

**LAKWOOD PLANNING BOARD
MINUTES
FEBRUARY 5, 2008**

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 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 the following newspapers: The Asbury Park Press, and The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

Mr. Jackson swore in a new member of the planning board, Angela Velnich.

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas Ms. Velnich, Mr. Fink, Mr. Schmuckler, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Slachetka were sworn in.

Mr. Kielt stated there were 2 changes to the agenda. **ITEM #4 – SP1880 T&T DEVELOPMENT LLC** architectural plans were required and were not submitted so they will be carried until March 4th, 2008 Plan Review Meeting

Motion was made by Mr. Franklin, seconded by Mr. Herzl, to carry to March 4, 2008, no new notice required.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

ITEM #5 & ITEM #6 – SD1618 & SP 1881 PGD DEVELOPERS, he has no direction on. A letter went out saying the subdivision with a jurisdiction problem, but the site plan they want to pursue. However, he does not think either one could be done tonight because there is no reports. Mr. Flannery was there for the applicant and he said he agreed with not going forward with the application but he would like to discuss the jurisdiction issue and hopefully it will only take 5 minutes. Mr. Kielt said they would keep it in rotation on the agenda.

ITEM #7 – SD1619 MOSHE MENDLOWITZ carried to the March 4th, 2008 Plan Review Meeting because notice was not done.

4. WAIVER REQUEST ITEMS

- 1. SP # 1696B (NO VARIANCE REQUESTED)**
APPLICANT: AUGUSTA BOULEVARD ASSOCIATES LLC
Location: Augusta Boulevard and Cross Street
Block 524.23 Lot 1 Block 524 Lot 77.02
Preliminary & Final Site Plan for addition to existing clubhouse

Waiver from checklist items:

- Item B1 & B3 – topography of site (partial waiver requested)
- Item B2 & B4 – topography within 200 feet of the site
- Item B9 & B10– man made features on site (partial waiver requested)
- Item C13 – environmental impact statement
- Item C14 – tree protection plan

Mr. Peters stated on item B1 and B3 he recommends a partial waiver be granted, it is a large site so the contours should be shown within the project area and to the drainage high points, Item B2 & B4 he recommends a partial waiver be granted, the topography should be shown to the drainage high points and within the project area. Item B9 & B10 he recommends granting the partial waiver that was requested. Item C13 he recommends the waiver be granted since the site is already developed and Item C14 he would also recommend this be granted because the site is already developed.

Mr. Banas asked if they are saving any trees in this project and Mr. Peters stated there are trees that will be saved, this is a small concession stand at a golf course that will be constructed in an open area that has already been disturbed of vegetation for the golf course itself.

Mr. Michael York Esq. appeared on behalf of the applicant.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to grant the waivers and accept the recommendations from Mr. Peters for the partial waivers.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; abstain, Mr. Schmuckler; yes, Mr. Percal; yes

- 2. SP # 1885 (VARIANCE REQUESTED)**
APPLICANT: ONMIPOINT COMMUNICATIONS INC.
Location: New Hampshire Avenue & Cedar Bridge Avenue
Block 563 Lot 1 Block 564 Lot 1
Preliminary & Final Site Plan for proposed telecommunication facility

Waiver from checklist items:

- Item B4 – contours within 200 feet of the site

- Item C4 – location of proposed & existing wells and septic
- Item C13 – environmental impact statement
- Item C14 – tree protection plan
- Item C15 – landscape plan
- Item C17 – drainage calculations

Mr. Peters stated all the above waivers be granted due to the extremely small nature of the project.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to grant the waivers.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

- 3. SP # 1886 (NO VARIANCE REQUESTED)**
APPLICANT: CONGREGATION SANZ OF LAKEWOOD
Location: Spruce Street, east of River Avenue
Block 778.06 Lots 55 & 56
Preliminary & Final Site Plan for proposed school

Waiver from checklist items:
Item B2 & B4 – topography within 200 feet of the site

Mr. Peters recommended granting a partial waiver from B2 & B2-topography should be shown from the far side of the property and to the drainage high points.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to accept the recommendation of Mr. Peters to grant a partial waiver.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

5. PLAN REVIEW ITEMS

There was someone who disrupted the meeting with profanity and was asked to leave. Someone else from the public said he is sick with cancer and is upset with the trailers in his backyard. Mr. Banas said the public is not allowed to speak at this meeting but at the public hearing there is a portion open to the public.

- 1. SP # 1875 (VARIANCE REQUESTED)**
APPLICANT: SOMERSET DEVELOPMENT LLC
Location: Fairways Boulevard
Block 524.01 Lot 1
Preliminary & Final Site Plan for addition to clubhouse and parking lot

Mr. Jackson wanted to speak for the record that he had a talk with Mr. Gross and Mr. Fink who had recused himself previously on a matter that he thought was a conflict of interest.

He did not articulate on his basis for that was and Mr. Jackson thought it was a misunderstanding as to what constituted a conflict. He is a homeowner in a community that was built by a shareholder of the applicant. Mr. Jackson discussed with Mr. Fink if he had any direct financial or other interest in this matter and Mr. Fink said he did not and he would not receive any benefit or detriment regarding this application and there is no personality or an other issue which would impair his objectivity and Mr. Jackson believes there is not a conflict.

Michael J. Gross, Esq. attorney for the applicant stated that when they were before the board on November 13, 2007 they received a positive vote to move to the public hearing. After the meeting it was advised that someone had raised the issue with respect to a conflict of interest and whether the board had a quorum because of that conflict. Had he known there was no conflict, they could have proceeded in November.

Mr. Peters stated the applicant is seeking Preliminary and Final Site Plan Approval to construct two additional Great Rooms and 28 parking spaces for an existing clubhouse. These rooms will provide additional recreational area to a newly developed adult community that contains 93 detached units. The property is situated along Fairway Boulevard within the Fairways at Lake Ridge Development. The project is in the R-40 zoning district. The applicant is requesting the following variance for lot 1: Minimum swimming pool area; 5,455 sf is required, where 4,125 sf is proposed. This is an existing condition expanded by the additional 93 residential units. This variance was approved by the board of adjustment under application number 3570A. Minimum parking spaces; 346 spaces are required, where 207 is proposed. The applicant has proposed the required number of parking spaces for the additional recreational area. This is an existing condition. Outside agency approval from Ocean County Soil Conservation District will be required. Evidence of the approval shall be provided prior to signature of the Site Plan. The zoning schedule shall be revised to properly present recreational areas, swimming pool areas, and parking spaces. As shown on the plan the headers aren't lined up with their correlated numbers. In addition, the provided and proposed recreational area shall be revised to be 1,420 S.F. since 720 S.F. of the 2,140 S.F. will be storage area in accordance with the Architectural plans. The applicant shall also revise the text regarding the additional areas on the Clubhouse Site Plan to state that 720 S.F. are proposed as storage space instead of the 326 S.F. shown on the plan. The applicant has provided 28 parking spaces for the clubhouse as shown on the plan. Per 18-1001 H.3, applicant shall provide one parking space per 50 S.F. of clubhouse area, based on this ratio the 1,395 S.F. of floor area will require 28 parking spaces. The applicant shall provide proposed grades where additional parking stalls are proposed. The proposed grades shall demonstrate positive on-site drainage is achieved. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 24, 2008. The applicant seeks preliminary and final major site plan approval to construct a 1,400-square foot addition to the rear of the Fairways Clubhouse. The application also includes a proposal to add twenty-eight (28) parking spaces. The subject site is located within the Fairways at Lake Ridge housing development, off Fairways Boulevard. The parcel is located in the R-40 Zone. No variances are requested. We note that storage area # 3 shown on the floor plan does not appear on the site plan. The transmittal letter indicates that the architectural plans have been revised to remove storage area # 3; however, we have not received the revised plans.

Any required outside agency approvals should be addressed.

Mr. Gross Esq. appeared on behalf of the applicant. He said this board approved the Fairways at Lake Ridge and approved the clubhouse and approved the variances when it approved the development. Subsequent to that the Board of Adjustment granted an approval for the adjacent property that was formerly the horse farm for 93 units. The proposal is the residents of the 93 units would be allowed to join the Fairway @ Lake Ridge Homeowners' Assoc. and have the use of the recreational facilities. They have met with the homeowners' association and this plan is a result of those meetings. The Homeowners' Association will be at the regular meeting and will be able to voice their consent and agreement. Chris Rosati from FWH Assoc. is here as the engineer. The expansion is a total of 2,140 sf as proposed; of that 1,420 sf is useable square footage and 720 sf is additional storage space. The 28 parking spaces proposed to comply with the ordinance with respect to the addition they are proposing. Mr. Rosati showed a colored rendering of Clubhouse Site Plan, sheet 1 of 2, marked A-1, and he had colored rendering of the architectural plans, marked A-2. The plan for the building addition calls for great room, totaling 1420 sf and on the edges of the building, 2 storage areas, and storage area 3. The comment in the planner's letter regarding storage area 3, in their original submission it was not on there and after discussions with the HOA it was put back in. This latest plans show the 3 storage areas and 2 additions to the great room totaling 2,140 sf. In addition the other part of the expansion is the addition of 28 parking stalls to the parking lot. This amount comes from the ordinance, 1 spot per 50 sf of useable area in the clubhouse; 1,420 sf equates to 28 parking spaces which they have added in several locations due to the fact they were constrained to adding in deed restricted areas from the previous CAFRA permit. He showed them on the map where the spots were located. Mr. Banas asked how they were going to designate that those spots located throughout the community were for the clubhouse and Mr. Rosati showed where the parking lot for the clubhouse was and said the spots were in the entrance road to the parking lot, so the only people going in there would be the people going to the sales center or the clubhouse. Those spaces would probably be used last. Mr. Banas asked why they couldn't put the spaces in the green area on the map (lawn area) and Mr. Rosati said in their opinion the best place to add to the parking is where they added it.

With regards to Mr. Peter's letter, Mr. Rosati stated they will address the variance issue at the public hearing. They have the approvals from the Soil Conservation District and the County they have in hand and will supply to the professionals. They have revised the zoning schedule, they have added some proposed grades to the plans to show they will provide proper grading but will agree to any additional suggestions. They agree to comply with the remainder of the comments. The planner's comments are mostly statements of fact. The review comment had to do with the discrepancy of floor areas in the architectural plans and that will be corrected now that they have the final plans and resubmitted.

Mr. Fink had a question and the area where the pond is behind the sales office, that should be highlighted because the map is very deceiving. Also in the front area by the trees, it should be marked as a tree area that can't be moved. When he recused himself at the last technical meeting he thought it was the right thing to do as he was living in the Koke's community. Then he realized it was not a conflict and that is why he is sitting up here now.

Mr. Banas asked Mr. Gross how many additional homes are being constructed here and was told 93. He asked Mr. Gross how many homes are in Fairways now and was told 1,031. Mr. Banas said that is basically 10% and asked if he expanded the clubhouse 10% and Mr. Rosati said the existing clubhouse is 15,145 sf and they are adding 1,420 sf. Mr. Banas asked someone to work that out.

Mr. Fink had some questions about the parking. Currently the clubhouse only has 2 handicapped parking spaces and it is an active adult community and wonders if they think more spots may be needed. The pool area has 3 handicapped spots and thinks they should look at that also. The sales office also has 2 handicapped spots. He thinks that adding 28 spots makes 207 total spaces. Mr. Fink said he counted them and he only came up with 160 spots + 28 making 188 spaces unless he missed an area. Mr. Rosati said their count shows 179 spaces + 28 and if that is an issue they will have an answer by the public meeting. Mr. Fink would like to see more handicapped spots because that area is getting older and older.

Motion was made by Mr. Herzl, seconded by Mr. Schmuckler, to advance this application to March 18, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Velnich; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

2. SD # 1586A (VARIANCE REQUESTED)
APPLICANT: THOMPSON GROVE ASSOCIATES
Location: Drake Road, southwest of Neiman Road
Block 251.01 Lots 32 & 88
Preliminary & Final Major Subdivision - 20 lots

There was an issue regarding the density so the letters were not read into the record but are copied for the minutes.

Mr. Peters' letter stated the applicant is seeking Preliminary and Final Major Subdivision Approval for Block 251.01 Lots 32 & 88. The applicant proposes to subdivide the two (2) existing lots into twenty one (21) new lots; twenty (20) lots for single family use, one (1) lot for a stormwater management basin. Existing Lot 32 currently contains a single family dwelling that will remain. Existing Lot 88 contains two (2) existing two story frames and one (1) one story frame building. The one story frame building is labeled on the Final Plat as to be removed. The applicant proposes constructing seventeen (17) new single family dwellings, a cul-de-sac, and a stormwater management basin. The site is located on Drake Road, in the R-40 Zoning District with a small piece of the parcel containing the stormwater management basin located in the Crystal Lake Preserve Zone. The applicant is requesting the following variances: Minimum lot area for Lots 32.03 through 32.09, and 32.12 through 32.20: Twelve of the sixteen lots range from 15,000 square feet to 20,000 square feet, the other four lots are sized between 20,000 square feet to 33,642 square feet where 40,000 square feet is required. Minimum lot width for Lots 32.01, 32.03 through 32.08, 32.12 through 32.18: Lot widths range from 94 feet to 135 feet, where 150 feet is

required. Minimum front yard setback for Lots 32.01 through 32.09 and 32.12 through 32.20: 26 feet is proposed for Lot 32.19 and 30 feet is proposed for the other lots where 50 feet is required. Minimum side yard setback (combined) for Lots 32.03 and 32.17: 37 feet combined side yard setbacks are proposed where 40 feet is required. Ocean County Planning Board, Ocean County Soil Conservation District, Letter of Interpolation from NJDEP, and NJDEP permits for Treatment Works Approval and Water Main Extension will be required. Evidence of the approvals shall be made a condition of final subdivision approval. In accordance with the NJDEP I-Map the stream intersecting the north edge of existing Lot 88 is a Category One Water. The wetlands in the project area may be hydraulically connected to this Category One Water and therefore also classified as category one, requiring a 300' buffer. The applicant shall have the NJDEP classify the wetlands in the project area in order to determine the appropriate buffer. The proposed dwellings will be served with public sewer and water line. On the application form the applicant's engineer stated that the applicant intends to subdivide existing lots into 20 lots and existing building on Lot 88 to remain and be used as the community building. The applicant shall clarify which existing structure on Lot 88 will be used as a community building, since there are two existing frame structures are to remain as shown on the Final Plat. In addition, there will be a total of 21 lots after the subdivision, not 20 lots as the applicant's engineer stated in the application. A revised application form shall be submitted to address the issue. The applicant shows on the plans 6' shade tree and utility easement along the southern Drake Road at frontage of Lots 32.01 and 32.20 and along proposed Serenity Way. Sight triangle easements at the entrance of the Serenity Way and the stormwater management basin Lot 32.21 are to be dedicated to the Township. The Board should determine whether to accept ownership of the basin on Lot 32.21. If the Township does not take ownership of the basin lot, a Home Owner Association (H.O.A) will need to be formed to maintain the basin. Documents for the H.O.A shall be provided to the Township Engineer and Solicitor for review. The Board should determine if a 6 ft shade tree and utility easement along the western Drake Road frontage at Lots 32.10 and 32.11 is dedicated to the Township. The applicant shows on the Grading and Utility Plans proposed driveways and dwellings, but doesn't show them on the Site Improvement plan. The applicant shall show the driveways and dwellings on all applicable plans. Furthermore, the driveways shall be dimensioned to show adequate parking has been provided. The driveways shown on the grading plan scale to 20 feet wide by 30 feet long. The driveways shall be extended to be a minimum length of 36 feet. The applicant shows no off-street parking is proposed for the community building. In accordance with Lakewood Township UDO, one (1) parking space is required for every four hundred (400) sf. public building. The thru-Lots 32.01, 32.16, 32.17, and 32.20 shall be restricted to have access to Serenity Way only. Notification of the deeds have been filed shall be made a condition of the subdivision approval. Plan Review The applicant shall clearly show on the plans what features are proposed and existing by calling out on the Site Development Plan all proposed construction. The applicant is proposing a 20' access easement from Lot 32.11 to Drake Road through Lot 32.10 to be dedicated to a Home Owner Association (H.O.A.). We recommend the applicant rearrange the lot lines so the access strip will be part of the Lot 32.11 to avoid the easement issue. In addition, no access way is proposed in the easement and the existing drive way in Lot 32.10 isn't entirely within the easement; thus the access easement alone will not give access to the community building from Drake Road. The applicant shall provide testimony on the issue. Furthermore, documents of the H.O.A shall be submitted to the Township Engineer and Solicitor for review. Curbs and

sidewalks are proposed along the southern Drake Road at frontage of Lots 32.01 and 32.20 and along the proposed Serenity Way property frontage. The board should determine if curb and sidewalk will be required along the western Drake Road frontage along Lots 32.10 and 32.11. The applicant shows on the Site Development Plan an incomplete zoning schedule. The applicant shall revise the plan to show the complete schedule. All existing features such as fences, shed, and building are to be removed shall be called out on the Existing Plan as to be removed. In addition, these features shall be lightened or removed from the Site Development Plan to avoid confusion. The applicant shows on the Site Development Plan what appears to be a walk way from the proposed Cal-De-Sac to the community building. The applicant shall call out the walk way on the plans and show on the Construction Detail Sheet a detail of the walk way. The radius of the proposed Cal-De-Sac shall be dimensioned on the site plans. Details of the speed limit sign, stop bar, and stop sign are shown on the Construction Detail Sheet. The applicant shall show on the Site Development Plan locations of the speed sign, stop bar, and stop sign. In addition, a no outlet sign shall be installed at the intersection of Serenity Way and Drake Road. A detail shall be provided as well. The basin access way shall be labeled on the Grading and Drainage Plan. A section of the 77 contour at northeast of the wet pond basin is missing from the Grading Plan. The applicant shall address the issue. Although not required for Planning Board approval, the Lakewood Township Plot Plan Ordinance requires basement floor elevations be set to an elevation that is at minimum two feet above the seasonal high ground water elevation. From basement floor elevations shown on the Grading Plan basements of the dwellings on Lots 32.03 and 32.09 were not designed with the sufficient separation. The applicant shall revise the basement floor elevations to conform to the ordinance. The applicant shows on the Grading Plan soil boring tables. The ground elevations which are stated on the boring tables for SB-1 and SB-8 are inconsistent with the elevations of the existing contours shown on the Plan at the two boring locations. In accordance with the boring tables, SB-1 and SB-8 were performed on elevation 110.88, and 88.6 respectively; however, the SB-1 is surrounded by an existing contour 90, and the SB-8 is located between existing contours 70 and 71. The applicant shall address the discrepancy. The applicant called out on the Grading Plan a 95 LF RCP pipe along Serenity Way at the frontage of the Lot 32.05, but the pipe is not shown on the plan. The applicant shall revise the Plan to show the RCP pipe. The North Arrow on the Site Development Plan is pointing in the wrong direction and shall be corrected. A safety fence shall be installed around the proposed basin. The inverts for the 70 ft 30" RCP pipe that connects outfall the structure of the proposed wet pond to the MH-1 shall be shown on the Grading Plan. The applicant shows on a Construction Detail Sheet a concrete cradle detail; however no concrete cradle is called out on the plans. The applicant shall show on the plans location(s) of the concrete cradle(s) or remove the detail from the Construction Detail Sheet. Stormwater Report The applicant shall provide a proposed drainage area map that shows complete drainage areas. As shown on the submitted map, the majority of portions of the offsite drainage areas are left off of the map. There are several dark lines shown on the existing drainage area map cross the map, they shall be explained or removed from the map. Areas where grading and tree removal has been proposed shall not be included to offsite drainage areas. Based on the proposed drainage area map the rear yards of the western lots appear to be listed as off-site areas. The applicant shall revise all offsite drainage areas accordingly. Since the proposed basin is a wet-pond, the volume below 67.49, invert of the outlet structure, shall be excluded from storage volume of the basin. The applicant shows on the Grading Plan a 3.5' wide

weir with invert elevation of 68.75 and a 4" orifice with invert elevation of 67.50 are proposed for the outlet structure; however, a culvert and orifice which have invert elevation of 67.49 and 68.00 for the outlet structure are shown on page 11.01 of the post development section of the pondpack report. The applicant shall provide complete outlet structure information on the plan. Stormwater quality issues such as total suspended solid (TSS) removal rate shall be addressed in the stormwater management report.

Construction Detail A red reflective strip shall be added to pole of the Sign Mounting Detail for stop sign. The applicant shall show on a Construction Detail Plan the outlet structure detail. The applicant shall include a detectable warning surface detail with truncate domes on the handicapped ramp detail.

Map Filing Law There is a duplicated municipal clerk certification on all four sheets of the Final Plat and they shall be removed from the plans. All outbound corner monuments shall be set prior to signature of the surveyor's certificate, as the certificate states. Only interior monuments can be bonded. Per section 46:23-9.11,3.d. & i. of the Map Filing Law, the applicant shall provide complete curve data on R.O.W and easement. The applicant shall revise the plan to show complete curve data. The applicant shall label the 150' wetland buffer on sheet 4 of the Final Plat. The applicant has provided the text "match sheet no.3" and "match sheet no.4" on the sheets. A match line shall be shown on sheets 3 and 4 of the Final Plat. Section 46:23-9.14 of the Map Filing Law requires a certification be added to the final plat stating the Planning Board is the proper authority to approve the application. The certification shall be added to the plan.

Mr. Slachetka drafted a letter dated January 14, 2008. The applicant proposes to subdivide two existing residential lots into twenty-one (21) lots at the above-referenced location. Existing Lot 88 is 11.30 acres in size, with approximately 10 acres located within the R-40 Zone District with the remainder located in the Crystal Lake Preserve zone district (CLP). Lot 32 is 9.96 acres in size and is located entirely within the R-40 Zone District. Each lot contains a residence which will remain. On existing Lot 88, there are two structures described as two-story frame and one-story frame. The applicant has noted that the one-story frame will be removed. The tract is 21.26 acres in area and has frontage on two (2) segments of Drake Road. For purpose of this application, the applicant proposes to retain the two (2) existing residential dwellings and reconfigure the lots in which these dwelling occupy on proposed Lots 32.02 and 32.10. The existing two-story frame structure will remain on proposed Lot 32.11. In addition, the applicant proposes to subdivide the remaining part of the tract into seventeen (17) nonconforming residential lots, one (1) open space lot, and one (1) stormwater detention basin lot. The residential and open space portions of the subdivision are located within the R-40 Zone District. The proposed stormwater detention basin is located within the CLP zone district. Associated site improvements are also proposed. The main residential subdivision will be accessed from Drake Road via a cul-de-sac bulb entitled Serenity Way. The other existing residential dwelling will retain its frontage on Drake Road. The tract is located in the western part of the Township and in close proximity to the Crystal Lake Preserve and the Ketchledge Farm. Ketchledge Farm is an 11.47-acre farm that is being actively considered by the Ocean County Farmland Program for farmland preservation. Lot 32 is primarily wooded, while Lot 88 is less wooded and contains a pond. Land surrounding the tract is primarily undeveloped or low-density residential. Prior Concept Plan Review. The Board reviewed conceptual plans regarding this proposed subdivision in February and June of 2007.

Zoning. The majority of the tract is located in the R-40 (Residential) Zone, with a small

portion in the CLP (Crystal Lake Preserve) District. The applicant has proposed single-family residences in the portion of the tract that is in the R-40 Zone District. This is a permitted use. In the CLP Zone District, the applicant has proposed the stormwater detention basin and has proposed to dedicate the basin to the Township. In the CLP Zone District, permitted uses include single-family residences and public parks and open space. The Board will need to make a determination whether a proposed stormwater basin use meets the intent of the Township development standards relative to the CLP. The applicant has indicated that bulk variances will be required. We have provided tables at the end of this letter that describes in detail the nonconformities that exist on each proposed lot. This information is based on the subdivision plat. Please note proposed Lot 32.21 lies in a split zone and requires bulk variance relief from both the R-40 and CLP Zone District standards.

R-40 Zone District Standards.

Minimum Lot Area. Sixteen (16) of the twenty-one (21) proposed lots require bulk variance relief from the R-40 minimum lot area standard. The proposed lots are less than the 40,000 square feet lot area required in the R-40 zone. The bulk variance relief for the lot area range from 15,003 square feet to 33,642 square feet.

Minimum Lot Width. Sixteen (16) of the twenty-one (21) proposed lots require bulk variance relief from the R-40 minimum lot width standard. The proposed lots are less than the 150 feet lot width required in the R-40 zone. The bulk variance relief for the lot widths range from 94 feet to 134 feet. The lot width for proposed Lot 32.21 is approximately 20 feet.

Front Yard Setback. Seventeen (17) of the twenty-one (21) proposed lots require bulk variance relief from the R-40 front yard setback standard. The proposed lots are less than the 50 feet front yard setback required in the R-40 zone and the applicant has proposed a setback of 30 feet. On proposed Lot 32.19, the applicant has provided a setback of 26 feet.

Combined Side Yard Setback. Two (2) of the twenty-one (21) proposed lots require bulk variance relief from the R-40 combined side yard setback standard. The proposed lots are less than the 15 feet/40 feet combined side yard setback required in the R-40 zone. The applicant has proposed a bulk variance condition of 15 feet/37 feet for the side yard setbacks.

CLP Zone District Standards.

Minimum Lot Area. Proposed Lot 32.21 requires bulk variance relief from the CLP minimum lot area standard. The proposed lot area is 2.445 acres which is less than the 3 acres required in the CLP zone.

Minimum Lot Width. Proposed Lot 32.21 requires bulk variance relief from the CLP minimum lot width standard. The proposed lot width is less than the 200 feet lot width required in the CLP zone. As noted above, the lot width for proposed Lot 32.21 is approximately 20 feet. The positive and negative criteria should be addressed. Due to the numerous number of bulk variances requested, the testimony should include information concerning existing lot sizes in the surrounding area. The Planning Board should also request testimony as to the consistency of the subdivision with the Master Plan or furtherance of the goals of the Master Plan.

Review Comments.

Subdivision Plat. General Note #4 needs to be revised. The subdivision plan does not require a density variance. If the application did require a density variance, the Board would have to recommend that the applicant seek Board of Adjustment approval for this application. In addition, the applicant is creating twenty-one (21) lots not 30 lots as indicated in this note. The applicant should revise the statement to indicate that the application is creating sixteen (16) new residential lots, of which two (2) lots are existing and are being reconfigured as part of this subdivision, as well as one (1) open space lot and one (1) stormwater detention basin lot. The applicant has prepared a bulk schedule for the lots that are subject to the R-40 Zone District standards. The applicant is required to demonstrate conformance with the CLP Zone District for the lot that is split zoned (Proposed Lot 30.21). Both the R-40 Zone and CLP Zone District

standards apply to this lot. The applicant should revise its bulk schedule to take into account the corner lots and existing lot conditions. The bulk schedule also should be revised to reflect the conditions proposed in the building envelope. There are some places where there are inconsistencies that need to be revised accordingly.

Improvement Plans. The applicant should revise its bulk schedule to be consistent with the subdivision plat. There are numerous errors between the plat and plan making it difficult to determine to what degree the applicant is proposing bulk variance relief. The applicant should include all the lots on the engineering drawings as well as coordinate the plat and plan in a manner that is consistent. The applicant also should list the standards for proposed Lot 32.21 which is located within the CLP zone district as well as the R-40 zone district as both these standards apply to the subject property. The subdivision plat indicates the proposed lot lines that will be removed to accommodate proposed Lot 32.09 and 32.12. The lot line has not been proposed to be removed on the site plan. This should be revised accordingly. Split Zone. Consideration should be given to eliminating the split zone lot condition of the tract. The Board may recommend to the Township Committee that this condition be removed. Proposed Improvements. Walkway. The applicant has proposed a four foot wide walkway path in between proposed Lots 32.09 and 32.12 to access the open space lot (proposed Lot 32.11). The walkway will access the two-story frame structure (see comment below, Community Building) and terminate at this location. The applicant should indicate the entity responsible for maintaining the walkway. We also note that the walkway also serves as access to the stormwater detention basin lot. Our comments regarding this are below. Access Easement. In the concept plan, the applicant had proposed an access easement along the property edge of proposed Lot 32.10. The access easement has not been proposed on current drawings. The applicant should specify how the community amenity will be accessed from proposed Lot 32.10 and Drake Road. If proposed, the applicant should specify the entity that will be required to maintain access easement. Open Space. The applicant indicates that proposed Lot 32.11 will not be subdivided as a residential lot. The site is encumbered by a tributary of the Metedeconk called the Watering Place Branch and the hydraulic connected wetlands on the northern edge of the property. Watering Place Branch is a designated Category One Waterway which requires a 300 foot buffer area. The applicant should specify whether it intends to dedicate this tract, including the stream corridor and wetlands to the Township as open space. The applicant should provide testimony on how the proposed open space complies with Section 18-808. Community Building. The applicant shows on the subdivision plat shows two structures on proposed Lot 32.11. The plat shows that the one-story frame building will be demolished and the existing two-story frame will remain. On the engineering drawings, the applicant has not made any notations regarding the status of the structures, only that the walkway will access the two-story frame building from the walkway originating from Serenity Way. The applicant should correct the inconsistencies between the plat and plan. In addition, the applicant should indicate the intended use of the two-story frame structure. If this is to be a community building, indicate who will be responsible for the operation and maintenance of the building. The proposed building will not be accessed from proposed Lot 32.10 or by an improved right-of-way. Stormwater detention basin. The stormwater detention basin is located entirely in the CLP district. The applicant indicates that the stormwater detention basin is to be dedicated to the Township. The Township has the right to evaluate this proposal. We also recommend that the applicant provide additional landscaping around the stormwater detention basin. The proposed walkway and access to the stormwater detention basin are located in the same

area. The access easement is twenty feet in width. The applicant should specify how access to the stormwater detention basin and the four foot wide walkway is sufficient for both purposes. Shade Tree & Utility Easement. The applicant has proposed a six (6) foot wide shade tree and utility easement along both sides of Serenity Way to be dedicated to the Township. Sidewalks/Curb. The applicant is required to provide sidewalks and curbing along Serenity Way in accordance with RSIS. Sidewalks have been proposed along Serenity Way. The applicant should indicate whether sidewalks exist on proposed Lot 32.10 and if not whether sidewalks will be provided. Wetlands. The applicant indicates that a NJDEP LOI has been obtained for the wetlands that are associated on this site in the Environmental Impact Statement. The LOI letters that are associated with this site are not included as an appendix in this report. A copy of the LOI letters should be provided to the Board to review prior to approval to determine the overall resource value of the wetlands. A general note indicating the NJDEP File No. and the date of the letter should be provided as a general note on both the subdivision plat and site plan. Past Land Uses. Any lands previously farmed should be analyzed to verify the absence of pesticides that would be associated with agricultural practices. Landscaping. The applicant proposes to retain existing vegetation to screen the residential lots from Drake Road and along the rear of the subdivision. We note that providing an additional landscape barrier for the lots that are adjacent to Ketchledge Farm may be desired by the landowners that purchase these homes as this farm will most likely remain active in perpetuity if approved as part of the County's farmland preservation program. The applicant has proposed thirty-one (31) Red Sunset Maples along Serenity Way. We recommend that the applicant consider proposing additional landscape material to provide a greater diversity of species throughout the site plan. The applicant must also comply with the requirements for tree protection and removal on the site. Existing Fences. There is existing fencing on Lots 32 and 88. The applicant should comment whether they intend to remove the existing fencing on these lots for the purpose of the subdivision. Parking. The applicant should provide testimony regarding compliance with NJRSIS for the plan. The applicant also should be prepared to provide testimony on how parking will be accommodated in the front yard setback. Driveways. There are two existing driveways on Lots 32 and 88. The applicant has indicated that the driveway on existing Lot 32 will be removed as part of this subdivision. The applicant should comment on the proposed location of the new driveway for the residential dwelling on proposed Lot 32.02. The applicant has not indicated on the plans that the driveway on Lot 88 will be removed. The existing driveway encroaches on proposed Lot 32.11, the proposed open space lot. The applicant should indicate how proposed Lot 32.10 will be accessed and whether the existing driveway will be removed. The applicant should indicate ownership of the proposed Serenity Way cul-de-sac. Homeowner Association documents must be filed for the common open space. A Tree Protection Management Plan must be addressed. Compliance with the Map Filing Law is required. Public water and sewer services will be provided by the NJ American Water Company. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. The required outside agency approvals include, but are not limited to: Ocean County Planning Board; Soil Conservation District, prior to construction permits; Sewer and water utilities, prior to construction permits; and, All other required approvals.

Mr. Jackson said he was concerned because of the number of units, the size, configuration, and he has discussed it with Mr. Truscott and thinks this is the right board for this application. It is Mr. Jackson's opinion that this go forward.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery. Mr. Flannery said as the last meeting the board was struggling with where the zone line was and he changed sheet 3 to show it and they discussed whether revised plans were needed and the determination was they would come back to the board and you can see from the plans if you draw a line between the dog leg in northerly property line and the dog leg in the easterly property line that triangle with their property is Crystal Lake Preserve and the rest is R40. We showed the surrounding zones also R12 and R40 in the other direction. The professional's reports were lengthy because of the nature of the project but he has indicated 4 items on each report to discuss the rest are technical details they will comply with and have revised plans by March 18th. With Max's report he states the variances that they need and they will discuss them at the public hearing. With respect to parking Mr. Peters suggests they should have all the driveways 36 ft. long because the board wants 4 parking spaces and we will agree there will be 4 parking spaces in the driveway. The community building is an existing building that is on the open space lot and their intention is to leave the 2 story building and there is a gravel driveway with area in that vicinity for parking. It is really going to be used by the residents and we have provided a walkway from the end of the cul de sac. Their proposal is to put an easement across the existing driveway, they are not trying to change the existing house on the existing lot. They have an equal size lot to the farm that is going into farmland preservation that they are putting aside as open space preservation where the homeowners can use it, the difference being that this one is part that the development gives for the development right to cluster on the other side of the property. They would prefer not to revise the driveway because the driveway that is there works well for the building. The gravel drive provides access to the building and they are trying to maintain that natural look that is still there. With regards to Stan's report, they will address the variances at the public hearing. The stormwater management basin will be part of the homeowner's association and the plans will be revised to reflect that. On Drake Road adjacent to Lot 32.11 , that is the open space lot and right now there is no curb and sidewalk and we did not show curb and sidewalk there and it is really not in the developed area, the nature of that roadway is a very rural lane and he would think the neighbors would like it that way. Their proposal is to leave it a woodsy lane. They will provide curb and sidewalk along entire Serenity Way and also on Drake Road but not in that area. They will comply and address the remainder of the comments in the planners report.

Mr. Banas said he did not know what his feelings are about that curb and sidewalk. He said he made a mistake by not putting it in with Mr. Flannery's neighbors.

Motion was made by Mr. Herzl, seconded by Mr. Fink, to advance this application to March 18, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

3. SP # 1884 (NO VARIANCE REQUESTED)

APPLICANT: CHINUCH LABONOS

Location: Joe Parker Road, south of Long Beach Boulevard
Block 189.04 Lot 188

Site Plan/Change of Use Site Plan-convert existing residence to school and add trailer classrooms

Mr. Peters stated The applicant is seeking Minor Site Plan Approval to convert a residential dwelling into a school and install two trailers in the rear yard for additional classroom space. The existing driveway will be expanded to allow school buses to maneuver in and out. The property has frontage along Joe Parker Road, in the R 20 zoning district. No variances are requested by the applicant. No Outside agency approvals are required. A 6' shade tree and utility easement is usually required to be dedicated to the Township along property frontage. The Board should determine if the easement will be required along Joe Parker Road. Neither concrete curb nor sidewalk exists along the property frontage. The board should determine if curb and sidewalk will be required. General note #5 states that the existing dwelling is to remain and be used as one (1) classroom and one (1) office for the school. The proposed trailers are called out on the plan to be used as classrooms. Per section 18-906 C. of the Lakewood UDO, one parking space shall be provided for each classroom, tutor room, library, meeting room, and office. The applicant shall provide testimony on the number of classroom that will be created by the trailers. The applicant has provided nine white pines to screen the view from the neighbors. The Board should determine if the applicant needs to provide a more sufficient screening along the property lines in accordance with section 18-906 A. 3. of the Lakewood UDO. The proposed trailers are accessed by steps that are not handicapped accessible. The applicant shall provide adequate measurements to provide handicapped access to the trailers. The applicant shall provide testimony on what size of school bus will use the front driveway, the driveway as shown is not sufficient for full size school buses. The parking table states five parking spaces are required and five are provided. Only one parking stall appears on the plan. Note number six states there are four existing parking stalls. The applicant shall provide testimony on the location of the existing stalls

Mr. Slachetka read from a letter dated February 4, 2008. The applicant is seeking site plan approval for the conversion of an existing residential structure into a school with two (2) additional trailer classroom spaces on the subject tract. In addition to the classroom space, the applicant indicates that the site will contain a tutor room, library, meeting room and office space. The proposed school will be for primary kindergarten through second grade. The tract is an approximately 1.420 acre site and is located on Joe Parker Road in the northeast part of the Township. An existing one-story residential dwelling is currently located on the site. The subject tract is surrounded by predominately single-family residential uses. The tract is located in the Single Family Residential (R-20) Zone District. Zoning and Variances. Educational uses are permitted in the R-20 District. The applicant is subject to the zone standards of the R-20 Zone District and Section 18-906 for Public and Private Schools. The applicant has not requested any variances. The applicant has not proposed the required twenty (20) foot landscape buffer as required by Section 18-906.A.2. The screening must be a solid screen of plantings of at least 6 feet in height and may be supplemented with a fence of solid material where necessary. The applicant has proposed nine (9) pine trees, six-to eight-feet high, along the side yard setbacks. In addition, a six-foot high vinyl fence is proposed on the side yard of Lot 187 and an eight-foot high

vinyl fence is proposed on the side yard of Lot 189. The applicant should provide testimony on this requirement and indicate to the Board whether a variance is being requested from providing a solid twenty (20) foot landscape screen. A play area has been identified on the site plan. No details regarding the equipment have been provided. Review Comments. The applicant should demonstrate conformance with the bulk schedule standards for the proposed trailer classrooms. Specifically, the applicant should identify the proposed building height for the trailer classrooms and whether both conform to the height requirements on the zone district. In addition, the applicant should demonstrate conformance with the maximum building coverage standard for the converted residential structure and two trailers. The bulk schedule should be revised accordingly. The applicant should describe the operational characteristics of the facility including the following: The proposed number of students to be educated on site; The proposed number of educators for the school; The type and anticipated number of school buses visiting the site on a daily basis; The proposed hours of operation; and, The services that will occur on site. The applicant should indicate if lighting is proposed. The applicant should provide supplemental buffer landscaping along all property boundaries where buildings and parking are proposed. The applicant should identify and discuss all required approvals from outside agencies. The applicant should provide a floor plan for all of the structures to confirm that the requirements for parking have been satisfied. The applicant has proposed five (5) parking spaces and noted the requirements of Section 18-906.C. The classrooms, tutor room, office, and library should be shown on the floor plan, as parking spaces are required for each. The applicant indicates that there are four (4) existing 8 feet by 15 feet parking spaces on the subject tract. One additional parking space is proposed which is 9 feet by 18 feet. The existing four parking spaces appear to be stacked along the side yard of Lot 189. The applicant requires a design waiver for the proposed parking space size. The applicant should provide testimony regarding the stacked parking arrangement and the Board should decide if the arrangement is appropriate for this site. All parking is proposed within the front yard setback and is adjacent to the side yards. The applicant has not addressed how refuse will be removed from the site. If appropriate, a trash enclosure should be provided. The remaining comments are technical in nature.

Mr. Miri Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery stated the plans will be revised as requested and they will provide the technical information. They will provide the additional landscaping and will provide handicapped access to the trailers and the details of the classrooms and the parking spaces will be provided for the public hearing.

Mr. Banas questioned how they were getting to the trailers right now and Mr. Flannery said the school is not in operation but it would be through the building they will show where the deck will be extended and handicapped access will be provided through the main building to the trailers. Mr. Kiert said the plans were due back the 21st of February and Mr. Flannery said that was not a problem.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to advance this application to March 18, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

4. SP # 1880 (NO VARIANCE REQUESTED)

APPLICANT: T & T DEVELOPMENT LLC

Location: 312 5th Street, west of Clifton Avenue
Block 93 Lot 6

Preliminary & Final Site Plan to construct 3 story, 16,200 sq.ft. office/retail bldg.

Tabled to March 4, 2008

5. SD # 1618 (VARIANCE REQUESTED)

APPLICANT: PGD DEVELOPERS LLC

Location: Pine Street, west of Warren Avenue
Block 768 Lots 43.04, 43.05, 44, 45, 83.01

Preliminary & Final Major Subdivision – 11 lots

No letter from Mr. Peters.

Mr. Slachetka read from a letter from Mr. Truscott dated February 5, 2008 but Mr. Slachetka has reviewed this application and agrees with Mr. Truscott. "Our office is in receipt of applications and plans for a major subdivision, site plan, and variance approvals for property at the above-referenced location. Our review of the application indicates that the applicant proposes to subdivide the tract into eleven (11) parcels (9 single-family detached residences, one tot lot, and one lot for a synagogue. A number of bulk variances are requested for the residential lots, including minimum lot area, lot width, and setbacks. The minimum lot area in the R-10 Residential Zone is 10,000 square feet. The "implied" maximum density in the R-10 Zone is 4.36 units per acre, based on 43,560 square feet divided by 10,000 square feet minimum per lot. The subject tract is 81,827 square feet (1.87 acres) in area. One of the proposed lots, Lot 45.09, is proposed for a synagogue use. Lot 45.09 is 29,945 square feet in area. For purposes of density, the area of the synagogue lot should be removed from the total tract area. The residential portion of the lot is 51,882 square feet (or 1.19 acres). The permitted number of dwelling units per gross acre of land to be developed for residences is 5.2 units. The applicant proposes a total of nine (9) new dwelling units or a density of 7.6 units per acre (9 units 1.19 acres). Therefore, the permitted density is exceeded and a (d) density variance is required. Based on the above, I consulted with John Jackson, the Board Attorney, and he agreed with my determination that a density variance is required. As you know, the Planning Board does not have jurisdiction for a density variance for major subdivisions. I have advised Mr. Brian Flannery of the above determination. It is my understanding that Mr. Flannery or a representative of the applicant will correspond with your office to withdraw the application and re-submit the entire application (both SD-1618 and SP-1881) to the Zoning Board. We should note that this determination has no bearing on the zoning status site plan application for the synagogue (SP-1881), since the synagogue is a permitted use in the R-10 Zone.

We would recommend that the Planning Board carry the application until such time that the applicant withdraws the application in writing. If the application is not withdrawn, the Planning Board should take formal action to indicate that it does not have jurisdiction to entertain the application.

Mr. Klein Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery stated that may seem familiar to the board, 2 years ago on this same block there was a subdivision granted and at that time the same issue of the density and a calculated density was granted for the property. The R-10 zone also allows duplexes and their argument at that time was just as compelling and he has copies of the tax maps that show the lots as well as the resolution of approval granted by this board in July 2005. He is hoping that presented with the same argument in the same fashion. They would rather be here, the town's planners are here and the board has a good grasp on what is going on. Basically the argument at that time was if you compute a density based on duplexes which are allowed you would compute a density of 7.26 dwelling units per acre and the subject property is 1.87 acres and Mr. Truscott indicated that you take the area of the synagogue out and again they are in an area that is not black and white and it is his testimony that they house of worship is inherently beneficial use and ancillary to the units and the board could look on this as this density of the entire project as presented is the 1.87 acres and as Mr. Truscott indicates in his letter, that comes to 4.8 units per acre which is less than 7.26 dwellings per acre that would be permitted by right on this property what will be in a duplex development. That was the logic that was presented in 2005 and he hopes the same logic prevails.

Mr. Jackson tried to simplify things and asked him if what he is saying is because duplexes are allowed that effectively raises the density that can be extrapolated and Mr. Flannery said yes, duplexes were allowed on a 12,000 sf lot so the $43,560 \div 12,000 = 3.63$ units per each of those lots for a density of 7.26. If the ordinance had a density stated, then we would not have this discussion; there is no density stated we need to compute a density and the density computed for single family they fall shy of, the density computed on the maximum density you can get on the site and if you look at the alternatives they could put 7.26 dwelling units per acre on this site, we are choosing an application that only puts 4.8 units per acre and additionally they are providing an inherently beneficial use.

Mr. Jackson said there are sections of the UDO that call out density and Mr. Flannery said there is not in a residential zone. Mr. Slachetka asked Mr. Flannery when he computed the numbers on these densities you are still keeping the parcel with the synagogue in the tract area and Mr. Flannery said yes. Mr. Slachetka said that is a critical issue because that parcel is being subdivided out so they are looking at it from a standpoint of what is the remainder of area of actual residential tract of the property, not a synagogue because that is a separate tract. Mr. Jackson expanded on that and said the issue is it is like clustering; you take out an inherently beneficial use and that should be counted towards the remainder of the area. That is generally restricted to the times when it is used for woodlands or open space. This isn't the case. Can the synagogue be used in the same way as open space? It is a novel way of looking at it. Also he wants to look into the issue of duplexes raising the extrapolated density. It is ultimately the board's determination to make a question a fact of law.

Mr. Akerman agreed with Mr. Flannery's argument about density issue regarding the duplexes and agree that we should allow a higher density because the duplexes are allowed. However, he still doesn't see how the synagogue lot, unless the synagogue lot is part of the development, he doesn't see how you can get around that issue. You are still

are at 7.6 which is over the 7.6 duplexes would allow. What would happen if it gets someone sells the synagogue down the road and build more houses there, nothing is stopping them because it is a separate lot.

Mr. Klein stated all of the purchasers of the existing units as well as the number of people interested in the proposed units are all part of a community that would use that synagogue so this is a little development and the synagogue is very specific to this neighborhood.

Mr. Jackson told the board what they have to be careful with that line of thought because in reality that is the way it might turn out but you have housing issues also and those houses are for the general public, it might not be people who use the synagogue, although it probably will be and as planners he doesn't think they can consider that way when it is separate lots and ownerships and it is open housing.

Mr. Banas said Mr. Akerman stated that also and said the synagogue could be sold, then they would be left with something not in line with any of the density thinking. Mr. Slachetka also pointed out that the duplexes requires a minimum of 10,000 sf lots which you don't have here, so Mr. Jackson said they could not extrapolate the density based on duplexes. Mr. Flannery said the theory is you can look at the whole tract and say they have different development options; one option is with duplexes on 12,000 sf lots and we could exceed the density that they could get here. Mr. Slachetka said duplexes are required to be on 12,000 sf lots so the ordinance already anticipates a larger lot area for duplexes and in the use standard there is actually is a specific minimum lot area specified so it is permitted but it is permitted only on lots that are 12,000 sf or more. So he thinks that extrapolated density based on the duplexes has a problem twofold: 1) because of the minimum that is specified and 2) because it is specified in the use standard component in the zone. Mr. Flannery is creative but those are the problems.

Mr. Fink also had a question about the unit that is on the property that is being proposed for the synagogue, isn't that unit being used as a synagogue right now and Mr. Flannery said that lot is vacant right now. The synagogue bought that lot and it is the major part of the developer. This is a synagogue that said they wanted to provide beneficial use and based on the prior approval they thought it would work.

Mr. Schmuckler asked if the street and the synagogue would be owned by a homeowners association and Mr. Flannery said the road and the parking is part of the synagogue lot and Mr. Schmuckler asked who would be maintaining the road and the applicant is indicating it would be a combined effort. Mr. Schmuckler said Mr. Akerman's problem, as well as the boards' is that they can cut up this lot and do whatever they want with it and Mr. Flannery said it is usually in the homeowner's documents and they would put it in the documents here that the homeowner's association would own that lot so that would solve the problem. Mr. Banas said the document he presented to the board was similar to this application and Mr. Flannery said the application was in the same block and had the same density. Mr. Slachetka also wanted to give the board further direction with regard to the provision of the ordinance that talks about the density in this district. Someone equated this synagogue to a public use, comparable to another public use like recreation or open space that is available to the general public but there are actually specific requirements and standards for the reduction in lot areas when a percentage of the tract is provided for

recreation or open space and it is set forth in the R10 district Section 18-908 of the ordinance which sets forth the standards. In D-8 of that section there is a table or chart that specifies the maximum residential densities for each of the residential districts. For the R10 it specifies the maximum residential density of 3.7 units per acre which actually less the "implied" density that Mr. Truscott had cited so if you used Mr. Flannery's argument your reference is really to that section which provides you with a standard whether or not the residential density is being exceeded and clearly in either one of those two scenarios it is based on these standards Section 18-908D8 that exceeds the permitted residential density in the R10 district. Mr. Flannery said if section 908 was a section that was added by the Township Committee at some point when they did the ordinance update in 2005 he may agree with Mr. Slachetka that someone was looking at that consciously and saying that is the kind of reduction they want. That is a provision that has been in Lakewood before he came into Lakewood probably in the early 70's. This isn't for a recreational purpose but an inherently beneficial use and they are different and he would respectfully request the board look favorably on the interpretation,

Mr. Banas asked if he had approached the zoning officer for an interpretation. Mr. Flannery said that was a very good idea. Mr. Banas said they are presenting a case and our professionals are presenting something entirely different, they are presenting arguments that would negate the applicant's thinking. Mr. Flannery hoped when this board looked at this application and see it made so much sense that they would be compelled to go with the applicant's decision. Mr. Flannery thinks the chairman has made a good suggestion to go to the zoning officer and get an opinion. He would like the application to be placed on the next Plan Review meeting of March 4th. Mr. Banas suggested that when you have this meeting with Mr. Mack you involve our professionals as well because they are really up to the ordinances as it relates to this. Mr. Jackson said Mr. Mack may make a determination but ultimately the board had to make a decision and they can say there is still a density issue and send it back.

Mr. Neiman asked if this was like a townhouse application and Mr. Flannery said no there are zero lot lines more comparable with the Pine River project that was granted by the Zoning Board. These are not attached structures.

Mr. Flannery will approach Mr. Mack with the application along with the planning professionals

Motion was made by Mr. Herzl, seconded by Mr. Neiman, to carry this application to March 4 2008 in order for a determination on density without further notice.

Mr. Kiert asked if they come back it is strictly for jurisdictional because they have no reports from the professionals and Mr. Banas said yes.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Velnich: yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

6. SP # 1881 (VARIANCE REQUESTED)
APPLICANT: PGD DEVELOPERS LLC
Location: Pine Street, west of Warren Avenue
Block 768 Lot 45.09
Preliminary & Final Site Plan for proposed synagogue

Tabled to March 4, 2008 with the above application.

7. SD # 1619 (VARIANCE REQUESTED)
APPLICANT: MOSHE MENDLOWITZ
Location: Hope Chapel Road, Country Club Drive, Sherie Court
Block 26 Lots 6, 13 & 26
Minor Subdivision to re-configure three lots

Tabled to March 4, 2008

8. SD # 1620 (VARIANCE REQUESTED)
APPLICANT: NEAL & MARILYN GITTLEMAN
Location: northwest corner of Autumn Road & Magnolia Drive
Block 20 Lots 8 & 11
Minor Subdivision to create 3 lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide Lots 8 and 11 of Block 20 into three (3) new Lots, Lots 8.01, 11.01, and 11.02. Existing dwellings are located on new Lots 11.01 and 8.01, and will remain. The property has frontages along Iris Road, Magnolia Drive, and Autumn Road, and is located within the R-12 Zoning district. No construction is proposed under this application. The applicant is requesting the following variance: Minimum front yard setback for Lots 8.01 and 11.01; 30 ft are required, where 29.6 ft is provided to Magnolia Drive and 29.8 ft is provided to Autumn Road for Lot 8.01; and 29.1 ft is provided to Iris Road for Lot 11.01. Minimum side yard setback for an accessory building; 10 ft is required, where 3.3 ft is provided, on Lot 8.01. All the above variances are existing conditions. In addition the proposed subdivision will create the following new variances. Minimum rear yard setback for Lot 8.01; 20 ft is required, where 18.1 ft is provided. Minimum rear yard setback for the garage on Lot 8.01; 10 ft is required, where 8.4 ft is provided. Outside agency approval from the Ocean County Planning Board is required. Evidence of the approval shall be provided prior to signature of the subdivision plan. The applicant shall revise the zoning schedule to separate required and proposed accessory building setbacks from the setbacks for primary dwellings. The applicant shall revise the zoning schedule to show that Lots 11.01 and 8.01 have two (2) frontages. The proposed dwellings will be served by public water and sewer line. In accordance with NJ RSIS standard, three (3) off-street parking spaces are required for a dwelling with an un-known numbers of bedrooms. With a combination of driveway and garage, Lots 8.01 and 11.01, each can accommodate more than three (3)

cars. Showing three (3) required off-street parking spaces in the zoning schedule is not sufficient for new Lot 11.02. A note shall be added to the plan stating that a minimum of three (3) off street parking spaces will be provided when any residential dwelling is proposed on Lot 11.02. Concrete curb exists along Iris Road, Magnolia Drive, and Autumn Road at the property frontages. Sidewalks exist along Autumn Road and a section of Magnolia Drive at frontage of Lot 8.01. The applicant shall provide sidewalk along the remaining portions of Magnolia Drive and Iris Road at the property frontages. In addition, a detail of proposed sidewalk and concrete driveway apron shall be added to the plan. The applicant shall call out and clarify on the plan the limits of the existing and proposed driveways on Lots 8.01 and 11.01. The applicant shows what appears to be a proposed driveway layout for Lot 8.01. There is a narrow section on the driveway at the southern west corner of the dwelling. The applicant shall revise the driveway to provide adequate width, so cars can have access to the existing garage at end of the driveway. A north arrow shall be added to the Location Map. The applicant shows on the plan what appears to be a proposed Lot line which bisects Lot 11.01. The applicant shall remove the line or explain the meaning of this line. The applicant shall provide testimony on the ownership of the existing in-ground pool, concrete patio, and walkway on what was old Lot 8 and now is part of Lot 11.02. The applicant shall clarify if these structures are to remain or will be removed. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated January 31, 2008. The applicant is seeking Minor Subdivision and variance approvals to consolidate the two subject lots and create three residential lots. The property is located on the north side of Magnolia Drive between Iris and Autumn Roads. The subject tract contains two single-family residences and accessory structures and improvements. The tract is 37,500 square feet in area. The residential structures will remain; however, an in-ground pool and patio areas will be removed. Zoning and Variances. The subject property is located in the R-12 Residential Zone. Single-family residences are a permitted use in the R-12 Zone. There are a number of pre-existing non-conforming setbacks of principal and accessory structures. These pre-existing conditions are not exacerbated by the proposed subdivision and should be acknowledged in any action of the Board. They are as follows: Front Yard setback: a minimum of 30 feet is required and 29.1 feet existing for new Lot 11.01 (Iris Road frontage); 29.6 feet (Magnolia Drive) and 29.8 feet (Autumn Rd) on new Lot 8.01. Accessory building (garage) setback - side: 10 feet required and 3.3 feet existing. The proposed subdivision will create a variance for the rear setback of the existing garage on new Lot 8.01 - a minimum of 10 feet required and 8.4 feet proposed. The positive and negative criteria should be addressed for the requested variance. Review Comments. The subdivision plat should be revised to clearly indicate the limits of the improvements to be removed. The bulk zoning chart should be revised to identify the accessory building requirements and variances. There is no sidewalk on Iris Road frontage and none along the majority of the Magnolia Drive frontage. The Planning Board should decide if sidewalk should be required. Street trees are proposed along all three street frontages as well as a shade tree and utility easement. Off-street parking for three vehicles is proposed for each lot. The applicant should provide information as to the number of bedrooms in each of the existing dwellings. A note should be provided on the plat requiring compliance with the off-street parking standards of the NJRSIS. The remaining comments are technical in nature.

Mr. Mandel Esq. appeared on behalf of the applicant. He said the pool is owned by the Gittlemans. These are 2 large corner lots and what they would like to do is leave the pool the way it is, the middle lot is going to be owned by a related entity and they would like to have as a condition of improvements for the middle lot the pool will have to come out prior to getting permits. They would rather approve the subdivision now and leave the pool. He also stated there are hardly any sidewalks in this area and it has a nice feel to it. Mr. Banas said there too many people walking in the street and it becomes a safety problem so the board has taken a firm stance that all applications required sidewalks and curbs. Mr. Mandel asked that it also be a condition of building permits. Mr. Banas asked if there were sidewalks on Iris Road and Mr. Mandel said no and Mr. Banas said that the middle lot should not be the determination to what the sidewalks could go in. The board will ask for sidewalks along the entire frontage.

Mr. Peters made a comment about the sidewalks and said there was an issue with similar projects where there is an existing house on one property and then building a new one on the created lot where the Township has no leverage to force the homeowner to put in the sidewalk the board requires, so he would like to make the condition that a bond be posted for that sidewalk before the signature of the Minor Subdivision. Mr. Peters stated he believed there was a 10 ft. sideyard setback for pools and if it were to remain after the lots were created, a variance may be requested. Mr. Jackson agreed a variance was needed and the board would have to grant that. Mr. Peters will review the ordinance on pools and setbacks for the exact number.

Motion was made by Mr. Neiman, seconded by Mr. Fink to advance this application to March 18, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

6. PUBLIC PORTION

Pat Forse, 1508 Long Beach Avenue and a resident of Lakewood for 35 years. She is here for her neighbors and herself and said the proposal evening which was SP 1884 is a fate comple. The trailers are already on the property and have been since November. The round circular driveway also in place and she believes a larger septic tank has also been put into place and the landscape altered. She finds this very disrespectful to the board and the residents of the community who abide by ordinances. To add insult to injury, when she called the zoning board office she was told in November that, well, they are there already and by the time all paperwork goes through for them to be removed, they would be approved already. She finds that insulting, rules are not made to be broken and it was very convenient for the applicant to have that happen. She knows that the rest of her concerns cannot be met now but on March 18th there will be some other concerns and she hopes they will have an open mind and will listen to her.

Raymond Forse, 1508 Long Beach Avenue said he is not certain he can say the things he wants to say. He listened to Mr. Slachetka and Mr. Peters and their reports and a lot of things they covered in their reports that he wanted to say but there are a few things he

wants to make about the plan (SP1884). He said in the ordinance (Section 10-906) there are bulk requirements in that zone (R20), one of which is the minimum lot width of 100ft. According to the plan dimensions, the minimum lot width is not met, the radial width is listed as 94.67 ft. Mr. Jackson interrupted and told him that this will not be part of that application, these comments, and if he wants these arguments to be considered he will have to make them at the public meeting, otherwise it is not part of the record for that application. Mr. Banas said schools are permitted in any zone. Mr. Forse said Section 18 906.82 states the required buffer for residential use is 20 ft. The applicant states the minimum setback for the existing building is 12.1 ft. with an aggregate of 29.5ft. and stated the residence will be converted to a school. The buffer requirements are not being met on both sides of the existing residence. Parking is not permitted in the buffer zone and it appears these spaces are within the buffer zone. Mr. Banas stated he asked Mr. Flannery before he left if he agreed with the items in the report fro the professionals and he stated he did and he would revise the plans by the 21st of February. Mr. Forse said he knew that but not every point that he is making now was addressed by T&M Assoc. Mr. Banas said this would not be part of the application and he has done enough work to make an arguments for a presentation on the 18th and rather than do it at this point where is doesn't have any bearing. Mr. Forse suggested that since the trailers are already on the property, how about removing them until the 18th? Mr. Banas said there is an ordinance within our UDO that indicates the zoning officer can provide a permit for temporary approval. Mr. Forse asked if he could have a copy because if they didn't have one, it would be illegal. Mr. Banas said he would have to go to his office and Mr. Forse said he hasn't been able to get one so far, it doesn't appear to exist. Mr. Banas said he and only he has that right. Mr. Forse said he appreciated it.

Mr. Jackson is concerned with this kind of comment at the public portion. You have the public portion where the people can speak out but at the same time you have an applicant that is not here nor is his professional. He doesn't think there should be a dialogue.

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

7. CORRESPONDENCE

There was correspondence and Mr. Banas wanted to thank Mr. Jackson for representing the board in court.

There is also a letter from Stan and he is happy to see all the members present.

8. APPROVAL OF MINUTES

- None at this time

9. APPROVAL OF BILLS

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary