

**LAKWOOD PLANNING BOARD
MEETING 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. Herzl, Committeeman Miller, Mr. Neiman, Mr. Banas, Mr. Klein, Mr. Gatton

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Kielt stated there were changes to the agenda. Item #8 SD 1565 Nathan Schlesinger tabled because there was a question about the status of the most recent plans, so Mrs. Weinstein asked it to be tabled.

Motion was made by Mr. Herzl, seconded by Mr. Klein, to table until February 20, 2007

ROLL CALL: Mr. Herzl; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Gatton; yes

The next change on the agenda is item #9 – SP 1855 Lakewood Affordable Housing, Cypress Cove. Mr. Doyle asked that it be tabled because he didn't think it would be reached tonight.

Motion was made by Mr. Herzl, seconded by Mr. Klein, to table until February 20, 2007

ROLL CALL: Mr. Herzl; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Gatton; yes

4. OLD BUSINESS

5. NEW BUSINESS

- 1. 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. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide one residential lot into two residential lots, one will be a flag lot. The property contains an existing dwelling that will be removed, two new single family homes are proposed. The property is situated on Miller Road, approximately 175 feet south of Shady Lane, within the R-12 zone. A variance for the lot width of Lot 21.01 will be required, 85.03 feet is provided where 90 feet is required. Please revise the Zoning Requirements Table to indicate that a variance will be required. Access to the rear lot is to be provided by a 12' driveway. The "pole" portion of the flag lot has been made part of the lot in a fees simple arrangement. Outside agency approval will be required from Ocean County Planning Board and Ocean County Soil Conservation District. Evidence of approvals shall be made a condition of final subdivision approval. A minimum of three (3) off street parking spaces have been provided for each lot. The applicant has provided concrete curb, sidewalk, and a six (6) foot wide shade tree easement along the property frontage. The proposed dwellings will be serviced by public water that exists within Miller Road and individual septic disposal systems. The applicant's engineer stated at the technical meeting that the nearest possible connection to a public sewer is 1,200 feet away. The remaining comments deal with the map filing law.

Mr. Truscott read from a letter dated December 14, 2006. The applicant is seeking minor subdivision and variance approvals to subdivide Lot 21 into two lots in a flag lot configuration. There is one existing dwelling on the lot, which will be razed. Both lots will be served by public water and each lot will have an individual septic system. The existing lot has an area of 0.7 acres (30,832 square feet) and is located on the northeast side of Miller Road. The surrounding land uses are generally residential. The subject plan has been revised to provide a fee-simple lot arrangement. Previously, an access easement to the rear lot was proposed. The new lot configuration creates a lot width variance. The site is located in the R-12 (Residential) Zone District. Single-family detached residences are permitted in the zone. A lot width variance for Lot 21.01 is necessary; a minimum of 90 feet is required and 85 feet is proposed. The positive and negative criteria for the requested variance should be addressed. The applicant is required by Section 805.G.5 to "demonstrate a need, consistent with good planning principles, for the creation of a flag lot and shall further demonstrate that normal subdivision techniques are not practical" for the subject parcel. An architectural drawing has been submitted for a proposed residence. The footprint on the subdivision plan is not the same as the architectural footprint. The architectural plans indicate a six-bedroom residence. Off-street parking for both lots must comply with the NJ RSIS. Proposed lot numbers must be assigned by the Township Tax Assessor's Office. A six-foot wide shade tree easement is proposed along each of the proposed lots' street frontage. The Planning Board Engineer and Attorney must approve the shade tree easement and survey description. The Zoning Schedule on the plat should be revised to identify the lot width variance for new Lot 21.01. The balance of the comments were technical in nature.

Mr. Shea, Esq. appeared on behalf of the applicant. Ray Carpenter is the engineer for the applicant. He agreed to all the requirements and comments from Mr. Peter's letter. In response to Mr. Slachetka's letter, he stated that in accordance to good planning principles, they subdivided the lots in to 2 conforming lot except for lot width which is at the board's direction. The architectural plans will be revised to match the footprint on the plans. Mr. Banas asked how many flag lots there were in the area and was told none. Mr. Banas asked why this is an appropriate subdivision for this area. Mr. Carpenter said because they have the lot area to make 2 fully conforming lots by area, it is just the geometry of the lot does not lend itself to dividing the lot in a normal fashion.

Committeeman Miller asked Mr. Franklin if he was comfortable with the garbage pick up and was told it would have to go to the front of the property.

Mr. Banas opened the microphone to the public.

William Hobday, 30 Schoolhouse Lane, was sworn in. He stated this is a flag lot with an access easement. Mr. Banas said that was what was proposed but it was changed to fee simple lot and made part of the rear lot. His only other concern is there is a septic system and he wonders if all the other homes in the neighborhood have septic systems and if there is public water there he doesn't see why the sewer wouldn't be the that same area. The health department regulates the septic.

Mr. Shea stated there is an existing home on the site, and the applicant will post a performance guarantee with the township engineer to ensure its' removal, he just does not want to take it down right away. Mr. Banas agreed and Mr. Jackson will make that a condition of the resolution that no construction be done on that lot until it is razed. He will not build on the vacant lot until the existing house is razed, he just wants to be able to file the map, and was given 5 years for the demolition of the house.

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

Motion was made by Mr. Herzl, seconded by Mr. Neiman, to approve the application with the stipulations mentioned.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Gatton; yes

2. SD # 1545 (NO VARIANCE REQUESTED)

APPLICANT: 319 PROSPECT LLC

Location: Prospect Street, west of Massachusetts Avenue
Block 445 Lot 1

Preliminary & Final Major Subdivision for 53 townhouses and 1 community center
Mr. Peters stated the applicant is seeking Preliminary and Final Major Subdivision and Site Plan approval for 53 townhouse units and one community building. The property is situated at 319 Prospect Street, within the RM Multifamily Zone. The applicant will be required to obtain approvals from Ocean County Planning Board, Soil Erosion and

Sediment Control, and NJDEP permits for Treatment Works Approval and Water Main Extension and other approvals from outside agencies. Evidence that these permits have been received should be made a condition of final approval. The applicant shall provide testimony as to the final ownership of the proposed roadways and if they will be public or private. The applicant will be required to form a Homeowner's Association to be responsible for the maintenance of the community building, stormwater management areas, and all other public portions of the development. The association documents should be submitted to the Planning Board Engineer and Solicitor for review and should include a schedule for completion of the public portions of the site in the terms of the number of co's given. The remaining comments deal with the map filing law.

Mr. Truscott read from a letter dated October 13, 2006. The applicant seeks preliminary and final major subdivision and major site plan approval to construct a 53-unit townhouse development and associated community structure. The site is currently vacant, but a portion of the property was formerly used as gravel pits. The parcel is approximately 7.41 acres (322,779.6 square feet) and is located in the R-M Multifamily Residential Zone. The property is located on Prospect Street, west of the intersection with Massachusetts Avenue. The site is located in the R-M Multifamily Residential Zone. The proposed use, townhouses, is a permitted principal use in the zone. No variances are requested. §902.H.I.d. of the Lakewood Unified Development Ordinance states, "Notwithstanding the definition of townhouse in this Chapter, for the purposes of this section, any townhouse with a basement should be considered two units." In light of this, the actual parking requirement would be closer to 228 stalls (2.5 per 4 bedroom home, plus 1.8 per garden apartment), instead of the 140 indicated. In addition, 8 spaces are required for the community building. The applicant has provided 249 parking spaces, which exceeds the minimum requirement of 236 spaces. Architectural plans have been submitted for Board review. In addition to the above considerations, the floor plan indicates that each unit will have four bedrooms plus a children's study and a habitable living space with full bathroom on the third floor. These spaces can easily be converted into fifth and sixth bedrooms. Further, each unit contains a basement of about 1,300 square feet, with a separate entrance from the outside. This information is noted due to the relationship between the number of the required outside agency approvals include, but are not limited to: Ocean County Planning Board; Soil Conservation District; Sewer and water utilities; and, all other required approvals.

Mr. Shea Esq. appeared on behalf of the applicant and Mr. Flannery is the engineer. Mr. Shea entered 2 exhibits, A1 is a colored rendering of sheet 2 of 12 and A2 is an aerial exhibit of Lot 1 and shows the site with relationship to other properties in that zone. Mr. Flannery spoke about Mr. Peters review letter and stated the property is on 7.41 acres which allows 59 units and they are only constructing 53 and this property is zoned MF and the height of 65 ft. is allowed and they are proposing less. He then testified the townhouses approved in the last year and the number of parking spaces provided for each. They have 4.7 parking spaces per unit which exceeds all other applications in the past. It allows 1.8 for the basement and an additional 2.9 for the rest of the house. Mr. Banas said you are establishing a townhouse in the RM zone and asked how many those that you cited were in the RM zone and Mr. Flannery said just one. That was prior to the ordinance which was determined that the basement should be counted as a separate unit. Mr. Flannery stated they still have more than what is required. Mr. Banas said they are

dealing with something that has 3 stories and the 3rd story has a bathroom with 2 rooms that can be made into bedrooms, 6 bedrooms in the upper structure of the building plus 2 more spaces for the rooms in the basement. Mr. Flannery stated it is his opinion that the applicant has provided adequate parking per the RSIS and the board's interpretation. Mr. Banas said he thinks they do not have enough parking spaces. He asked Mr. Truscott how many parking spaces they needed for the units and was told 2.7 for the 2nd and 3rd floor and the basement is 1.8 spaces. Mr. Truscott said there was sufficient spaces. He agreed with the remaining comments in the planner's report. In Max's report, he stated they will be private roads, but Mr. Miller stated he would like to see public roads because when people buy into these developments they are misguided into thinking they would get plowed. Mr. Franklin said they can't take over the roads because they don't plow with right angle parking because there is no place to put the snow. Mr. Miller said the homeowners will have to know before they purchase and Mr. Jackson was instructed to make it a condition of the application. Mr. Peters said another problem with making these public roads is the stormwater management is proposed by underground pipes that will infiltrate the stormwater and that is a maintenance obligation. It will remain private roads and it will be provided in the contracts. He agreed with the remaining comments in the planning board engineer's report. Mr. Banas said the zoning officer and the board needs to know what is going to be in that basement. Mr. Neiman asked if there will be plumbing, kitchens, and Mr. Shea said it would be an unfinished basement. Mr. Shea said they can put into the resolution that the developer will not put any fixtures (plumbing) of any kind. Mr. Banas said what they have done in the past is installed a bathroom, shower, so that is no problem, but the only thing they did not put in to past resolutions is the use of kitchen facilities. Mr. Shea said the developer has no desire to install anything in the basement. The homeowner has the option to apply to the building department for a washer/dryer, extra bathroom etc. and if he conforms to all the codes so be it. Mr. Jackson said there would be no restrictions on the basements and Mr. Banas said no.

Mr. Klein questioned the attic space. The architectural show the habitable attic space is a small portion of the floor layout, and Mr. Flannery said there will be a wall and the remainder will be attic space for storage. Mr. Miller asked Mr. Franklin about the pad and Mr. Franklin said they will have to be wider and also 3 more. Units this size usually need 3- 95 gallon pails so he needs at least 12 ft. wide for the pads. The plans show 4 dumpsters and he needs at least 7. They discussed the location of additional dumpsters both in road A and road B to provide additional dumpsters and will coordinate with Mr. Franklin for the locations and sizes. Mr. Miller asked what items they will be putting in the park and was told it would be a tot lot configuration. Mr. Banas asked for benches and they agreed.

Mr. Banas opened the microphone to the public.

William Hobday, 30 Schoohouse Lane was sworn in. He said this is on Prospect Street, a very old narrow county road. In this configuration is going to be 106 dwelling units or 159 depending on if there are 2 or 3 dwelling units within each townhouse unit. 7.41 acres of property translates into 636 children in that 7 acres and 934 people overall in that 7 acres. That's if that is 2 dwelling units, if it is 3 dwelling units, more. Mr. Neiman and Mr. Banas said there will not be 3 dwelling units, the RM zone specifically indicates that the basement shall be the 2nd unit, the 1st is 3 stories tall. There is a very difficult corner with Prospect Street where there is a rise in the road, probably the most dangerous are of that roadway.

Because of the private road, the school district is reluctant to let school buses pull into communities. With this number of children, no one else will be able to drive on Prospect Street. It would be an advantage to everyone if the school bus could enter the property without ever having to back up and make the streets wide enough and these things are important. Mr. Flannery showed where the entrance was on Prospect Street and the school buses have the availability to enter and exit if they do want to. Mr. Hobday asked about the parking and the width of the roadway (28 ft.) and questioned if it was wide enough for buses and was told yes. Mr. Flannery said they have county approval so the entrance is appropriate. Mr. Hobday asked about a traffic light and was told no.

Noreen Gill, 192 Coventry Drive, was sworn in. She asked for the square footage of the community center and was told 3,000sf and she also asked if there was a basement in the community center and was told it would have a basement and the 3,000 so is without it. She also asked about the bedrooms and how many meters would be placed on the units. Mr. Flannery said meter per each unit.

Janet Payne, 120 Massachusetts Avenue, was sworn in. She asked if there is going to be a fence around the property and was told no, it was not required. She said it is odd there is not going to be a fence, because usually when you are doing a community like this there is a line, and the applicant said there will be a fence. She asked the height of the fence and was told it will be a 4 ft. high fence. Mr. Miller said they should ask for a 6 ft. fence and the applicant agreed. She said there are single family homes to the left and asked how much buffer there was and was told 35 ft. to the closest dwelling unit on the east side and 45 ft. to the community building. She asked if there are going to be any trees saved for this or will this be stripped especially along Prospect and Mr. Flannery showed her on the plans. He said there are 9 oaks that will be saved and also pitch pines. She thinks it needs another entrance because it is so dense, but wants to make sure the town is kept beautiful. She also wonders where the big kids will play, maybe a basketball court or something. She also asked where the location of the air conditioners were and was told they would be on the ground behind the units.

Larry Simons, 7 Schoolhouse Court was sworn in. He asked if the community center will be used as a house of worship, and Mr. Shea did not know the answer and Mr. Flannery said it will be used for whatever the homeowners wanted to use it. Mr. Simons said if it is used as a house of worship and people from the outside community want to use it, they will come in with cars, and where will those cars park. Mr. Neiman said in these close settings, if it was a house of worship, almost never do you have outside people coming in. Mr. Simons asked about visitor parking and Mr. Banas said there should be ample parking. He said one exit in and out seems a dangerous situation for a community this size. If the road were closed for any reason, there would be no other access in or out. Mr. Banas said this was within the conformity of the state requirements. Mr. Simons said it should be a concern, maybe the law does not require it but there should be a concern for the safety for families and children. Mr. Simons said the families on the other side of the development will have to walk down to get to the tot lot. In other developments, they have had the tot lots centrally located. Mr. Flannery said there are sidewalks all the way around and Mr. Banas said it would be exercise for them to walk.

Gerry Ballwanz, Governors Road, was sworn in. She said there is just the tot lot, and what happens when they get older, will they be playing in the streets with the basketball hoops, where is their recreational area? Mr. Flannery said the basketball is not required, and they comply with the ordinance as far as recreation. She said at the last township meeting they saw how when a developer comes in things are agreed upon and they may not be to the interest of the homeowners, then things happen and later on homeowners want to change things, and it is important to keep in view what is going to impact on that homeowner and what they expect and whether they want to change road ownership to something else, and she would hope that the board would consider something like that and maybe more should be done on that emphasis as to the needs of the homeowners in the future. She questions the parking and the RSIS or the township ordinance which brings it up to a full space instead of ½ or a point of a space. Mr. Banas said when it comes to parking RSIS has the say in that and they deal with the fractional numbers. She said can't the board impose its own standard and Mr. Banas said they have exceeded the minimum standards.

Marianne Hanson, 54 Brian Street, was sworn in. She asked if they were mining in the area, what were they mining and was told gravel or sand.

Mrs. Payne said she is concerned with the tot lot and she has talked to the developer and he has agreed to move it to the other side of the community center. She is back on the Prospect Street and saving something, and she asked if they wanted to have some existing height but it is the board's choice. She is asking this developer to add more big trees to his development. She says the board has the choice to make the developer put in more than the standard.

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

Mr. Banas asked Mr. Flannery to save as many trees as he can.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve this application with all of the conditions and stipulations like the 6 ft. fence and the berm in front and to save as many trees as possible, notifying all the purchasers that this is a private street, and notifying the inspection department what will be in the basement.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Gatton; yes

3. SD # 1554 (NO VARIANCE REQUESTED)

APPLICANT: MARIELLE ARYEH LLC

Location: East County Line Road, between Park Place and Apple Street
Block 171 Lot 3

Minor Subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision of one (1) lot to create two (2) new lots, on each new lot a two-family duplex will be constructed, which is a permitted use in the R-7.5 zone. Proposed Lot 3.01, will front on East County Line Road (County Rt., 526), 188 feet east of Apple Street. The second lot, Lot 3.02, will be a flag lot located

directly behind Lot 3.01. The flag pole portion of the rear lot will be a part of the lot in a fee simple arrangement. The existing 22,283 square foot property contains an existing two-story frame dwelling with a pool that will be removed. A variance will be required for lot width for Lot 3.01, a lot area of 9,577 square feet is proposed where 10,000 square feet is required. Outside agency approvals will be required from Ocean County Planning Board and the Ocean County Soil Conservation District. Evidence of approvals shall be made a condition of final subdivision approval. Each lot will be provided with four (4) off-street parking spaces, two (2) for each dwelling unit, which conforms to the Residential Site Improvement Standards (RSIS) for a three bedroom unit. Concrete curb and sidewalk will be installed along the East County Line Road frontage of the property. Concrete curb, depressed concrete curb and apron, and concrete sidewalk details have been provided and are acceptable. A six (6) foot wide shade tree easement dedicated to Lakewood Township has been provided along the front of the property. There are existing trees along the east property line and a portion of the west property line. Additional trees will be provided along the side property line to supplement the existing vegetation. In addition, trees will be planted on both sides of the access drive to Lot 3.02 to provide screening. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated October 13, 2006 Revised October 16, 2006. The applicant is seeking minor subdivision approval to subdivide existing Block 171, Lot 3 into Lots 3.01 and 3.02 in a flag lot configuration. A two-story frame dwelling currently exists on existing Lot 3. This dwelling will be demolished. A two-family dwelling is proposed on proposed Lot 3.01 and proposed Lot 3.02, for a total of four (4) dwellings. Existing Lot 3 has an area of 22,283 square feet. Proposed Lots 3.01 would have an area of 12,283 square feet. Proposed Lot 3.02 would have an area of 10,000 square feet. The parcel is 0.5 acres in area and located on the south side of East County Line Road between Park Place and Apple Street. The applicant has submitted a revised plan to provide a fee-simple lot for the "pole" portion of new Lot 3.02. The revision creates a lot area variance for new Lot 3.01. The site is located in the R-7.5 (Residential) zone district. Two-family residences with a minimum lot size of 10,000 square feet are a permitted use in the R-7.5 (Residential) zone district. A variance is required to allow for a lot area of 9,577 square feet for new Lot 3.01 when a minimum of 10,000 square feet is required for a duplex/two family. The applicant must address the positive and negative criteria for the requested variance. The applicant should submit written confirmation that Lot 3.02 is in compliance with Section 805.G.2. The section requires that the flag lot created must have a minimum lot area (i.e., 10,000 square feet) exclusive of the area contained in the access strip or "pole" portion of the flag lot. Otherwise, a waiver is required. The applicant should provide testimony to "demonstrate a need, consistent with good planning principles, for the creation of the flag lot." Further, the applicant should demonstrate that normal subdivision techniques are not practical for this tract. We recommend that vegetative screening be provided along the rear (or southerly) lot line of new Lot 3.02. The subdivision plan indicates that both of the proposed two-family dwelling units will be serviced by public water and sewer. Compliance with the Map Filing Law is required. Required approvals include, but may not be limited to, the following: Ocean County Planning Board.

Mr. Penzer, Esq. appeared on behalf of the applicant. The variance was created at the direction of the board. They will provide vegetative screening along the rear of the lot, and will have public water and sewer. Ray Carpenter, engineer for the applicant stated this is a

lot that is 100 ft. wide and if it was split down the middle, it would not be practical to build a house on a 50 ft. wide lot, that is why they are doing a flag lot. They agree to comply with all the comments in Max's report.

Mr. Klein said on the plan in the rear portion of the lot, the buffering was left out and Mr. Carpenter said they would be supplementing the buffer.

Mr. Banas opened the microphone to the public.

Gerry Ballwanz, 208 Governors Road, was sworn in. She stated here we have again, the duplex and she had approached this topic several months ago with certain questions that she have. Is this really then a quad plex if we have a 2 family duplex that we have 4 units and if we have basements, then we have 8 dwelling units? Her question is, are there basements and if so, then we would have 8. Mr. Banas said the possibility is any quad building will have 4 families. She asked if it met the requirements for enough parking if their accounting for spaces does not include the basement. Mr. Banas said it met the requirements for parking, 2 off street parking spaces are all that is needed per unit. She asked if it is side by side or up and down, because if it side by side, you can have 4 basement apartments. Mr. Penzer said it can't be down, it is one owner, one person living in one and renting the other, the basement is not habitable, with no outside egress. She asked if there will be any stipulations, like with the townhouses, about the nature of that basement and stipulate that.

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

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes

4. SP # 1824 (VARIANCE REQUESTED)

APPLICANT: BYR CO. LLC/CABINETICS

Location: corner of Route 9 and Yale Drive
Block 1051 Lot 29

Preliminary and Final Site Plan – proposed addition to retail building

Mr. Peters stated the applicant is seeking Preliminary/Final Major Site Plan Approval for Block 1051, Lot 29. The property has an existing area of 0.96 acres. The site is located at the corner of Rt. 9 and Yale Road. It is also adjacent to unimproved Idalia Ave. The property is in the HD -7 Zoning District. The applicant has indicated Idalia Avenue will be vacated by Lakewood Township. The applicant has provided documentation of the vacation. The site contains an existing building onto which a 6,120 SF addition is proposed, existing access points from Rt. 9 and Yale Rd. will be upgraded and one-way parking areas are proposed along the Yale Road frontage and the southern property line. Access and parking is also proposed at the rear of the building. The cart way of Rt. 9 will be widened eight (8) feet along the property frontage. Variances are required for the

following: Lot Area - 0.93 Acres are proposed where 1.0 acres is required. Front Yard Setback - the required setback from Rt. 9 is 150 feet, the applicant has provided 26.1 feet. This is the setback to the existing building. Rear Yard - Fifty feet is required, the applicant has proposed 47.9 feet. Buffer Width - 25 feet is required, the applicant has requested three (3) foot buffers. Buffer to a residential property - 50 feet is required; the applicant has requested a 16 foot wide buffer. Parking Setback - ten feet is required the applicant has requested a six (6) foot setback from Yale Avenue. Parking Spaces- the Applicant has stated that either forty or forty-three parking spaces are required and has provided thirty-nine. The number of required parking spaces listed in the zoning table does not match the number given in the list of variances. This discrepancy shall be resolved. Outside agency approvals will be required from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDOT. Evidence of approval shall be made a condition of approval. As required by N.J.A.C. 13:40-7.2(a) 1 a signed sealed copy of the outbound survey prepared by a Professional Licensed Survey must be submitted. The plans have been revised to show stormwater runoff from paved areas will be pretreated prior to discharge to the underground infiltration system. The applicant shall provide a revised stormwater report that addresses the design standards for bio-filtration systems, and includes water quality calculations. Additional grades are required to show how the northern bio-filter will be constructed. The applicant shall provide a maintenance plan to address the long term care of the bio-filter systems and the infiltration basin. The plans have been revised to show the future right of way half width for Route 9 of 57 feet.

Mr. Slachetka read from a letter dated December 19, 2006. The applicant is seeking preliminary and final major site plan and variance approvals to construct an addition to an existing one-story building. Associated parking, landscaping, lighting, and drainage improvements are also proposed. The proposed use of the addition will be that of retail space. Block 1051, Lot 29 is located in the HD-7 zone, and immediately adjacent to the R-12 zone. Lot 29 is 42,000 square feet (0.96 acres) in area and contains an existing masonry building of 4,037 square feet in area. The property has 200 feet of frontage on both Yale and River Avenues. As shown on the plans, Lot 29 also has 220 feet of frontage on Idalia Avenue. However, this portion of Idalia Avenue has been vacated by the Township Committee and a total of 3,080 square feet (0.07 acres) is to be dedicated to Lot 29. The applicant has submitted a copy of the ordinance that was adopted by the Committee to vacate this portion of Idalia Avenue. It is also noted that a 4,800 square foot (0.11 acre) portion of Block 1051, Lot 29 is to be dedicated to the New Jersey Department of Transportation (NJDOT) for the widening of River Avenue. Thus, after the dedication of 3,080 square feet (0.07 acres) of the former right-of-way of Idalia Avenue to Lot 29, and the dedication of 4,800 square feet of Lot 29 to NJDOT, Lot 29 would contain a total of 40,280 square feet (0.92 acres). The site is located in the HD-7 Zone. Retail business establishments are permitted uses in the HD-7 Zone. The following variances are requested: A minimum lot size of one (1) acre is required by Section 18-903-H.3.a, and a lot size of 0.92 acres is proposed. A minimum front yard setback of 150 feet is required by Section 18-903-H.3.c.2 for that portion of the site with frontage along River Avenue, and a setback of 28.1 feet is proposed (after the dedication to the NJDOT). A minimum rear yard setback of 50 feet is required and 47.9 feet is provided. A variance is also required (from 18-903.H.6) for the location of parking spaces within the required front yard setback along Yale Avenue, since the required front yard setback is not in compliance. A parking variance is required for the number of off-street parking spaces. 40 spaces are

required and 39 spaces are proposed. The applicant must address the positive and negative criteria for each of the requested variances. The applicant should describe the operational characteristics of the facility including the following: The types of retail uses that will occur on site; the anticipated number of employees; the proposed hours of operation. The applicant should describe the on-site compatibility between the warehouse and retail uses. A total of forty (40) parking spaces are required based on the proposed uses and 39 spaces are provided. The parking requirements are as follows:

Use	Parking Standard	Required Parking Spaces
Showroom	1 space/300 square feet	7
Warehouse	1 space/1,000 square feet	2
Retail	1 space/200 square feet	31
Total		40

Design waivers are required for Section 803E of the Unified Development Ordinance for a 16 foot buffer to a residential property when a minimum of 50 feet is required. In addition, a buffer of 3 feet is provided to the adjacent property and a minimum of 25 feet is required. As indicated on the plans, the applicant is proposing site identification signage at the corner of Yale and River Avenues. The applicant must submit exact details for this signage since current details provide only approximate measurements. The applicant should discuss the suitability of the proposed trash enclosure to accommodate all uses of the site. Required approvals include, but may not be limited to the following: Ocean County Planning Board; New Jersey Department of Transportation; Soil Conservation District; and Sewer and water utilities.

Mr. Shea, Esq. appeared on behalf of the applicant. When you look at the variances requested it is important to note that some of those are existing conditions, and some that are requested with the proposal. Jeff Carr is the engineer for the applicant. Mr. Carr presented a colored rendering of what they are proposing along with the surrounding properties, identified as A1. They have changed the plans to reduce the scope of the proposed addition and made some improvements along Route 9. They have been in touch with the DOT and the count and are now proposing a widening of Route 9 and have placed the curbing where it is acceptable to the DOT and have provided for future right of way. The right of way at this site is 114 ft. so if and when the DOT comes in and widens Route 9 they have provided for that right of way, and there will be no loss of parking spaces. If they did nothing and the state came in they would have to compensate them for the eminent domain of the property. The design has maintained the location of the façade of the building. The proposed addition is to the north and the east and does not exacerbate the existing 150 ft. setback. Mr. Shea introduced A2, an architectural rendering prepared by Sal Santoro showing the alterations. Mr. Carr stated the current site is a cabinets store for builders and contractors. The future proposals would include possible showroom addition of appliances and retail operation. Mr. Carr was away from the microphone so a lot of his testimony was not heard. There is one house adjacent to the site and that is to the east and southeast and that faces the parking lot. The current site has a driveway off of Yale Avenue that is for the loading zone for the building, and there is no landscaping or buffering there now, so even though they are asking for a variance on that, it is something that pre exists and they are improving it by replacing the chain link fence and putting up a 6 ft. high vinyl fence which will be a solid buffer along

with a vegetative buffer. They are asking to park in the front yard setback on Yale Avenue and that is pre existing, and they are proposing to stripe that lot and enhance it. Mr. Carr agreed with the comments on the professionals letters and testified the improvements will greatly enhance the site. He pointed to the renderings and answered the questions about the comments in the professionals' letters. There will be a trash enclosure that is not there now. He stated there are a lot of benefits that aesthetically are not there now.

Mr. Neiman could not find the dumpster area and Mr. Carr pointed it out. Mr. Banas asked what the distance is north to south on River Road (width of the property). Mr. Carr said it is 217 ½ ft. Mr. Banas is concerned with the entrance on River Avenue and asked if it was necessary, being they have an entrance off of Yale Avenue. Mr. Carr said they have submitted these plans to DOT and have not formally entered an application, but the DOT will control that. Mr. Klein asked if this will be a one story and was told yes. Mr. Carr stated the air conditioner will be located on the roof.

Mr. Banas opened the microphone to the public.

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

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes

5. SP # 1852 (VARIANCE REQUESTED)

APPLICANT: ISSER KOTLER

Location: Laurelwood Avenue @ southeast corner of Tuxedo Terrace
Block 32 Lot 1

Preliminary & Final Site Plan for residence with synagogue in basement

Mr. Peters stated the Applicant is seeking Preliminary and Final Site Plan Approval for the construction of a seven (7) bedroom single family home and an attached synagogue. The project site is known as Block 32, Lot 1, and is located at the intersection of Tuxedo Terrace and Laurelwood Road within the R-12 zoning district. Variances will be required for the following: Front Yard Setback: The Applicant has proposed a front yard of 29 feet where 30 feet is required. Rear Yard Setback: The Applicant has proposed a rear yard of 17.5 feet where 20 feet is required. Lot Coverage: The Applicant has proposed 41% lot coverage where the maximum permitted is 25%. Parking Spaces: The Applicants parking calculations show 18 spaces are required. The applicant has proposed a total of four off-street parking spaces for the project. Architectural plans have been submitted and the spaces required are 15 for the sanctuary area of 1,478 sf and there is an additional 3 parking spaces provided for the 7 bedroom residence which is the maximum that RSIS requires. The board should determine if the 3 parking spaces would be adequate for 7 bedrooms. Outside agency approval will be required from the Ocean County Soil Conservation District. The site will be serviced by public water and sewer. A signed and sealed copy of the property survey shall be submitted for review. The applicant has

provided a six (6) foot wide shade tree easement along the property frontages. The applicant shall provide the wording of the easement agreement for review by the Planning Board Solicitor and a copy of the legal description for review by the Planning Board Engineer. The Handicap Ramp Detail shall be revised to include a detectable warning surface with truncated domes. The proposed water line does not show the location of the connection to the existing water main. The plans shall be revised to show this connection. The water curb stop valve should be indicated on the plans and shown in detail. The sanitary sewer service lateral shall include a curb side cleanout, to be shown on the plans and in detail. The contour lines need labeling and clarification as two lines cross each other. The Applicant has provided a six foot high board on board fence to provide screening from the adjacent residences. The Board should decide whether additional plantings shall be required to create a sufficient buffer. The applicant has not provided soil testing information for the design of the infiltration system. Soil boring or test pit logs shall be provided showing soil types and groundwater elevation information. In addition soil percolation test results are required to justify the design of the infiltration system. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 8, 2007. The applicant seeks preliminary/final site plan and variance approvals to construct a single-family residence and synagogue at the corner of Tuxedo Terrace and Laurelwood Lane. The lot currently contains a detached single-family dwelling, which will be razed. The improvements include associated off-street parking area, stormwater management facilities, curb and sidewalk, and landscaping. The lot is located on the southeast corner of the intersection of Tuxedo Terrace and Laurelwood Lane in the northern part of the Township. The surrounding land use is generally residential. This application was last reviewed by our office on October 27, 2006, and was subsequently discussed at the October 31, 2006 plan review meeting of the Planning Board. This review addresses changes that have been made to the application since October 31, 2006. The subject site is located in the R-12 Residential Zone and both single-family residences and synagogues are permitted in the R-12 Zone. The following variances are required: Front yard setback: The front yard setback on Tuxedo Terrace is 29 feet and a minimum of 30 feet is required. Rear yard setback: The proposed rear yard setback is 17.5 feet and a minimum of 20 feet is required. Building coverage: The proposed building has coverage of 41% and a maximum of 25 % is permitted. Parking: A minimum of nineteen (19) spaces is required based on a sanctuary area of 1,478 square feet and, as shown on the most recent set of architectural drawings that is currently held by our office, a seven (7) bedroom residence. Three (3) spaces are provided. (Fifteen spaces are required for the synagogue, and 4 spaces for the dwelling.) A landscaped buffer to provide an adequate screen of at least six (6) feet in height is required. However, only a six-foot high, board-on-board fence and a limited amount of plantings are proposed. The applicant must address the positive and negative criteria for each of the requested variances. Revision and preparation dates should be properly marked on the plans. Revised architectural drawings have been submitted by the applicant. The prior plans identified five (5) bedrooms on the second floor and four (4) in the attic plan. The revised drawings retain the five (5) bedrooms on the second floor and now show two (2) bedrooms in the attic level, for a total of seven (7) bedrooms. The buffer requirements of Section 18-905(B) of the UDO should be addressed with additional landscaping. Outside agency approvals which will be required include: Ocean County Planning Board Ocean County Soil Conservation District; and, Water and sewer utilities.

Mr. Penzer, Esq. appeared on behalf of the applicant. He read Mr. Prawer's description into the record. It is a letter dated January 3, 2007 entitled Kotler residence synagogue building description. Being forced to be confined in the house because of disability, Mr. Kotler was forced to start a synagogue to meet his daily prayer and study requirements. The proposed building is scaled to the neighboring houses in both height, voids and volumes. The family portion of the building contains a living space on the 1st floor, the 2nd floor contains 4 bedrooms, a master suite, laundry and bathrooms, and the attic contains a play area with 2 bedrooms and a bath. The basement is a full basement for storage, mechanical and family space. All levels of the house are accessible. At each floor level, it is vertically accessible with the use of an elevator that goes from the basement to the attic. The synagogue portion of the building contains a shul on the 1st floor as the main area prayer and study with a related entry, bathroom, closet and small study area. This level is also accessible to Rabbi Kotler from his study as well as for his neighbor. The upper level contains a women's section for prayer with related storage and bathroom facilities. There is a full basement below for synagogue for storage and HVAC facilities. Mr. Penzer said there are ramps and wide hallways to accommodate a wheelchair. The building has to be larger because of this. The 2 major issues is lot coverage and parking. As far as parking, he has a number of neighbors in the audience who will say they walk there and will put their names on record. He asked for a showing of those neighbors to walk to the shul. They wanted to ask for no parking in front of the Drukaroff residence to alleviate any problems. The second issue is the large building, and the testimony is that because it is for a handicapped person, it was impossible to get smaller, because they can not live without the ramps, elevator and the wider hallways. Mr. Carpenter is the engineer for the applicant. He stated he will get the soil borings and permeability tests over to Max this week and the plans have already been revised to reflect all the changes. He feels the buffering is adequate with the six foot fence. Mr. Banas asked what kind of limited plantings were proposed and Mr. Carpenter said they are proposing the line the entire westerly and southerly property line with arborvitae approximately 6 ft. tall and also providing a deciduous tree in the front yard of Tuxedo Terrace and Laurelwood Avenue. The Shade Tree wanted to alternate and Mr. Carpenter said they will comply with their recommendations.

Mr. Miller pointed out that on the artist drawings, there are no sidewalks but on the plans there are sidewalks. Mr. Banas said they have approved synagogues in the past where they were told they would be walking and no cars will be used, and as the time goes on, those streets become exceedingly busy with cars during the hours of prayer. He believes everyone who says they won't use their cars for shul, but someone is telling him different because of what he sees. He asked to be convinced and Mr. Penzer said there are other synagogues 1/2 block away and he can't tell more than that. This is a specific need for the synagogue. He also read a regulation from the Federal Government that protects the handicapped religious person. Rabbi Kotler meets this.

Mr. Banas opened the microphone to the public.

David Drukaroff, 1433 Laurelwood Avenue was sworn in. He spoke about the parking variances and said granting this would cause considerable hardship to him. Other than the notification required by law, Mr. Kotler did not inform them that he was building a

synagogue or why he wished to do so. Since then, he has heard statements that are not true. If they were, why would Mr. Penzer suggest a no parking sign in front of my residence? After the October meeting, he wrote to Mr. Kotler explaining the hardship caused the him by members of his congregation and wanted to amicably resolve our differences. The letter was sent by certified mail, return receipt requested and received. Mr. Kotler never responded to our letter. Since then he has done some legal research in this area. He cited some cases about small home synagogues. None of them mention parking. If you can walk to synagogue on Saturdays, you can do the same 7 days a week. He said Mr. Kotler has been holding religious services in his home for a considerable period of time. A large number of cars have been parked on his street between 6 and 8 am and from 7 to 9 pm every day except Friday night and Saturday day time. These are some of the adverse consequences that have resulted. He can no longer park in front of his home. Instead he has had to park slightly north of his driveway and this position allows him to back up so he can leave for work without being boxed in and being unable to leave. He does not wish to interrupt a religious service to ask someone to move their car and he doubts the congregation would appreciate the interruption. He knows of at least 3 instances where someone has parked in front of his driveway, which is illegal. He can no longer place his garbage or recycling cans on his lawn, he has to place them in the street to ensure pick up, and has had someone park in front of his garbage cans. This is a threat to his health. His mother has received a notice from the postal service complaining about lack of access to their mailbox and threatening the possibility of suspension of delivery service. When he goes out in the evenings and returns when the congregation is at Mr. Kotlers' house, he has to park next to Mr. Clark's home on Tuxedo Terrace and either retrieve it after the congregation has left or walk further to use his car for work the next day. These are the problems he is having now, not to mention what will happen when Mr. Kotler operates a full fledged synagogue with a larger congregation and without any parking. The synagogue he belongs to has weddings, funerals, meetings of groups and outside groups, bingo nights, torah studies, etc. No one objects to the temple doing these things because there is adequate parking. If his temple were to move next to his home, he would oppose such a move for the reasons expressed and would probably leave the congregation. He would probably have to leave Lakewood because he could not be sure when he could have access to his own home. Could an ambulance get to his home if it was needed? The Fair Housing Act contains language "otherwise make unavailable or deny a dwelling on the basis of religion". It was not written to enable a religious group to gain access to a community and then use their religious belief to drive out everyone else. If the board chooses to approve this application, he would have no choice but to file a fair housing complaint against the planning board and Mr. Kotler for engaging in housing discrimination on the basis of religion. He cites the land use law in regards to parking. He also cited the visitors to Mr. Kotlers synagogue, Mr. Engel, who lives on Chicanos Drive and Mr. Lewin, who lives on Cedarview Ave. not in the neighborhood. Variance denial will not prevent Mr. Kotler from having religious services but granting this variance will prevent him from coming and going from his home as he wished and possibly deny him important government service. He has the same rights to live as Mr. Kotler.

Mr. Miller said should this application be approved, would he like to see the Township enact an ordinance prohibiting parking in front of his house. Mr. Drukaroff said he would have to ask his mother. Mr. Banas said if there was no parking in front of Mr. Drukaroff's house, then he could not park there either. Mr. Miller said the ordinance could be worded

no parking between 7– 9 or whatever time necessary. Mr. Jackson said the federal statute the Mr. Penzer cited and Mr. Drukaroff refers to when a religious organization asks for variances. He said Committeeman Millers' instincts are correct with regards to the making concessions. Mr. Miller asked Mr. Franklin if he could put a sign that say do not block mailbox. Mr. Franklin said they would talk about that. Mr. Penzer wanted to speak to Mr. Drukaroff and said since his mother is the owner of the house, Mr. Kotler did discuss this matter with his mother. Mr. Drukaroff said he read this speech to his mother the other night, and she approved everything about it, so he is not aware that she ever had the conversation with Mr. Kotler. Mr. Penzer also stated that Mr. Drukaroff can not sue, but can be sued. He also told him when he quoted New York law; it is not binding in New Jersey.

Layton Clark, 1452 Laurelwood Avenue, was sworn in. He asked how many trees will be cut down and where. Mr. Carpenter said along Tuxedo Terrace most will be taken down. Trees have to come down because of the drainage system. Most of the trees will remain along Laurelwood Avenue. He said he didn't object to this application except for the parking. He said the plans show the synagogue in the basement and Mr. Penzer stated that was incorrect. Mr. Clark said he heard about them putting up signs, but has not hear any definites. Mr. Penzer said they could petition the committee to put up the signs. Mr. Miller said they can petition the township to put such signage on his block. Mr. Clark said he doesn't like people saying things that aren't going to happen. He asked where the 6 ft. fence is going to be and Mr. Carpenter showed him.

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

Mr. Klein said Mr. Banas brought up a good point about the no parking sign. He asked if the township could enact permit parking. He said his cousin in Los Angeles has it and only those with permits could park there. Mr. Banas said that was possible. Mr. Klein said since Committeeman Miller mentioned the ordinance, perhaps that could be a solution. Mr. Miller did not know if they had such an ordinance in Lakewood but would definitely look into it.

Mr. Gatton said there is definitely a uniqueness about this application but asks if the board was looking at a representative of a 2 block neighborhood with the people here or what. Mr. Penzer said it was 4 or 5 blocks. Mr. Gatton said the residents within 4 or 5 blocks are satisfied with the idea that there is no parking and Mr. Penzer said yes. Mr. Gatton asked if there could be restrictions in the 2 block radius and Mr. Penzer said that would encompass Georgian Court University. Mr. Jackson said if there was a decision made about permit parking, that is a committee decision.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve this application and have a compromise made with regard to parking problems in front of Mr. Drukaroff's home.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes

6. SP # 1853 (VARIANCE REQUESTED)
APPLICANT: K'HAL CHASDIM INC.
Location: corner of 14th Street and Cedar Row
Block 25.11 Lot 18.01
Preliminary & Final Site Plan for 2 story synagogue

Mr. Penzer Esq. representing the applicant agreed to be carried to February 20th without further notice.

Motion was made by Mr. Herzl, seconded by Mr. Miller, to carry this application to February 20, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,
Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes

7. SD # 1564 (NO VARIANCE REQUESTED)
APPLICANT: H&C DEVELOPMENT
Location: Lanes Mill Road, between Barrymor Drive and Malibu Drive
Block 187.15 Lot 9
Preliminary & Final Major Subdivision – 15 lots

Mr. Shea Esq. representing the applicant agreed to be carried to February 20th without further notice.

Motion was made by Mr. Miller, seconded by Mr. Herzl, to carry this application to February 20, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,
Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes;
Mr. Gatton, yes

8. SD # 1565 (VARIANCE REQUESTED)
APPLICANT: NATHAN SCHLESINGER
Location: Gudz Road, between Central Avenue & Lakewood New Egypt Road
Block 11.05 Lot 18
Preliminary & Final Major Subdivision – 5 lots

Tabled until February 20, 2007

9. SP # 1855 (VARIANCE REQUESTED)
APPLICANT: LAKEWOOD AFFORDABLE HOUSING CORP. "CYPRESS COVE"
Location: Oak Street between Caldwell Avenue & Rockaway Avenue
Blocks 1135,1142,1150,1151 Lot 1
Block 1143 Lots 1 & 9
Preliminary & Final Site Plan for affordable housing project

Tabled until February 20, 2007

10. SD # 1567 (VARIANCE REQUESTED)
APPLICANT: KELLI DALRYMPLE
Location: Whitesville Road and Lafayette Boulevard
Block 252 Lot 4.02
Minor Subdivision to create two lots

Mr. Penzer Esq. representing the applicant agreed to be carried to February 20th without further notice.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to carry this application to February 20, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes

6. MEMORIALIZATION OF RESOLUTIONS

Mr. Kiert said there was one change item #1 was being deleted, because it will be the subject of a reconsideration.

1. SD # 1549 (VARIANCE REQUESTED)
APPLICANT: MORRIS WEINBERG
Location: Spruce Street, between Funston Avenue and Caryl Avenue
Block 842 Lot 3
Denial Minor Subdivision to create two lots
Deleted

2. SD # 1559 (NO VARIANCE REQUESTED)
APPLICANT: VOLODIMIR & ALLA KURTEEV
Location: Albert Avenue, south of Oak Street
Block 1159 Lot 73
Minor Subdivision to create two lots

Motion was made by Mr. Miller, seconded by Mr. Klein, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes; Mr. Gatton, yes

- 3. SD # 1552 (VARIANCE REQUESTED)**
APPLICANT: MOSHE MENDLOWITZ
Location: end of cul de sac of Sherie Court
Block 26 Lots 6, 13 & 26
Minor Subdivision to re-align property lines of existing 3 lots

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,
Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes;
Mr. Gatton, yes

- 4. SD # 1562 (NO VARIANCE REQUESTED)**
APPLICANT: HOMES FOR ALL (STEPS INC.)
Location: south of Oak Street, on Vermont Avenue, between Beekman Street
and Lambert Street (paper streets)
Blocks 1146, 1147, 1154, 1155, 1156 Lot 1
Preliminary and Final Subdivision-56 affordable housing residential lots and 1 stormwater basin

Mr. Jackson said there was a discrepancy in the number of lots, with Mr. DeVincence maintaining there are 66 lots, 58 sf residential, 1 stormwater basin, 3 recreation lots, and 4 lots for future development, and the board professionals have a different make up.

Mr. Miller asked if it could be tabled until the next meeting.

5. APPROVAL OF NATURAL RESOURCE INVENTORY. INVENTORY ADOPTED BY THE ENVIRONMENTAL COMMISSION ON OCTOBER 4, 2006.

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

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

- 6. SD # 1546 (VARIANCE REQUESTED)**
APPLICANT: YEHUDA & IRIS SCHWARTZ
Location: Leonard Street, west of East End Avenue
Block 227 Lot 6
Amended resolution for previously approved Minor Subdivision to create two lots

Motion was made by Mr. Klein, seconded by Mr. Miller, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,
Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes,

Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal

7. CORRESPONDENCE

None at this time.

8. PUBLIC PORTION

None at this time.

9. APPROVAL OF BILLS

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

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

10. APPROVAL OF MINUTES

- Minutes from August 15, 2006 Public Meeting
- Minutes from August 22, 2006 Public Meeting
- Minutes from September 5, 2006 Plan Review Meeting
- Minutes from September 19, 2006 Public Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; abstain, Mr. Klein; yes, Mr. Gatton; abstain

Mr. Banas said Mr. Kiert said they are caught up on all the minutes all of the back log of the minutes and to thank Mrs. Johnson and now we can use the minutes from the technical meetings and bring them to the public meeting.

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary