

**LAKWOOD PLANNING BOARD
MINUTES
SEPTEMBER 27, 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.”

Mr. Banas asked if there were any changes to the agenda.

Mr. Kielt replied that item #2, SP #1653A, would be tabled to the November 1, 2005 technical review meeting. Item #4, SD #1464, would be tabled to the November 1, 2005 technical review meeting. Item #6, SD #1482, would be tabled to the November 1, 2005 technical review meeting.

II. ROLL CALL:

Mr. Chermack, Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas, Mr. Long, Mr. Dolobowsky, Mr. Ackerman and Mr. Klein.

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

III. WAIVER REQUESTS

1. SP #1825

Applicant: 216 River Avenue Assoc. LLC
Location: Route 9, north of Manetta Place
Block 413 Lots 3, 4 & 6

Preliminary & final site plan for proposed addition to existing office building
Waiver request from checklist item:

- #B-2 - topography within 200 feet of site
- #B-5 - flood plains, wetlands and wetlands buffers
- #B-10 - man made features within 200 feet of site
- #C-13 - environmental impact statement
- #C-17 - drainage calculations

Mr. Peters stated he did not recommend that the board grant the requested waivers. There was a manmade stream in the area and B-10 could be granted if an aerial photograph is provided.

On motion by Mr. Dolobowsky and seconded by Mr. Neiman, the requested waivers were hereby denied with the exception of B-10 where an aerial photograph would be provided.

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

IV. OLD BUSINESS

- 1. SD #1418B** (No variance requested)
Applicant: Elmhurst, LLC
Location: Route 9 & Elmhurst Avenue
Block 439 Lots 2, 10-19
Amended subdivision to revise street names

Mr. Kielt stated the purpose of this was to revise the street names pursuant to a recommendation from the United States Postal Service. The map has been approved and filed. All the permits have been issued but they cannot get C.O.s due to a conflict with street names. The board has to approve it so the applicant could refile the map.

Ray Shea, Esq., appearing on behalf of the applicant. Mr. Jackson stated he discussed the matter with Mr. Peters. The postmaster said that one of the streets had a conflict. He did not think that the name of the street had any bearing on the approval. Mr. Shea stated the street was Leah Drive and Tova Court which will be changed to Tova Drive. Mr. Jackson did not think it had to go before the board but they were meeting.

On motion by Mr. Dolobowsky and seconded by Mr. Long, the requested street name change was hereby approved.

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

V. PLAN REVIEW ITEMS

- 1. SD #1482** (Variance requested)
Applicant: J & J Group LLC
Location: Cushman Street, west of Route 9
Block 430 Lot 56
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking minor subdivision approval for an existing synagogue at the end of Cushman Street in the HD-7 zone. Variances will be required for the following: lot area of proposed lot 56.02 where 0.246 acres is proposed where 1.0 acres are required; lot area of proposed lot 56.01 where 0.25 acres is proposed where 1.0 acres are required; lot width of proposed lot 56.02 where 88.13 feet is proposed where 150 feet is required; lot width of proposed lot 56.01 where 89.26 feet is proposed and 150 feet is required; side yard setback of proposed lot 56.01 where 12.5 feet is proposed where 30 feet is required; total side yard setback of proposed lot 56.01 where 39.26 feet is proposed where 60 feet is required; and rear yard setback of proposed lot 56.01 where 20 feet is proposed where 50 feet is required. Ocean County Planning Board approval is shown.

Mr. Slachetka stated the parcel is located in the HD-7 Highway Development Zone. No use is indicated on the site plan. The applicant should indicate the proposed use, in compliance with the uses allowed in the HD-7 zone. The board should note that the land area within the zoning setback is 615 square feet. There is limited feasibility for new construction pursuant to current zoning requirements without subsequent variances. The applicant must address the positive and negative criteria for each of the requested variances. As noted in section b, we have concerns about the granting of the subdivision as proposed given the size of the lots, number of requested variances and potential future variances that will be required to develop lot 56.02. The board should discuss the prior site plan approval with the applicant prior to action on the subject application. As noted earlier, the proposed use of the new lot should be identified relative to the bulk requirements of the HD-7 zone. The issue of the turnaround at the terminus of Cushman Street should be discussed. The balance of the comments are minor and technical in nature.

Ray Shea, Esq., appearing on behalf of the applicant. Essentially he is asking the board to approve what was already approved. There was a previous residential development that was approved. The board asked that a community building be built. He agreed to do so at this location. The board approved the community building on this site. The tax assessor merged the two lots and they were trying to reinstate the original plat plan on the original land granted. They were also subdividing the lot and unconsolidating it. The relief requested is identical to what was already granted. Mr. Banas thought it would be easier if the board had the entire plans for the project. Mr. Shea stated he would ask Mr. Weissman's engineer to supply a copy of the residential community that was approved and already built.

Mr. Weissman stated there were 89 townhouses on one side of the street. The board requested a community center and they were proposing to do the same across the street. It was not within the development. At the time, two lots existed. They received approval for one of the lots. From the time of approval and the time of filing the map, the tax assessor's office merged the two lots. He had an approval for one lot and a contract on the other lot. Mr. Banas stated he did not remember this. Mr. Shea stated he would have the engineer supply a map of both that the professionals could review with the previously documents.

Mr. Long asked when this was two lots were the variances needed. Mr. Weissman stated they applied for the variances and received approval. The variances were the same as what is currently being requested. Mr. Banas asked if they meet the requirements of the new ordinance. Mr. Weissman stated it is the same as what was previously approved.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the application would have public hearing on October 11, 2005.

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

Mr. Jackson stated the application would have public hearing on October 11, 2005 at 6:00 p.m. No further notice was required of the applicant.

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

Mr. Peters stated the applicant is seeking to replace an existing 2 _ story dwelling with a new 2 story synagogue on Fifth Avenue in the R-12 zoning district. Variances will be required for the following: lot area where 12,000 square feet is required and 7,500 square feet is proposed; lot width where 90 feet is required and 50 feet is proposed; lot coverage where 25% is allowed and 42.7% is proposed; side yard where 7 feet one side and 18 feet total is proposed and 10 feet one side and 25 feet total is required; parking where 16 on-site parking spaces are required and none are proposed; and the bulk requirements are existing conditions. Outside agency approvals are required. The applicant will be required to submit a signed and sealed copy of the survey depicting existing conditions. The applicant has revised the plans providing a shade tree easement along Fifth Street frontage. A legal description should be submitted for review. Testimony should be provided as to times of operation, extent of operation, trash storage and removal and exterior lighting. The applicant has stated that the site will be in compliance with the ADA. While a handicapped ramp is proposed at the rear of the property, there is apparently no access to the second floor. The applicant should provide testimony regarding this.

Mr. Slachetka stated the applicant should address the positive and negative criteria for the requested variances. At the September meeting, there was discussion concerning combining the subject parcel with lot 10, which contains the rabbi's residence. The revised site plan does not address the lot consolidation. Testimony should be provided by the applicant. The application does not comply with the following provisions of section 905: a 20 foot wide landscaped buffer is required. Twelve arbor vitae shrubs are proposed along the rear property line to address the buffer requirements. The applicant should provide testimony concerning the location of the congregation relative to the subject site to justify the parking variance. Foundation plantings should be provided on the side of the proposed building to buffer the use from the adjacent residences. Any

proposed site and building mounted lighting should be identified on the site plan with the appropriate isolux levels. The applicant should address provisions for solid waste management for the proposed building.

Miriam Weinstein, Esq., appearing on behalf of the applicant. The board previously gave guidance with regard to the application. Drainage was an issue which had been addressed. The second issue was parking. With regard to the parking issue, they had letters from some of the neighbors offering their parking facilities. They would provide testimony evidencing that most of the congregates walk to the synagogue.

Mr. Banas asked what they would have to do to permit the residents to allow the synagogue to use their parking. Mr. Jackson stated that was very difficult to enforce. It could be put in the resolution and request recorded easements. He did not think they would have to notice for it. It was essentially an easement.

Mr. Dolobowsky asked if it was single family residences. Ms. Weinstein stated it was an apartment complex across the street. Mr. Dolobowsky stated it has been done before. Mr. Jackson did not realize it was an apartment complex. The best way would be to have a lease and the terms would be set out in it. A parking easement could also be given. Ms. Weinstein stated she did not know if the apartment complex would want to give them a lease. Mr. Jackson stated the board would have to decide if the parking variance is appropriate with that accommodation.

Mr. Long asked how big the complex was. Ms. Weinstein stated it has 21 units. Mr. Long asked if there were 42 spaces. Ms. Weinstein stated she did not know. Yehuda Shain, 1140 Forest Avenue, Lakewood, stated that the apartment complex has 21 units with 30 parking spaces. Mr. Long asked if the owner was giving permission. Ms. Weinstein stated the manager of the company agreed to the use of the parking. Mr. Long asked about the tenants since they have the right to use the parking spaces. Mr. Shain stated the people of the complex would use the synagogue also. Mr. Banas stated this is an existing synagogue, it was just being expanded. Ms. Weinstein agreed. Mr. Slachetka read the section of the ordinance regarding the parking. Mr. Banas asked if they met that and Ms. Weinstein stated they met it. Mr. Jackson stated that was a substantial departure from the old ordinance and evidences and intent on the part of the committee to allow this type of situation. He stated it was at the board's discretion. Mr. Banas stated that testimony would be provided at the public hearing.

Ray Carpenter, P.E., stated he talked to the board's engineer and he is satisfied with the drainage design for the property. The other technical issues would be met as identified by the professionals. They could not provide the 20 foot buffer. Mr. Banas asked about the combining of C1. Ms. Weinstein stated they looked into it and it did not solve anything. It was not an option. They were not willing to comply with the consolidation of the lots. That is why it was not reflected on the revised plans.

Mr. Franklin asked about the plantings down the side. He said it could not be done over the pipe. Ms. Weinstein stated they could put a fence down the side and plantings in the rear. Mr. Carpenter stated they were proposing a fence on the right side of the building. Ms. Weinstein stated that a buffer was not necessary on the other side because it was

the landlord's house. Mr. Banas asked if there was an elevator to get to the second floor. Ms. Weinstein stated there was no elevator. Mr. Banas asked how they were meeting the ADA standards. Ms. Weinstein stated all the services are being offered on the first floor. Mr. Banas suggested eliminating the second floor. Ms. Weinstein stated the second floor would be used as a study hall. Mr. Banas stated then some members were excluded.

Mr. Dolobowsky stated he was not sure if it had to be ADA complaint. He saw steps into the building but no ramps. Mr. Carpenter stated there was a ramp at the rear of the building that accessed the main floor. Ms. Weinstein stated there are ramps to the main floor and the basement. Mr. Banas asked Mr. Jackson for an opinion. Mr. Jackson stated it was a BOCA code issue that the building department would have to deal with. He did not have expertise in the building code. He would look into it. Mr. Carpenter stated he did not think an elevator was required unless there was over 20,000 square feet of building area. Mr. Jackson stated that Mr. Peters would include this information in his engineering review letter which was appropriate.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the application would have public hearing on October 11, 2005.

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

Mr. Jackson stated the application would have public hearing on October 11, 2005 at 6:00 p.m. No further notice was required of the applicant.

5. SD #1500 (Variance requested)
Applicant: B & B Developers
Location: Route 9, north of Oak Street
Block 782 Lot 36
Block 782.01 Lots 2, 5, 15.01, 16.01 & 16.02
Preliminary & final major subdivision - 42 townhouse units

Mr. Peters stated the applicant is seeking to replace an existing storage facility with a townhouse community on River Avenue in the HD-7 zone. A variance will be required for rear yard setback where 15' is proposed and 20' is required. The buildings also have a 10' deck to the rear that is not counted against the setback distance. Outside agency approvals will be required. The applicant shall include a note on the final plat indicating that a right of way shall be deeded to Lakewood Township. The applicant has provided both shade tree easements and sight triangle easements to the township. The applicant has indicated that a homeowners association shall be created and be responsible for the common areas such as the tot lot, detention basin, and underground recharge system. The proposed wording for the homeowners association shall be provided to the Planning Board Attorney for review. The wording must include maintenance plans for any and all stormwater management systems. The applicant has included details for handicap parking spaces and signs. The location of these parking spaces and signs should be clearly labeled on the plans. The terminus of the proposed street should provide sufficient room for emergency vehicles to turn around. The turn around provided does not appear

sufficient for fire trucks. The applicant has indicated that a 7' wall will surround three sides of the detention basin. A fence intended to keep residents safe must be specified and installed around the basin. We have safety concerns regarding the tot lot being installed adjacent to the pump station and basin. The tot lot should be relocated if possible. We recommend that lighting be provided for the tot lot. The applicant shall include specifications for the proposed ground cover for the tot lot. The ground cover must protect against a fall from a height equal to the tallest piece of play equipment provided. There are a number of technical comments.

Mr. Slachetka stated the applicant should address the positive and negative criteria for the requested variance. A pump house is shown on the site plan for a sewer wet well and related facilities. However, the construction detail for the pump house indicates that the area will be fenced. We recommend that the applicant improve the aesthetic appearance of the pump station with either an attractive enclosure or with landscaping around the fence area. It appears that an easement for the facility to allow township personnel to maintain and service the equipment will be necessary. He also shared Mr. Peters concerns about the pump station's proximity to the tot lot. A proposed playground is proposed in the southeast corner of the site. We question the proximity of the playground to the stormwater basin given the basin's configuration. At a minimum, fencing will be required for each facility. The distance from the stormwater basin to the building #6 is approximately 15 feet. Engineering testimony should be provided concerning the health and safety issues, if any, related to the proximity of the basin to a residential dwelling. Testimony should be provided concerning the compliance of the interior road circulation with the NJ RSIS. The proposed road lacks a reasonable means for vehicles to turn around. In addition, there is no secondary means of ingress or egress for emergency purposes. The applicant should obtain the comments of Lakewood Fire District No. 1 concerning access to the project site for fire protection. The Planning Board may wish the applicant to submit traffic impact information addressing the sufficiency of the Route 9 ingress/egress. The applicant proposes individual trash enclosures for each unit. We would request the comments of the Lakewood Township Department of Public Works concerning this arrangement. As noted above, a playground area is proposed. Some play equipment will be installed at this location. We note that the playground is located over an underground stormwater infiltration basin. The applicant should confirm that this will not present any difficulties for the installation of the playground equipment. Typical architectural floor plans and front elevations have been submitted for the Board's information. Section 1010 of the UDO requires that architectural elevations of the side and rear elevation also be submitted to the Board. The project engineer should certify that all site improvements are in compliance with the RSIS. The side indicates that three off-street spaces, or a total of 131 spaces, are proposed to serve the townhouse dwellings. The NJ RSIS does not have a parking standard for a four-bedroom townhouse unit; however, 3 spaces per unit is a standard for a five-bedroom single family detached dwelling unit. Lighting levels on the proposed interior roadway and the parking area should be delineated on the site plan. The proposed caliper of the shade tree should be listed in the planting schedule. The plantings on the north side of the site should be identified. The remaining comments are technical in nature.

Miriam Weinstein, Esq., appearing on behalf of the applicant. This is a simple application for 42 townhouses. They were asking for one variance for a rear yard setback on three of the buildings.

Mr. Banas stated the application indicates that it is 42 two family townhouses. Ms. Weinstein stated it is single family townhouses. Mr. Kielt stated it was revised to indicate 42 single family townhouses. Ms. Weinstein stated there were two main concerns. The first being the turn around for emergency vehicles. What they were willing to propose in addition to the one 18' turn around is to relocate the fire hydrant and put a 18' foot turn around there as well. This would allow the emergency vehicles to go in to the first turn around, back in and then turn around. It was sheet 3 of 9. Mr. Dolobowsky asked if buildings 3 and 4 would be shifted and Ms. Weinstein stated they would be shifted along with the fire hydrant. Ms. Weinstein felt that would address the turn around for emergency vehicles. Mr. Peters believed that would accommodate the emergency vehicles. Mr. Franklin felt it was enough room for the vehicles to maneuver. Ms. Weinstein stated another issue was the proximity of the tot lot to the drainage basin. They were prepared to fence in both the tot lot and the drainage basin. Mr. Peters felt this would be sufficient, but the plans should indicate what type of fencing would be used. Ms. Weinstein agreed to the same.

Ray Carpenter, P.E., stated they have the comments of the fire district and will incorporate the same into the plans. They basically say they were satisfied with the plans. The same will be provided to the board. He felt that Mr. Franklin could represent about access for the public works trucks for garbage pick up. Most of the other issues are technical in nature and they do not have a problem meeting the same.

Mr. Banas stated the Township Engineer has been sending the board letters about the new ordinances as it applies with the HD-7 zone. He asked if this meets the restraints of the HD-7 zone. Ms. Weinstein stated it does. Mr. Kielt stated he thought the question was in respect to the 55 foot wide and that no improvements would occur within the strip. Mr. Banas stated it was from the centerline of Route 9 and that nothing would be built within a 55 foot strip. Mr. Carpenter stated it would because they have to maintain a 100 foot buffer as part of the HD-7 zone.

Mr. Franklin asked about the school buses. He suggested if spaces were removed from the parking lot, the school buses could pull in and make a u-turn and pull right back out. They would not do a k-turn. Mr. Carpenter stated that was brought to his attention today and they could accommodate that. Ms. Weinstein stated they could do that with only removing five spaces which would still leave 126 spaces and still comply with RSIS standards.

Mr. Dolobowsky stated if you look at where the pump house is sitting and if it was shifted to the south a little bit, it would get it out from the front of the playground. Mr. Carpenter stated they could do that. Mr. Dolobowsky stated the landscaping plan did not seem to indicate any landscaping along the westerly side of the drainage basin. Ms. Weinstein stated they would do the same.

Mr. Franklin asked if the stormwater drainage system would belong to the homeowner's and Ms. Weinstein replied that it would. Mr. Franklin asked if the township would plow the main road but not the parking lot and Mr. Carpenter replied that was correct.

On motion by Mr. Long and seconded by Mr. Herzl, the application would have public hearing on October 11, 2005.

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

Mr. Jackson stated that the application would have public hearing on October 11, 2005 at 6:00 p.m. No further notice was required of the applicant.

7. SP #1823 (No variance requested)
Applicant: 175 N. Oberlin Assoc. LLC
Location: Oberlin Avenue North, north of Cedar Bridge Avenue
Block 1605 Lot 3
Preliminary and final site plan for 14,611 square feet addition to existing industrial building

Mr. Peters stated the applicant is seeking to add on to an existing office/storage facility on Oberlin Avenue North in the M-1 zoning district. No variances will be required for this project. Outside agency approvals will be required from Ocean County Planning Board and Ocean County Soil Conservation District. The applicant has stated that an NJDEP letter of interpretation has been received. This letter shall be provided to the Planning Board engineer for review. The Planning Board should determine if a shade tree easement will be required along the property frontage. stormwater calculations were not received and must be provided for basin sizing. A safety rail should be installed along the sidewalk adjacent to the depressed loading dock.

Mr. Slachetka stated the applicant proposes a total of 47 off-street parking stalls. The computations for the required parking are based on the regulations of the prior ordinance, which required parking for the proposed number of employees. The UDO requires that parking be provided based on the square footage of the use. Therefore, the applicant should submit to the Planning Board revised parking computations based on a breakdown of the existing and proposed building by square footage of office and square footage of warehouse use. We note the location of the proposed building addition is 32.8 feet south of the building line of the existing warehouse. In addition, a paved area for circulation is proposed on the northeast side of the building. The applicant should discuss the purpose of locating the building addition as shown on the site plan. The heights of the existing structure and the proposed addition have not been provided in the zoning schedule. The zoning schedule should be revised to include this information. The architectural plan indicates a maximum height of 26 feet which complies with the maximum height of 65 feet permitted in the M-1 zone. The dimension between the northeast corner of the addition and the limit of pavement and retaining wall to the east is only 21 feet. The applicant should provide engineering testimony that the width of this drive aisle is sufficient for two way truck and vehicle traffic. We would recommend that some additional landscaping, such as a short hedge, be provided along the west side of the parking spaces to screen the parking area from the street. A gate should be provided on the trash enclosure. Site lighting has not been fully addressed in the site plan submitted to the board. A plan note

indicates that lighting is currently provided by building-mounted fixtures. The applicant should revise the site plan to identify lighting levels in the current and proposed parking and storage areas. The applicant should reconcile the existing and proposed building areas listed on the site plan and the application and revise the documents accordingly. The balance of the comments are technical in nature.

The attorney was not present. Mr. Jackson stated he did not think it would be practicing law without a license if the application was heard. It would be better if the attorney was present. It was not a public hearing and he did not see a problem if they went forward. Mr. Shea stated he would help them out if Mr. Penzer did not arrive on time.

8. SD #1501 (No variance requested)
Applicant: LWI Enterprises LLC
Location: corner of Massachusetts Avenue & Prospect Street
Block 445 Lot 17
Preliminary & final major subdivision - 16 townhouse lots

Mr. Peters stated the applicant is seeking preliminary and final subdivision and site plan approval to build 16 new town homes. The 1.785 acre property currently has one dwelling unit. The property in question is known as block 445 lot 17 on Prospect Street and Massachusetts Avenue in the A-1 zoning district. No variances are required. The applicant will be required to obtain outside agency approvals. The applicant has provided a shade tree easement. Descriptions of all easements shall be provided to the Planning Board Engineer for review. The applicant has indicated that a homeowners association shall be created and be responsible for the common areas. The proposed wording for the homeowners association shall be provided to the Planning Board Attorney for review. The wording must include maintenance plans for any and all stormwater management systems. The applicant has stated that 14 units will be constructed. Their appears to be 16 units drafted on the plans. Please review and revise. The applicant has provided sufficient parking in accordance with RSIS standards. A proposed play area has been shown on the plans. The applicant should provide testimony as to if play equipment will be installed. The balance of the comments were technical in nature.

Mr. Slachetka stated the project was the subject of litigation and Judge Clyne approved a 19 unit townhouse development by Docket #OCN-L-229-04 dated January 14, 2005. The applicant is proposing less than that. We recommend that a walkway be provided to connect the sidewalk along Massachusetts Avenue to the sidewalk in front of building #1. Based on the height of the retaining wall on the south side of the property; the applicant should clarify if the retaining wall will be terraced. If so, groundcover and other landscaping should be provided. Detailed engineering plans and computations of the proposed retaining wall should be reviewed by the Board Engineer. A fence along the retaining wall on the southern property line should be provided. A trash enclosure is proposed at the east side of the site for solid waste collection and pickup. The sufficiency of the size of the enclosure should be confirmed by the department of public works. Additional landscaping around the east perimeter of the trash enclosure should be provided. The parking computation on sheet 3 should reflect that a total for 16 dwelling units are proposed.

We recommend that the landscaping plan be supplemented to provide vegetative screening on the east side of building number 1 to buffer the residences from Massachusetts Avenue. Low wattage lamps should be provided along the walkways west of the parking area. The proposed sidewalks should be shown on all plan sheets. A small portion of the sidewalk at the corner of Prospect Street and Massachusetts Avenue is proposed on private property. The applicant plans to dedicate this small (81 square feet) portion of the property at this location to the County, so that the public access for the sidewalk is provided. Detailed information concerning the proposed playground equipment should be provided on the site plan. Architectural drawings of the front, side and rear elevations should be provided. Architectural drawings should be provided if the HVAC equipment is to be located on the roof. The balance of the comments are technical in nature.

Ray Shea, Esq., appearing on behalf of the applicant. He stated they reviewed the professional reports and they were acceptable in their entirety.

Brian Flannery, P.E., stated they would provide the requested information. The retaining wall would not be terraced and the details for same would be provided.

Mr. Herzl asked the maximum height of the retaining wall. Mr. Flannery stated it was approximately 8 feet. The details for the fencing would be provided. Mr. Banas stated a lot of things had to be done to the plans.

Mr. Dolobowsky asked if the property would slope up towards the most southern part of the wall. Mr. Flannery stated the plan in that area shows the top and bottom of the wall and shows the top of the wall at 13 and the bottom at 99. It was 14 feet at the highest. Mr. Dolobowsky stated the property will slope down towards Massachusetts somewhat. Mr. Flannery replied he was correct. The wall is set 15 feet off the property line. There will be a fence on top of the wall. The adjoining properties would not see the wall because it is dropping off. Mr. Dolobowsky suggested some kind of trees for buffering from noise. Mr. Flannery stated they could add landscaping in that area.

Mr. Dolobowsky asked how many parking spaces there would be. Mr. Flannery stated they were proposing 45 parking spaces.

Mr. Neiman asked what zone it was in. Mr. Flannery stated it was in the A-1 zone when it was submitted and it is now the RM zone. This matter went to court due to the zoning change. Mr. Shea stated the Judge only approved the density, not the layout.

Mr. Dolobowsky stated the plans show 43 spaces. He asked that this be corrected for the next meeting.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the application would have public hearing on October 11, 2005.

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

Mr. Jackson stated the application would have public hearing on October 11, 2005 at 6:00 p.m. No further notice was required of the applicant.

The board now went back to item #7, SP#1823.

Mr. Banas stated everything was introduced but they wanted to wait for Mr. Penzer to finish the application.

Abraham Penzer, Esq., appearing on behalf of the applicant. Mr. Samilezins, project manager and planner, stated the parking requirements could be provided. Mr. Banas stated that any explanations on items would have to be given at the public hearing. He felt they could meet everything in the planner's report. Mr. Penzer stated they would comply with the engineer's report.

Mr. Dolobowsky asked if there was curbing around the proposed asphalt area. Mr. Samilezins stated there was not and he explained how the water would run.

On motion by Mr. Klein and seconded by Mr. Long, the application would have public hearing on October 11, 2005.

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

Mr. Jackson stated the application would have public hearing on October 11, 2005 at 6:00 p.m. No further notice was required of the applicant.

9. SD#1502 (Variance requested)
Applicant: Ronny Holder
Location: Sunset Road, north of Liberty Drive
Block 284.11 Lot 20
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 284.11 lot 20. Two new lots are proposed. Proposed lot 20.01 will retain the existing structure. Proposed lot 20.02 will be vacant once a portion of an existing building is removed. The site is located on Sunset Road in the R-12 zoning district. Variances will be required for lot width on lot 20.01 where 85 feet is proposed and 90 feet is required; lot width on lot 20.02 where 65 feet is proposed and 90 feet is required; and side yard set back on lot 20.01 where 6.4 feet is proposed where 10 feet is required. Ocean County Planning Board Approval will be required. The Planning Board should determine if a shade tree easement will be required along the lot frontages. A portion of the existing dwelling on new lot 20.02 is proposed to be removed. Removal shall either be complete prior to subdivision, or a bond posted to ensure prompt removal once subdivision is complete. The board should determine if curb and sidewalk will be required along the lot frontages. No parking area has been provided. Plans shall be revised to provide three parking spaces per lot as required by the RSIS. The plans shall depict if the existing and proposed dwellings will be serviced by septic or public sewer. Locations of septic or sewer must be shown. In accordance with the checklist, section c improvements, the plans shall be revised to include proposed features.

Mr. Slachetka stated the applicant should address the positive and negative criteria for the requested variance for each lot. The testimony should include information concerning the lot width of the single family residences in proximity to the subject tract. We note that most of the adjoining lots on the west side of Sunset Road have compliant frontage. The review comments are technical in nature. Street trees should be provided along the street frontage. Three street trees are required. Sidewalks are not shown on the plat and should be discussed by the board.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated he was asked by the community to take this application. The house is in foreclosure and he has a very large family. The person next door was proposing subdividing the property, selling it off, so it keeps his house. He asked to be provided with a copy of the comments and he would ensure that they are taken care of. He felt they could meet all the comments of the professionals. He knew sidewalks were needed as were the shade trees.

Mr. Dolobowsky stated he could see requiring the sidewalks on lot 20.01 as soon as possible since there was an existing house. He felt that the sidewalk in front of the other house could wait until construction of a dwelling. Mr. Banas felt it made sense. Mr. Dolobowsky stated the board has given approvals for variances for lot width. He had no problem with it. He was concerned with the side yard setback. He stated the lot is 200 feet deep. At that depth, if the line was shifted 3 _ feet he would have his 10 foot setback and still have enough area on both lots and eliminate the sidewalk setback. Mr. Penzer stated it was an excellent suggestion and they would comply with the same.

On motion by Mr. Neiman and seconded by Mr. Ackerman, the application would have public hearing on October 11, 2005.

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

Mr. Jackson stated the application would have public hearing on October 11, 2005 at 6:00 p.m. No further notice was required of the applicant.

Mr. Penzer stated the board assisted him in helping with a quadriplegic child. Mr. Peters has a dilemma and needs instruction. They received all the permits and approvals with the exception of the sewer extension permit. This will not be available for at least a month. Mr. Peters cannot sign the map because all the permits are not received. He asked that Mr. Peters be instructed that before the C.O. would be issued, they have to have the permit. This would permit them to break ground.

On motion by Mr. Dolobowsky and seconded by Mr. Chermack, Mr. Peters was permitted to extend the ability to execute the maps to permit the issuance of a building permit but no C.O.'s would be issued until the sewer extension permit is received.

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

Mr. Jackson stated he was comfortable with it as long as it was on the record. A revised resolution was not needed.

VI. PUBLIC PORTION

None at this time.

VII. APPROVAL OF MINUTES

None at this time.

Mr. Banas stated that Bradco has a warehouse on Oak and New Hampshire. He felt the lights coming from the building would be a problem. Mr. Kielt stated it was a prior site plan that was approved years ago. He understood it that they went into the inspection department and received a commercial C.O. He would be receiving a site plan for an addition on the building and then the professionals could review it and make whatever changes are necessary. Mr. Banas stated they were parking on the side yard setback which was in violation of the ordinances. Mr. Kielt stated it is a violation and the only remedy for that would be code enforcement. Mr. Banas asked Mr. Kielt to take care of it. Mr. Kielt would talk to Mr. Mack about it.

Mr. Neiman felt that applications on River Avenue should be treated as they have been since there is no sure determination about widening Route 9.

VIII. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Elaine Anderson
Planning Board Recording Secretary