determine if this will be sufficient for the proposed development. After the revision of the driveways at the west end of the property, 114 parking spaces will be proposed and shall be shown as the provided number of parking spaces in the zoning schedule. At the technical review meeting the applicant agreed to investigate the possibility of adding a community building to the project. Testimony shall be provided regarding the community building. The Site Development Plan contains a wetland boundary line and areas of wetlands to be filled and buffer areas to be averaged. Evidence of approvals from the NJDEP shall be provided and accompanied by a copy of the NJDEP stamped approved plan. Some notes and curve data are missing from the Site Development Plan. They may have been accidentally deleted from the plan and shall be added back on the plan. It appears that the curve data table has not been revised after the extension of the cul-de-sac. The curve data shall be revised in accordance with the new design. In addition, the bearing length in front of the town house units east of the cul-de-sac shall be also revised to adjust for the extended cul-de-sac. The applicant calls out the same length for the property line as shown on the previous plans. The line has been shortened to allow a larger cul-de-sac on the revised plans. The applicant shows the same grading for the revised plans as the previous plan. The proposed contours shall be revised at location of the extended cul-de-sac. The revised plans with the new cul-de-sac arrived with little time for review. If approved minor comments may arise during resolution compliance related to layout and grading. The applicant has added note #21 to the plan to state that each townhouse unit parking area shall be able to accommodated two cars. An error has been made in the note; the numerical "1" parking space shall be revised to "2". The parking areas shall be shown and dimensioned on the Site Developments Plan. A note has been added to the Site

Development Plan to state that the proposed basements are restricted for storage use only. The board should determine if additional restrictions will be required. It should be noted, the architectural plans show no exterior entrance to the basements. The applicant shows on the Existing Condition Plan that 6' shade tree & utility easement along the proposed Chevy Lane to be vacated, as well as all the homeowner drainage easement from previous approval. The shade tree & utility easement along the River Avenue and sight triangles at the Chevy Lane entrance dedicated to the Ocean County will remain as shown on the plans. The proposed cul-de-sac has been designed with a radius that is sufficient for school bus to make full turn in and out of the development. This application will require the formation of a Home Owners Association (HOA) to own and maintain the public portions of the development. The applicant shall provide the HOA documents to the Planning Board Solicitor and Engineer for review. The documents must address maintenance of the stormwater management system, snow removal, and ownership and maintenance of all other public portions of the project. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated September 14, 2007. The applicant seeks preliminary and final major subdivision and major site plan approvals with associated variances to construct a 41-unit townhouse development on a 5.33-acre tract. This property was previously granted site plan and subdivision approval for a forty-three (43) townhouse unit development, with each unit being twenty (20) feet wide; along with approval for four (4) open space lots on the tract. The architectural drawings submitted by the applicant for the present application indicate that each unit is to be twenty-two feet wide, have three bedrooms, and will include basements. The tract is located adjacent to River Avenue (Route 9 South) in the southwestern part of the Township in an HD-7 (Highway Development) Zone. Contiguous zoning is HD-6 (Highway) and R-12 (Residential) to the north and west of the tract, and HD-7 to the south and east. The existing land uses in proximity to the parcel are a mix of uses along Route 9, and residential moving west from the State Highway. The tract is mostly wooded and contains freshwater wetland areas in the western portion of the property. Additional site improvements include parking, stormwater collection and management facilities, a playground, utility services, landscaping and lighting. Access to the development from Route 9 will be provided via a private road. The applicant has submitted revised plans with one (1) less dwelling unit and a wider cul-de-sac (55-foot radius) addressing the comments at the last public hearing. Townhouses are a permitted Conditional Use in the HD-7 Zone. The application as currently proposed requires no variances. Architectural drawings of the front of the townhouses, as well as a floor plan, have been provided. The applicant must also provide side and rear elevations. Architectural drawings should also be provided if the HVAC equipment is to be located on the roof. The applicant has indicated that access to the basement will not be provided by a separate exterior entrance. The architectural drawings have been revised to increase the depth of the townhouse units from 32 feet to 34 feet. NJ Residential Site Improvement Standards (RSIS) Parking Requirements for Residential Land Uses (Table 4.4) specifies that three (3) bedroom townhouse units require 2.4 parking spaces. The applicant should also address the following: Based on the current drawings, there are 2 spaces in front of each townhouse ($2 \times 41 = 82$), and there are a sum total of 32 spaces not fronting townhouse units. The sum total of parking is 114 spaces. The applicant has indicated all common areas (including roads) as an open space lot 3.165 acres in size. Chapter 18-808 requires that applicants who are proposing residential development projects over 25 units

preserve not less than 5 percent of the tract land area as common open space, or dedicate the area to active recreation or community facilities for residential development projects. The tract is 5.33 acres (232,174.8 square feet); 5 % of the tract is 0.2665 acres (11,608.74 square feet). Applicant must provide proof that enough of the area in this open space lot will meet the 5% threshold required. The following lands must be excluded from open space calculations: any portion of land not free of environmental constraints such as flood plains, wetlands, bodies of water, stormwater drainageways and basins (exclusive of underground facilities), steep slopes, and any lands not utilized for passive or active recreation, community facilities or left as undisturbed open space and/or wildlife habitat. The applicant must supply documentation to the Board in regards to compliance with Chapter 18-1010.9., which requires that commonly-owned areas for the enjoyment of all townhouse residents and their guests be owned and maintained by a non-profit homeowners association. The Township UDO identifies specific requirements as well as requiring that the applicant adhere to the New Jersey Department of Community Affairs (NJDCA) requirements. The document must be filed with the NJDCA. The applicant has provided a 30-foot buffer along the northern and western portions of the tract bordering residential uses, as per the requirements of Section 18-803.E.2.b. As per section 18-803.E.2, the applicant should ensure that sufficient screening be provided along those portions of this residential development that border incompatible uses (such as commercial uses of the HD-7 Zone). The landscaping plan should be prepared with consideration of existing vegetation to remain after future site plan disturbances. A sufficient visual screen between the tract and surrounding properties should be provided, either with new plantings or by identifying existing vegetation. This property boundary is also the boundary between the HD-7 Zone and R-12 Zone. It is critical that a sufficient buffer is provided. No screening or buffer is proposed along the southern border of the tract. Fencing should be provided to the rear of the units on the south side of Chevy Lane along the perimeter of the stormwater basin. As required by Chapter 18-1010.B.6., the applicant is required to obtain Department of Public Works approval for the proposed location and size of the individual trash and recycling enclosures for the townhouse development. Applicant must indicate an area designated for the storage of trash and recycling containers for each unit. All trash containers shall be screened from view. Wetlands areas should be clarified and New Jersey Department of Environmental Protection (NJDEP) and NJDEP File Numbers for all wetland delineation lines should be added to the plans. The applicant should discuss the buffer reductions (to the 50' buffers) indicated on the plans, and proof of receipt of a NJDEP Wetlands fill permit should be made a condition of approval. A Tree Protection Management Plan must be reviewed by the Township Environmental and Shade Tree Commissions to address the provisions of the UDO concerning "tree protection" (18-803.H). Compliance with the comments of the Commission should be required. If the proposed road is intended to be a private road, the Board should consider a requirement that Township traffic laws are enforced (Title 39). The balance of the comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. This is a continuation of the previous public hearing with the only outstanding concern being the bus stop and access from Finchley Boulevard. They have revised the plans and reduced the plans by one unit to accommodate a bus. Mr. Gatton questioned whether he is allowed to vote and was told no. Mr. Flannery testified that the plans were revised to increase the diameter of the cul de sac an additional 10 ft. so there is a 110 ft. cul de sac ,

they have lost 1 unit in order to accommodate the increased size and they need to move the last set of buildings 2 ft. west in order to give the driveways the appropriate length. They agree to all the technical comments in the report. Mr. Banas and Mr. Neiman liked this application much better and commended the applicant on making it better for the children and the neighbors.

Mr. Fink had a question about the issue of sidewalks along the frontage of Route 9. He had pictures that he had taken that was marked B-1 and B-2. Mr. Shea and Mr. Flannery pointed out that there will be sidewalks along Route 9 fronting the project.

Mr. Banas opened the microphone to the public

Mr. William Hobday, 30 Schoolhouse Lane, was sworn in. He asked about the ability about buses turning around and was told they can do so.

Gerri Ballwanz, Governors Road was sworn in. She wanted to know if there was a current permit for the wetlands now that there will be basements and Mr. Flannery said the LOI was updated recently and that information will all be provided to the board's professionals. She asked if anyone has really seen it yet and Mr. Banas said Mr. Peters probably has. Mr. Peters said he does not have it but they need to supply it as a condition of approval and he does check to make sure it has the stamp from the state. She asked what happens if the state does not approve it and Mr. Peters said if it is a minor change like moving a house a little bit, if the DEP has major concerns, and there is significant redesigns, it would have to come back to the board for re approval. She asked about the well head of the NJAWCO located across the street on Finchley and pumping station and she does not understand what it means but wants to know how it impacts with well head protection and Mr. Banas said he believed it is controlled by the state and they have their own protections in place. She said Lakewood still needed a well head protection ordinance and with all this building and building the impact will be greater than what we all anticipated. Mr. Shea said ordinarily this would come up when you have competing wells being proposed by developers on a site, here you only have one. She also remembers Mr. Franklin requesting one or two units being removed at the end. Mr. Franklin said they seemed to have moved things around efficiently.

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

Motion was made by Mr. Neiman, seconded by Mr. Fink, to approve this application with the stipulations they agreed to. Mr. Franklin stated they will be private streets and Mr. Shea agreed

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

3. SP # 1869 (VARIANCE REQUESTED)

APPLICANT: J&J GROUP LLC

Location: Cushman Street, west of Route 9
Block 430 Lot 60

Preliminary & Final Site Plan for 6,960 sf 2 story office building

Mr. Shea Esq. appeared on behalf of the applicant and requested it be carried to the meeting of October 23, 2007

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to table to October 23, 2007.

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

Mr. Akerman arrived. Mr. Jackson announced the next application will take some time as there is an objector who has retained counsel. He suggested taking a head count to see who would like to remain and take their chances. The attorneys for the next application spoke on the number of witnesses and it was decided it would be extensive. Mr. Penzer agreed to carry his other remaining applications for the evening

- 4. SD # 1366C (NO VARIANCE REQUESTED)**
APPLICANT: RALPH CLAYTON & SONS – JULE ESTATES
Location: Gudz Road and Lakewood New Egypt Road
Block 11.05 Lots 13-17, 19, 19.01, 84 & 85
Preliminary & Final Major Subdivision – 36 lots

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Subdivision approval to subdivide 19.98 acres to create 37 lots with 36 proposed single family dwellings, one of which is an existing dwelling that will remain. One lot will be used for Stormwater Management and recreation. An area of 5.05 acres containing wetlands, wetlands buffer, and uplands will be dedicated to Lakewood Township for conservation. The property is situated along Lakewood-New Egypt Road and Gudz Road. The property is situated within the R-12 Zone. The zoning table indicates that two (2) design waivers are required: to provide non-radial lot lines for proposed Lots 85.17 & 85.18, and to not provide street trees along the frontage of Lakewood – New Egypt Road. The Applicant has reduced most of the proposed lots based on UDO 18-908, Reduction of Residential Lot Requirements for Recreational Purposes, which allows a fifteen (15%) percent reduction in lot area to 10,020 square feet and a ten (10%) percent reduction in lot width to 81 feet. The applicant shall obtain all outside agency approvals, from the Ocean County Planning Board, Ocean County Soil Conservation District, NJDEP Permits for Wetlands Disturbance and NJDEP Treatment Works Approval. A sanitary sewer easement is shown on the plans through a neighboring lot to the west. The applicant shall provide the wording of the easement agreement to the Planning Board Solicitor, and legal description to the Planning Board Engineer for review. The easement agreement shall be finalized prior to signature of the final map. The applicant is proposing curb, sidewalk, and a six foot wide shade tree and utility easement along both sides of internal streets, and the project side of both Gudz Road and Lakewood-New Egypt Road frontage. The applicant has proposed 3.5 off street parking spaces per unit where 2.5 parking spaces are required per RSIS. The Applicant has revised the zoning table to state that 3.5 spaces are provided to match the parking tabulation which states that 3.5 spaces will be provided in the form of a two car garage and two car driveways. The Board should determine if the parking provided will be

sufficient for the type of development proposed. The Applicant has stated at the technical meeting that no site identification signage is proposed. The applicant has included a detail of the detectable surface within the plan set, but this detail overwrites other details shown on Sheet 13/16, Construction Details. The details shall be revised. The Applicant has revised the plans to lighten the building footprints on adjacent Lots 43-61, but they still appear to be proposed features. Furthermore, there appears to be proposed clearing and grading on these adjacent lots. The Applicant shall revise the plans to demonstrate that all of the work to be performed on these adjacent lots is not a part of this proposal, or shall provide the necessary easements to perform the work currently shown within the plan set. The landscaping plan proposes plantings on adjacent lots owned by others, and the applicant has stated that they have the ability to provide plantings on the adjoining properties. The Applicant shall provide the necessary easements for review to perform the work currently shown within the plan set. Our previous review letter questioned where the grass pavers will be installed. The proposed method of stabilizing the basin access point has not been identified. If the pavers are to be used to stabilize the basin access, they plan shall be labeled as such. The Applicant has included road names for both of the proposed roads on-site. These proposed names are subject to the approval from the Lakewood Zoning Board Secretary, proof of approval shall be provided as a condition of Final Approval. The Applicant has not submitted a revised Stormwater Management Report. The Applicant shall provide 80% TSS removal calculations and groundwater recharge balance calculations in accordance with NJAC 7:8. Two soil borings were performed in lots adjacent to the proposed basin lot. Groundwater and soil information is required from within the footprint of the proposed basin. Additional borings are required, boring logs and percolation test information shall be provided for review. We have concerns regarding groundwater elevations and percolation rates within the basin due to its proximity to the wetlands. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated April 30, 2007. The applicant is seeking preliminary/final major subdivision and variance approvals to create thirty seven (37) lots, which will be comprised of thirty six (36) single-family detached lots and one (1) lot to be dedicated to Lakewood Township for stormwater and recreation. The applicant proposes to construct two new roads, both unnamed, to provide road access to the new lots, construct stormwater management facilities and install utilities. The tract is mostly wooded and contains freshwater wetland areas. In addition, there are three single-family residences on the tract. The area of the tract is 19.98 acres. The applicant received preliminary and final major subdivision approval by a resolution memorialized by the Planning Board on February 4, 2003 to create 45 lots (43 single-family lots, one stormwater management lot, and one open space/recreation lot). No variances were granted as part of the prior approval. Similar to the current application, the prior approval involved the use of the lot reduction provisions of the Ordinance. Applicant has submitted amended plans, revised through April 4, 2007, to address the comments of the Planning Board and its professionals. The site is located in the R-12 Residential Zone and single-family residences are a permitted use in the zone district. The applicant is proposing to reduce the lot sizes by 15% from 12,000 square feet to 10,200 square feet in accordance with the provisions of Section 18-908. In addition, the applicant is proposing to reduce the lot width by 10% from 90 feet to 81 feet. In order to comply with the rules which govern such reductions, the applicant is dedicating a 5.05 acre lot to the Township of Lakewood. We recommend the applicant abandon its prior Preliminary and Final Major Subdivision

approval by resolution memorialized on February 4, 2003. The applicant should indicate if the map previously approved has been recorded. The applicant has revised the plat and plans to show the NJDEP file number for the wetlands boundary line for proposed Lot 85.35 only; we note the applicant's Transition Area Averaging Plan does not indicate the NJDEP file number. For clarity purposes, the plat and plans should be revised to identify the pertinent information (date, permit number) of the NJDEP Freshwater Wetlands Letter of Interpretation and averaging plan approval for all affected areas throughout the tract; these areas are generally south of proposed Jule Court. Compliance with Section 18-908 (Reduction of Residential Lot Requirements for Recreational Purposes). The land resulting from the lot reduction in lot area must be set aside for park, playground, or other recreational purpose. The plans indicate that a playground and walking trail are proposed on the lot to be dedicated. The applicant should submit a chart listing the area of the lands resulting from the lot reduction. The computed land area should be compared to the useable lands dedicated for open space/recreation. Section 18-908.B.5. requires that the land to be dedicated for recreation must be deemed suitable by the Planning Board for recreational purposes; Section 18-908-B.6 states that the land to be dedicated shall have direct access to a public right-of-way. The applicant should address compliance with these requirements in light of the freshwater wetlands located on the majority of the lot and access issues resulting from the remoteness of the playground to the rest of the subdivision. The proposal complies with the maximum density requirement in 18-908.B.8. We note that Section 18-808.A.1: for major subdivisions 25 units or more, no less than 5 % of land is to be set aside for open space. 5% of Tract is approximately 1 acre. (5% of 19.98 = .99). As the size of Lot 85.01 is greater than 5 acres, the applicant complies with this provision. Similar to Section 908.85, Section 18-808.A.1.a indicates that dedicated open space must be free from environmental constraints. Applicant must verify that a minimum of 1 acre of Lot 85.01 is free from constraints to comply with this provision. General Note #2 states that 36 lots are for residential purposes. The plat and plans indicate that Lot 85.01 is to be dedicated to Lakewood Township; Note #2 indicates that one (1) lot is to be dedicated for stormwater management/recreation. Applicant should amend Note #2 to specify Lot 85.01 is dedicated for stormwater management/recreation. As the applicant proposes to dedicate Lot 85.01 to the Township, the issue of maintenance of the stormwater management basin should be discussed. All the submitted plans (except the Utility Plan, Pre-Development Drainage Plan and the subdivision plat) indicate that the existing dwelling on proposed lot 85.07 is to remain. In addition, the ultimate disposition of the existing structures on proposed Lot 85.37 and those in the area at the end of the proposed Clayton Court are not indicated. The subdivision plat does not indicate existing structures. The following should be addressed: Indicate which structures will remain or be removed, and amend all plans accordingly. All improvements that are not to remain must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. The applicant has submitted a Transition Area Averaging Plan. The following twelve (12) lots are subject to conservation easements due to this Averaging Plan: 85.01, 85.14 through 85.18, 85.31 through 85.35, and 85.37. Restrictions on usable backyards for Lots 85.15, 85.33, 85.34 and 85.35. As indicated on the plat and plans, the proposed conservation easements restrict usage of significant backyard areas for most of these lots. Applicant must provide proof that all proposed lot numbers have been approved by the Lakewood Tax Assessor, and compliance with the Map Filing Law is required. Landscaping is indicated in the Lakewood MUA utility easement area, which is in close proximity to the playground area. A pump station in the MUA easement area is indicated

on the plans. The applicant should verify if all the requests contained in the Fire District letter dated 2006 have been addressed. Street trees are not proposed along most of Lakewood-New Egypt Road. A design waiver has been requested for this item. Applicant should justify reasons why a waiver should be granted for this item. Information should be submitted to the Planning Board showing evidence that the buffer planting on the single-family lots north of the subject tract is authorized by the property owners, and/or will be perfected by deed. A 10-foot buffer is indicated along Lakewood-New Egypt Road for that section bordering proposed Lots 85.19, 85.20, and 85.21, which are through lots due to having frontage on Jules Court and Lakewood-New Egypt Road. The lot widths of new Lots 85.20, 85.21, 85.28 and 85.32 have been included on the plans and are in compliance with the R-12 Zone. Lots 85.18, 85.19 and 85.20 are through lots, which require two (2) front yard setbacks. The plat should be revised to show a front yard setback on Lakewood New Egypt Road. A ten-foot landscape buffer on the collector road frontage (Lakewood-New Egypt Road) is proposed. Lot 85.07 is a through lot, with frontage on Gudz Road and Jule Court. All the submitted plans (except the Utility Plan, Pre-development Drainage Plan and the subdivision plat) indicate that the existing dwelling on proposed lot 85.07 is to remain. The current driveway orientation is on Gudz Road; as such, we recommend that the required 10-foot buffer for through lots be placed along the Jule Court frontage. Performance bonds and inspection fees should be posted for all required improvements. The Lakewood LDO requires that side lot lines, in so far as is practical, shall be at right angles to straight streets and radial to curved streets. We note that the applicant is asking for a waiver for a non-radial lot line between Lots 85.17 and 85.18. We request that the applicant provide justification for this design waiver. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Steven from PDS as the engineer. Mr. Penzer began with a history of this job. This job has been around for approximately 5 ½ - 6 years. It was approved February 4, 2003 with 45 lots that were 10,200 sf lots and went for county approval. That is where the excitement started. Originally the county agreed then they decided to make a buffer in an area that was so huge it changed the entire tenor of the original approval. The applicant tried to appeal it and tried to fight with the county to no avail. Now we are back with a reduction to 32 lots and a piece added for a total of 36 single family lots under the same provisions, the same theory, the same principles that were advanced at that time have been advanced today. The other reason it took so long is Mr. Liston is here representing objectors and chose not to go to rabbinical court. Mr. Penzer said his first exhibit A-1 is the Ocean County Planning Board and at that time Mr. Liston stated he would now like to give an opening statement and Mr. Jackson agreed to let him.

Mr. Liston is representing an objector, Aaron Kahn. He stated Mr. Penzer improperly brought up the issue of an attempt to resolve this via a rabbinical court. He was not directly involved in that but his client provided him with a letter from the rabbinical court in Lakewood that translates to something that Mr. Penzer objected to and Mr. Jackson stated that while it is commendable they went to try to resolve this, if that is in the spirit of compromise, the terms of what was discussed at the mediation is really appropriate for the board to consider and Mr. Liston said then Mr. Penzer should not have brought it up. Mr. Liston said his understanding of what came out of that was it was a township matter and it ought to be handled here before the township.

Mr. Liston continued stating that with regard to the application itself, they have a couple of problems, his client and his neighbors on Gudz Road, and the first problem is that they believe that the project is not right for adjudication before this body. The reason for that is that the ordinance 18-908 has some very specific requirements with regard to lot size reduction in return for provision of recreation areas. The planner pointed out some facts which he believes show the lack of jurisdiction in this board to hear this matter before these facts are crystallized. First, there has been no measurement as to the area of the recreation area that is being provided and without that this board cannot grant the relief under 18-908 in terms of lot size reduction. Secondly, there has been no determination that the property set aside for recreation purposes is free of environmental constraints and he suggests it is not and the fact that they are creating a lot (85.01) which is both used for stormwater management and recreation purposes is tantamount to putting the recreation area in the swamp and fraudulent for any applicant to come before this board and not provide for a clearly delineated recreation area of at least one acre that meets all of the requirements including direct access to a public street. This has not been provided.

Mr. Jackson questioned Mr. Liston if he is making the argument if this is a jurisdictional issue that the board cannot even consider this application and Mr. Liston said yes. At the threshold of seeking the relief provided by 18-908 you have to provide plans that show that that you are entitled to it and then those plans can be attacked or questioned and the plans that have been presented here do not do that. That is his first objection and that is jurisdictional. Mr. Banas said they can't go any further because they need to determine the jurisdiction and whether or not it belongs here. Mr. Truscott said it was more of a proof issue that the board can hear the testimony from the applicant addressing those issues that he raised in his letter and report and Mr. Banas asked him if he felt there was a jurisdictional problem and Mr. Truscott said no, that it was something that the applicant should address with the board and the board can seek the information and feels it can be resolved at a planning board meeting. Mr. Jackson concurred and said traditionally, a jurisdictional issue would go to notice whether it should be in front of the board of adjustment, whether the conditions of conditional use have been satisfied etc. If at the end of the case Mr. Liston says the applicant has not proved sufficient proof to the satisfaction of the board and the board may even grant variance relief, then it would be raised then.

Mr. Liston continued with his opening statement and said he did not believe this board if it finds that the recreational area that is presented, when it's fleshed out with testimony, does not comply with 18-908 and does not believe the board can grant the variances and disagrees with Mr. Jackson without a re-notification. His second concern and argument is that the plan provided puts all the traffic from this development out onto Gudz Road which is an already developed neighborhood and it is his client's concern that it will create a traffic bottleneck and a danger to the families that already live there. The better plan and they have an expert to testify to this is to reverse the cul de sac and put the entrance on Lakewood New Egypt Road. He knows Mr. Penzer will say that Ocean County made them do it this way he disagrees and said that Mr. Penzer brought in a plan that said to Ocean County we want to put it on Gudz Road and Ocean County said fine, the same Ocean County that allowed the Westgate development with many, many, many more lots to go out onto Lakewood New Egypt Road. Mr. Penzer objected.

Mr. Liston said what Ocean County wants does not bind this board and this board is charged with the responsibility of protecting the citizens of Lakewood Township the this board will hear testimony from expert witnesses about the dangerous conditions that will be created by this development by emptying onto to Gudz Road and the traffic bottleneck at the end of Gudz Road where it intersects with Lakewood New Egypt Road. Their third objection has to do with the wetlands and as the testimony continues the board will see that this application amounts to ten pounds of single family residential lots in a five pound bag. This is too much development for this environmentally sensitive site. He does not believe they qualify for the benefits for 908.

Mr. Penzer marked into exhibit A-1 which is the Ocean County approval dated 04-30-07 and read into record and Mr. Liston objected to it. It read "pay an off tract traffic improvement fee in an amount to be determined by the Ocean County Engineer. This major subdivision has frontage along both Ocean County Route 528 and Gudz Road. The Ocean County Engineer recommends that access to the site be permitted from Gudz Road and restricted from OC Route 528" and it is reviewed by EGG. Mr. Liston objected and said he read a portion of that document that he wanted to read and preceded by telling the board the date of the document and that it was the minutes of the OCPB having to do with this application. The document speaks for itself. He took a passage out of context and argued it and that is wrong. Mr. Jackson agreed with Mr. Liston.

William Stevens from Professional Design Services is the engineer for the applicant and presented A-2 – cover sheet of the subject drawings, Mr. Liston said he was not shown this exhibit before it was marked and it appears to him it is incomplete. He read the form, then someone gave him another page, making it 3 pages, and he still objected, stated it is an ocean county engineer's office submission and review requirements checklist with a detailed recommendation involving a lot of things and it doesn't tell us that these are the conditions that were included in the OCPB approval that Mr. Penzer says he got. The only way to know that is to have the official minutes from the OCPB when they considered this. He asked that it be disallowed. Mr. Banas said the Board does receive the Ocean County Planning Board minutes and Mrs. Johnson makes copies of the minutes. Mr. Liston says what he has is not the OCPB minutes that Mr. Penzer presented as an exhibit. There was discussion of whether that language was correct and Mr. Liston said if there are minutes from the OCPB they should be brought forward either by Mr. Penzer or the board. Mr. Banas presented Mr. Liston with a copy of the OCPB minutes. Mr. Liston stated this was not what Mr. Penzer submitted and asked that he withdraw whatever he submitted as A1 and submit this in its' place and Mr. Penzer agreed. Mr. Jackson said he would not withdraw it as it is still marked into evidence. Mr. Penzer said they would mark them both using the boards' exhibit as B-1. Mr. Jackson asked Mr. Peters what was marked A-1 and Mr. Peters said he was not familiar with the document but it looked like a checklist to the county planning board as opposed to a determination, he does not know what the remarks on page 2 or 3 come from.

Mr. Stevens continued with exhibit A-3 – a colored display map of the subject property, prepared by PDS, sheet 1 of 1; A-4 – Final Plat, prepared by PDS, sheet 2 of 16, dated 11-16-06, last revised 04-04-07; A-5 – Grading Plan, prepared by PDS, sheet 3 of 16, dated 11-16-06, last revised 04-04-07; A-6 – Landscaping and Tree Protection Management Plan, sheet 5 of 16; A-7 – Final Plat, Major Subdivision, sheet 2 of 11, dated 05/20/02, last revised 01/31/03, this is the Final Plat of the previously approved subdivision for this

property; A-8 – Grading Plan of the prior approval, sheet 3 of 11, dated 05/20/02, last revised 01/31/03.

Mr. Stevens stated the purpose of the hearing is for an amended preliminary and final subdivision application for the project known as Jule Estates. The application is being amended because the subject property sits on Gudz Road and Lakewood New Egypt Road with an out parcel, Lot 18 Block 11.05, which the Planning Board granted subdivision approval. The county came onto the applicant's property and delineated freshwater wetlands along Lakewood New Egypt Road without the benefit of the applicant having any knowledge and then went to the State of New Jersey and obtained a letter of interpretation for that freshwater wetlands delineation on the applicant's property and it was granted by the state. The applicant was also working with the state on an LOI and spent several years fighting with the state over the LOI that was issued to Ocean County that was wrong in their opinion. The freshwater wetlands delineated by Ocean County on the applicant's property are actually on the top and along the side of the hill, not at the bottom of the hill where one would reasonable believe freshwater wetlands exist, and it is his offices' opinion that was delineated is not actually freshwater wetlands but actually bonifide uplands but they have been unable to convince the State of New Jersey of that. He showed the board how it affected the previous subdivision on exhibit A-8 and how it looks today on exhibit A-5. There was no recreation facility in the original approval. They set aside some property in the southernmost corner of the subject property as open space, and that area was 1.18 acres. Mr. Penzer asked if they complied with the 10,200 per lot and Mr. Stevens said the board found they could utilize the terms of the ordinance 908 which allows for the reduction in lot area and lot width with the simple set aside of land and the wording of that ordinance has not changed although it has been codified since this original application was approved. Mr. Jackson questioned whether there were environmental constraints on the recreation and Mr. Stevens stated it is up to the board to decide if it is appropriate or not. There is language in the ordinance under Section 808 which talks about a set aside for recreational areas.

Section 18-908 talks about a reduction of residential lot requirements for recreational purposes. It is applicable in the R-12 zone. The lot area may be reduced up to 15% which gives them a minimum lot area of 10,200 sf in the R-12 zone. Lot width may be reduced by 10% which gives them a minimum lot width of 81 ft in the R-12 zone. Land resulting from the reduction in lot size shall be set aside for park, playground or other recreational purposes. The land shall be dedicated and deeded to the Township for recreational purposes. The soil, drainage, slope, and location of the proposed recreation area shall be deemed suitable by the board for recreational purposes in its' review of an application of lot reduction under this section, the board shall consider the location of the proposed recreation area with respect to the location of the Township's population, traffic and the possible addition of more land to the area proposed for dedication. The land dedication shall have direct access to a public right of way and the area set aside for recreational purposes shall not be less than one acre or less than 150 ft. in its dimension. They cannot exceed 3.1 dwelling units per acre in the R-12 zone.

Mr. Stevens stated the proposed lot to be dedicated to the Township (Exhibit A-4), Lot 85.01 will contain a total of 5.05 acres and of that total, 2.31 acres are freshwater wetlands, 0.69 acres are stormwater detention basin, 2.05 acres are uplands. He feels this dedication exceeds the original approval. He read elevations into the record: at the top of the hill the

elevation reads 100 and at the bottom of the hill it reads 77. Mr. Jackson asked if the States delineation of freshwater wetlands inconsistent with passive recreational use and Mr. Stevens said no. Mr. Banas asked if there are monuments set and Mr. Stevens said no. Mr. Jackson said it might be time for Mr. Liston to address this issue at this time.

Mr. Liston asked Mr. Stevens to indicate in Lot 85.01 where the wetlands exist and Mr. Stevens showed him on exhibit A-5. The hatched area is a transition area and a waiver is requested, the applicant is looking to move some of the transition area and also to fill some of the freshwater wetlands higher up on the hill. Mr. Liston asked what was the buffer requirement for the freshwater wetlands that exists on Lot 85.01 and Mr. Stevens said the requirement is 50 ft. Mr. Liston asked if you were to lay that buffer out, how would it impact the area where the recreation is being proposed and Mr. Stevens stated the recreation area is not touched by the wetlands buffer. Mr. Stevens pointed to the southeast corner of the property the playground is proposed along Gudz Road with the recommendation of Mr. Dolobowsky. The proposed playground is on the same lot as the proposed pump station. Mr. Liston asked if you backed out the property that is being utilized for the sewage pump station, how much property do you have left for the proposed playground and Mr. Stevens said he would have to get a calculator to do the math. Lot 85.01 is 5.05 acres and the proposed playground is approximately 75 x 75. Mr. Liston pointed out that the playground area is less than an acre and questioned Mr. Stevens on that point. Mr. Stevens said the 75 x 75 lot is approximately 15/100th of an acre. Mr. Liston said the ordinance requires at least an acre which Mr. Stevens said they have. Mr. Liston argued again the jurisdictional point of this application that when you back out the wetland, stormwater basin and pump station, you are left with less than 15% of an acre for recreation. Mr. Banas indicated said they stopped Mr. Penzer from introducing the entire application to the board and felt there are things that Mr. Stevens may be presenting that may answer your questions and doubts. Mr. Liston asked Mr. Stevens of the 2.05 acres of uplands, how much of that is dedicating to buffering and Mr. Stevens did not know. Mr. Stevens did say that no portion was dedicated to the drainage basin and some was utilized in the sewage pump station. Mr. Penzer asked Mr. Stevens if in his opinion how much is the applicant providing and Mr. Stevens stated they are exceeding 2 acres. Mr. Liston objected.

With respect to Mr. Slachetka's comments and said that abandoning the prior approval should not be necessary because should this application be approved, it will supercede the prior approval. They do have a LOI for this application and will introduce it into evidence, exhibit A-9, dated January 18, 2005. Under Ordinance Section 18-908, which allows for the reduction of residential lot requirements for recreational purposes it states the land set aside must be for park, playground, or other recreational purposes and the plans indicate that a walking trail are proposed on the lot to be dedicated. Mr. Truscott stated they were looking for something different from the applicant. He said they are going from a 12,000 sf lot requirement to a 10,200 sf lot requirement, so there is a gain that is not being put towards the single family lots. You take that lot area and compare it to the lot area that you are dedicating to the township. The whole purpose is reducing the lot area to allow for some common recreation open space. Mr. Stevens and Mr. Penzer said they do not see the relevance because it is not in the ordinance but Mr. Truscott said it is in the ordinance in Section 18-908 B-3. Mr. Truscott said in many cases this application exceeds 10,200 sf so the reduction may only be 5 or 6 lots. Mr. Jackson said that may be a good one to come back to the next meeting with an answer with, since it does not look like it will be finished

tonight. Mr. Stevens stated if all the lots were 10,200 sf that would result in a 1,800 sf per lot x 36 lots and that would result in a land area of less than 1.5 acres and in this case we are setting aside 5.05 acres so we are meeting that criteria.

Mr. Stevens said access to the recreational area will be from both Gudz Road and County Route 528. The location of the playground was recommended by Mr. Dolobowsky who was a member of the planning board at the time of the technical meeting. The applicant has provided 2.05 acres of uplands and Lot 85.01 will be dedicated to Lakewood Township. The existing dwelling on Lot 85.07 will remain. There are currently 3 existing homes on the subject property, on Lot 85.07, 85.36 and 85.37 and 85.29. The only home proposed to remain is on Lot 85.07, the other 2 dwellings are proposed to be removed, and the applicant agrees to remove or post a bond for their removal. They have submitted a Transition Averaging Plan and it does impact on some of the lots and there are some freshwater wetlands throughout the subject properties both in the north and southern part of the property and some of the lots have buffering on the rear portions of the lots and there will be conservation easements on the back of the properties. The applicant will obtain all the lot numbers. The landscaping that is requested is for NJAWCO and not the Lakewood MUA. The Lakewood Fire District wishes them to remove some fire hydrants from their plans and they agree. They are requesting a design waiver from street trees along Lakewood New Egypt Road because pointing to exhibit A-3 Mr. Stevens stated there are substantial trees to be saved along that road and there is no need to plant more. It appears they would have to remove existing vegetation to plant the trees. Mr. Banas said only if they have to use the 50 ft. mark tree to tree, but he likes trees, and those trees there are not equally in size and there needs to have something to grow in there. Mr. Banas asked Mr. Truscott to sit down with the applicant to discuss. Buffer planting on the north refers to the Jule Estates line with the western border with the Westgate Development with the same applicant owning both developments. The development of these tracts could be done simultaneously. They have proposed a conservation easement along County Route 528 to prohibit access for the 3 lots that end up on the cul de sac to eliminate the cross access or dual frontage. Lot 85.07 on exhibit A-3 had property that has a driveway that goes out to Gudz Road and a rear separate garage located behind the existing dwelling. The applicant is proposing to leave that in place and the Mr. Slachetka is asking to avoid a dual frontage issue and states an easement should be provided along Jule Court to prohibit access from this property onto Jule Court. It is his opinion it is not what the Township wants because at some point in the future, this lot will be redeveloped and the house should be oriented to Jule Court and not back out to Gudz Road. Mr. Banas asked what his suggestion was in the meantime and Mr. Stevens stated the prior approval granted that there was a note on the final plat indicating that if this property were ever to be reconstructed substantially that it would have to provide access back to Jule Court. Mr. Truscott had no objection to that. The non radial lot line between Lots 85.17 and 85.18 (not perpendicular), the applicant can make the lot line radial but it is irrelevant and Mr. Truscott agreed but said it is in the Ordinance. As far as parking, the applicant is proposing to construct all of the dwellings with 2 car garages and 2 car driveways which will permit 4 cars to be parked for each home. The RSIS calls for those spaces to be called as 3.5 spaces and they are required to provide 2.5 spaces so they are exceeding the required amount. There is also on street parking available with oversized width of the both cul de sacs. Mr. Banas asked how many bedrooms were proposed on these single family homes and was told they would be 5. There will be a minimum of 8 house designs to address the Township look alike ordinance and water and sewer will be brought in by the applicant. They agree to the remainder of the comments on the planners report.

Mr. Gatton had a question about the wetlands delineation and the fact that the engineer is in disagreement with the findings of the approved LOI and wanted to know if he wanted to board to decide to agree with him or the agency and Mr. Stevens said no. Mr. Stevens said the LOI that is approved is the one that will be used and he has bowed to the will of the state. He is not asking the board to do anything in violation of the approved LOI from the state.

Mr. Franklin had a question about the 4 houses on Gudz Road and said he had asked him at the technical meeting to remove the storm sewer lines from the rear of their property and the manholes because he cannot get back there to maintain them when they are turned over to the Township. Mr. Stevens remembers the conversations and said he will correct the problem.

With regards to the engineer's report, they will revise the lot line to provide a tangent piece or radial piece of that lot line from the front set back to the street right of way so as not to affect the lot width. The TWA will be required at the time of the building permit. The sewer easement is owned by Westgate, so there is no problem getting that, and Mr. Peters said the description can be shown on the map but there needs to be some sort of wording to say what that easement is allowing. They would like to install a small sign that would not require any variances, just for identification. They will use grass pavers for access driveway for the proposed basin and Mr. Franklin said that was acceptable. They will get approval of the street names. They agree to the remainder of the comments in the engineers report.

Mr. Peters said this will probably not be answered tonight but the board could use a little more clarification when you are going through the buffers numbers. Mr. Liston agreed and stated he would also like to know what the measurement of those buffers and tell them how much of the uplands is buffer. Mr. Penzer asked if the board wanted that submitted in advance and Mr. Banas said that would be better but he suggested a special meeting to conclude this application. There was much discussion of dates but it was finally decided to be the 30th of October.

Motion was made by Mr. Neiman, seconded by Mr. Akerman, to continue this application to a special meeting of October 30, 2007

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

5. SD # 1422A (NO VARIANCE REQUESTED)

APPLICANT: S&C WANOUNO

Location: Ocean Avenue & E. 2nd Street, between S. Park Ave & the railroad
Block 248.01 Lot 63

Re-approval of previously approved Minor Subdivision for 2 lots

Mr. Penzer Esq. appeared on behalf of the applicant and requested it be carried to the meeting of October 23, 2007

Motion was made by Mr. Akerman, seconded by Mr. Akerman, to table to October 23, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Gatton; yes

6. SD # 1590 (NO VARIANCE REQUESTED)

APPLICANT: MOSHE & CHAYA FEINROTH

Location: Attaya Road, west of Miller Road
Block 11.02 Lot 4

Minor Subdivision to create 2 lots

Mr. Alfieri Esq. appeared on behalf of the applicant and requested it be carried to the meeting of October 23, 2007

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to table to October 23, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Gatton; yes

7. SD # 1595 (VARIANCE REQUESTED)

APPLICANT: 53 WEST CROSS STREET JACKSON LLC

Location: West Cross Street, west of White Road
Block 251 Lots 12, 13 & 13.01

Preliminary & Final Major Subdivision – 6 lots

Mr. Doyle Esq. appeared on behalf of the applicant and requested it be carried to the meeting of October 23, 2007

Motion was made by Mr. Herzl, seconded by Mr. Gatton, to table to October 23, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Gatton; yes

8. SD # 1597 (NO VARIANCE REQUESTED)

APPLICANT: ELISA ROBBINS

Location: Oak Knoll Road, between Arbutus & Magnolia Drives
Block 19 Lots 1 & 3

Minor Subdivision to create 2 lots

Mr. Kelly Esq. appeared on behalf of the applicant and requested it be carried to the meeting of October 23, 2007

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to table to October 23, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Gatton; yes

9. SP # 1871 (NO VARIANCE REQUESTED)

APPLICANT: W & M REALTY LLC

Location: 410 Monmouth Avenue @ northwest corner of 4th Street
Block 128 Lot 7

Preliminary and Final Site Plan to construct a 5 story building with retail/office use

Mrs. Weinstein Esq. appeared on behalf of the applicant and requested it be carried to the meeting of October 23, 2007

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to table to October 23, 2007

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

10.SP # 1630A (VARIANCE REQUESTED)

APPLICANT: PARKWAY 70 ASSOCIATES

Location: Route 70 @ northeast corner of Airport Road
Block 1160.01 Lot 253

Amended Preliminary and Final Major Site Plan to construct 2 commercial buildings

Mr. Or no Esq. appeared on behalf of the applicant and requested it be carried to the meeting of October 23, 2007

Motion was made by Mr. Herzl, seconded by Mr. Fink, to table to October 23, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Gatton; yes

11.SD # 1600 (NO VARIANCE REQUESTED)

APPLICANT: LAKEWOOD MEDICAL ARTS

Location: River Avenue, south of Buttell Avenue
Block 420 Lot 16 Block 420.01 Lot 23

Minor Subdivision to re align lot lines

Mr. York Esq. appeared on behalf of the applicant and requested it be carried to the meeting of October 23, 2007

Motion was made by Mr. Franklin, seconded by Mr. Neiman, to table to October 23, 2007

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

12. SD # 1531A (NO VARIANCE REQUESTED)
APPLICANT: ASTRID JANE DECICCO
Location: Cross Street, west of Massachusetts Avenue
Block 468 Lots 7, 8, 9
Minor Subdivision to create two conforming lots

Mr. Kelly Esq. appeared on behalf of the applicant and requested it be carried to the meeting of October 23, 2007

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to table to October 23, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Gatton; yes

5. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1506A (NO VARIANCE REQUESTED)
APPLICANT: YEHUDA EHRMAN
Location: Lanes Mill Road, opposite Cindy Court
Block 189.16 Lot 50
Extension of previously approved Minor Subdivision to create 2 lots

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

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

2. SD # 1529A (VARIANCE REQUESTED)
APPLICANT: STAR DEVELOPERS, FORMERLY MATHIAS DEUTSCH
Location: East Harvard Street, east of Park Place
Block 170 Lots 7, 8 & 9
Extension of previously approved Minor Subdivision for 4 lots

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

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

3. SD # 1553A (VARIANCE REQUESTED)
APPLICANT: THE TEEN CENTER FOR EDUCATION AND OPPORTUNITY INC.
Location: southwest corner of E.8th Street between Middlesex & Somerset Aves.
Block 21 Lots 1 & 3
Extension of previously approved Minor Subdivision for 4 lots

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

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

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

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

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

5. SD# 1596 (VARIANCE REQUESTED)
APPLICANT: PGD DEVELOPERS
Location: Warren Avenue, north of Pine Street
Block 768 Lot 81
Minor Subdivision to create two lots

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

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

6. SP # 1872 (VARIANCE REQUESTED)
APPLICANT: RICHARD ROBERTS MD PHD
Location: Arbutus Drive @ southwest corner of Case Road
Block 21 Lot 4
Preliminary & Final Major Site Plan for 2 story synagogue with parking area

There was a change in the wording of the resolution. The word was changed from must to may in the ejector pump and Mr. Banas said there is a big difference and the testimony offered is they will put the pump ejector in. Mr. Neiman agreed with the attorney. They all agreed to the wording "shall, if required"

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

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

6. CORRESPONDENCE

7. PUBLIC PORTION

- None at this time

8. APPROVAL OF BILLS

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

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

9. APPROVAL OF MINUTES

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

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

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary