

**LAKWOOD PLANNING BOARD
MINUTES
OCTOBER 23, 2007**

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

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

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mrs. Johnson stated there were 4 changes to the agenda. **Item #2 SD 1422A S&C Wanouno** and **Item #11 SP 1860 Congregation Avreichim**, a letter was received from the applicant’s attorney requesting they be tabled until the meeting of November 27, 2007

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to move SD 1422A S&C Wanouno to the meeting of November 27, 2007

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

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to move SP 1860 Congregation Avreichim to the meeting of November 27, 2007

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

Item #15 SD 1604 Yisrael Schecter and **Item #17 SD 1605 Harvey Hirsch**, the plans were not forwarded to the professionals to review and they have asked to be tabled to November 27, 2007. Mr. Doyle was present and agreed to be carried

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to move SD 1604 Yisrael Schecter to the meeting of November 27, 2007

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

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to move SD 1605 Harvey Hirsch to the meeting of November 27, 2007

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

Mr. Shea approached the podium and asked if he could carry **item #10 SD 1598 Mark Properties** because the client could not be here and **item #16 SD 1489A Cedarbridge Development LLC** because they will not be reached, to the meeting of November 27, 2007

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to move SD 1598 Mark Properties to the meeting of November 27, 2007

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

Motion was made by Mr. Herzl, seconded by Mr. Gatton to move SD 1489A Cedarbridge Development LLC to the meeting of November 27, 2007

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

4. NEW BUSINESS

1. SP # 1869 (VARIANCE REQUESTED)

APPLICANT: J&J GROUP LLC

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

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

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval of Block 430, Lots 60. The proposed project involves construction of a two story office building and its parking area. The neighboring property east to the site is currently vacated. A single family dwell is located on the western side of the site. The site is located on Cushman Street, in the Highway Development (HD-7) Zoning District. The applicant is

requesting the following variances: Lot area: 0.4773 acre is proposed where 1 acre is required. This is an existing condition. Rear yard setback: 10 ft are proposed where 50 ft are required. Outside agency approval will be required from the Ocean County Soil Conservation District. In accordance with the Lakewood UDO parking shall be permitted in the front yard setback for a non-residential development where the principal build has a minimum 150 ft setback and a 10 ft buffer strip is provided between the parking and the public road. The proposed build has a setback less than 150 ft. This requirement would cause the applicant to lose 13 of the 27 parking spaces that are located in the front yard setback. The applicant shall re-configure the parking layout or request a wavier for not complaining with the UDO. As per section 18-803 of the Lakewood UDO, 25 ft buffer are required for non-residential development. The buffer shall be measured form the property line toward the proposed use. The applicant shows only a 10 ft buffer along the property line adjacent to the neighboring Lot 9 with Landscaping. The Board should determine if the buffer are adequate. In addition, 50 ft buffer shall be provided where the non-residential development is adjacent to an existing single-family residential development or an area zoned for residential land uses. The applicant shall provide a 50 ft buffer west to the property where a single-family dwelling is located, or request a waiver. The applicant has proposed a 6 ft shade tree easement to the township. Square footage of the proposed building shown on the site plans are inconsistent from the square footage of the building shown on the architectural plans. This discrepancy shall be corrected. No revised architectural plans were submitted. Concrete curb exists along the property frontage, concrete sidewalks are proposed. A note shall be added to the plans stating any deteriorated curb shall be replaced as directed by the Township Engineer. A note should be added to the plans stating that no medical and dental offices are allowed in the two story office building, and proposed basement is for storage use only. Without the note being added to the plan, the applicant is required to provide more parking spaces. The applicant shall provide a signed and sealed copy of the property survey. The site will be serviced by public water and sewer. The water and sewer mains will be installed by others as part of a previously approved application. The applicant should clarify size and type of the grate that goes on top of the stormceptor inlet structure. Soil Boring tests shall be conducted on site to ensure the infiltration system will function properly. The remaining comments are technical.

Mr. Truscott read from a letter dated July 13, 2007. The applicant is seeking preliminary/final major site plan and variance approvals to construct a two (2) story office building and associated parking, drainage facilities and utilities on Block 430, Lot 60. The property is approximately 0.4773 acres (20,791.188 square feet) in size and is currently wooded and unimproved. The proposed office building will be 6,960 square feet and parking for 27 vehicles is proposed. The property is located in the southern part of the Township, just west of Route 9. Zoning for the tract and contiguous properties is HD-7 (Highway Development). Surrounding land uses are a mix of commercial and residential uses, with a residential development just south of the site. The applicant has submitted the following subsequent to the June 5, 2007 Plan Review meeting: revised plans and a revised Environmental Impact Statement. Various types of commercial and retail uses are permitted uses in the HD-7 Zone. The applicant indicates that the proposed use is offices. If known, please indicate the permitted use which is proposed for this building. The applicant has requested the following variances: Minimum Lot area: one (1) acre required,

0.4773 proposed (pre-existing condition). Rear Yard Setback: fifty (50) feet required, ten (10) feet proposed. Additional variances are required for the following: Parking provided in the front yard setback (principal building has a setback less than 150 feet and a 10 foot buffer strip is not provided-Section 18-903.H.6). The positive and negative criteria for the requested bulk variances should be addressed. The potential impact of the proposed rear setback on Lot 9, Block 430 should be addressed. The applicant should detail efforts made to acquire contiguous property in order to create conformance with the one (1) acre minimum lot size for the HD-7 Zone. Applicant should discuss the dimensions of the proposed lots and the contemplated land use(s) in comparison with current lot sizes and uses in the surrounding area. For the variance testimony, the applicant should discuss the dimensions of the proposed lots and the contemplated land use(s) in comparison with current lot sizes and uses in the surrounding area. The applicant has requested a waiver from Section 18-803.E.2, which requires a twenty-five (25) and fifty (50) foot wide landscape buffer for commercial and residential uses, respectively. The applicant's waiver requirements include 50-foot buffers with residential Lot 9 to the north and Lot 54 to the west. A 10-foot wide buffer is provided along the north property line and 5 feet along the western boundary. During the Plan Review meeting applicant represented that the square footage stated in the zoning bulk table is correct; required parking calculations are based upon this figure. The applicant should provide amended architectural plans to match the floor area stated in the zoning bulk table. The applicant has noted on the plans that the basement will be for storage only. We note that off-street parking requirements noted on the plans (1 space per 300 square feet) are based on an office use. The applicant has noted on the plans that medical or dental offices will not be allowed. If medical or dental offices are contemplated, additional parking is required. The use should be stipulated and additional Board approval required if the proposed use varies from that approved. The landscaping plan should be prepared with consideration of existing vegetation to remain after future site plan disturbances. Applicant should supply a varied planting schedule for the buffer areas. A sufficient visual screen between this undersized lot and surrounding properties (including Lot 9 to the north and Lot 54 to the west) should be provided, either with new plantings or existing vegetation. Foundation plantings around the building should be added to the site plan. Identify the proposed sidewalk on the plans. The remaining comments are technical.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. Mr. Shea stated all the notes from the professionals' letters are acceptable to the applicant. Mr. Carpenter identified A1 as sheet 1 of 5, A2 sheet 2 of 5, the existing conditions, A3 layout and lighting plan, A4 landscaping plan of the site, A5 colored rendering of the proposed office building. Mr. Shea stated the recommended notes will be noted on the plans. This is in an area where there are residential developments and there is a need for non residential buildings to be constructed for employment opportunities. Mr. Carpenter stated the project is one lot removed from Route 9, there is residential development across the street, there is a vacant lot next to them and adjacent to them is an auto repair shop. To the north and west are single family homes on large lots. One oddity in this lot is a 10 ft. jog in the property lot because this lot was consolidated with the lot next door creating the offset in the street frontage. Mr. Carpenter said the basement will be storage or mechanical only, there will be no occupancy. Mr. Shea said the parking proposed is sufficient for state standards but does require some relief from the

buffers because the site represents some challenges given its designation in the highway development zone and asked if there was any recommendations or observations from the board on what to do about the parking and buffering on the west to the site. Mr. Banas questioned if they knew the building was of this magnitude prior to the development of the site, why didn't they change the building to conform to the lot size that they had. He has heard nothing in terms of the comments that Mr. Truscott has said in what this project needs to be approved. He finds it mind boggling to begin with and wonders why the applicant was not steered away from this project in the beginning. Mr. Carpenter said this is close to 1/2 acre and this is all uplands and feels this is an appropriate size building for the lot size. It is in the Highway Development Zone, they have the appropriate frontage, and it is permitted use. The stormwater regulations are able to be met and it is a rather small development with regard to traffic. Mr. Banas questioned the buffers and Mr. Carpenter showed them on the plans. He said they could provide a dense landscape screen along the property line to the west (lot 54) but pointed out that that dwelling is located more than 50 ft. from the property line. Mr. Banas said it was up to the applicant to provide the buffering on their own property. Mr. Shea said he is authorized by his client to provide whatever vegetative buffer the board would require and Mr. Banas asked Mr. Truscott to assist with that. Mr. Gatton asked if there was only one entrance and exit off of Cushman Street and was told yes. Mr. Akerman asked if there was any way to redesign this because Lot 9 is a vacant lot now and they will want to come in and do something with it and with this big building in their backyard, it will be hard. Mr. Carpenter said the owner of Lot 9 has approached him about putting in townhouses on that lot and there is no way they can do it with the dimensions of that lot. Mr. Fink asked if there were sidewalks on Cushman Street and was told by Mr. Banas there will be. Mr. Franklin said he thinks the lot is too small for the project. It is a nice project and building is beautiful, but they will have to buy a piece of property big enough for the project. Mr. Shea said they are not here for a density request, their obligation here under the law is the parking and stormwater and they meet them. Mr. Franklin said it calls for an acre there and they are building on 1/2 acre. It may be an existing condition, but it does not have to be for this building. Mr. Shea stated this is not an overuse of the land, and Mr. Banas asked Mr. Jackson for his comments. Mr. Jackson said Mr. Franklins' comments were valid and the question is whether the zoning puts the lot into utility. Are there other uses that can be put there other than this building and maybe the applicant can find another use for the property to make it useable and he gave some examples such as a shoe repair shop, barber shop, etc. Mr. Shea commented that they could not put a restaurant with the parking requirements and there is no demand for shoe makers in this era but there is a demand for office space and employment and if you ask him to reduce the size of the building the envelope would remain the same. Mr. Franklin said he didn't think he had to make every lot what the builder wants to make it, if it calls for a one acre lot, lets make it a one acre lot, you have to buy something more to put with it. Mr. Shea said that is not the law. Mr. Truscott stated if you have a smaller building, you may have the same footprint, you may not, but you will have less parking required, so that gives more flexibility where that building could be on the lot. Mr. Shea said if you look at the front yard setback and the rear yard setback and the buffers, there is nothing left for the building. Mr. Truscott said it is the zone you are in. Mr. Jackson said another permitted conditional use is a duplex and Mr. Shea said the whole idea was to submit a commercial application. Mr. Jackson said his point is that if what the board has to consider is because of the shape and size limitations of the parcel, if that makes development within the ordinances

impractical, but Mr. Franklin's comment are also appropriate that if it is too much, too big, too close to the edges of the property then it is just not appropriate for this property and he does not think it is the board's job to solve the puzzle but they should be aware it could be an inverse condemnation and he does not think the applicant is in that situation. Mr. Shea said the B3 is a 20,000 sf lot and a B4 is a 10,000 sf lot and Mr. Banas said he is in a HD7 zone. Mr. Shea said the board should weigh the benefit of the grand vs. the burden of the deviation and he does not know what burden there is on the deviation if you meet the parking and the stormwater and the safety standards and looking at the other zones, their setbacks can be met.

Mr. Herzl asked if they could make the footprint of the building smaller and go up another floor and Mr. Carpenter said you would still have the rear setback issue and the buffers to the left and the parking. If you respected the buffers, between the side yards and rear yards you are left with nothing. The front setback is 150 ft. and that automatically eliminates the lot because they only have 112 ft. of lot depth. The rear setback is 50 ft and the front setback is 50 ft. so that leaves them with only 12 ft of building. There was a question of what the front yard setback was and Mr. Peters clarified it by stating the building setback is 50 ft. There is no parking allowed in the front yard unless you have 150 ft. setback, so that is where the variance comes in. Mr. Banas said if you took Mr. Herzl's suggestion and combined it with Mr. Akerman's suggestion you might have a better design. He said he is not an engineer, so he said might. Mr. Carpenter said they would still have parking in the front yard. Mr. Banas said he sees only 2 variances on the plans and Mr. Carpenter said the rest are waivers. There was much discussion about the setbacks. Mr. Jackson suggested the duplex again as a conditional use and said what the board is suggesting is that the building be scaled back a little bit. There was discussion about whether duplexes were a conditional use. Mr. Shea stated the idea of proposing a residential use on the site where adjacent sites will be developed commercially is inconsistent with the zoning ordinance.

Mr. Banas opened the microphone to the public.

Larry Simons, 7 Schoolhouse Court, was sworn in. He said although traffic cannot be a main consideration in making a decision to grant or not grant an approval for a submitted plan, has this board taken into consideration the future development of the Chateau Grande property across the street? At the rate this board is approving current and future development on Route 9 the widening of Route 9 becomes more and more of an illusion. One cannot drive on Route 9 in a smooth non stop manner now, what does the future hold. Proposed planning stages include Calgo Gardens and 2 future developments south of this proposal. When is enough enough? Mr. Banas said that all of the members drive that corridor and are caught in the same problems.

Tony DiStefano, 72 White Road, was sworn in. He said this is a 1 acre zone and they are putting a building here that is so large it doesn't make sense, it doesn't meet the zoning. There should be no more talking on this, and it should be turned down period.

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

Mr. Shea wanted to renew his request of the board to seek any suggestions to modify the building so that it meets the boards' approval. They picked a permitted use, one that is ½ the building coverage, met the parking, met the technical requirements, and the only thing bothersome is the size of the building. If he could get some guidance, he would like to get his client an approval for a permitted use in this zone. Mr. Banas said he did not know where to begin. He stated what his problem was and you have heard that echoed by Mr. Franklin and solutions by Mr. Akerman and Mr. Herzl and said maybe the prudent thing to do would be to look over those and discuss it maybe come back at another time. Mr. Shea wants guidance and Mr. Banas said the board is not here to give guidance but one answer is we need more office space but by the same token it seems we are putting a gallon in a quart. Mr. Shea said he is puzzled.

Mr. Shea asked if the board would consider the applicant go to three stories and reduce the footprint of the rear yard setback from 10 to 20 ft and increase the height and still be within the permitted height. Mr. Gatton asked what it would do to the side setbacks and was told it is conforming. Mr. Jackson said he heard some mumbling from the audience that you can't do that but he thinks that is a fair comment. Mr. Banas said he does not think you can settle it tonight. He would like to see plans on that as a suggestion. Mr. Shea asked to submit an amended application for a 3 story building. Mr. Banas said he would be on safer ground but the board is not giving him direction, but it was just his thoughts.

Mr. Shea asked to be carried to allow them to re-notify and re publish to the public and amend the plans to take into consideration the observations and concerns expressed by the board. He wanted a continuance to the December Meeting. Mr. Banas said it would have to go back to a technical meeting and Ms. Johnson pointed out the board was hoping to eliminate that meeting and make it a public hearing to clear up the back log and the November public meeting's plans have already been distributed to the professionals and the deadline is past. Mr. Fink said it is a beautiful building but it looks like they are trying to put a 3lb. bag of potatoes into a 1 lb. bag, it just does not make sense to him. If you are really going to come back to the board with a new rendering, you must chopping it in half.

Mr. Shea asked to be carried to November 27, 2007, continue it to the next public meeting. To give him the opportunity to sit with the engineer and the applicant, take into consideration your comments, and either withdraw the application, submit a revised one, or alternately come back, present the same case and ask for your decision.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to continue/carry to the meeting of November 27, 2007.

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

2. SD # 1422A (NO VARIANCE REQUESTED)

APPLICANT: S&C WANOUNO

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

Re-approval of previously approved Minor Subdivision for 2 lots

Tabled to November 27, 2007

3. SD # 1590 (NO VARIANCE REQUESTED)

APPLICANT: MOSHE & CHAYA FEINROTH

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

Minor Subdivision to create 2 lots

Mr. Peters stated the Applicant is seeking Minor Subdivision Approval to subdivide Block 11.02, Lot 4 into two lots. The existing dwelling that is currently located on the Lot 4 will be removed. A single family dwelling is proposed on each of the proposed Lots, 4.01 and 4.02. The property is situated on Attaya Road, within the R-12 Zoning District. The applicant is requesting a lot width variance for the proposed Lots 4.01 and 4.02; 75 ft are proposed for both lots where 90 ft are required. Ocean County Planning Board and Ocean County Soil Conservation District approval will be required. Evidence of both approvals shall be made a condition of final subdivision approval. The applicant has revised the Development Plan to show 4 off-street parking spaces for each of the proposed lots. The applicant shall revise note #13 on the final plat to reflect 4 parking spaces are to be provided. The proposed residences will be serviced with individual septic systems. Curb, sidewalk and a 6' shade tree easement have been provided along the property frontage. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated September 7, 2007. The applicant seeks minor subdivision approval to create two (2) tax lots from Block 11.02, Lot 4, located on the north side of Attaya Road. The subdivision plat indicates that an existing two (2) story dwelling and in-ground pool will be removed. The size of the property is approximately 1.033 acres (45,000 square feet). Each of the proposed lots will be 22,500 square feet. The property is located in the northwestern part of Lakewood Township near the border with Jackson Township. The property and contiguous lots are located in the R-12 (Single Family Residential) Zone, and surrounding land uses are residential in nature. Single-family detached residences are permitted in the R-12 Zone. The following variance is required: The lot width of new Lots 4.01 and 4.02 are 75 feet; the minimum lot width in the R-12 Zone is 90 feet. The positive and negative criteria for the required bulk variances should be addressed. The applicant should provide testimony concerning the lot sizes in the surrounding neighborhood. Parking for all proposed lots must comply with NJ RSIS standards. Area for four (4) vehicles is indicated on the Improvement Plan. The approximate location of septic disposal beds is indicated on the Improvement Plan.

Testimony should be provided as to the location of the nearest municipal water and sanitary utilities to the property. Proposed septic tanks, disposal fields and wells are indicated on the subdivision plan. Lots requiring septic systems shall be of sufficient size to achieve required separation distances in accordance with New Jersey Department of Environmental Protection septic design regulations, and shall be designed in accordance with the requirements of the State enforced by the County Board of Health. The balance of the comments are technical in nature.

Mrs. Weinstein, Esq. appeared on behalf of the applicant. Mr. Jackson wanted to clear up that that variances were requested and Mrs. Weinstein said she is filling in for Mr. Alfieri who is on vacation so she checked and verified that the application was originally a flag lot configuration, and based in the board's feedback, came back and resubmitted as a conventional subdivision so now it requires variances. Mr. Burdick is the engineer for the applicant and he stated they are removing one single family house and constructing two. There are approximately 6 lots along Attaya Road that are 75 ft. wide there the plan is consistent with the lots in the area and the lot is 4x's the lot area. The nearest septic and water system is along Miller Road which is approximately 400 ft. from this site and uphill so they cannot gravity flow their sewer to it. They agree to comply with the remaining comments in Mr. Peter's report. With regard to the planners' report, the reasons for the variance is that they are consistent with several lots along Attaya Road and the lot is long and narrow thus providing a unique configuration. The plan provides an upgrade to the septic systems, and provides for a more appropriate population densities in the areas. They feel the disadvantages are minimal and only relate to the closeness of the lots to adjacent properties; however, the plans will comply with the zoning requirements, therefore no home can be built any closer to an adjacent property than could be built under the existing condition. The Board of Health will have to approve the septic system. Shade Tree easements and sidewalks are provided and a bond for the removal of the existing structure will be posted prior to the signing of the map and a note is provided on the map. They agree to the remaining comments in Mr. Slachetka's report.

Mr. Peters had one point and stated that since the proposed lot line will go through the existing building, the building will have to be removed or a bond posted prior to the signing of the plat and Mr. Burdick stated a note has been added to the plat.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

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

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

4. SD # 1595 (VARIANCE REQUESTED)
APPLICANT: 53 WEST CROSS STREET JACKSON LLC
Location: West Cross Street, west of White Road
Block 251 Lots 12, 13 & 13.01
Preliminary & Final Major Subdivision – 6 lots

Mr. Peters stated the applicant is seeking Major Subdivision Approval to subdivide three (3) existing lots into six (6) new residential lots. An existing one story dwelling will remain on the proposed Lot 5.01. A two story dwelling is proposed on each of the new Lots. No dwellings are proposed on new Lots 4.02, and 7.01 which are located in Jackson Township. The property is located along West Cross Street within the R-40 zone. The applicant is requesting three variances from the zoning requirements of Jackson Township for Lots 5.01 and 7.01. No variance is required based on the Lakewood Township UDO. Although some of the lots are split between Jackson and Lakewood, they are considered as one lot. Ocean County Planning Board and Ocean County Soil Conservation District approvals are required. Evidence of the approvals shall be submitted prior to signature of the final plat. As a condition of approval a cross service agreement between Lakewood and Jackson will be required. Evidence that an agreement is in place shall be provided prior to signature of the final plat. The applicant shall revise the zoning schedule to show two front-yard setbacks for each of the proposed corner Lots 5.01 and 7.01 to reflect that the lots have two frontages one on the existing West Cross Street and the other on the proposed Olive Lane. The proposed street name shall be approved by the Zoning Secretary. Evidence of the street name approval shall be provided. We recommend sidewalks be provided along West Cross Street at the frontage of the property. As this portion of cross street is located in Jackson Township, we defer comments regarding the sidewalk to the Jackson Township Engineer. At least one of the proposed depressed curbs shall be called out as “proposed depressed curb, typical”, and then the abbreviation “D.C” can be used for rest of the proposed depressed curbs on the plans. The proposed dwellings are proposed to serve by individual wells and septic systems. The applicant has provided adequate separation distance between the proposed septic fields and proposed wells. The applicant shall provide testimony on who will be responsible for maintenance of infiltration basin drainage system. If a Home Owner Association is to be formed, document regarding to formation of the Home Owner Association shall be submitted to the township engineer and solicitor for review. The remaining comments about the map filing law and stormwater management report are technical in nature.

Mr. Truscott read from a letter dated September 11, 2007. The applicant seeks preliminary/final major subdivision and variance approvals to subdivide the subject property located in both Lakewood Township and Jackson Township (Jackson). The applicant proposes to subdivide the existing tracts into six (6) building lots fronting on Olive Lane, a proposed cul-de-sac road. The southwestern portion of new Lot 13.02 (Lakewood) is a stormwater management basin. The municipal border divides Olive Lane, which connects to West Cross Street to the west. The property is located in the western part of the Township. The tract and adjoining properties within Lakewood Township are zoned R-40 (Residential). The Lakewood portion of the tract is vacant and unimproved. Frontage is along West Cross Street (County Route 626), located in Jackson. In general, the surrounding land uses are low in density, with individual lots either residentially

developed or wooded and unimproved. Single-family detached housing is a permitted use in the R-40 Zone. The applicant has not requested variances for the portion of the property within Lakewood Township. Portions of the property in Jackson Township are subject to the development regulations of Jackson Township. As per Section 18-805.C of the Lakewood UDO, side lot lines shall be at right angles to straight streets. The applicant should explain why it is not practical to have the new side lot lines for proposed Lot 13.06 at right angles to Olive Lane. If deemed impractical to orient the side lot lines at right angles, the applicant will have to request a waiver and should note this as such on the subdivision plat and plans. The portion of the lot line not at a right angle to Olive Court adheres to the municipal boundary between Lakewood and Jackson; as such a waiver from strict adherence to Section 18-805.C may be deemed appropriate for this item. Parking for all proposed lots must comply with NJ RSIS standards. The applicant should testify in detail as the municipal service arrangements to service the proposed subdivision. All cross-municipal service agreements are to be reviewed by Board and Township attorneys. Individual septic systems are indicated on the proposed lots. Lots requiring septic systems shall be of sufficient size to achieve required separation distances in accordance with New Jersey Department of Environmental Protection septic design regulations, and shall be designed in accordance with the requirements of the State enforced by the County Board of Health. Testimony should be provided as to the nearest available connections for sanitary sewers. Any proposed name for the street currently designated Olive Lane should be submitted to the Lakewood Township Clerk for review to avoid duplicate names. The Tree Protection Management Plan does not contain the information required by Section 803H of the UDO. The Tree Management Plan should be revised accordingly and reviewed by the Shade Tree and Environmental Commissions. The balance of the comments are technical in nature.

Mr. Doyle, Esq. appeared on behalf of the applicant and stated the property is located in both Lakewood and Jackson and has not yet been heard in Jackson but is scheduled on November 5th. One lot is in Jackson, which has the existing home, the other 5 homes would be constructed in Lakewood and contain no variances, although 2 of those lots are in part of Jackson. The other structures on the parcel will be removed. Every lot meets the 40,000 sf zoning requirement, which is what the zoning is in this area at this time. There is some controversy as to what the zoning is in this area. Mr. Surmonte is the engineer for the applicant and he stated they agree to get a cross service agreement and will acknowledge that the map will not be signed until that is done. They agree to the recommendation of sidewalks and depressed curbs. The nearest sanitary sewer pipe is about ½ mile and they have been in touch with Jackson MUA who advised them that service was not available. Mr. Doyle said they would prefer not to form a homeowners association for such a small a subdivision as this but will defer to the engineer and attorney. As far as the stormwater report, the engineer points out that the property boundary is not the drainage boundary and that the drainage maps provided show that there is areas that should be included north and east on the maps. Mr. Surmonte agreed to the comments. The sump areas on Lots 13.06 and 13.05 were recommended to be eliminated and filled in and Mr. Surmonte agreed to increase the size of the basin to accommodate the additional runoff. They agree to the remaining comments in Mr. Peters' report.

With regards to Mr. Slachetka's report, the lot line that is not perpendicular to the street but have a little tail towards the street is because it might follow the municipal boundary, and they felt that made planning sense. They will comply with RSIS standards. They have not received a report from the Shade Tree or the Environmental Commission and they concur with whatever this board recommends. They agree with the remaining comments in the planner's report.

Mr. Banas said they were proposing that there not be a homeowners association and Mr. Doyle said an alternative would be if the town accepted the stormwater or a single landowner who has the drainage basin. Mr. Franklin stated all the drainage meets the criteria that the township requires to maintain it so they can take it over. Mr. Doyle accepted that.

Mr. Banas opened the microphone to the public

Janet Scher, 1050 Cross Street, was sworn in. She disputes the characterization of the Master Plan Advisory Committee and served on it as the Environmental Chair. This area is under challenge and the subject of a lawsuit. The case conference took place on October 16th and the dispute surrounds the rezoning of this area from A1 to R40 and R12 without any textual reference, legislative back up of any known legal way to change a zone. The reason the lawsuit was filed was to remedy an error that many of the Township Committeemen have said in public was in error. This is adjacent to the Metedeconk watershed, and zoning is made to discourage non conforming residential lots which affect the quality of life. This application further takes the R-40 zone and downsizes it even further because the request is on a parcel for a certain number of homes not taking into consideration the amount of land that would be required both for the cul de sac and the improvements. In addition, the process is very much the cart before the horse in that Jackson Township has it zone which is 1 house every 3 acres. It makes no sense to take a disputed zone and increase density along with a zone in Jackson where this application will probably not be heard in such a favorable light. She is also concerned with the recommendation of sidewalks; they are building them in Jackson of the property. There has also been correspondence from the office of Smart Growth to the Township specifying that erroneous zoning changes should be corrected. Trees service all when they take carbon dioxide out of the air. We have seen what has happened in Toms River with the lack of water and how the c/o's were refused or denied because there was not adequate water and we still do not have testimony indicating that the density we have will be serviced by the water resources available. The filter area adjacent to this, the Crystal Lake Preserve, serves all of us and there is no justification for the increase in density even beyond what the error proposed.

Denise Garner, Jackson Township Environmental Commissioner, 14 Evergreen Court, Jackson, was sworn in. She stated she did not receive any correspondence for this application. They normally get a copy of the application, do a field inspection and do a report for the planning board. She stated they needed a TR 55 for the Stormwater and Mr. Surmonte said the infiltration basin is in conformance with the State Stormwater Management Regulations. Separation between the sand layer at the base and the seasonal high water table is maintained, TR 55 was utilized to develop the runoff into that basin. Mr. Doyle stated they have submitted drawings to the Jackson Environmental Commission on June 22, 2007 and he has the certified receipt.

Carol Murray, 51 Drake Road, was sworn in. She said one of the gentleman said the zoning had not been challenged and that was the most ridiculous thing she has heard. They have been here meeting after meeting after meeting challenging this, now we have to spend our money to have litigation to right a wrong that has been publicly admitted over and over and nothing has been done about it. Please don't complicate the problem further by approving this.

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

Mr. Doyle said he stood corrected. He did not know a suit was started. Obviously it shows that the zone is R40. The engineer states it is R40 and the law states it is R40. The suggestion of what Jackson would do and that it will be negative to this application, he is hopeful they will be objective to this application and quoted from a report from the Jackson Township agency's engineer which recommended sidewalks be provided for the entire lot frontage along West Cross Street. Mr. Jackson said since he was reading from a letter, he should enter it in to evidence so the public had a chance to comment. Mr. Doyle said it is from Owen & Little Assoc., Douglas F. Klee, Planning Board Engineer, Jackson Township Planning Board, Dated September 27, 2007. Mr. Doyle said he would withdraw it and Mr. Jackson recommended marking it. Mr. Doyle said he would let it go.

Mr. Banas said the sidewalks would look pretty bad if it was in Jackson and Mr. Doyle stated it would be interior also.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to approve with all the recommendations from the professionals

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; no

Mr. Banas called a 2 minute recess.

When the meeting was called back to order Mr. Banas announced it was apparent that they will not be able to reach all the items on the agenda. **Item #14 - SD 1602 Fairmont Investments LLC** was asked to be tabled until November 27, 2007. The applicant's attorney, Mr. Kelly, agreed.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to table the application until November 27, 2007

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

Item #13 – SD 1601 Nathan Schlessinger – Mrs. Weinstein agreed it be tabled until November 27, 2007

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to table the application until November 27, 2007

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

Item #12 – SD 1594 Dov Gluck, Mr. Kelly, the attorney agreed to table until the meeting of November 27, 2007

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to table the application until November 27, 2007

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

5. SD # 1597 (NO VARIANCE REQUESTED)

APPLICANT: ELISA ROBBINS

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

Minor Subdivision to create 2 lots

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide two residential lots into two new residential lots. A one story dwelling exists on the existing Lot 1 and will remain on the proposed Lot 1.01. No construction has been proposed on new lot 1.02. The property is located between Oak Knoll Road and Iris Road within the R-12 zone.

No bulk variances are required. The applicant shows on the plan a shade area near to the existing driveway on new Lot 1.01. If the shaded area is intended to be an expansion of the driveway, the applicant shall call out the shaded area as proposed driveway expansion. The applicant shall added a note to the plan stating that a minimum of 3 off-street parking spaces will be provided for the proposed Lot 1.02, if a new dwelling is proposed on this lot. The applicant has revised the plan to show that sidewalks are proposed on both Iris Road and Oak Knoll Road. The applicant has proposed 6' shade tree and utility easements along Iris Road and Oak Knoll Road frontages of the properties to be dedicated to the township. A note shall be added to the plan stating that the proposed Lot 1.02 is restricted to have access on the Iris Road only. The remaining comment pertains to the map filing law.

Mr. Truscott read from a letter dated September 12, 2007. The applicant seeks minor subdivision approval to subdivide the subject parcel into two (2) new conforming lots, located within Block 19 Lot 1, located on Oak Knoll Road, currently contains an existing one (1) story dwelling and is approximately 28,800 square feet in size. After the proposed

subdivision, the existing home will be located on the 12,903.7-square foot proposed Lot 1.01. Lot 3, located on Iris Drive, is a vacant 15,000- square foot parcel. Through Lot 1.01 is 28,800 square feet, with frontage on Oak Knoll Road and Iris Court. The property is located in an R-12 Zone in the northern part of the Township, just west of Georgian Court University. Zoning for the tract and surrounding properties is R-12 (Residential). The surrounding land uses are generally residential. The plat has been revised to address comments of the Board and its professionals at the August 7, 2007 Plan Review meeting. Single-family detached housing is a permitted use in the R-12 Zone. The applicant does not require variances. As per Section 18-805C of the Lakewood UDO, side lot lines shall be at right angles to straight streets. The applicant should explain why it is not practical to have the new side lot lines at right angles to Iris Court. If deemed impractical to orient the side lot lines at right angles, the applicant will have to request a waiver and should note this as such on the subdivision plat. Lot 1.02 is a proposed through lot, which are regulated under Section 18-908. The plans have been amended to show the buffer and sufficient landscaping plan for the secondary frontage. Parking for all proposed lots must comply with NJ RSIS standards. RSIS requirements should be added to the plat. Confirm the existing parking for Lot 1.01. Add existing parking amounts and proposed parking for Lot 1.02 to the plat. A waiver is required for shade trees on the Iris Road frontage of Lot 1.02 based on the number of existing trees. An individual septic system is indicated on proposed Lot 1.01. Lots requiring septic systems shall be of sufficient size to achieve required separation distances in accordance with New Jersey Department of Environmental Protection septic design regulations, and shall be designed in accordance with the requirements of the State enforced by the County Board of Health. The balance of the comments are technical in nature.

Mr. Kelly Esq. appeared on behalf of the applicant and stated there is one waiver request that they did go over in the August 7th meeting and that is the perpendicular lot lines. There is an existing dwelling on Lot 1.01 and due to the situation of that dwelling on the lot that lot line does turn so that the lot line will not be straight all the way to Iris Court and we ask for a waiver of that requirement. Mr. Carpenter is the engineer for the applicant and he stated he will comply with all the recommendations in the professionals review letters.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

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

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

6. SP # 1871 (NO VARIANCE REQUESTED)

APPLICANT: W & M REALTY LLC

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

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

Mr. Peters stated the applicant is seeking a Preliminary and Final Major Site Plan approval to construct a five (5) story office / retail building on Lot 7 of Block 128. Five (5) retail stores are proposed on first floor of the building with the remaining floors occupied by office space. An existing food market is proposed to be removed. The property is located at the corner of Fourth Street and Monmouth Avenue in the B-2 zone. No bulk variances are requested by the applicant. Outside agency approval from Ocean County Soil Conservation District is required. Evidence of the approval shall be provided prior to signature of the plans. The proposed building will be served by public water and sewer. The applicant should be aware that Lakewood Township is planning on reconstruct Fourth Street sometime next year. The applicant should coordinate with the Township Engineer when doing any utility work within Fourth Street for the proposed project. In accordance with the Lakewood Township UDO, non-residential uses in the B-2 zone are exempt from the parking requirements. The applicant has not proposed any parking spaces for this development. The applicant should provide testimony on the location of any nearby public parking lots. Per section 18-803 of the Lakewood UDO, 25 ft. buffer is required for non-residential development adjacent to residential development. The applicant is proposing a stockade fence along the north and west of the property lines. Any issues regarding the buffering shall be addressed during public hearing. In addition, a waiver shall be request by the applicant for non compliance with the Lakewood UDO. The applicant has not shown any trash enclosures on plans. The applicant shall provide testimony on how solid waste will be handled for the development. The pavement restoration detail shown on the Details Sheet consists of a 1-1/2" I-5 surface course and a 3" bituminous base course. We recommend a 2" I-5 surface course to be laid on top of the 3" base course

Mr. Truscott read from a letter dated September 11, 2007. The applicant is seeking preliminary and final major site plan approval to construct a sixty-five foot high, five (5) story building. The applicant proposes to provide retail use on the first floor, with the second through fifth floors composed of offices. The subject property is 7,500 square feet (0.17 acres) in area and is located on the west side of Monmouth Avenue between Fourth and Fifth Streets. One commercial structure is currently located on the site. The retail uses will be comprised of five (5) retail units with frontage along Monmouth Avenue. Additional side entrances to the building are provided on the north and south sides of the building. The Existing Conditions plan submitted by the applicant indicates that townhouse dwellings (by others) are proposed for adjacent Lots 8 through 10 to the west, with existing residences on Lots 5, 6 and 21 to the north. Residences and a temple are located within Block 159 to the east of the site, with a private school within Block 160 to the southeast. Residences and the Ocean County Library are located within Block 127, directly south of the site. The property and most surrounding properties are located within a B-2 (Central Business) Zone. Retail trade and offices are permitted uses in the B-2 Zone. The applicant has not requested any variances. The Lakewood UDO (Section 602) provides that site plans propose screening, landscaping, and other site improvements to

minimize adverse effect on surrounding property. The applicant must address how these items are satisfied by its proposal. We recommend that screening and/or buffering be provided to shield adjacent properties. A waiver is requested if buffering is not proposed on the site and testimony should be provided. Since the tract is surrounded by residential uses, we recommend that all roof-mounted HVAC equipment (if applicable) be appropriately screened. The Fourth Street façade should be revised to reflect more of a “street front” appearance with larger windows and downplaying the side utility doors. The Board should consider improvements to the streetscape, such as street trees, surface treatment, and decorative lighting. The applicant should address the anticipated usage of the rear and north side door entrances for the proposed building in relation to the location to adjacent residences: The applicant has not provided any off-street parking spaces and such parking is not required for non-residential uses in the B-2 Zone (as per Section 18-870.B.9 of the Lakewood Unified Development Ordinance). The applicant should discuss the availability of parking for the anticipated offices and retail businesses. Discuss the location of any solid waste collection facilities and access to such a facility. Shade Tree/utility easements or street trees are not indicated on the applicant’s plans. The Landscaping and Lighting Plan (Sheet 7) should be revised to remove the Soil Erosion notation. This office has not been provided an Environmental Impact Statement (EIS) for the proposed improvements. The remaining comments are technical in nature.

Mrs. Weinstein Esq. appeared on behalf of the applicant. She stated this application was originally approved for site plan approval to extend the existing food market. Mr. Flannery is the engineer for the applicant and he stated this is a conforming application. This application currently has a building on it which is an eyesore and they have a rendering of what the new building will look like and they will do whatever they can along the property line as far as fencing and landscaping to the extent that the professionals feel appropriate. The property to the west is a townhouse development which was approved by this board several years ago but has not yet been started but as of today it is a business use. There will be no access doors in the rear except for employees, not for commercial access on the rear and the side of the building. They agree with the comment about the HVAC equipment in the planners report. They are proposing a trash compactor which will be located on the rear of the building on the outside in the northwest corner. They would agree to provide the containers to the satisfaction of public works. They agree to the remaining comments in the planners’ report. They received a waiver of the EIS when they submitted the application and Ms. Johnson confirmed. With regard to Mr. Peters report, they will get sewer and water from Monmouth Avenue so they will not impact the improvements on 4th Street. They agreed to the remaining comments in the engineer’s report. They marked exhibit A1 which is the colored rendering of the colored rendering of the site plan and A2 the architectural rendering of the building.

Steven Praver is the architect for the applicant. He stated A2 is a digital photo of the corner that exists about 6 months ago and they took out the slab and building and put the proposed building in its place. It is a brick building with concrete and stucco coins and the 1st floor is retail and the top 4 floors are office space. The made a covered awning for signage and the building as designed is an appropriate use of the property being that it is in a residential neighborhood.

Mr. Jackson stated that Mr. Akerman stated to him he has done some work with this architect but does not think it would affect and influence he has in any decision and Mr. Jackson does not feel it would have any influence either since he is not the applicant, but Mr. Akerman wanted him to disclose that information to the board. Mr. Banas said he did not think it was an issue. Mr. Franklin asked during construction, what will they be using as a staging area to build the building and Mr. Flannery stated the 10 ft. strip in the rear setback. Mr. Franklin said they will not get a crane in there and realistically have they looked at where they are going to put all the steel and material and Mr. Flannery said there are buildings in New York City where the property line to property line and they do 40 stories, it costs more money to do it that way and the crane goes floor by floor with the building. He hopes the applicant has thought about it. Mr. Jackson said Mr. Franklin is correct and with the surrounding neighborhood it would not be unreasonable to require the applicant to submit a detail of plans that explain the staging area and Mr. Franklin said they should. Mr. Franklin said the first thing you do with steel is take the steel and shake it out on the ground to find the parts so you can raise them and then your bar joists come in, and 5 stories is a lot of steel. Mr. Flannery said they would accept the condition that they provide that plan for the review by the appropriate township official. Mr. Franklin said if they could get in there before the other development is built they would have a home run. Mr. Jackson stated it would be a condition of the approval if it was granted that they obtain the appropriate staging and notes be added to the plans as approved by both the municipal government and board engineer. Mr. Banas said storage is important as well. Mr. Truscott asked about the landscaping screening and Mr. Flannery said they would provide any landscaping that is acceptable to the board so Mr. Banas recommended they work with Mr. Truscott on that.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Franklin, seconded by Mr. Fink, to approve the application

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

7. SP # 1630A (VARIANCE REQUESTED)

APPLICANT: PARKWAY 70 ASSOCIATES

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

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

Mr. Peters stated the applicant is seeking preliminary and final major site plan approval to construct a bank and one story retail building on Lot 253 of Block 1160.01. There is an existing 3 story masonry office building on site. The bank and retail building are located west of the existing building. The bank is proposed within the existing parking area, and the retail building is proposed on a grass area. The site is located at the corner of Airport Road and N.J State Highway Route 70 in the B-5 zone. The applicant is requesting a front setback variance for the proposed bank. A 58 foot setback is proposed from Airport

Road, where 100 ft is required. The retail building is proposed 76 feet from Airport Road. Outside agency approval will be required from the Ocean County Soil Conservation District. The applicant has proposed to re-stripe some areas of existing parking from ten foot wide space to nine feet wide parking spaces. Nine feet wide spaces are acceptable. The applicant has provided 242 parking spaces where 242 are required by the UDO. The applicant has revised the plans to call out depressed curbs and handicap ramps located along the side of proposed retail and bank buildings; however, the applicant shall show the proposed depressed curb east to the bank and all proposed handicap ramps on the plans. In addition, the proposed curbs around the bank and the curb island south to the bank shall be called out on the plans. Roof drain leaders have been added to the plan as requested; however, there is no indication of where the water from the roof drains will be directed. Proposed collection pipes shall be added to the plans. The roof leaders are not permitted to discharge to areas of pedestrian activity. The construction of the bank will be within an area that previously drained via sheet flow across the parking lot. Spot elevations shall be added around the bank and any new curbing associated with the back to demonstrate positive drainage will be achieved.

Mr. Truscott read from a letter dated September 12, 2007 Revised September 14, 2007. The applicant is seeking amended preliminary and final major site plan approval to construct two (2) new buildings on the property, which currently contains an existing 13,953-square foot, three (3) story masonry office building and surrounding parking area. The subject property is a corner lot is 160,000 square feet (approximately 3.67 acres) in size and is located on westbound Route 70, just west of the Garden State Parkway. Initial site plan approval was sought (and granted) in 1986 to construct three (3) buildings and related improvements. Amended approval was granted in 2000, reducing the amount of buildings (existing/proposed) to a total of two. The applicant is seeking to amend its approval for the second building and proposes to construct a third building. As part of the proposal, modifications to the parking area, including a reduction of parking stalls to 9 feet x 18 feet, are indicated by applicant. Cumulative square footage of the three buildings will be 50,880 square feet. The footprint of the second building is proposed at 60 feet x 120 feet or 7,200 square feet. The submitted architectural plans indicate that five (5) retail areas (each totaling 1,800 square feet) are to be located in the building. The third building is proposed to contain a bank, and has a footprint of 75 feet x 32 feet or 2,400 square feet. Two (2) drive-through lanes (divided by a traffic island and canopy) are to be located on the east side of the building. The site and contiguous properties to the east and west are zoned B-5 (Highway Development); adjacent properties to the north are located in an M-1 (Industrial) Zone). Land usage in the vicinity of the parcel is generally commercial. Large portions of the access road and associated signage to the site lie within the Route 70 right-of-way; no changes are proposed for these areas. The site plan has been revised to address comments at the August 7, 2007 Plan Review meeting. Shopping Centers are a permitted conditional use in the B-5 Zone. Banks are not a permitted use in the B-5 Zone. However, service uses are within the definition of a "shopping center." A determination by the Zoning Officer was provided to the Board dated August 7, 2007 confirming that the proposed uses are within the Planning Board's jurisdiction. The parking computations indicate that, based on the current and proposed uses, 242 spaces are required and 242 spaces are provided. We recommend street trees along Airport Road, as well as some shrubs along the edge of the parking area and also along Airport Road. The trash dumpster in the northeast corner of the site should be located within an enclosure. The

site plan should be revised to identify the location of a small building at the southwest corner of the office building. All signage shall comply with Township ordinances. The applicant should address the status of any required NJDOT and CAFRA approvals for its amended site plan. The Board should request testimony concerning the new on-site circulation based on the bank drive-through facility. The remaining comments are technical in nature.

Mr. Onore, Esq. appeared on behalf of the applicant. He stated the site plan was first approved in 1986 and that approval included a bank building plus a retail office building. Both of those buildings had setbacks from Airport Road, the bank- 42 ft, and the retail building 75 ft. and they were both approved at that time. In 2000 there was another amended site plan submitted which deleted the bank and changed the retail building to an office building with a setback of 78 ft. from Airport Road and no variances were requested by the applicant at that time at it was approved. It seems to be a recognition by the board that the setback from Airport Road was 50 ft. not 100 ft. The current application shows a setback of 58 ft. for the bank which originally had been 42 ft. and 76 ft. for the office building which previously had been approved at either 75 or 78 ft. So it is the applicant's position that the required setback from Airport Road is not 100 ft. but 50 ft. in which event they are in compliance with the ordinance. Mr. Peters said he would check the UDO. Mr. Flannery is the engineer for the applicant and he stated the setback that is proposed is appropriate. Their setback will exceed the Duncan Donuts across the street. It is his opinion there are no negative impacts to granting this, it is consistent with the area, it is a good use of the site and the positive criteria is it is a good ratable and is consistent with the recently adopted Master Plan in the Community Vision (pg 56) Most of the comments in the professionals' reports are minor in nature and they will make the revisions suggested. They have a detail of the sign on sheet 7, it is 18 ft. in height, and it does comply with the ordinance. They are not increasing the impervious coverage or usage of the site so CAFRA or DOT is not applicable. Mr. Banas said he thought the impervious, now that they are putting a building on would be increased and Mr. Flannery said that area had parking and the area where the retail building is going there was a building that was approved there in 1985 and 2005, so the net is the impervious coverage is shifting but we are not increasing it. The architects would discuss the circulation of the drive through.

Mr. Peters stated the front yard setback in the zone is 100 ft. unless this would be considered a shopping center which this was decided on at the technical meeting in which case the front yard setback is 50 ft. and no variance is required. Mr. Banas said clearly this is not a shopping center but if the previous boards said it did not need one, he will accept whatever occurred. Mr. Flannery said there are 2 entrances for the bank on Airport Road, the drive through has 2 lanes and the stacking is along the entire side of the building.

Fran Consoli, architect for the North Fork Bank stated there are 2 ATM's, one drive-through, and marked exhibit A1 which is the colored rendering of the site plan, A2 which is the perspective architectural rendering and A3 which is the floor plan. Ms. Consoli said there is a drive through ATM on the first drive through aisle and a walk up ATM on the northern side of the building. Mr. Banas said with a drive up ATM it will take more time for cars to be processed than the other line and at times the cars pile up and are almost in the driveway in the street they came from. Ms. Consoli said the ATM is positioned at the end of the building so you have this whole length of the back of the building for the cars to stack and she pointed to the flow of traffic, approximately 75 ft.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

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

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

8. SD # 1600 (NO VARIANCE REQUESTED)

APPLICANT: LAKEWOOD MEDICAL ARTS

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

Minor Subdivision to re align lot lines

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to adjust lot lines between two commercial lots. Lot 16 of Block 420 and Lot 23 of Block 42.01; no new lots are proposed by the applicant. An existing 2 story building is located on the Lot 23. The property is divided by HD-6, HD-7, and R-10 zone with the existing building located in the HD-6 zone. The applicant is requesting a front yard setback variance for Lot 23; 87.9 ft is proposed, where 150 ft is required. This is an existing condition. A sentence shall be added to the end of the zoning schedule to state the symbol “*” means a variance is required. Outside agency approval will be required from the Ocean County Planning Board. The applicant shall provide testimony on the adequacy of the existing parking for the buildings on site. No architectural plans have been provided to review the required parking based on building use and area. Eleven (11) parking spaces are subtracted from Lot 16 of Block 420 and added to Lot 23 of Block 420.01. Total number of parking will remain the same. The remaining comments are pertaining to the map filing law.

Mr. Truscott read from a letter dated September 14, 2007. The applicant seeks minor subdivision approval to subdivide existing Lot 16 (Block 420) and Lot 23 (Block 420.01). The applicant is proposing to relocate a small portion of the lot line between Lot 16 and Lot 23. The lot line relocation would slightly increase the size of Lot 23, and correspondingly decrease the size of Lot 16. The cumulative size of the overall tract is 6.8 acres. No other changes to the property are proposed by the applicant. The property is owned by Kimball Medical Center and is one (1) block north of the Hospital’s main campus, located along River Avenue (Route 9) in the southwestern portion of the Township. The majority of the property is comprised of parking spaces, with a two-story building (on Lot 23) and an infiltration basin (on Lot 16) included as well. The subject site is situated in the HD-6, HD-7 and R-10 Zones. No variances are requested. Consideration should be given by the Board to recommending to the Township Committee that the zone lot lines be redrawn to eliminate the split zone condition of the Hospital properties. The remaining comments are technical in nature.

Mr. Michael York Esq. appeared on behalf of the applicant. The applicant wishes to move the lot line from Lot 16 to Lot 23 to add 11 more parking spaces to Lot 23 which are only used by Lot 23 and are not used by Lot 16. Mr. John Maczuga is the planning director for

Nexus Properties said the front yard setback was previously granted by the Board of Adjustment in 2003. With respect to the parking requirements, this building is 48,370 sf and we are moving the lot line to get 2 space per 200 sf for 242 parking spaces so it meets or exceeds your ordinance requirements.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

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

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

9. SD # 1531A (VARIANCE REQUESTED)

APPLICANT: ASTRID JANE DECICCO

Location: Cross Street, west of Massachusetts Avenue
Block 468 Lots 7, 8, 9

Minor Subdivision to create two conforming lots

Mr. Peters stated the applicant is seeking minor subdivision approval to subdivide three existing lots into two new lots. The previous submission for this application requested three new lots. A single family dwelling is proposed on the new Lot 7.02. The existing one story dwelling on proposed Lot 7.01 will remain. The property is located on Cross Street with frontage on unimproved Lewin Avenue, Nassau Street, and Rachel Avenue. The site is in the R-20 Zoning District. No bulk variances are requested by the applicant. The applicant shall revise the zoning schedule to show 2.5 parking spaces are required, as per RSIS when number of bedrooms is not specified. The applicant has proposed three parking spaces for each of the proposed dwellings. The Planning Board should determine if three parking spaces will be adequate for the proposed use. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District. Evidence of approvals should be made a condition of final approval. The applicant shall provide testimony on location of the nearest water and sewer line. The existing garage shall be removed prior to signature of the final plat or a bond to be posted to ensure the prompt removal of the garage. The applicant has provided curb, sidewalk, and six foot wide a shade tree easement along the Cross Road at the property frontage. The homes will be serviced by individual well and septic systems. The applicant has revised the plan in conformance with the Map Filing Law.

Mr. Truscott read from a letter dated September 10, 2007. The applicant is seeking minor subdivision approval to subdivide Lots 7, 8 and 9 (located in Block 468) into two (2) conforming corner lots. Existing Lot 7 contains a single-family residence and pool (which shall remain) and a detached garage (to be removed). After the subdivision, the residence and the existing remaining improvements will be located on the proposed 20,000-square foot Lot 7.01. Lot 7.02 is 53,585 square feet in size, and, in addition to being a corner lot, is a through lot. The 1.7-acre, partially wooded property is located on the north side of Cross Street. Zoning for the tract and surrounding properties is R-20/12 (Cluster), with

M-1 (Manufacturing) and R-40 (Residential) zones on the south side of Cross Street. Land use reflects the multiplicity of zoning districts – residential, commercial, and agricultural. Much of the land surrounding the site is vacant and wooded, with mapped (but unimproved streets) bordering the property to the north, east and west. The property was subject to a previous subdivision proposal to create three (3) lots, one of which was to have been a flag lot. A denial of the application (SD-1531) was memorialized by the Board on July 11, 2006. The current plans propose one (1) less lot than the prior proposal, and the subdivision follows conventional subdivision practices. The site is located in the R-20/12 Cluster Zone; single-family residences are a permitted use. We note that lot width for proposed Lot 7.02 was measured incorrectly and, in our opinion, a variance is required. Lot width is measured at right angles to the lot depth. The proposed lot width of Lot 7.02 is 90 feet and a minimum of 100 feet is required. As per Section 18-805C of the Lakewood UDO, side lot lines shall be at right angles to straight streets. The applicant should explain why it is not practical to have the new side lot lines between the proposed lots run parallel to mapped streets Lewin and Rachel Avenues. If deemed impractical to orient the side lot lines at right angles, the applicant will have to request a waiver and should note this as such on the subdivision plat. As requested, the applicant is providing a minimum 5-foot landscape buffer along the frontage along the adjoining paper streets. The plans should be amended to identify the proposed landscaping within the buffer or, in the alternative, that existing vegetation in the buffer will not be disturbed. Parking for all proposed lots must comply with NJ RSIS standards. RSIS requirements should be added to the plat. An individual septic system and potable well is proposed to serve the proposed lots. Lots requiring septic systems shall be of sufficient size to achieve required separation distances in accordance with New Jersey Department of Environmental Protection septic design regulations, and shall be designed in accordance with the requirements of the State enforced by the County Board of Health. Testimony should be provided as to the nearest available connections for municipal water and sanitary sewers. The plat indicates that an existing garage and other improvements are to be removed. The existing improvements must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. The balance of the comments are technical in nature.

Mr. Dennis Kelly Esq. appeared on behalf of the applicant. The request for the variance has to do with the measuring of the setback line and he did publish a notice just to cover the applicant and Mr. Jackson said it was not a problem. Mr. Carpenter is the engineer for the applicant and he stated he has no objection to the recommendations of the professionals' reports. Mr. Banas said he has trouble with one comment in Mr. Truscott's report with regards to the RSIS standards with regards to the parking spaces and Mr. Carpenter said on the plans they call for 4 parking spaces and Mr. Banas was satisfied.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

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

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

10. SD # 1598 (VARIANCE REQUESTED)
APPLICANT: MARK PROPERTIES LLC
Location: Albert Avenue, north of Salem Street
Block 1159 Lot 66
Minor Subdivision to create 2 lots – 1 flag lot

Tabled to November 27, 2007

11. SP # 1860 (VARIANCE REQUESTED)
APPLICANT: CONGREGATION AVREICHIM
Location: 10th Street @ northeast corner of Clifton Avenue
Block 112 Lot 11.02
Preliminary & Final Major Site Plan for house of worship

Tabled to November 27, 2007

12. SD # 1594 (VARIANCE REQUESTED)
APPLICANT: DOV GLUCK
Location: Albion Street, west of Hearth Court
Block 284.03 Lots 49 - 51 Block 284.04 Lot 48
Preliminary & Final Major Subdivision – 4 lots

Tabled to November 27, 2007

13. SD # 1601 (VARIANCE REQUESTED)
APPLICANT: NATHAN SCHLESSINGER
Location: Towers Street, east of Albert Avenue
Block 855.03 Lot 30
Minor Subdivision to create 3 lots

Tabled to November 27, 2007

14. SD # 1602 (VARIANCE REQUESTED)
APPLICANT: FAIRMONT INVESTMENTS LLC
Location: Central Avenue, east of Irene Court
Block 11 Lot 116.01
Minor Subdivision to create 2 lots - 1 flag lot

Tabled to November 27, 2007

15. SD # 1604 (VARIANCE REQUESTED)
APPLICANT: YISRAEL SCHECTER
Location: Monterey Court & South Monterey Circle
Block 286 Lots 4 & 8
Minor Subdivision to create 3 lots

Tabled to November 27, 2007

16. SD # 1489A (VARIANCE REQUESTED)
APPLICANT: CEDARBRIDGE DEVELOPMENT LLC
Location: Pine Street- Boulevard of the Americas (Cedar Bridge Corp. Campus)
Block 961.01 Lots 2.01, 2.02 & 2.03
Amended Preliminary & Final Major Subdivision – 4 lots

Tabled to November 27, 2007

17. SD # 1605 (VARIANCE REQUESTED)
APPLICANT: HARVEY HIRSCH
Location: southeast corner of Cedar Row & W. County Line Road
Block 25 Lot 58
Minor Subdivision to create 2 lots

Tabled to November 27, 2007

5. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1556A (VARIANCE REQUESTED)
APPLICANT: JOSEPH GOLDBERG
Location: southwest corner of Hope Chapel Road and Miller Road
Block 7 Lots 15 & 52
Extension of approval for Minor Subdivision for 3 lots

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

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

2. SD # 1542 (VARIANCE REQUESTED)

APPLICANT: RYE OAKS LLC

Location: Ocean Avenue (Route 88) east of railroad
Block 536 Lots 1, 2 & 4

Denial of Preliminary & Final Major Subdivision for 38 townhouses and 1 retail center

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

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

3. SD # 1589 (NO VARIANCE REQUESTED)

APPLICANT: FAIRMONT INVESTMENTS LLC

Location: 1963 New Central Avenue, east of Irene Court
Block 11 Lot 118.01

Minor Subdivision to create two lots (1 flag lot)

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

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

4. SD # 1356B (VARIANCE REQUESTED)

APPLICANT: C HOOK LLC

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

Preliminary & Final Major Subdivision – 42 lots

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

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

6. CORRESPONDENCE

- None at this time

7. PUBLIC PORTION

- No one came forward

8. APPROVAL OF MINUTES

- Minutes from September 11, 1007 Special Planning Board Meeting

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

ROLL CALL: Mr. Banas; yes, Mr. Akerman; yes

9. APPROVAL OF BILLS

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

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

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary