

CERTIFICATION OF COMPLIANCE

Chairman Banas called the meeting to order at 6:00 P.M. with the Pledge of Allegiance and Mr. Kielt read the Certification of Compliance with the NJ Open Public Meetings Act:

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

ROLL CALL: Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Dolobowsky, and Mr. Ackerman.

Also present were Attorney Charles Hutchinson, Engineer Evan Hill and Planner Stanley Slachetka.

Mr. Banas asked if there were any changes and Mr. Kielt replied there were no changes. Mr. Banas wanted to add approval of minutes which they were provided in their packages.

II. WAIVER REQUESTS

1. SP #1805

Applicant: Step on Me Carpet & Flooring
Location: Route 9 (River Avenue) north of James Street Block 415
Lot 14
Site plan for proposed commercial building
Waiver request from checklist item:
#21-topography of site and within 200 feet of site

Mr. Hill stated he reviewed the request and recommended granting a partial waiver. He would like to see the north and west topography to include James Street.

On motion by Mr. Herzl and seconded by Mr. Dolobowsky, item #21 was partially granted so that the topography to the north and west of the site would be provided.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Boras, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

2. SP #1806

Applicant: Shravan K. Baile d/b/a Best Liquors of Lakewood
Location: Route 88 (Ocean Avenue) between the railroad & South Park Avenue
Block 536 Lot 5
Site plan for proposed second story addition on the rear half of existing building

Waiver request from checklist item:

- #21-topography within 200 feet of the site
- #29-mats made features within 200 feet of site
- #42-natural resource inventory
- #43-landscaping plan

Mr. Hill stated he reviewed the request and he recommended a partial waiver for items #21 and #29. He wanted to see some additional information for topography and man made features to the opposite curb line and to the west along Ocean Avenue, He recommended granting item #42. With regard to item #43 there is no existing landscaping on site. Additional landscaping should be provided.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the waiver for items #42 and #43 were hereby granted and items #21 and #29 were partially granted as recommended by the engineer.

Mr. Kielt asked about the landscaping plan. Mr. Banas stated the board would waive it and then review the matter when they receive the plans. Mr. Hutchinson stated that at the time of the bearing, the applicant will have to present justification, for the waiver. The board is not granting or denying it at this time.

Charles Gilligan, engineer for the applicant, stated the site has a one story building that goes to the back of the rear of the site. They were just adding a second story. There was no change in pavement or building coverage. They were not affecting any drainage on the site. He did not see the need for providing additional topography. Mr. Banas stated that whenever a plan is presented, the entire plan is subject to review.

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

III. PLAN REVIEW ITEMS

1. **SP #1802** (No variance requested)
 - Applicant: American Classic Realty
 - Location: Route 88 (Ocean Avenue) between Chambers Bridge Road and New Hampshire Avenue
Block 569 Lot 35
- Change of use site plan from carpet sales to proposed used automobile sales
(No construction proposed)

Mr. Hill stated the applicant is seeking a change of use from carpet and trailer sales to auto sales and service. The property is located at 1220 State Highway Route 88. The applicant should provide testimony as to location where automobiles will be displayed and stored. The applicant should provide testimony describing the intended uses and activities to be performed in the indicated auto body and auto service areas. Particular detail is requested as to the storage and disposal of chemicals and if any painting activities are intended. The applicant should show that the existing site lighting meets the requirements of the proposed use.

Mr. Slachetka stated no variances are requested. The applicant should clearly identify the specific building in which the change of use is proposed. The applicant should submit information concerning the number of employees and parking requirements for customers and vehicle storage. The applicant should provide the planning board, with a detailed description of the proposed use and operation. Does the site use include automobile repair and service for vehicles to be sold at this location? A five (5) foot shade tree easement is proposed along Route 88 frontage. The applicant should indicate if any shade tree plantings are proposed.

John Paul Doyle, Esq., appearing on behalf of the applicant. His client has owned the property for four years. The proposal is merely to change from one permitted use to another permitted use. They used to sell retail. They are proposing to sell retail. They are proposing the sale of classic automobiles. The vehicles are not left outside over night.

Jeff Spalt, P.E., agreed with Mr. Doyle. Mr. Doyle stated with regard to the parking, the intention is to have three employees, the owner, the manager and an office person. Given the actual needs of the uses on site, the 94 parking spaces have proven to be more than sufficient. More specifically, this structure will contain approximately 30 plus specialty automobiles. The automobiles will only be put outside at a hand full to attract attention. Most of the sales will be from the web site. The automobiles will be displayed and stored inside given their age and quality. There will be no auto body, auto service work. There will be no storage or disposal of chemicals. The existing signing will be maintained as it. It has found to be sufficient. The lighting provides security at night. There are a number of driveways to be maintained. To put trees up in the area would create site triangle and safety problems. They would like to provide landscaping but of a lower level that would not get in the way of the driveways. They basically intend to sell a different product than what is sold currently.

Mr. Hill and Mr, Slachetka were basically concerned with vehicle storage and the parking. They understood the issue with the driveways. Mr. Doyle stated they could show specific landscaping and designated parking spaces.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the application, would have public hearing on February 15, 2005.

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

Mr. Hutchinson stated that the application would have public hearing on February 15, 2005 at 6:00 p.m. No further notice was required of the applicant.

2. SP#1804 (Variance requested)
Applicant: Colonial Auto Mall, Inc.
Location: Route 88 (Ocean Avenue) between Chambers Bridge Road and
New Hampshire Avenue
Block 189.03 Lot 76
Preliminary and final site plan for expansion of existing commercial operation

Mr. Hill stated the applicant is seeking preliminary and final site plan approval to construct a

2,944 square foot garage/office building at an, existing automotive sales facility located at 1121 Ocean Avenue. The applicant should provide testimony concerning the use of the underground tank by others. If the tank is part of this application, details shall be submitted for review. Any areas of proposed paving shall be clearly defined. At a minimum, the proposed handicapped parking space shall be paved. The applicant shall indicate if the propane storage tank is existing or proposed. If existing it shall be labeled as such. If proposed, the details for the enclosure shall be included on the plans. The architectural plans showed a proposed bathroom. The site plans shall be revised, to show the proposed water and sewer connection to serve the proposed building. The applicant shall provide testimony describing the intended uses and activities to be performed in the proposed garage. Particular detail is requested as to the storage and disposal of chemicals and if any painting activities are intended.

Mr. Slachetka stated the site is in the B-4 wholesale service zone district. A variance is requested for, the sign setback of one foot where 15 feet is required. The applicant should provide testimony as to the purpose and use of the proposed accessory structure to identify if any additional uses are proposed. The new vehicle storage area for the entire site based on the proposed garage location should be clarified. The note on the site plan "underground holding tank (by others)" should be clarified. The applicant must address the positive and negative criteria for the "C" variance. The proposed sign will overhang the State right-of-way and will require authorization from the NJDOT. Approval will also be required for the proposed landscaping within the State right-of-way. The applicant should consider installation of pavement in the rear for on-site parking and vehicle storage. The legibility of the lighting details is not sufficient for review. Landscaping along the site frontage should be considered by the applicant. Limited information is provided on the site plan relative to a trash collection area. The applicant should indicate if the trash container area shown is sufficient. The applicant should provide testimony concerning the adequacy of on-site circulation for recreational vehicles/trailers.

Brian Flannery, F.E, stated the application is simple in nature. They were adding an accessory building to the existing site. No additional uses are being provided. This will provide more space and house the larger vehicles inside. The comments are minor in nature. The revisions and details that are being requested will be provided.

Mr. Dolobowsky wanted more information regarding the use of the building. Mr. Flannery stated the information would be provided.

Mr. Banas was concerned about the overhang of the sign. Mr. Flannery stated the sign would be moved back so it was not in the right-of-way and add additional landscaping as requested which will be outside of the right-of-way. Mr. Banas asked about the on-site circulation for recreational vehicles. Mr. Flannery stated they will provide circulation arrows and the testimony to satisfy the board.

Mr. Dolobowsky wanted information about the underground storage tank. Mr. Flannery stated it would be operated by the applicant. It was a service that was provided to the recreational vehicles owners. The tank would be pumped out.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the application would have public bearing on February 15, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Bangs, yes; Mr. Dolobowsky, yes; and

Mr. Ackerman, yes.

Mr. Hutchinson stated that the application would have public hearing on February 15, 2005 at 6:00 p.m. No further notice was required of the applicant.

3. SP #1797 (No variance requested)

Applicant: New Jersey American Water Co.

Location: Sunset Road, south of Caranetta Drive Block 290 Lots 1 & 2

Preliminary & Final site plan for Sunset Road washwater basin covers

Mr. Hill stated the applicant is seeking preliminary and final site plan approval for the construction of a roof for the existing wash water basin along Sunset Road in the A-I zone. The applicant should indicate if roof leaders will be provided for the enclosed wash water basin. The applicant should address if any landscaping is proposed for the enclosed wash water basin. The applicant should address if any lighting is proposed for the enclosed wash water basing. The applicant should indicate the Engineer of Record. The applicant should indicate the location of the existing wetlands.

Mr. Slachetka stated the applicant should provide a detailed description of the proposed construction and purpose. The elevation of the proposed cover should be submitted for board review. The height of the cover should be indicated. The wash water basin is heavily screened by existing vegetation. The applicant should clarify if any other improvements are proposed. There is a notation around the existing well in front which should be clarified. The applicant should confirm that the proposed construction will not require any additional vehicle trips to the site and will not require any additional parking.

Kevin Kennedy, Esq., appearing on behalf of the applicant. They were seeking to put a cover on an existing wash, water basin. No variances are required and they will have testimony as to why they want to put the cover on. They will submit the information requested by the professionals. There will be no lighting. There will be no additional employees or vehicles to the site. It should not affect the parking.

Mr. Steven Tambini, P.E., asked about the roof leaders. They preferred not to put the roof leaders on. Mr. Hill wanted the roof leaders to eliminate the erosion. Mr. Tambini stated the site was well-screened and they did not see a need to provide additional landscaping. They were not touching the ground. All the activities would be above ground. Mr. Slachetka wanted to ensure that the buffer to the wetlands was sufficient. Mr. Tambini stated they were basically building a roof.

Mr. Banas asked that the drawings be sealed. Mr. Tambini stated they would be.

On motion by Mr. Ackerman and seconded by Mr. Dolobowsky, the application would have public hearing on February 15, 2005.

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

Mr. Hutchinson stated that the application would have public hearing on February 15, 2005 at 6:00 p.m. No further notice was required of the applicant.

4. SP #1785A (Variance requested)

Applicant: Fourth & Forest LLC

Location: corner of Fourth Street & Forest Avenue
Block 51 Lot 2

Amended site plan for 10 proposed townhouse units (this was clarified in the professional reports)

Mr. Hill stated the applicant is seeking preliminary and final site plan approval for the construction of seven townhouses and one, three unit multi-family building at the corner of Fourth Street and Forest Avenue within the R-OP zone, The applicant should revise the plans to indicate that the service walkways connected to the existing sidewalk along Fourth Street are four foot wide. The board should determine whether the applicant should provide an additional fire hydrant to meet RSIS standards for the maximum spaces. It is recommended that a fire hydrant be installed along forest Avenue approximately ten feet south of inlet #1. The applicant should indicate the ownership of the drainage system. It is recommended that a Homeowners Association own and maintain the entire drainage system. The applicant should provide testimony regarding the capacity and condition of the existing stormwater system in Forest Avenue. The applicant should indicate all inverts for the existing inlet to be connected to inlet #1 and stormwater manhole #4. The applicant should revise the proposed base pavement to 3" thick. The applicant should address if the applicant is proposing a 6" or 8" curb face. The concrete curb and depressed curb details do not match.

Mr. Slachetka stated a variance is required for the proposed decks in the rear yard setback. A minimum of twenty feet is required and five feet is proposed. The applicant must address the positive and negative criteria for the "c" variance. Amended preliminary and final site plan approval will be required. Architectural plans, including floor plans, for the proposed multifamily building have not been submitted and are needed to clarify the proposed construction. The lower level of the modified building, which appears to be Unit 8, is partially below grade. The condition is not permitted. Clarification is required. The proposed decks from the seven townhouse units will be 300 square feet. The applicant should confirm that the number of bedrooms in the multi-family structure will be the same as previously approved by the Planning Board. The site plan should be dimensioned to show the proposed 5-foot deck setback. Details of the proposed two-foot high stone decorative wall/planter should be submitted to the Planning Board. The applicant should confirm compliance with all multi-family requirements.

Edward Liston, Esq., appearing on behalf of the applicant. He stated his client was proposing three changes to the plan that was previously approved. The first change requires a variance and is to convert the patios to decks. That only means taking the same foot print and raising it up so that it is on the same level of the first floor for each townhouse. It requires a variance but it was a distinction without a difference. It is only making that exterior space more accessible without having to go up and down stairs to get to it. They thought it was more convenient to the homeowner. It was up to the board. The second change was that units 8, 9 and 10 were being converted into three units which are more in the nature of flats than townhouses. The footprint stays the same. The third change was to take interior stairs on the townhouse units 1 and 7 and units 8 to 10 and make them exterior stairs.

Charles Surmonte, P.E., stated the plans submitted had the stairs on the interior. There would be steps and a landing that protrudes into the front yard setback on units 1 and 7. Units 8 to 10

also does the same. They felt it was a more appropriate and aesthetically pleasing access to the buildings. They know that this change may require a variance. The change for units 8, 9 and 10 is from a townhouse to multi-family. Unit 8 will be below grade by a half story. Each unit will occupy the foot print and each will be one story units.

Mr. Banas did not want to discuss the below grade since it was not permitted. Mr. Liston stated they were reconfiguring three units into flat units. The client would give up the unit partially below grade. They would lose a unit. It was a different way of breaking up the interior space. They would rather lose the unit to have the advantage of the larger unit.

Mr. Dolobowsky asked if the application belonged at the Planning Board. He thought that if something was not allowed, it belonged at the Zoning Board. He was not against the unit half below grade. Mr. Liston stated he was not sure if it was a use or bulk question. Mr. Slachetka would provide the exact ordinance. Mr. Listen stated if it was a use question, then they withdraw that portion of the application and lose the unit. They did not want to start over. If it is determined that it was a use variance that is required, then the board may consider the application for unit 8 withdrawn and they would just have two units in that building.

Mr. Hutchinson explained what the applicant was doing with regard to withdrawing the portion of the application based on the determination whether or not the matter was a use or bulk question.

Mr. Liston stated the other two variances regarding the steps and decks, they would like to keep them the way they were proposed. Mr. Surmonte stated that all of the comments would be addressed with a couple of exceptions. He would discuss the exceptions with the engineer.

Mr. Banas felt that there were a lot of answers needed. Mr. Hutchinson stated the issues would be resolved prior to the public hearing.

Mr. Liston stated that wanted to have the application heard at the next public meeting. They would withdraw unit 8 just to have the matter heard at the next public meeting. They felt decks were safer and more practical. They will provide testimony regarding same at the next meeting. If the board was not in agreement, they would leave the patios. Mr. Franklin stated they previously discussed decks and decided to leave patios because they were too close to the property lines. Mr. Liston stated were withdrawing the application for the decks and the patios would remain. Mr. Slachetka stated the issue regarding the use would be determined within the next day and then the board could snake a determination at the next meeting. Mr. Banas stated that part of the application was withdrawn. Mr. Liston stated it was withdrawn and an amended plan would be submitted, Mr. Bangs stated the application for the half story below grade and the docks were withdrawn. Mr. Liston stated the only issue left were the exterior steps that encroach into the setback. Mr. Surmonte stated that the landing was encroaching by no more than 20 to 25 square feet. Mr. Dolobowsky stated that if the basement apartments were being removed it might not be necessary to have the stairs on the outside. Mr. Liston stated the stairs were going up to the first level.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the application would have public hearing on February 15, 2005.

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

Mr. Hutchinson stated that the application would have public hearing on February 15, 2005 at 6:00 p.m. No further notice was required of the applicant,

APPROVAL OF MINUTES

Mr. Banas stated that on the November 23, 2004 minutes he had a lot of questions. Mr. Ackerman was present but he did not vote until the end. He stated there was no vote recorded for him. The minutes had to be amended to reflect the proper vote. Mr. Dolobowsky stated that if there was a full board, Mr. Ackerman, would not vote.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the minutes of November 23, 2004 and December 7, 2004 were hereby approved as amended to reflect the vote of Mr. Ackerman on November 23, 2004 if needed.

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

IV. PUBLIC PORTION None at this time.

V. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Elaine Anderson
Planning Board Recording Secretary