

**LAKWOOD PLANNING BOARD  
MINUTES  
SEPTEMBER 20, 2005 • 6:00 PM**

**I. 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.”

**II. ROLL CALL**

Mr. Herzl (arrived late), Mr. Franklin, Mr. Miller, Mr. Chermack (arrived late), Mr. Banas, Mrs. Wise, Mr. Long (arrived late), Mr. Dolobowsky, 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 there were no changes.

**III. NEW BUSINESS**

1. **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 11 lots

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 plan should include references as to the source of all stream and wetland information. There are a number of comments dealing with the storm water management plan and the map filing law which are technical.

Mr. Slachetka stated the applicant must address the positive and negative criteria for the requested variances. In this regard, the applicant should specify how the granting of the variances for lot area and lot width will advance the positive criteria (i.e., what community planning benefits are advanced by the reduction in lot area and lot width). One of the proposed lot has a lot width of 32 feet and seven of the lots have a lot width of 64 to 67 feet, where a minimum of 100 feet is required in the R-15 zone. The front yard setback of 30 feet is proposed for lots 63.03 and 63.10. However, the setback line is being measured from the existing property line, which extends into the cartway of Ridge Road. As a result, both dwellings would be less than 30 feet from the curb and approximately 20 feet from the proposed sidewalk. It is our opinion that the proposed dwellings are still too close to the street edge. We recommend that the Board require that the 30 yard front yard setback on Ridge Avenue be an "effect" setback from Ridge Road. As proposed the sidewalk along Ridge Avenue is not within the right of way and an access easement will be required. Based on the number of variances requested for lot area and lot width and the applicant's lack of progress in addressing the setback from ridge Avenue for lots 63.03 and 63.10, it is clear that the applicant is proposing to create too many lots, given the tract area and constraints. We recommend that the plans be revised to reduce the number of proposed lots on the site. Alternatively, the applicant should provide planning testimony showing how the proposed layout represents a better planning alternative for the site than a fully conforming subdivision. There are a number of technical comments. The zoning schedule should be revised to reflect the new lot width of lots 63.03 and 63.09. 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 that faces the rear of the adjoining lot. This represents poor site design and layout. 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. The applicant should 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.

Ray Carpenter, P.E., was sworn in and his credentials were accepted. Mr. Pfeffer stated this applicant has been pending for about a half of year. The applicant could have come in with more buildings. They met with some of the neighbors and were proposing 11 lots which is less than what the applicant could have received. The neighbors asked for some changes. They went down three buildable lots. The first page of the engineer's report is a statement of fact. Three of the lots will seek a variance for lot area and Mr.

Carpenter agreed. Mr. Carpenter stated the three lots need a variance for lot area because the lots were in the wetlands. Nine lots were conforming and two lots are not. They were within 10 percent of the zoning requirements. The lots are buildable. They had copies of four different exterior views being proposed. He handed them out and the elevations and architectural drawings were marked as Exhibit A-1, A-2, A-3, and A-4. Mr. Slachetka stated he felt the intent of the ordinance was to provide variety in layout design or housing type and architectural details. The board has the ability to make a determination as to whether or not the ordinance is being met.

Mr. Banas stated it appears to be one house with four sides. Mr. Carpenter stated it was four houses with different architectural designs for the entrance.

Mr. Long arrived at the meeting.

Mr. Pfeffer stated they met last night with some of the neighbors. An engineer of the Ocean County Planning Board was present. Mr. Carpenter stated they did not apply yet since it will be changing but they did meet with them twice to address their concerns. They also have to submit a soil conservation plan. They need a treatment works approval for the sewer extension but they do not need a water extension permit. A wetlands letter of interpretation was submitted to the DEP and they will provide the same to the board when they are received. Mr. Pfeffer stated he has no problem with item five regarding the language of the homeowners association. Mr. Carpenter stated there is no moratorium on road openings as indicated by the Shade Tree Commission. Mr. Pfeffer stated they will also provide the easements to the homeowner's association. The balance of the comments were technical issues that he could resolve with the board's professionals.

Mr. Peters stated he could work out the technical details with Mr. Carpenter.

Mr. Pfeffer stated that the first paragraph of the planner's report was a statement of fact and they concur. Mr. Banas asked of the 9.2 acres how many acres are really buildable. Mr. Carpenter replied four acres. He stated the parcel is in the category one area and they were required by the DEP to allow no construction within 300 feet of the stream. They have to abide by that. In speaking with the County, they too do not have permission to construct anything within 300 feet of the stream. Mr. Banas asked if it was from the stream or the center of the stream. Mr. Carpenter replied it was from the center of the stream. Mr. Jackson asked about the lot and who would maintain ownership. Mr. Carpenter stated as of this point, they did not determine the same. They would donate it to an organization. Mr. Jackson felt that ownership should be determined. The board should require it. Mr. Pfeffer stated that B.2. references the lot area and lot width variances requested. Mr. Carpenter stated that on page 63.03 the lot width required is 100 feet and they were proposing 75 feet. On lot 63.04 there is no lot width required. Lot width on 63.06 there is a lot width of 32 feet. He stated that 63.06 is designed as a flag lot. This lot meets the requirements of a flag lot. Lot 63.07 there is 73 feet lot width. Lot 63.08 has 65 feet. Lot 63.09 has 65 feet. Lot 63.10 has 65 feet. Lot 63.11 has 90 feet and lot 63.01 is 77 feet. Lots 63.03, 63.04 and 63.05 are deficient in lot area. They are the lots that are directly west to the proposed project. They are all 13,500 square feet where 15,000 square feet is required. He stated if you look at the remaining site there are restrictions based on the configuration of the site. The whole project is designed to

get as many lots off of Ridge Avenue as possible. They could build more without the cul-de-sac and more homes on Ridge Avenue. They did not want to do this. The prior application had 14 proposed building lots with 5 have ingress and egress on Ridge Avenue. Mr. Slachetka asked if the lots would have been conforming in the previous application. Mr. Carpenter stated no they would not have. Mr. Slachetka asked if there was a way to get more lots that would be conforming. Mr. Carpenter replied no. The first proposal had all the lots at 90 feet in width but they did not meet the lot area. They felt it was more important to have the lot area. Mr. Banas stated that in developing any site, one must start with meeting the entire lots to the ordinance without a variance. Mr. Carpenter stated that it the idea, but it is not always achieved. Mr. Jackson asked if they felt it was a better design lay out to allow the configuration of the cul-de-sac. Mr. Carpenter replied it was. This was discussed in the initial meeting with the County. The initial design had five lots fronting on County Line Road and the County would not approve it.

Mr. Pfeffer stated safety was an issue. Mr. Carpenter stated the flag lot does have the required lot area and it does meet the conditions of a flag lot. The ordinance says that all lots are to be measured from the property line. They provided a 30 x 40 house on the lots. It was 20 feet from the sidewalk to the house for lots 63.03 and 63.10. They plan on landscaping the strip and you may not realize that you are that close. Sidewalk will be provided along the entire frontage on Ridge Avenue. Lots 63.03 and 63.10 require variances for lot area and lot width and the proposal is about 50% of what is permitted under the zoning for density. The ordinance permits two and a half units per acre. That would be 22 homes. They would comply with the provisions of the map filing law. They would comply with the RSIS standards for parking. The plan was reviewed by the Assessor's office. They agreed to having the police department reviewing the street names as well as having JCP&L approve the proposed street lighting. A maintenance schedule for the underground stormwater management facility will be provided and it would be maintained. The zoning schedule would be revised to show the lot widths of lots 63.03 and 63.09. Lot 63.06 actually deals with the flag lot. The lot line will agree. Section 821 is the architectural which they will comply with. A performance bond would be posted and outside agencies would be provided.

Mr. Slachetka stated the primary issue that the board would have to address is that based on the testimony that they adequately addressed the requirements under the statutory criteria for C2 variances and that the benefits outweigh the detriments. He did not know if the site as proposed was being proposed in an over-developed manner. The total number of units might be within the framework of the ordinance but they were dealing with a very uniquely configured site constrained by a number of factors. They have an almost de facto clustering. Although this is not a clustering application, one of the first steps is to look at the current UDO and what would apply. He agreed that providing a cul-de-sac off of Ridge Road makes sense given the traffic. There are concerns about providing adequate setback from Ridge Road to the dwellings. The board has to be satisfied that there are sufficient safeguards that are being provided. He stated that proposed lot 63.06 would be met from a dimensional standpoint for a flag lot. If you look at the lot in connection with the other lots, it really was not being proposed in a standard flag lot arrangement. The arrangement and the configuration of the dwellings is not a classic approach to a flag lot. The UDO requires for adequate screening and buffering

between dwellings for flag lots. This is slightly different. In general, the primary concern is whether or not the site is being overdeveloped given the restraints. The board has to weigh the testimony and determine whether or not it agrees.

Mr. Pfeffer stated they had an initial meeting with the neighbors and reduced the project from 14 buildable lots to 11. The application still has three lots with ingress and egress on Ridge Avenue. Lots 63.01, 63.02 and 63.11 had access to Ridge Avenue. Last night they met again and the neighbors asked the County representative what the County's concerns were. He informed them that the county has a requirement that they will not allow access onto county roads where you cannot prove that you have adequate site distant. They reviewed the plans and lots 63.01 and 63.02 would have difficulty meeting that criteria. Lot 63.11 does not have a problem meeting the requirement pursuant to the county standards. Last night, they spoke about provide a 20 foot wide driveway easement between lots 63.04 and lots 63.05 into the backs of lots 63.01 and 63.02. They would also move the structures on lots 63.01 and 63.02 further back on the lot so they would have more of a back yard on Ridge Avenue. Their access would be off of Pleasant Avenue. The house would actually face the opposite direction. Lot 63.11 would have access onto Ridge Avenue but 63.01 and 63.02 would not. They also talked about moving the house on lot 63.11 further back on the lot and reconfiguring the lot to provide more of a buffer from the house to Ridge Avenue. Mr. Banas asked about lots 63.04 and 63.05. Mr. Carpenter stated they were not taking area from the lots. They were going to have a driveway easement. There would probably be ten foot of pavement from Ridge Avenue to the two lots. Mr. Banas asked if this was permitted. Mr. Jackson stated he did not know what kind of impact that would have. He did not feel that it would violate any laws but it was a question whether or not the board felt it was an appropriate layout.

Mr. Dolobowsky stated the board has never approved anything less than a 12 foot driveway. He asked how it would affect the building envelopes. He would want it pushed back. Mr. Carpenter stated there would be 25 feet between the homes. Mr. Dolobowsky wanted to see it changed. He stated there is a driveway that would be 132.74 feet along the common border between lots 63.04 and 63.05 and then another 73.25 feet across lot 63.02 to get to lot 63.01. The person in lot 63.01 would have to move their garbage cans some 200 feet and would have to plow it. The Township would not plow the driveway. He did not think this was good planning. Mr. Carpenter stated this was suggested to them at the technical meeting to provide rear access to the homes that would front on Ridge Avenue. Mr. Dolobowsky did not remember discussing a 200 foot driveway. It might have been to eliminate lot 63.05 and put a street in there. Mrs. Wise asked about where the driveway would be. Mr. Carpenter explained the exact location of the proposed driveway to lots 63.01 and 63.02.

Mr. Pfeffer stated there is a JCP&L easement and one of the people last night asked if it was possible to put a fence along the easement. The fence could be installed subject to ordering a title search and being bound by the language that JCP&L would have. Assuming that there is nothing that would prohibit putting up a fence, they would do it as a condition of the approval. The fence would be along Ridge Avenue. There would be no lock on it. Mr. Banas stated that if the owner of the easement wants access the fence may not be permitted. Mr. Pfeffer stated that assuming that they could install the fence, they would make it a condition of the approval. There was a request for additional buffering which is

not required, they agreed to providing the same. Mr. Carpenter stated the plans do not reflect this because it was discussed last night. They would be providing access to the rear of lot 63.01 and lot 63.02 and proposing to moving the houses further away from Ridge Avenue and provide a landscaped buffer along Ridge Avenue to maintain the integrity and privacy of the development. Mr. Banas asked if it would also include lot 63.03 and Mr. Carpenter replied it would. Mr. Pfeffer stated the landscaping would not be required under the ordinance and Mr. Carpenter replied that there was no buffer requirement. Mr. Dolobowsky asked if they could also do it along lot 63.10 and Mr. Carpenter replied that they could but it could not be higher than 30 inches because of the sight triangle. Mr. Dolobowsky asked about the fence. Mr. Carpenter stated if you look at lot 63.10, the JCP&L easement crosses to the rear of the lot which is 100 feet wide. The fence would be across the entire easement and could be extended further up the property line. Mr. Franklin stated there was a fence there that was removed when sewer was installed but it was never replaced. Mr. Jackson stated besides the title search, the applicant should obtain some kind of permission from JCP&L to permit them to install the fence. Mr. Franklin stated the fence was installed to stop dumping. JCP&L never objected to it, but they did not grant permission. Mr. Jackson felt that an easement for the same should be obtained for access. He would look to look at the easement. Mr. Carpenter spoke about two other easements in the area that are similar to what they were proposing.

Mr. Pfeffer asked if there would be a problem for lots 63.01 and 63.02 to take their garbage to Ridge Avenue through the rear yards. Mr. Dolobowsky stated they were proposing a buffer. Mr. Carpenter stated the trees could be off-set so they could get through.

Mr. Dolobowsky stated the new designation of the stream requires that there be no building within the 300 foot buffer and asked what it means. Mr. Slachetka stated it meant no disturbance. It serves as a filter for the wetlands. Mr. Dolobowsky stated that monuments should be provided every so many feet so that the homeowners recognize the area and that it be included in their deeds that they could not do anything within that area. Mr. Franklin stated that on lot 63.11 the special resource protection area boundary line is within five feet of the back corner of the house. Mr. Carpenter stated the house could be reconfigured. The envelope actually shows into the wetlands area but the buildable area is confounded by the 300 feet. There is enough area to put a substantial size house. Mr. Franklin stated that no yard is left for them. Mr. Dolobowsky stated the kids will need a back yard to play in. Mr. Carpenter stated there is 116 feet to be used for either the house or the rear yard. Mr. Franklin stated it would not if the wetlands line was followed. The forested area is not staying. Mr. Banas asked where the kids would play. Mr. Carpenter stated there is an area that is approximately 90 feet by 55 feet. It is about 4,500 square feet. Mr. Banas felt that was tiny. Mr. Slachetka stated there is an existing vegetated area. Based on DEP requirements, they would not be able to clear that area. Mr. Carpenter stated they were measuring to the wetlands buffer. Mr. Slachetka stated that existing vegetation within 300 feet could not be disturbed. Mr. Carpenter agreed and indicated that they were not proposing to do anything within the 300 feet.

Mr. Dolobowsky stated there is an existing 100 foot wide easement through the back of the properties and asked what the homeowners would be able to do on the easements. Mr. Jackson stated it depended on what the easement indicates. He did not think they

could put in a pool since there is a sewer line. Mr. Dolobowsky was still concerned about the driveway and the bad weather and had concerns with a third driveway appearing between lots 63.04 and 63.05. There is little curb space on the cul-de-sac. He felt it should be reconfigured. Mr. Carpenter asked if he would be acceptive to a 20 foot wide driveway that is shared by 63.04 and 63.05 and 63.01 and 63.02. Mr. Dolobowsky replied no. Common driveways do not make good neighbors. He felt it could be configured that the driveway for lot 63.04 is to one side and 63.05 is to the other. He would still like to see where the 12 foot driveway would be and he would like to see the building envelope shifted to have equal setbacks off the driveway. Mr. Carpenter stated they could accomplish that. Mr. Dolobowsky asked if the easements were still there because he thought one was gone. Mr. Carpenter stated there is an existing water and sewer easement that would be vacated and which is where they were placing their recharge drainage system. Mr. Dolobowsky asked who would maintain that. Mr. Carpenter stated the homeowner's association would. Mr. Banas stated there were 11 units and there was no space for a playground area. Mr. Carpenter stated it was not required. Lots 63.01 and 63.02 have seventy feet to the rear of the property line. Mr. Banas stated the homes would be moved back therefore the seventy feet is not there. Mr. Franklin stated there would be a driveway there also. Mr. Pfeffer stated that in the most recent revision to the ordinance, a playground is not required for a project of this size. Mr. Banas stated there has to be somewhere for the kids to play. Mr. Carpenter stated that depending on what is written in the JCP&L easement, the area could be used for the kids to play.

Mr. Miller asked about the 300 foot setback from the stream and if the kids were playing there would it constitute a disturbance. Mr. Slachetka stated it could be used, but no clearing could occur. If it was previously disturbed then it could remain. Since the vegetation is existing, it has to remain as is.

Mr. Banas opened the application to the public.

Catherine Stillwell, 950 Brook Road, Lakewood, was sworn in. She stated they did meet with the applicant and did agree to items. The driveways on Ridge Avenue were a concern. They asked the applicant to move the driveways off of Ridge Avenue which is why they were requesting an easement through the two lots. She felt there was a better way to design it. She had many of the same concerns as Mr. Dolobowsky with regard to the double use of the driveway and how the neighbors would function. There would be safety issues with the driveways and children using them. They asked for side and rear yard buffers on Ridge Avenue which the applicant agreed to. They also asked for buffers for the homes that are along the power lines. A sidewalk would be provided along Ridge Avenue. Shade trees would be identified. Lot 63.11 was discussed with the County Engineer. It is the County's intention to extend New Hampshire Avenue. The time frame was within five years to extend New Hampshire Avenue to County Line Road. The County cannot construct within the 300 foot buffer so they were looking to acquire the lot so they could extend New Hampshire Avenue. They have the same concern with the building envelope being only five feet from the designated wetlands line. They talked about the easement for the power lines and they would like to see a fence with a gate. The power lines go through Ocean County Park who has a fence with barbed wire on it. They were concerned with the density in the area and the safety issues of the site. If the board approves the plan, she requested that they take a good look at it and that the LOI

is received before they can get a permit. She wanted to ensure that the area is protected. She asked if conforming lots were proposed on four buildable acres how many could they have. Mr. Carpenter stated they would have 11 lots. All the lots would front on Ridge Avenue with three or four flag lots which would all comply.

Mr. Peters asked if they tried to do an 11 lot subdivision on the parcel. Mr. Carpenter stated they did it but the new ordinance permits flag lots. Using flag lots and the entire frontage of Ridge Avenue all the way down to the 300 foot setback line, there is enough area to construct 11 fully conforming lots. The downsize would be that all the lots would front on Ridge Avenue. The only two lots that the county had concerns with were 63.01 and 63.02. The county wanted them to show if there was adequate sight distance and if there was, the county would approve them. Mrs. Stillwell stated that only three lots proposed on Ridge Avenue with one having the adequate sight triangle.

Mr. Long asked about the setbacks. Mr. Carpenter stated they have a formula for sight distance based on the geometry of Ridge Avenue. Mrs. Stillwell stated that the applicant should go back and redesign the application to eliminate the two driveways on Ridge Avenue, to consider eliminating the lot that the county is interested in for New Hampshire Avenue, and to redesign the interior roadway so the long driveways were not needed.

Joseph Theibault, 1245 Ridge Avenue, Lakewood, was sworn in. He stated he was a member of two environmental agencies. The condition of the JCP&L right of way was unacceptable. They were concerned about the filtration from the power line to the stream which is the drinking water of Point Pleasant Beach and Borough. There was no drainage on Ridge Avenue except on the south side. There are catch basins and the last one is 125 foot from the stream. It is the County's problem. He was concerned with the filtration. The sweeper comes by about twice a month that comes from the right of way. They should find out who is responsible for it from an environmental standpoint. Mr. Banas thought that soil conservation would be involved. Mr. Theibault stated they are involved and they would probably indicate that it was the County Road Department's responsibility. Mr. Banas asked if after the project if the stand would be stabilized. Mr. Theibault stated that any building that is over 5,000 feet or more would have to go before the County board. The sand would be washed into the roadway. He just recently learned what a C1 is. It was drinking water.

Alex Hartstein, 815 Ridge Avenue, Lakewood, was sworn in. He stated he lives down the street from the site and he has been backing out of his driveway for three years now. He lives on probably half the size lot as what is being proposed. His neighbors have smaller lots who also back in and out. It was not a busy area to back in and out. Most of the lots on Ridge Avenue are on his side and are about 8,000 to 12,000 square feet. His frontage is about 65 feet. He felt the application was larger and did not see any issue with it. Backing in and out onto Ridge Avenue was just fine.

Shlomo Kanarek, 137 East 8th Street, Lakewood, was sworn in. He stated they try to work with the people and the neighbors when they make application to the planning board. Originally this application was going to be for more lots than 11. They provided trees and sidewalks. They were trying to work with the neighbors and the County. They were trying to make everyone as happy as possible. The only final issue was the long



driveway going through the two properties. They would change it if desired. He did not see the long driveway as a safety issue. The only problem he saw with it was selling the house. The easement would be nice when the project is done. Mr. Dolobowsky felt the long driveway would be a problem. Mr. Franklin suggested another road with a cul-de-sac but they would lose a house. Mr. Kanarek stated he was not going to lose another house. Mr. Banas stated the variances would be eliminated with losing one lot.

Mr. Banas called a brief recess. The meeting was reconvened.

Mr. Pfeffer stated the application would be reduced by one buildable lot so there would be ten buildable lots with the additional lot for drainage. Mr. Banas suggested that they would have to come back to the board again. You might be able to get more structure around lot 11. It might also provide a safer access. Mr. Kanarek asked if they could get approval tonight. Mr. Banas stated it would not be fair for them to do that since the entire area would be changed. Mr. Miller suggested that the applicant be able to come right back rather than waiting six months again. Mr. Kiert stated that when they have a carry over, it stays at the top. It does not go back to the bottom. Once he gets the plans, it would be scheduled for the next available meeting. They would be on the next technical meeting once they get the plans. Mr. Dolobowsky asked for them to bring back information regarding the extension of New Hampshire Avenue. He was also concerned about the other lot being dedicated to New Jersey Land Trust. Mr. Jackson stated it was reasonable for the board to ask for more information is they know about something that might impact the size of the lot in the future. Mr. Miller stated the Committee was told that it would not happen because of the wetlands. Mr. Jackson stated it was reasonable to ask for more information regarding the extension of New Hampshire Avenue.

Seeing no further person wishing to speak for or against the application, Mr. Banas closed the public hearing.

The applicant would revise the plans and return to a technical meeting.

On motion by Mr. Dolobowsky and seconded by Mr. Franklin, the application would appear at the November 1, 2005 technical review meeting.

Mr. Jackson suggested that the applicant bring forward title information regarding the easement.

**ROLL CALL:** Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Chermack, yes;  
Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes;  
and Mr. Klein, yes.

Mr. Jackson stated that the application was carried to the November 1, 2005 technical review meeting. No further notice was required of the applicant.

Mr. Banas excused himself as chair for the application.

**2. 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

Mr. Peters stated the applicant is seeking minor subdivision approval for the creation of two lots from one. The subject property is lot 9 of block 288, fronting Caranetta Drive, approximately 150 feet south of the intersection with Central Avenue within the R-12 zoning district. The applicant will be required to obtain variances for the following: area of proposed lot 9.01 is 7,000 square feet where 12,000 square feet is required; area of proposed lot 9.02 is 8,000 square feet where 12,000 square feet is required; width of proposed lot 9.01 is 70 feet where 90 feet is required; width of proposed lot 9.02 is 80 feet where 90 feet is required; front yard setback for proposed lot 9.01 is 19.59 feet where 30 feet is required; and minimum floor area of existing dwelling on proposed lot 9.01 is 830 square feet where 1,200 square feet is required. Ocean County Planning Board approval will be required. The board should determine if shade tree easements will be required along the frontage of Caranetta Drive. The applicant has indicated that the existing garage shall be removed. The garage should be removed prior to signature of the final plat or a bond posted for the removal of the garage. RSIS standards require 2.5 parking spaces per lot as the number of bedrooms has not been provided. It is unclear if the driveway for proposed lot 9.02 will be able to hold 2.5 cars. There are minor comments regarding the map filing law.

Mr. Slachetka stated the applicant must address the positive and negative criteria for each of the requested variances. The applicant has indicated that the intent is to use the dwelling on lot 9.01 for charitable purposes and will establish a non-profit organization for that purpose. The applicant should provide testimony to the board and submit all relevant documents to the board attorney for review. The species of the proposed street trees should be shown on the plat. The balance of the comments were technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. He previously described the purpose of the foundation. He indicated that Mr. Dolobowsky was extremely helpful. The organization has a 501(c)3 determination. They are a legitimate private foundation. This was a C2 variance for an inherently beneficial use and that the use would qualify as a C2 variance. It is a charitable organization. The board had a fair request to ensure that the property would not be sold for a business. They agreed and they were prepared to make it a restriction forever for a non-profit organization to ensure that the property is used for only non-profit purposes. The property can be deed restricted. The filing of the map will have a note that the property will be deed restricted for a non-profit organization. They tried to satisfy the board's concerns.

Mr. Miller stated that Mr. Long and Mrs. Wise were not present at the technical meeting. Mr. Penzer stated the nature of the project started because Mr. and Mrs. Munk's daughter was killed by a car. They wanted to make a house that would be in memory of her that would do good deeds. Originally, a house was put up and Mr. Simpson indicated that if it was connected somehow it would be permitted. Mr. Mack took a different position

because it was still two houses. He felt that because of the charitable and non-profit nature that it would be something the board would understand even though he could not agree to it and Mr. Simpson permitted it if the two houses were connected. The choice is either to knock down the house so it would not be used for charitable function or to grant the variance so each house would be on a separate lot. The board was concerned about certain issues. Mr. Dolobowsky wanted it made into a foundation which they did. He marked into evidence a letter from the Internal Revenue Service dated August 16, 2005 which states that it was now a non-profit 501(c)3 organization and attached was a trust document. Mr. Jackson marked the letter as A-1. Mr. Chermack wanted the property protected. The best protection was to deed restrict the property that it could not be used for anything but a non-profit organization, which they would agree to. He felt the best way to protect the board was to make it part of the subdivision map.

Brian Flannery, P.E., was sworn in and his credentials were accepted. The application is for a minor subdivision to create two lots. Mr. Penzer reviewed the nature of the application and he felt the board understood the nature of the use. It was a beneficial use. It was something that would be good for the community in general. If you look at how this fits into the area, he rendered a copy of the tax map and highlighted the 200 foot perimeter of the site. There are 20 lots that surround the property within the 200 foot perimeter. Of those 20, 13 lots are nonconforming. Nine of them have area of 7,500 square feet or smaller. This is a 15,000 square foot lot which would have two lots. When you look at the density of the area, the area that is proposed is compatible. It would have no adverse impact on the zoning plan or zoning ordinance. It is compatible with the area. When you couple this with the proposed beneficial use, it clearly meets the criteria of the C2 regulations of the municipal land use law. N.J.A.C. 40:55-2 indicates that municipal action is encouraged to guide the appropriate use of development of all lands in the state in a manner which will promote the public health, safety, morals and general welfare. This application promotes the general welfare. The variances requested are minor in nature and they are comparable with the area. He felt that the variances could be granted without any detriment to the zoning plan or zoning ordinance. The other comments in the professionals' reports were minor in nature and they would comply with the same.

Mr. Chermack thanked the Munks. He reiterated his concern that he did not want to set a precedent. He was in favor of the charitable trust. Since the application was willing to deed restrict it, he felt it could be approved without setting a precedent.

Mr. Herzl asked about the two buildings being attached. Mr. Flannery stated that it was originally intended under the interpretation of Mr. Simpson that the two buildings could be connected and then there would be no reason for action by the board. Mr. Mack felt differently and in reality this is a better solution.

Mr. Miller opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the application was hereby approved granting the requested variances.

**ROLL CALL:** Mr. Herzl, yes; Mr. Banas, yes; Mr. Chermack, yes; Mr. Franklin, yes; Mr. Miller, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.

Mr. Banas resumed the chair position. Mr. Banas stated that the board would not be able to hear all of the cases today. There were items at the end that had to be approved pursuant to State law. He stated that he would close the hearing for new applications in thirty minutes.

Mr. Penzer asked if item #4 could be continued. They were trying to work out something with an objector that appeared tonight. He asked that it be carried to the next meeting.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, application SD#1479 was carried to the October 11, 2005 meeting.

**ROLL CALL:** Mr. Franklin, yes; Mr. Miller, yes; Mr. Chermack, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.

Mr. Jackson stated that application SD #1479 was carried to the October 11, 2005 meeting at 6:00 p.m. No further notice was required of the applicant.

John Paul Doyle stated he has the last application and consented that the application be carried to the October 11, 2005 meeting.

On motion by Mrs. Wise and seconded by Mr. Klein, application SD#1497 was carried to the October 11, 2005 meeting.

**ROLL CALL:** Mr. Chermack, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.

Mr. Jackson stated that application SD #1497 was carried to the October 11, 2005 meeting at 6:00 p.m. No further notice was required of the applicant.

Mr. Penzer consented to move application SD#1496 to the October 11, 2005 meeting.

On motion by Mr. Miller and seconded by Mrs. Wise, application SD#1496 was carried to the October 11, 2005 meeting.

**ROLL CALL:** Mr. Chermack, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.

Mr. Jackson stated that application SD #1496 was carried to the October 11, 2005 meeting at 6:00 p.m. No further notice was required of the applicant.

**3. 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 following: lot area of lot 170.01 where 6,794.4 square feet is proposed and 7,500 square feet is required; lot area of lot 170.02 where 6,794.40 square feet is proposed and 7,500 square feet is required; front yard setback of lot 170.01 where 19.4 feet is proposed and 25 feet is required; and side yard setback of lot 170.01 where 6.1 feet is proposed where 7 feet is required. The lot sizes have been revised per the board's request. Prior to the technical meeting, lot 170.02 was a conforming lot and lot 170.01 was 6,088 square feet. 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. The applicant has revised the plans to address the parking requirements as set forth in the RSIS standards. There are some technical comments regarding the subdivision.

Mr. Slachetka stated the applicant should address the positive and negative criteria of the required variances. A driveway should be delineated on lot 170.02. The applicant must comply with the off-street parking requirements of RSIS standards. The applicant should indicate on the plat whether the proposed subdivision line is radial. If not, a design waiver is required. The plat should be revised to indicate the existing dwelling on lot 170.02 will be removed. The balance of the comments are minor and technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated that at the technical meeting, Mr. Dolobowsky wanted them to avoid a variance for the side yard. Mr. Banas and Mr. Dolobowsky felt it was better to draw the line. This is two houses on one lot. Originally, it was two lots but they were consolidated by the town. The plan was changed to do as the board requested. One lot is not 100% conforming but it got rid of the side yard setback variance. Both lots are equal in size. All the comments by the professionals would be met.

Mr. Banas asked about the delineating the driveway. Mr. Penzer replied the same would be done.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

On motion by Mr. Dolobowsky and seconded by Mr. Miller, the application was hereby approved granting the requested variances.

**ROLL CALL:** Mr. Franklin, yes; Mr. Miller, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.

**5. 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. The applicant will be required to obtain Ocean County Planning Board approval. The applicant has proposed a six foot wide shade tree and utility easement to be dedicated to the Township as requested. There are some minor technical comments.

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 review comments are technical in nature.

Sam Brown, Esq., appearing on behalf of the applicant. He stated that each of the two applicants purchased a lot that ran from east to west rather than from north to south as proposed. The purpose of the variance is because of the dimensions of the lots. Further, the layout of the lots make more sense running from north to south rather than east to west. There are two applicants. In this case, each of the two applicants separately purchased property from the original land owner. While there may be issues of merger and the like, one of the forms of remedy is to come before the board and presenting it as an application for a subdivision. The comments of the professionals were short.

Mr. Jackson asked about the sale of the land. Mr. Brown explained that the lot was sold by one person to two separate owners. Each lot were listed separately in the tax records and were sold separately. The lots are undersized, but they were also proposing to change the layout of the two lots. This is an application to subdivide the property with a line running through it from north to south. Mr. Banas stated they once fronted East End Avenue and now would be fronting Leonard Street. Mr. Brown agreed.

Brian Flannery, P.E., was sworn in and his credentials were accepted. He stated that the lots as originally subdivided were two lots of 50 feet by 150 feet. They were proposing two lots of 75 feet by 100 feet. You still have the same 7,500 square feet but in a more useable configuration. The variances are for lot area. The property is in a R-10 zone which require 10,000 square feet and they were proposing 7,500 square foot lots. Lot coverage is required at a maximum of 25% and they were proposing 30% and 26.9% for the two dwellings. Side setback is 20 feet for lot 1 where 25 feet is required combined. He did not think this was applicable in this case. Lot 7.02 is the interior lot and proposes

a 23 feet combined where 25 feet is required. Front setback for lot 7.01 is 23.3 feet where 30 feet is required. This is shown to the steps. The new ordinance does not include the steps. The variances that you see are consistent with 7,500 square foot lots and are consistent with what is in the area. The 200 foot perimeter shows 24 lots. Of those 24 lots, 8 are townhouses. Directly to the south and adjoining the property are existing townhouses which were approved by the zoning board. The area is a little more dense. Across the street there is a school. Of the remaining 15 lots, 12 lots are 7,500 square foot residential lots. Three of the lots conform to the 10,000 square feet requirement. The two lots fit in the area. Rather than have the 50 x 150, they were requesting to have 75 x 100. Taking that into account, he felt that the variances were minor in nature and fit under the criteria of the C2 variance. If you look at the purposes of the Municipal Land Use Law, section e indicates that establishment of the appropriate population density and concentration that would contribute to the well-being of persons, neighborhoods, communities, regions, and preservation of the environment. This was the appropriate population density for the neighborhood and the 75 x 100 lots are more conducive to a useable lot area than 50 x 150 lot. The remaining of the comments were minor in nature and would be complied with.

Mr. Banas asked how the sidewalk was. Mr. Flannery stated he felt the sidewalk was good. If the engineer feels differently, the applicant would replace the sidewalk to his satisfaction.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

Mr. Brown asked if the variance would fit under the requirements of a C1 variance as well as it does under the C2 variance. Mr. Flannery stated it was his opinion that it fits under the C1 and C2 variance requirements.

On motion by Mr. Dolobowsky and seconded by Mr. Klein, the application was hereby approved granting the requested variances.

**ROLL CALL:** Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, no; Mr. Dolobowsky, yes; and Mr. Klein, yes.

**6. 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. Ocean County Planning Board approval will be required. The applicant has proposed a six foot wide shade tree and utility easement to be dedicated to the Township. The balance of the comments are technical in nature.

Mr. Slachetka stated the applicant should address the positive and negative criteria for the requested variances for each lot. 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 should be shown in the plan view of the grading plan. The balance of the comments are technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated the front yard setback is an existing condition and the side yard is off by a tenth of a foot. They agreed to the comments of the planner. With regard to the engineer's report, they agreed to all of the comments with the exception of item 5.

Brian Flannery, P.E., was sworn in and his credentials were accepted. He stated the application is for a five lot subdivision which conform with the area requirements. The relief requested relate to the existing dwellings shown on site. The variances could be granted without any detriment to the zoning plan or zoning ordinance. All of the comments are agreed to with the exception of the timing of the sewer and water improvements. Mr. Peters is suggesting that no building permits be issued until completion of the water and sewer improvements. Mr. Banas stated it is not automatic. Mr. Flannery stated normally the resolution indicates you have to get approval from the DEP and New Jersey American Water. Here it can happen when it is in the ground. The other start when they get their building permits. He requested that they have the same.

Mr. Peters stated he had no problem with that. Mr. Flannery stated they would submit the approvals prior to starting construction.

Mr. Dolobowsky asked how many spaces each house would have for parking. Mr. Flannery replied each would have three spaces. The numbers shown on the plans are what is required by RSIS standards. They would provide three parking spaces for each house.

Mr. Banas asked about sidewalks. Mr. Penzer stated sidewalks would be provided.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the application was hereby approved granting the requested variances, three parking spaces per house would be provided, sidewalks would be installed, and the other items would be provided as agreed to.

**ROLL CALL:** Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.



**9. Discussion/Recommendation** - Amendment to the Unified Development Ordinance amending the R40/R20 and the R20/R12 zone

Mr. Slachetka stated the Township recently adopted the comprehensive revision of the zoning ordinance called the Unified Development Ordinance. In that the provisions for certain areas identified as R40/R20 and R20/R12 on the zoning map and clustering of single family subdivisions. In the requirements there is a specification that lots be clustered down to R20 but it was not clear in the ordinance that the specific R20 bulk standards for R40/R20 and the R12 bulk standards for R20/R12 applied. These two amendments would clarify those provisions that exist in the UDO that if you do cluster down than the R20 standards would apply for the R40/R20 zone and the R12 standards for the R20/R12 zone. These amendments are technical in nature and further clarify and reaffirm the original intent of the provisions of the ordinance.

Mr. Banas stated the only discussion during the master plan was to have clustering in R40/R20 and now it was going to R20/R12. Mr. Kielt stated that was the next ordinance. Mr. Slachetka stated both of these districts are identified in the 1999 master plan.

Mr. Dolobowsky stated this ordinance was just clarifying what was existing in the UDO. Mr. Slachetka stated that was correct. The issue was raised by the Township Engineer. This just makes it clear.

Mr. Kielt thought that Mr. Lines concern was that if some one came in and said they were going to cluster down to R7.5 and they would reply it would have to be R10. This was not specified.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the board would recommend that this ordinance be adopted by the Township Committee.

**ROLL CALL:** Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.

**10. Discussion/Recommendation** - Amendment to the Unified Development Ordinance. Re-zoning a portion of the M-1 Industrial Zone to the R15/R10 Cluster Zone.

**11. Discussion/Recommendation** - Amendment to the Unified Development Ordinance. Re-zoning a portion of the M-1 Industrial Zone to create the Corporate Campus/ Stadium Support B-6 Zone.

Mr. Kielt noted that this would be noticed because it was not part of the master plan. Mr. Slachetka stated that items 10 and 11 go hand in hand. The ordinances were reviewed and the Township was provided with technical advice. The intent is that in the area approximate to the existing Blue Claws field could be advanced by providing for certain types of districts that would be supportive of the ballfield and industrial uses. To develop

the area in a comprehensive manner, the idea was to provide opportunities for retail uses and residential uses. Portions of the M-1 district would be converted to a residential district creating a transition from those proposed commercial support uses to the adjoining R40 district further to the north and the west. The intent is to create the transition for the overall mixed use approach. This would be a new approach that the Township feels provides a better planning alternative. It is not consistent with the master plan. The board has to consider if this would be an appropriate planning alternative for the area and make recommendations accordingly. Items ten and eleven go together to create the mixed use environment. This would require notice.

Mr. Banas asked if the board recommends approval, he thought the permitted uses should be expanded for the kind of businesses that would be allowed. They identified the kinds of uses that would be permitted in areas of this nature. He did not see restaurants. Mr. Dolobowsky stated they were permitted in B-6. Mr. Kielt thought it eliminated drive through restaurants. Mr. Dolobowsky stated the area goes back some time. This is similar to what was previously proposed. He liked the idea. It was previously proposed as a "L" shape. He stated it was extended to the east side of New Hampshire. He thought there might be issues with the driveways and they would have to be limited to right ins and right outs. The clustering area is smaller lots. There were some environmental issues in the past. He hoped it would be developed nicely and something that the Township could be proud of. Mr. Slachetka explained what applicants would have to do to develop in the area. Mr. Dolobowsky gave some examples of previous applications. Mr. Kielt stated he saw a concept sketch to accommodate the new zone. They held to the points of access. He saw some freestanding restaurants and a long multi-tenant building with offices above. It looked like they were trying to hold what was approved by the board.

Mr. Banas suggested to include the area from M-1 to B-6. Mr. Slachetka felt the board should identify the approaches to be used and identify any consistencies or inconsistencies with the 1999 master plan. Mr. Dolobowsky stated that when the B-6 zone is developed they should review pedestrian safety very carefully.

Mr. Kielt asked who would send the letters to the Township. Mr. Jackson stated he would submit the letters to the Township.

On motion by Mr. Dolobowsky and seconded by Mr. Long, the board recommended that the Township Committee adopt the two ordinances discussed.

**ROLL CALL:** Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.

#### IV. MEMORIALIZATION OF RESOLUTIONS

1. **SD#1493** (No variance requested)  
Applicant: Yeshiva Kol Torah  
Location: Oak Street east of Route 9  
Block 1008 Lot 2  
Block 1009 Lot 1  
Block 1010 Lots 1 & 4  
Block 1018 Lot 1

Minor subdivision and consolidation for future construction of private school

On motion by Mr. Dolobowsky and seconded by Mr. Klein, the resolution was hereby memorialized.

**ROLL CALL:** Mr. Dolobowsky, yes; Mr. Banas, yes; and Mr. Klein, yes.

2. **SD #1494** (No variance requested)  
Applicant: Tiferes Bais Yaakov  
Location: Oak Street, west of Albert Avenue  
Block 795 Lot 1  
Block 796 Lot 1  
Block 797 Lot 2

Minor subdivision to create two lots for future construction of private school

On motion by Mr. Dolobowsky and seconded by Mr. Klein, the resolution was hereby memorialized.

**ROLL CALL:** Mr. Dolobowsky, yes; Mr. Banas, yes; and Mr. Klein, yes.

3. **SP #1821** (No variance requested)  
Applicant: Congregation Ahvaas Chesed  
Location: corner of Lexington Avenue and Third Street  
Block 126 Lots 1 & 16

Preliminary & final site plan for proposed boy's school

On motion by Mr. Dolobowsky and seconded by Mr. Klein, the resolution was hereby memorialized.

**ROLL CALL:** Mr. Dolobowsky, yes; Mr. Banas, yes; and Mr. Klein, yes.

**4. SD # 1486** (Variance requested)  
Applicant: Tovia Halpern  
Location: Woodland Drive, west of Hillridge Place  
Block 12.05 Lot 9  
Minor subdivision to create two lots

On motion by Mr. Dolobowsky and seconded by Mr. Klein, the resolution was hereby memorialized.

**ROLL CALL:** Mr. Dolobowsky, yes; Mr. Banas, yes; and Mr. Klein, yes.

**5. SD #1487** (No variance requested)  
Applicant: Roni Shaharabany  
Location: East County Line road and Carolina Street, east of Kalie Street  
Block 175.02 Lot 84.19  
Minor subdivision to create two lots

On motion by Mr. Klein and seconded by Mr. Dolobowsky, the resolution was hereby memorialized.

**ROLL CALL:** Mr. Dolobowsky, yes; Mr. Banas, yes; and Mr. Klein, yes.

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

On motion by Mr. Klein and seconded by Mr. Dolobowsky, the resolution was hereby memorialized.

**ROLL CALL:** Mr. Dolobowsky, yes; Mr. Banas, yes; and Mr. Klein, yes.

## **V. CORRESPONDENCE**

Mr. Jackson stated that Mr. Shea sent a letter regarding resolution 1818. He felt that the incorrect resolution was signed. It was regarding the reforestation of Lafayette Street because they do not own it. Mr. Banas stated the whole property is reviewed when it is before the board. Mr. Jackson would send a letter that it was correct.

## **VI. PUBLIC PORTION**

None at this time.

## **VII. APPROVAL OF BILLS**

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the submitted bills were hereby approved for payment.

**ROLL CALL:** Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.

## **VIII. APPROVAL OF MINUTES**

On motion by Mr. Dolobowsky and seconded by Mr. Banas, the minutes of August 16, 2005 were hereby approved.

**ROLL CALL:** Mr. Franklin, abstain; Mr. Banas, yes; Mrs. Wise, abstain; Mr. Dolobowsky, yes; Mr. Long, abstain; and Mr. Klein, abstain.

Mr. Banas asked if a quorum was needed. Mr. Jackson stated that a quorum had to be present at the meeting when they are approved.

## **IX. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,  
Elaine Anderson  
Planning Board Recording Secretary