

**LAKWOOD PLANNING BOARD
MINUTES
JANUARY 16, 2007**

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 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 the following newspapers: 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. Franklin, Mr. Banas, Mrs. Wise, Mr. Gatton, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

4. NEW BUSINESS

1. SD # 1550 (NO VARIANCE REQUESTED)

APPLICANT: SEYMOUR INVESTMENTS LLC

Location: Cross Street, west of River Avenue (Calgo Gardens Nursery)
Block 533 Lots 3 & 10

Preliminary & Final Major Subdivision-74 townhouse units, community center and tot lot

Mr. Peters stated the applicant is seeking Preliminary and Final Major Subdivision Approval to subdivide two (2) existing lots, totaling approximately 9.286± acres, into 77 lots with 74 proposed townhouse units and one community center. Three lots will be dedicated to the Homeowners' Association; one housing a stormwater management basin, one housing a parking lot, and one housing the above mentioned community center and a playground. The tract has frontage on Cross Street, approximately 500± feet from its intersection with River Avenue (N.J.S.H. Route 9). The property is situated within the HD-7 Zone. It appears that no variances will be required. The applicant will be required to obtain agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, a NJDEP permit for TWA. The applicant will be required to form a homeowners association for maintenance of the public portions of the development. Homeowners' association documents shall be provided for review by the Planning Board Engineer and Planner and

solicitor. The documents shall address ownership and maintenance of the stormwater management system, community building, tot lot, and all other public portions of the site. The documents shall also include a schedule of when the public amenities will be completed in terms of number of certificates of occupancy. The applicant has provided curb, sidewalk, and shade tree easements along Cross Street and all proposed interior roadways. The applicant shall provide all dimensioning on the Layout Plans including, curb radii, street and R.O.W. width, setbacks, etcetera. It appears that there is insufficient space to provide a landscaped buffer of 30 feet and the minimum rear yard setback between proposed Lots 10.01 through 10.20 and Block 533, Lot 11. A buffer is required between a new residential development and an existing commercial use as per Section 18-803 E.2.c of the UDO. The applicant has indicated on the plans that the proposed stormwater piping that ties the proposed basin into the existing stormwater conveyance system associated with the adjacent development and the proposed sanitary sewer piping that also ties the site's sanitary sewer system into the adjacent development's system are to be constructed "By Others." The applicant shall provide testimony regarding who will complete this work and when it will be completed. It shall be noted that all of the work to be performed "By Others" shall be completed prior to the issuance of any Certificates of Occupancy. The applicant has proposed modular block retaining walls to be built along a portion of the eastern and western property lines. These block walls are to be set along the property line, which will require encroaching onto adjacent properties to install the reinforcing geogrid membrane. The applicant shall obtain a Construction and Maintenance easement from the adjacent properties to install and maintain the wall and its components, or shall relocate the walls to alleviate this issue. The applicant is proposing six (6) bedroom townhouses, with unfinished basements that have a separate entrance. For townhouses, the Residential Site Improvement Standards (RSIS) only provides guidelines for up to three (3) bedrooms, which requires 2.5 parking spaces per townhouse. The applicant is providing 4.0 parking spaces per townhouse for a total of 296 parking spaces. The board should determine if 4.0 parking spaces per unit will be sufficient for this application. The applicant shall address parking for the community center as well. As indicated on the plans the roads within the subdivision are to be dedicated to the Homeowners Association. The handicapped ramp details do not sufficient dimension to show how they will be constructed; dimensions shall be added to the detail. In addition, the surface of the ramp shall be revised to show a detectable warning surface with truncated domes. The applicant shall provide testimony that no specimen trees exist on-site. The plan has been revised to show three dumpster enclosures have been added to the site plan. At the technical meeting ten (10) dumpsters were discussed. The dumpsters are located up to 500 feet from some of the units. Additional dumpster locations shall be added to the site plan. It is unclear what is proposed at the terminus of Robin Court. The area shall be revised to clearly show access to the end units of building 12 will be maintained and residents using the last parking spot will have adequate room to safely back out and maneuver. It appears that no soil borings were performed for the site. The applicant shall provide two (2) soil borings with the footprint of the proposed basin, and one soil boring under the proposed location of each recharge system. Soil permeability test are also required. In the Stormwater Management Report, the applicant refers to a proposed drainage easement within a previously vacated section of Chestnut Avenue, but this easement is not shown on the plans. The applicant shall address this issue. The Existing Drainage Area text appears on the Proposed Drainage Area Map. The applicant shall address this issue. The information shown in the Outlet Structure Detail does not match

the information shown in the stormwater calculations. Please revise. The EIS states the former use of the property was a plant nursery. The EIS made no mention of the possibility of pesticide contamination on the site. This issue shall be addressed. The remaining various comments are technical in nature.

Mr. Truscott read from a letter dated October 16, 2006. The applicant is seeking preliminary and final major site plan approval to develop a 74-unit townhouse community with an associated community center, tot lot, roadway, parking, drainage, landscaping, and lighting improvements. The 9.3 ± acre property is located with frontage on Cross Street and Chestnut Street in the HD-7 (Highway Development) zone district. Lot 3 is presently developed with a landscaping/nursery business with planted fields and structures. Lot 10 contains a frame dwelling and several accessory structures, in addition to large wooded areas. Surrounding land uses include a mix of nonresidential development, undeveloped lands, and residential development of varying densities. The site is located in the HD-7 Zone. Townhouses are a permitted conditional use in the HD-7 Zone. 2. No variances are required. The townhouses are proposed on fee-simple lots. Architectural drawings have been submitted for the Board's review. We note that, as required by Section 18-1010.B.5 of the Code of the Township of Lakewood, the proposed townhouse buildings are shown to have adequate variations in facade setback. We note that while the floor plans provide a count of four (4) bedrooms, each unit-type will contain a "children's study" and "habitable attic space," as well' as an unfinished basement with a separate entrance. We note that it appears that the "children's study" and "habitable attic space" could be used as bedrooms as well, for an effective total of six (6) bedrooms. In addition, the existence of a separate entry to the basement area presents the possibility that the basement area could be converted to an accessory apartment. We recommend that the Board consider requiring a deed restriction to prohibit the conversion of the unfinished basement area into an accessory apartment. The applicant has provided a total of 237 parking spaces, 222 of which are off-street. Thus, there are three (3) off-street parking spaces for every one (1) townhouse. However, the New Jersey Residential Site Improvement Standards (RSIS; N.J.A.C. 5:21-4.16) does not specify a parking requirement for six (6) bedroom townhouse units. As a result, the applicant should provide the Board with expert testimony regarding the sufficiency of the amount of off-street parking that is proposed for the townhouse development. A 6-foot high board-on-board fence is now proposed along the eastern property-line: -A-construction-detail is necessary. Section 803.E. (Buffering) requires in Paragraph 2.c. that residential subdivisions adjacent to an existing commercial use provide a buffer area of at least 30 feet. The Board has discretion in this section to reduce the buffer width to 15 feet, if a dense screen is provided. A buffer of 15 feet would reduce the useable rear yard required under Section 1010. The current setback is 20 feet. The applicant proposes a 6-foot high board-on-board fence and presented testimony at the Plan Review meeting addressing the sufficiency of the proposal. The applicant should submit architectural drawings for the proposed community center. In addition, side and rear elevations are required. In accordance with Section 18-1010.B.6, each unit shall have an area designated for the storage of trash and recycling containers. In addition, all containers shall be screened with a material that blends into the facade; and the size of the enclosure should be approved by the Public Works Department. There is a lack of proximity of the supplemental refuse enclosure to Building Nos. 3 and 8. The applicant should consider landscaped peninsulas within the parking lots to mitigate the excessive number of parking spaces without landscape separation. A planted buffer is now proposed

along Cross Street to screen the rear of the residences. The proposal is to plant over 100 Arborvitae. A diversity of species would be more appropriate. An Environmental Impact Statement has been submitted for the Board's review. This statement's general finding is that the proposed project will not have any noticeable or measurable impacts on the Township of Lakewood. The statement also finds that the proposed project will not cause any significant adverse impacts on the topographic, soil ecological, hydrologic, water quality, or noise environments at the site or in the surround area. We defer to the Board's engineer with regard to additional review of this document. It is noted that Lot 3 is the site of a landscaping/nursery business. We are, therefore, concerned that there may be residual pesticides present onsite. The applicant should discuss the results of any testing that has been conducted onsite. If not yet performed, testing for residual pesticides should be conducted. The applicant should submit all documentation related to the proposed homeowner's association for the Board's review. Required approvals include, but may not be limited to the following: Ocean County Planning Board; Soil Conservation District; and, Sewer and water utilities.

Mr. Salvatore Alfieri, Esq. appeared on behalf of the applicant. Mr. Gasiorowski is appearing on behalf of objectors. Mr. Gasiorowski is representing objectors to this application and has written Mr. Jackson in this regard. He raises several questions regarding jurisdiction with the ability of this board to hear this application. He has filed a petition with the zoning board seeking an interpretation. According to the MLUL only the board of adjustment has jurisdiction to hear jurisdictional questions to determine whether or not a matter is properly before the board of adjustment or planning board. It is his position that this matter is not properly before this board but should be before the board of adjustment. Regardless of whether he is right or wrong, the only board that can make that determination is the board of adjustment and if we proceed forward with this application, and the zoning board says and finds the planning board does not have jurisdiction to hear the application, then all of this would have been for naught. His first request to Mr. Jackson was this matter should be postponed until such time as the board of adjustment has a hearing and gives a determination with regard to that issue.

Mr. Banas asked what the reasoning is behind his request. Mr. Gasiorowski said the application before the board is for a conditional permitted use. The initial hearing was adjourned because a decision was made to be conservative with regard to this and since the original application, notice did not utilize the words conditional permitted use. There was a re-notice made by Mr. Alfieri which is rather inclusive and he is admitting for the sake of argument that this is a conditional permitted use which means that there are variances associated with this application, this board does not have jurisdiction. After listening to the comments of the professionals, who said it appears to be no variances required. Just the comments from the planner, who points out the boundary line which is adjacent to a commercial use that the ordinance provides you must have 20 ft. of useable back yard. Along that property line, there is only 20 ft. The ordinance also says that if you are adjacent to a commercial use you must have a buffer of 30 ft. albeit the board has the jurisdiction to reduce it to 15 ft. Even if you reduce it to 15 ft. that means that there is only 5 ft. of useable back yard unless you would grant a variance and allow the applicant the build a board on board fence. That item alone, puts it into the conditional use of townhouses and it must go before the zoning board, not this one.

Mr. Jackson said it would make sense to have Mr. Flannery address this then our planner address this. In terms of whether we should defer to the zoning board, he thinks it is a discretionary call on the part of the planning board, there is no statutory requirement that the board wait. He would recommend going forward only because that appeal would then serve as an effective method to derail an applicant's application. If the applicant is satisfied, they have everything to lose. The downside to the planning board is if it is approved, pending that appeal, you have had this meeting for nothing.

Mr. Alfieri said they want to move forward. He said in 2006 the board heard 6 HD-7 townhouse applications so they had jurisdiction for them. In terms of the conditional use issues, Mr. Jackson said perhaps the planner can give more testimony on that. There are only 6 conditions in the conditional use section and they meet all 6 of those. We think the board has jurisdiction to grant bulk variances. Mr. Jackson recommended that Mr. Flannery specifically address those issues, the useable area of the backyard. Mr. Banas wanted to hear from Mr. Gasiorowski again to hear the rest of his statement.

Mr. Gasiorowski said his other issues are that he sees a reflection on the plans with regard to the retention/detention basin located in their property. There is also a reflection of an acquisition of a proposed easement which proceeds through a portion of Chestnut Street and the adjacent property where the Enclave is located. It calls for the securing of an easement across property owned by a private party unrelated to the applicant. It further calls for that easement to hook into a storm drainage system which then empties into a detention basin located within the confines of the Enclave property. He thinks that the plans clearly show that and that is a multi faceted objection, the first being that if this board were to grant this approval, it could not be granted unless the applicant first secured that easement from that adjacent property owner. When a matter comes before a planning board, it must be complete, all property that is part of the application, including the owner of the easement. That has not been done. This townhouse project clearly shows the utilization of an adjacent private owned land. His position is once you are utilizing an easement on an adjacent piece of property, you must give notice to all property owners within 200 ft. of that private property being utilized off site. He gave evidence to Mr. Jackson about a case called the Brower, in which the applicant was seeking to construct a shopping center, and the board said they liked the plan but not the traffic patterns with the ingress and egress, and they wanted the applicant to secure an easement from the adjacent property owner so that we can run a driveway through his property and get it into your property, and the property owner did that. But he did not give notice to the owners within 200 ft. of the easement and the appellate division said that is not proper notice. The next ground he brings up is the issue with regard to this plan reflecting the construction of a community center. The parking requirements have no provisions for parking for the community center. When looking at townhouse requirements, there is no reference to permitted accessory uses, and a community center is not listed in your ordinances as a permitted accessory use. If in fact in this application they are seeking to construct a community center, they must secure a use variance for that community center, they must give notice for it and it must be applied for. In certain zones, the ordinance does provide for accessory buildings, such as community buildings, so the ordinance did not forget it totally, but did not provide for it in the townhouse zone. He has other questions with regard to variances which are necessary, and he said the ordinance requires a 30 ft. buffer, and they are not provided for in this application. The height of

these buildings, these buildings are 3 stories high, and the ordinance says that 2 ½ stories or 3 ft. With regard to bedrooms, there is a basement with an outdoor entrance, a first floor with a study, second floor with 4 bedrooms plus a study, there is a third floor, which says habitable living space with a bathroom and tub. Even being conservative this townhouse could contain 8 bedrooms, and utilizing the formula of 4 parking spaces is simply deficient, a minimum is 5 and they are deficient with regard to parking.

Mr. Alfieri wanted to narrow it down to the jurisdiction and the others will follow. Mr. Jackson sees 3 or 4 principle issues regarding jurisdiction. One is the issue of the 20 ft. useable back yard. Two is the issue regarding the retention/detention basin within that there are 2 issues, ownership and ability to get that straightened out and the notice that should be given which includes the basin. The fifth issue is that the community center is not a permitted use under our townhouse ordinance. Mr. Gasiorowski agreed with these jurisdictional issues. Mr. Gasiorowski said those issues should be decided by the board of adjustment. Mr. Gasiorowski wanted to do the notice issue first, because if you don't have a notice, you can't go forward. Mr. Alfieri said as far as the notice is concerned, the case law says that because a road was such a significant impact on the surrounding property owners that notice would be specifically required to the property owners within 200 ft. of that road. This case is simply an off sight easement for utilities, which is done on virtually every application and you are never required to notice for off sight easements. This is all underground utility easement issues that are off tract and it is his position is that notice is not required. Mr. Jackson's recommendation on that issue is that the case in front of this board is distinguishable and the notice does not extend to all those people in the retention basin. If someone connects to the sewer system, does that mean you have to notify them and everyone within 200 ft. of the sewer system? At some point you have to draw the line. In this case we are talking about tying into a retention basin and feels comfortable that a court will say that is not an impact that would require property notice within 200 ft. of the entire tract. Mr. Gasiorowski said he is referring to a publicly owned sewer system, this is a privately owned detention basin on privately owned property. Mr. Jackson disagreed with that interpretation and his recommendation will be that that notice does not have to extend to everyone who is associated with the detention basin. The ownership and permission of the Enclave is the second issue.

Mr. Alfieri said the second issue is the consent of the owner of the off site easement property and whether or not an easement has yet been acquired. The practical approach and common approach is if off sight easements is required and a condition of approval the applicant has to meet. Marshall Weisman has the same easement running through the same project and he is not in the process of completing negotiations to get that easement. You would condition the approval on us acquiring whatever easements are required in order to build the plans per the approved plan. Mr. Jackson said he thought that was more of an issue of practicality. The board can give approvals contingent on securing an easement, but there does come a point where the board can say what is the likelihood of getting this, because if it looks like they are not going to get this, why go through this entire exercise. The board should make some sort of threshold inquiry of what the likelihood of getting this easement. Also ask the engineer, is this dispositive to this plan, if they can't get this easement is that a deal killer? The applicant bears the greatest risk in this. Mr. Gasiorowski said they have to distinguish this from a sight triangle easement because the function of this easement is not just acquiring it but utilization of the detention

basin on the Enclave property because the reason they are doing this is because they do not have a sufficiently sized basin on their property, or if they had to make that basin larger, they would lose some units and have to come back before the board. This particular easement serves a function, it is an easement into an existing facility on the Enclave and into their basin.

Mr. Alfieri said the likelihood of success is eminent as Mr. Shea is about to make the deal with Mr. Kokes, who is the owner of the property. Mr. Gasiorowski said it would be simple to solve, have Mr. Kokes come here and say he will sign the easement. He knows for a fact, that easement is not signed. Mr. Alfieri said that could be a condition of approval. He also states the water running into that basin is coming from his applicant's sight, pre-construction, and after construction, it will be less of a flow, they will reduce it.

Mr. Banas asked Mr. Peters for impute on some of the statements made. Mr. Peters said this development has a detention basin that was designed in accordance with the township standards, part of which is reducing the run off from the sight to levels below what the existing condition is. The water flowing to the neighboring site after construction will be less than what is flowing now. From what he sees the reason to connect to that system is you have to have a discharge point from the basin and rather than have it flow overland in people's yards, it is sent directly to the piping system of the Enclave. The only reason it goes to the Enclave basin is that all the stormwater within the Enclave goes there. The stormwater design of this site is not contingent upon the basin within the Enclave having the capacity for it, there will actually be a reduction. The other point brought up about the easement being a critical part of this application, if this easement was not granted and there was no discharge point, this is also where the sanitary sewer goes, there would have to be a significant re design to this property.

Mr. Banas said the basin troubles him. That basin is 11 ft. below the contour line of the surface, and all they had was a Franklin fence around it. Mr. Banas asked where is the run off after it comes from the basin and was told it was routed through the outlet structure to a pipe, tied into an inlet that will connect to the Enclave storm pipe system. Mr. Franklin said he did not feel comfortable with that. Usually when an engineer designs a project, he makes the detention basin large enough to handle the project. He has never seen anyone give an extra 2 ft. in it. He doesn't understand how dumping more water would make it a reduction. Mr. Peters explained the technicality of the design. He also said that is why they request topography within 200 ft. of the site so they can see how much water from the upstream neighbors is flowing onto their property. The water from your undisturbed neighbor should be accounted for when you are designing any site. When the Enclave basin is built, some survey is needed for the neighbor, which is the project we are discussing now, where in the existing condition the designer would know how much water he has coming onto his property that will get collected in his system from what his neighbor has. Mr. Banas asked if this basin could handle all the water from this project and accounting for the 100 year storm and Mr. Peters said yes.

Mr. Jackson said these are 2 different issues. There is a basin on the site and the overflow goes onto the Enclave property. He doesn't think there is a legal impediment to utilize an off sight facility as long as there is an easement which is an ownership right. The issue is if the applicant is going to get it and if not why should we go through this exercise.

Mr. Banas asked Mr. Peters hypothetically if anyone was developing a storm drain system for the Enclave, you would build that to accommodate 100 year storm plus 20%. If the storm basin at the Enclave was sufficient, met the requirements, with the amount of water that we have here, overflow, into the storm system, could it possibly overflow that system. Mr. Peters said theoretically no. This system is designed to have less water going to the Enclave after it is constructed than in the current situation. Mr. Banas asked Mr. Alfieri if he contacted Mr. Kokes and ask for an easement and was told no. Mrs. Wise is feeling very uneasy without the easement or any type of work done to acquire it. It is like we are saying yes to a possibility and although we have approved things in the past, listening to our engineer say it would be a major redesign if it is not acquired. Mr. Gatton said he has trouble trying to reconcile why the conversation has not been held.

Mr. Alfieri said after speaking to his client and they would like to address all the jurisdictional issues tonight so that when they do come back, they won't have to do it again. The one issue that they can't address tonight is the off tract easement for the drainage as we discussed, we will agree to carry this to a future meeting, possibly in April, and will re notice if necessary, just so we are on an agenda so we don't get put behind a large crowd of applications. We will arrange for that off tract easement by then.

Mr. Banas suggested a complete new advertisement and put it in the process of getting it done. The other item you speak of, finding out what you should look at as well, will be considered here today. If Mr. Gasiorowski's request with the zoning board is true and they determine that it is jurisdictionally their baby, then the remainder of this meeting would be for naught also. Mr. Gasiorowski agreed and Mr. Alfieri understood. Mr. Gasiorowski said the problem he had with that was if you are either adjourning this or not going forward because of the issue concerning the easement, then he would suggest that the basis for doing that would be jurisdictional and if you can't take jurisdiction you can't have a further hearing with regard to this. Mr. Banas said they can have a friendly conceptual presentation of a plan that is before us and we would look upon it in that fashion. What Mr. Alfieri has asked for is go over those items that need correction. Mr. Alfieri said he thinks they have to be very careful to dot the i's and cross the t's because this will probably end up in court with review and therefore he wants to make sure that if we are making a jurisdictional determination, you do it and if you're not, you are not. We can't do it informally because it will cause a problem perhaps later on in an appeal. Mr. Jackson agreed and said the only issue that remains whether the community center was an approved use. He thinks the HD-7 incorporates the HD-6 in the permitted uses and under HD-6 J it says "clubs, lodges and association buildings are specifically permitted uses" and that is his recommendation and Mr. Truscott was asked his opinion and he concurred with Mr. Jackson. Mr. Gasiorowski said if you follow that logic, in both the HD-6 and HD-7 zones, townhouses are not permitted uses, they are conditional uses. If you look at HD-6 it has as permitted uses, private schools, public libraries, clubs, offices, etc. so does that mean you can permitted to have any use which is permitted in the HD-7 townhouse use you would be permitted to use in the HD-6 zone and call it an accessory use? Mr. Jackson said what Mr. Gasiorowski is doing is taking the chapter and verse and crafting that to make a good argument, but the board should ask itself what is reasonable. Mr. Banas said he would agree with Mr. Alfieri's remarks about this probably ending up in court, so regardless of who has jurisdiction on this, so let the courts decide it then. It is the easiest way rather than for the board to put their heads together constantly.

Mr. Alfieri said that unless they take jurisdiction, you don't have jurisdiction to hear the rest of the case.

Mr. Banas asked the board members for their opinion and/or motion. Let the record show Mr. Akerman has arrived, but will not be voting.

Mr. Gatton wanted some clarity, and asked if they board resolved among themselves that without the approval of the use of the detention basin they weren't going to go ahead. Mr. Banas said they indicated that, and asked if he wanted to put that into a motion and he did.

Motion was made by Mr. Gatton, seconded by Mrs. Wise, to not move forward on this application. Mr. Jackson said the motion is to not move forward until the easement issue is resolved.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes, Mr. Percal; yes

2. SP # 1854 (NO VARIANCE REQUESTED)

APPLICANT: HARROGATE

Location: Locust Street and Vermont Avenue
Block 1082 Lots 1 & 10.01

Preliminary & Final Major Site Plan for expansion of existing senior life care facility

Mr. Peters stated the applicant is seeking Preliminary and Final Site Plan Approval for building additions and site improvements to an existing senior citizen life care facility. The site currently contains the senior care facility, parking areas, and is mostly wooded with wetlands on the eastern portion of the site. The site is located at the intersection of Vermont Avenue and Locust Street. The property is located in the R 20/12 Cluster Zone. No variances are required for this application. The applicant will be required to obtain outside agency approvals from the Ocean County Planning Board and Ocean County Soil Conservation District. Evidence of Approvals shall be made a condition of Final Site Plan Approval. The applicant has submitted a copy of the NJDEP CAFRA permit for this project. The application will require 325 parking spaces, the applicant has provided 340 parking spaces. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated October 13, 2006. The applicant is seeking preliminary and final site plan approvals to expand the existing Harrogate Life Care facility. The building improvements consist of 21,000 square feet of building renovation, 54,000 square feet of building additions, and 3,300 square feet of porte cochere and porch additions. Proposed site improvements include reconstruction of a portion of the circulation drive on the west side of the site, reconfiguration of a small parking area and construction of a stormwater management basin in the northeast quadrant of the property. The property is 47 acres in area and is located in the southern portion of the Township. The site is bounded by Locust Street on the north and Vermont Avenue on the west. The surrounding land uses

are generally residential and vacant. The site is located in the R-20/12 Cluster Zone. Assisted Living is a conditional use in the zone. The proposed application appears to conform to all of the standards required for congregate care/assisted living facilities as outlined in Section 1004 of Chapter 18 of the UDO. The applicant has submitted revised drawings which address our comments made at the Technical Review meeting. Outside agency approvals which will be required include: Ocean County Planning Board, Ocean County Soil Conservation District, NJDEP/CAFRA Permit Sewer and water utilities.

Mr. O'Malley Esq. appeared on behalf of the applicant. Mr. MacFarlane is the engineer for the applicant. Exhibits were marked as A1 cover sheet for Harrogate Life Care expansion, which shows the overall project with notations, which is an addition of 42 units to the existing facility. They have exceeded the parking standards because this is a conditional use subject to the condition that they provide adequate parking. A-2 is the site plan which shows the site layout and existing facility. The existing loop road will be reconstructed so it can accommodate the proposed grade change to match the elevations. It also shows that courtyard to be constructed. They agree to comply with the recommendations from the professionals, and have received outside agency approvals from CAFRA, Ocean County Planning Board and Soils Conservation approval, and are working with the MUA to button up the water and sewer approvals.

Mr. O'Malley also introduced the architect David Danton to discuss the project. He prepared exhibits showing the landscape architect and architectural design for the project. The exhibit is identified as A-3 which is a colored rendering of what was submitted to the board. They preserved as much of the existing grading and landscaping as possible. Exhibit A-4 shows the construction of the assisted living. It is a step project in 2 phases, the 1st phase is to create the assisted living building which will contain 54 assisted living residences, of that 54, 10 of them will be a special designed unit for people with dementia and be a protected and secure unit. After construction, they will be moving the residents that occupy the skilled nursing into that new building and make that skilled nursing unit available for renovation. The 2nd phase will consist of the renovation of that structure, and we are downsizing the skilled unit from 60 beds to 32 beds, increasing the private rooms from 4 to 24 and removed 8 residential health care units. There is a slight increase in capacity for health care generally, it will be divided in a different proportion between assisted living and skilled nursing. We will be providing a much more homelike environment. We have a rendering to show the new center. The existing skilled nursing building is single story structure and the new assisted living building will be a 2 story structure about 30 ft. high.

Mr. Banas asked if assisted living was needed and was told yes and Mrs. Wise questioned the number of beds for the Alzheimer patients.

Mr. Banas opened the microphone to the public.

Seeing no one, he closed this portion to the public.

Motion was made by Mr. Akerman, seconded by Mr. Percal, to approve the application.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

- 3. SD # 1566 (VARIANCE REQUESTED)**
APPLICANT: DAVID HERZOG
Location: Miller Road, south of Shady Lane
Block 12.02 Lot 21
Minor Subdivision to create two lots

Mr. Kielt stated he spoke to Mr. Shea this afternoon and based on the agenda and was told to table it if he did not appear. At the request of Mr. Shea, this application will be tabled until January 23, 2007 at 6 p.m.

Motion was made by Mr. Akerman, seconded by Mr. Percal, to table the application to January 23, 2007

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

5. MEMORIALIZATION OF RESOLUTIONS

- 1. SP # 1794A**
APPLICANT: MARION WERBLER
Location: Cross Street
Block 524 Lot 3.02
Extension of previously approved Preliminary and Final Site Plan

Motion was made by Mr. Franklin, seconded by Mrs. Wise, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

- 2. SD # 1515A**
APPLICANT: GITEL EISEN
Location: corner of Ocean Avenue (Route 88) and Holly Street
Block 189.02 Lots 160, 161
Extension of previously approved Minor Subdivision

Motion was made by Mr. Franklin, seconded by Mrs. Wise, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

3. SP # 1726

APPLICANT: SHLOMO MEYER (FOOD EX)

Location: intersection of Princeton Avenue & 4TH Street
Block 162 Lot 4

Amendment to previously approved Preliminary & Final Major Site Plan approval resolution

Motion was made by Mr. Franklin, seconded by Mrs. Wise, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

6. CORRESPONDENCE

A letter was received by Miriam Weinstein Esq. in regard to Morris Weinberg denial. Mrs. Weinstein appeared before the board and stated she believed there may have been some confusion at the last hearing and that she may not have been clear as to the R-40/20 cluster zone and whether the clustering provisions pertain to the application at hand. She believes some of the board members may have cast their votes based upon an erroneous misconception as a result of that discussion. Therefore, she is requesting for this matter to be scheduled on the next available agenda for reconsideration.

Mr. Banas said that vote was 4 to 4 and lost because it did not have a majority. Mr. Miller stated there was a slight confusion when he read the minutes, and it was possibly on the applicant's part. Mr. Carpenters plans were small and unreadable, and confusion on the clustering. He asked to make a motion to let them come back for reconsideration.

Motion was made by Mr. Percal, seconded by Mr. Gatton, to reconsider this application.

ROLL CALL: Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

This matter was scheduled for the meeting of February 20, 2007. Notice will be given

Motion was made by Mr. Percal, seconded by Mr. Gatton, to schedule this application for reconsideration on February 20, 2007.

ROLL CALL: Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

7. PUBLIC PORTION

Shoshanna Smulowitz, 837 East End Avenue. She received a letter about Block 208 Lot 139 submitted for subdivision for 2 buildable units. This was addressed at the technical meeting. Mr. Kielt asked who the applicant was and was told it is Trachs. He stated the application was carried to March 20, 2007. She will come back to speak on it then.

Seeing no one else, Mr. Banas closed this portion to the public.

8. APPROVAL OF BILLS

Motion was made by Mr. Percal, seconded by Mrs. Wise, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

9. APPROVAL OF MINUTES

- Minutes from July 18, 2006 Public Meeting

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

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; abstain, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; abstain

- Minutes from August 1, 2006 Plan Review Meeting

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

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; abstain, Mr. Akerman; yes, Mr. Gatton; abstain, Mr. Percal; abstain

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary