

**LAKWOOD PLANNING BOARD
MINUTES
FEBRUARY 7, 2006 • 6:00**

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 Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

I. ROLL CALL: Mr. Herzl, Mr. Franklin, Mr. Miller (arrived late), Mr. Banas, Mr. Dolobowsky, Mr. Ackerman (arrived late), Mr. Klein (arrived late), and Mr. Percal.

Also present were Attorney John Jackson, Engineer Jeffrey Widacur and Planner Stan Slachetka.

II. SWEARING IN OF PROFESSIONALS

Stan Slachetka and Mr. Widacur were sworn in.

III. WAIVER REQUESTS

1. SD #1523

Applicant: Sylvia Manheim

Location: Albert Avenue, between Towers Street & Bellinger Street
Block 801 Lots 4 & 6

Minor subdivision to realign two existing lots

Waiver request from checklist item

B-1 - topography of the site

B-5 - flood plains, wetlands, etc.

B-7 - wooded areas

Mr. Banas asked that Mr. Jackson be sworn in. Mr. Jackson stated he was not considered a professional. The reason for the rule is because the engineer and planner might give factual testimony. It is distinguished from advice. Attorneys do not get sworn and he did not think it was appropriate to put the attorney under oath.

Mr. Ackerman arrived at the meeting.

Mr. Widacur recommended granting the requested waivers on B-5 and not B-1 or B-7.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the requested waiver for item B-5 was granted, but B-1 and B-7 were not granted.

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

IV. PLAN REVIEW ITEMS

1. **SD #1508** (Variance requested)
Applicant: Yehuda Kirschenbaum
Location: Pasadena Street, east of Red Oak Drive
Block 187.13 LOT 15
Minor subdivision to create 2 lots

Ms. Weinstein asked that this be heard later in the meeting.

2. **SP #1600 A** (Variance requested)
Applicant: Bryan & Etty Terebelo
Location: Second Street, west of Clifton Avenue
Block 90 Lot 16
Preliminary and final site plan - proposed addition to existing office/retail building

Mr. Widacur stated the applicant is seeking to construct an addition to an existing office building. The proposed two-story addition will be a combination of store front and offices. The property is known as Block 90 Lot 16 on Second Street in the B-2 zoning district. A variance will be required for the rear-yard setback. A setback of 3 feet is an existing condition where 10 feet is required. Ocean County Planning Board approval will be required. The board should determine if a shade tree easement will be required. There are some comments regarding the site plan and drainage report. The site plan shows an existing handicap ramp being removed to allow for construction of the addition. Finished floor elevations have not been given, making it impossible to determine if the building is handicap accessible. There is no apparent method for handicap access to the second floor. None of the restrooms appear to be handicap accessible. The applicant shall provide testimony as to building use and solutions for required accessibility.

Mr. Slachetka stated the applicant should address the positive and negative criteria for the requested variance. The two story addition is proposed on the south and west sides of the building. The addition includes a basement, which is noted for storage only. Architectural plans have been submitted for board review. The architectural drawings indicate that the new siding will match the existing building in color and profile. The site plan should be revised to show walkways between the sidewalk and the building entrances. Construction details for the proposed full-face concrete curb should be provided on the site plan. No parking is proposed and none is required per

Section 807.B.9 of the UDO. The existing landscaping in the southeast corner of the site should remain and be noted as such on the plans.

Jerome Gertner, Esq., appearing on behalf of the applicant.

Ray Carpenter, P.E., stated he reviewed the professionals' reports and all the requested information would be provided. He concurred with all the items with the exception of the drainage because he had no ultimate plan. The plans would be revised accordingly.

Mr. Gertner stated initially the housing was a boarding house. The first floor would be commercial and the second floor would be their offices. This was before the board about three years ago. They would be able to continue to work with the board.

Mr. Banas asked if any repairs had to be repaired Mr. Gertner stated they were not notified of anything at the present time. If they had to after construction, they would do so. Mr. Carpenter stated it would be done at the recommendation of the board's engineer.

On motion by Mr. Herzl and seconded by Mr. Ackerman, the application would have public hearing on February 21, 2006.

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

Mr. Jackson stated that the application would have public hearing on February 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

- 3. SD #1506** (Variance requested)
Applicant: Yehuda Ehman
Location: Lanes Mill Road-opposite Cindy Court
Block 189.16 Lot 50
Minor subdivision to create two lots

Mr. Widacur stated the applicant is seeking a minor subdivision of block 189.16 lot 50. Two new lots will be created. An existing two story frame dwelling is to be removed from lot 50.01. An existing barn will be removed from proposed lot 50.02. No new structures are proposed. The site is located on Lanes Mill Road in the R-20 zone. A variance will be required for lot width. Lot 50.02 proposes 99.16 feet where 100 feet is required. Ocean County Planning Board approval will be required. The applicant has provided a six foot wide shade tree easement fronting both new lots to be dedicated to the Township. The plan shows two Cindy Courts. The western Cindy Court appears to be Cedarwood Drive. This should be revised. The board should determine if curb and sidewalk should be installed along the property frontage. An existing oil tank is labeled on the plans. Oil tanks shall be removed in accordance with all local and state regulations. Two structures are proposed to be removed. Removal should be completed prior to final subdivision or a bond shall be posted to insure prompt removal after final subdivisional approval. The balance of the comments are technical in nature regarding the Map Filing Law.

Mr. Slachetka stated the applicant should address the positive and negative criteria for the requested variance. Compliance with the off-street parking requirements of the RSIS is required. The location of the driveway to each dwelling should be delineated on the plat and reviewed by the board and its professionals. The driveways should be appropriately situated due to the lot's location at the intersection. No sidewalk is shown on the plat. Sidewalk should be provided along the site frontage. Compliance with the map filing law is required. The existing structures which are proposed to be razed should be removed prior to submission of the map for signature or a performance bond posted with the Township. Four shade trees are required along the Lanes Mill Road frontage. The balance of the comments were technical in nature.

David Klein, Esq., appearing on behalf of the applicant.

Charles Boyle, P.E., stated he reviewed the reports. The sidewalks would be provided. At this time, they do not have house plans done for both lots. Typically there would be certain requirements from the county regarding turn arounds which they would comply fully. They did not know where the driveway would be specifically. If the board or professionals have recommendations, they would review them.

Mr. Dolobowsky asked if the professionals could meet to go over the driveways. The professionals would meet to review the same.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the application would have public hearing on February 21, 2006.

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

Mr. Jackson stated that the application would have public hearing on February 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

- 4. SP #1825** (Variance requested)
Applicant: 216 River Avenue Assoc.
Location: Route 9 (River Avenue) north of Manetta Place
Block 413 Lots 3, 4 and 6

Preliminary and final site plan for proposed addition to existing office building

Mr. Widacur stated the applicant is seeking preliminary and final site plan approval to construct a second story addition on an existing office building. A grassed area in the rear of the property will be paved to provide additional parking spaces. The property is known as block 413 lots 3, 4 and 6. The property is located on River Avenue in the HD-6 zone. A driveway on lot 6 provides through traffic from River Avenue to Manetta Place. It appears that variances will be required for front setback where 39.6 feet is existing and 150 feet is required and side setback where 10.8 feet/63.8 feet is existing and 15 feet/35 feet is required. The variances are existing conditions. The applicant has provided a six foot wide shade tree easement along River Avenue to be dedicated

to the Township. The board should determine if a shade tree easement will be required along lot 6 fronting Manetta Place. The architectural plans indicate a floor area of approximately 7,540 square feet requiring 25 parking spaces. The applicant has provided the required number of parking spaces. The applicant shall review the zoning table to indicate the required number of parking spaces equals 25, not 23. The applicant shall provide the location and details of any proposed signage. The plan shows an existing inlet at the rear of the property. It is unclear what function this serves in the existing and proposed condition. The applicant's engineer shall provide testimony as to the condition of the inlet and its discharge location. The property owner lists does not list the owner of adjoining lot 2. Please review. The property owner list indicates someone other than the applicant owns lot 6. The applicant shall address this issue. The balance of the comments were technical in nature.

Mr. Slachetka stated the applicant should address the positive and negative criteria of the variances. The current site contains 16 parking spaces. Twenty five spaces are proposed. The number of parking spaces complies with the UDO based on 7,540 square feet of floor area. The zoning table on the site plan should be corrected to show that 25 spaces are required. Architectural floor plans and elevations have been submitted for board review. The applicant must indicate where any proposed HVAC equipment will be located. The existing conditions map shows four A/C units on the side of the building. If HVAC equipment is to be located on the roofs of the proposed buildings, architectural drawings with sufficient detail must be submitted. Details of landscape plantings should be provided on the site plan. Small shrubs should be provided on the east side of the driveway to Manetta Drive. The existing chain link fence on the southern property line should be replaced with a board on board or similar fence and extended around the existing residential lot to screen the new parking area. The site plan should be revised to indicate the proposed rear setback of 47 feet. Rather than the two proposed pavement striping areas, we recommend landscaped and curbed islands. The board may want to consider a reduction in the size of the circulation aisle north of the office building and/or no parking striping and directional signage indicating a one way driving pattern in this area. The applicant should be revised to indicate the correct lot area of 0.63 acres. The balance of the comments were technical in nature.

Ray Shea, Esq., appearing on behalf of the applicant. They reviewed the reports and there was nothing in the reports that had to be addressed tonight.

Mr. Dolobowsky stated the board was instructed by the Committee because of communications from the State of New Jersey not to approve construction within the first 100 or 150 feet of Route 9 so when there is future expansion, the state could come in and take the land. He understood it was an existing condition. Mr. Jackson stated he would be concerned and cautious. He felt it was inappropriate for the governing body to direct the planning board how to carry out its duty. He felt it was inappropriate for the DOT to advise the planning board how to do its job. Whenever the governing body sets an ordinance, it tells you what to do. The ordinance telling you what to do should be the beginning and the end. The role and duty of the planning board is to consider the circumstances, consider the goals and objectives of the community, apply the law and consider if the applicant has met their case and bur-

den, and if the circumstances are appropriate to give the relief from what the rules are. He felt it was inappropriate for the board to listen to the DOT or the town. He felt it was appropriate for them to consider what the governing body sets as a standard is the norm and they have to have good reason to stray from what the requirements are. If they meet the requirements under the law, you grant the variance and if they do not, you do not give them the variance. That is the approach that you have to take.

Mr. Banas asked how many spaces were required and how many were being provided. Mr. Shea replied 25 were required and they were requiring 25 spaces. Mr. Banas asked about item #14 on Mr. Peters report. Mr. Carpenter stated it was a typo, but it was clearly shown. He could show them the list they received from the town. The applicant is the owner of lot 6. Mr. Banas asked about item #15. The applicant stated the DEP violation is not on the lot that is for this application. It was on lot 10. He spoke with DEP and is working to resolve the issue. Mr. Shea stated it was an off-site condition.

Mr. Ackerman questioned the flow of traffic. Mr. Carpenter explained the same indicating it would be made clear on the plans.

On motion by Mr. Ackerman and seconded by Mr. Herzl, the application would have public hearing on February 21, 2006.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, no; Mr. Banas, no; Mr. Dolobowsky, no; Mr. Ackerman, yes; and Mr. Percal, abstain.

The application was not advanced.

Mr. Banas stated the application did not provide the necessary footage in accordance with the ordinance for the zone. Mr. Shea felt that they had to spend some time on the issue that divided them. He never saw the board not move an application forward. He needed to know what would move the application forward. Mr. Kielt stated he has had input from the Ocean County Engineering Department. They were told that they were not following the master plan. If they do not start somewhere there is going to be a problem when they go to widen Route 9. He thought that was one of the concerns. Mr. Shea stated he has been a part of those discussions for a number of years. He thought it would apply to new buildings, but this was an existing building and the addition did not make it closer to Route 9 and everything the applicant is doing is consistent with the ordinance. He meets the law. Mr. Jackson stated that whenever an application comes before the board if you are seeking to modify the site in anyway one of the things that goes on the table is perhaps the removal of the existing structure to make that portion conform. That is whenever you have an existing non-conformity that comes before the board, you have to renew that variance. He did not think it would be inappropriate for the board to reject the application on the basis that a portion of it does have an existing non-conformity. However, I would caution the board that procedurally he thought the issue was that on a plan review issue, the issue is whether the application is complete and whether it can go to the actual meeting. He did not know if this was an appropriate time to deny the application essentially unless the plan is incomplete or you need additional information or want further reports.

Mr. Banas stated that the application does not conform to the HD-6 or HD-7 zoning requirements. To build a second floor to the existing structure increases the entire project. To put something that is going to go and make it more difficult would be negative in his thinking. Mr. Shea stated that if the applicant was seeking a variance to add the addition, he could say they had a sound argument to present. To comply with the HD-7 zone they would have to tear the entire building down and there would be nothing left of the lot. If the application is denied, he has legal rights in the court of law to use. Mr. Franklin stated they did not want to add to the problem. Mr. Shea stated they were not taking the building closer. Mr. Kielt suggested to table the application and get opinions from the Township Engineer, County Engineer and the previous Mayor. He thought it made sense to do that because the board had concerns. Mr. Shea requested that the board advance the application to a public hearing. He did not feel getting the opinions was in his clients best interest. Mr. Kielt stated the board had to May 13th to hear the case. Mr. Jackson stated that it was belittling to listen to politicians. He did not think there was anything wrong in tabling the application to seek consultation from the Township Engineer. Mr. Banas stated they already denied advancing it to the next meeting. He suggested that Mr. Shea do some work to see what could be done. He could not see it passing because of the zone. Mr. Shea stated the building is where it is. They would not tear the building down. He asked that the application be moved to the next technical meeting. Mr. Banas did not see anything wrong with that. Mr. Kielt noted that it would be March 7, 2006 and there would be no further notice.

Mr. Jackson stated that the application was advanced to the technical meeting of March 7, 2006 at 6:00 p.m. Mr. Banas felt that the application had to be renoticed because they denied the application.

Mr. Dolobowsky asked if it was appropriate to make a motion to advance the application to the meeting of March 7, 2006 since the board denied carrying it to the public hearing.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the application was tabled until March 7, 2006.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; Mr. Klein, not voting; and Mr. Percal, yes.

Mr. Jackson stated that the application was carried to the technical meeting of March 7, 2006 at 6:00 p.m. No further notice was required of the applicant.

- 1. SD #1508** (Variance requested)
Applicant: Yehuda Kirschenbaum
Location: Pasadena Street, east of Red Oak Drive
Block 187.13 LOT 15
Minor subdivision to create 2 lots

Mr. Widacur stated the applicant is seeking a minor subdivision of block 187.13 lot 15. Two new lots are proposed. An existing two story frame dwelling will remain on

proposed lot 15.01. Proposed lot 15.02 is a flat lot with a proposed structure. The site is located on Pasadena Street in the R-15 zoning district. Variances will be required for lot area of lot 15.01 where 15,000 square feet is required and 13,585 square feet is proposed and for lot 15.02 where 15,000 square feet is required and 13,572 square feet is proposed. Ocean County Planning Board approval will be required. The applicant has provided a six foot wide shade tree easement fronting Pasadena Street to be dedicated to the Township. The plan shows an oil fill cap behind the existing structure. The applicant shall provide testimony as to the purpose of the cap and how maintenance access will be provided. We recommend the 20 foot wide access area be owned in fee as part of proposed lot 15.02. The applicant has shown utility connections for proposed lot 15.02. The municipal connections shown will require pavement reconstruction. Details for utility trench and pavement restoration shall be added to the plan. A bond shall be posted for the proposed work. The balance of the comments were technical in nature dealing with the Map Filing Law.

Mr. Slachetka stated a variance is required for lot 15.02 which does not have frontage on a municipal road. The applicant should address the positive and negative criteria for the requested variances. Three shade trees are proposed along the Pasadena Street frontage. In accordance with section 805.G.6 of the UDO, the applicant shall demonstrate a need, consistent with good planning principles, for the creation of the flag lot and provide the reasons for using a flag lot concept in contrast to a standard subdivision. In evaluating this, the board should consider the fact that both proposed lots would be undersized and, pursuant to section 805.G.2 the flag portion of the flag lot must meet the minimum lot area of the district. If the application is granted, the pole of the lot should be part of new lot 15.02. Compliance with the Map Filing Law is required. Compliance with the off-street parking requirements of the RSIS must be addressed. A total of three off-street parking spaces are proposed for each of the proposed dwellings. The applicant should confirm that three spaces are provided for each lot. The balance of the comments were technical in nature.

Miriam Weinstein, Esq., appearing on behalf of the applicant. She stated a plan was presented at the last technical meeting. Based on the feedback received, the applicant went back and came up with a far superior application. It requires fewer variances. The only variance really being for lot size. They were deviating by less than ten percent. The other variance is statutory based on the definition of a flag lot.

Ray Carpenter, P.E., stated he reviewed both reports and has no problems with meeting the conditions of both letters.

Mr. Banas asked how item 2 of the planner's report. Mr. Carpenter stated the board has approved minor subdivisions with deminious variances for lot area as long as there was a building envelope of reasonable size which they have provided on the plans. They feel that the lots are smaller than what is required but there is adequate building area on the property. They do not exceed the lot coverage requirements nor do they have a small building envelope. Mr. Banas asked if the property was less than the minimum lot area otherwise required in the zone. Mr. Carpenter stated that is the variance they were asking for. Mr. Banas indicated that the flag lot shall not contain less than the minimum lot area otherwise required in the zone exclusive of the

area contained in the access strip or flag lot. Mr. Carpenter stated that is the variance they were asking for. Mr. Slachetka asked how much difference there was. Mr. Carpenter stated it was less than 1,500. It was less than ten percent. The land use act indicates that ten percent is de minimis. Mr. Dolobowsky stated that the flag pole is not part of the new lot. It is just an easement.

Mr. Dolobowsky stated the drawing is showing a proposed dwelling where the rear deck and the front steps both go into the setback and if it was allowed. Mr. Carpenter stated the steps were allowed in it but the deck would have to be trimmed back. Mr. Dolobowsky stated they did ask them to look into alternate options which they have done. He asked if they met with the neighbors. Ms. Weinstein stated they met with the neighbors at the last meeting but have not again done so.

Mr. Banas asked about sidewalks. Mr. Carpenter stated there was existing sidewalks.

On motion by Mr. Klein and seconded by Mr. Herzl, the application would have public hearing on February 21, 2006.

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

Mr. Jackson stated that the application would have public hearing on February 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

5. SP #1831 (No variance requested)

Applicant: County of Ocean

Location: New Hampshire Avenue, south of Oberlin Avenue South
Block 1160.06 Lot 241

Courtesy review for a new processing facility at the Northern Ocean County Recycling Center

Mr. Widacur stated the applicant is seeking to remove an existing scale house and construct in its place a commingled recycling building. The building will be approximately 26,000 square feet. The property is known as block 1160.06 lot 241 on New Hampshire Avenue in the M-1 zone. No variances are required. Ocean County Soil Erosion Conservation District certification will be required. The applicant will need to obtain approval from Lakewood MUA for any increase in water demand or sewer effluent. The applicant should provide testimony as to the use of the building and hours of operation. The applicant should provide testimony as to the type and location of any proposed lighting.

Mr. Slachetka stated the county is exempt from municipal zoning and development regulations. However, county officials may be receptive to the board's comments and feedback. The Shade Tree Commission has submitted comments.

Ernie Colwine, Director of Solid Waste Management, appearing on behalf of the County.

Joseph Koehler, P.E., gave an overview of where the building will be located and the use. It will face New Hampshire Avenue. There are existing buildings. The new building will be for receiving and separation of commingled bottles and cans. The existing building does that but it contains ancient equipment. The new building will increase the ability to process. The hours of operation will decrease because it will be processed quicker. A lot of the activity will be in the back of the building. The lighting will remain the way it is. They would review the board's recommendations regarding landscaping. The old building would be converted to process paper.

Mr. Banas asked if it was in the area of the existing parking area. Mr. Koehler stated it was in front of the one building and there was additional parking along the side. They added those spaces to the front.

Mr. Dolobowsky asked if that is where the trucks would go on the weigh station. Mr. Koehler stated yes. The scale would be relocated. He explained how the trucks would circulate with the new building.

Mr. Franklin stated this was an excellent project. It would let them use different types of trucks to pick up more and get out faster. It would be a big cost reduction for public works. The circulation into and out of the site was discussed. There would still be public drop offs and the summer would require to operate on Saturdays and some nights. With the addition, the hours may be overtime in the summer rather than the current second shift.

On motion by Mr. Franklin and seconded by Mr. Dolobowsky, the application was hereby approved.

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

- 6. SD #1513** (No variance requested)
Applicant: Yitzchok Schreiber
Location: White road, east of Cross Street
Block 251 Lot 14.02
Minor subdivision to create 2 lots

Mr. Widacur stated the applicant is seeking a minor subdivision of block 251 lot 14.02. Two new lots are proposed. Proposed lot 14.04 will retain the existing structure. Proposed lot 14.03 will have an existing barn removed. No new construction is proposed at this time. The site is located on White Street in the R-40 zone. No variances will be required. Ocean County Planning Board approval will be required. The board should determine if the applicant is to provide a six foot wide shade tree easement. The board should determine if curb and sidewalk will be required along the property frontage. A note shall be added to the plans indicating any proposed dwelling to be constructed on lot 14.05 shall provide at least 3 off street parking spaces. The balance of comments were technical in nature regarding the Map Filing Law.

Mr. Slachetka stated compliance with the Map Filing Law is required. Street trees should be provided along the street frontage. Seven street trees are required. Sidewalk should be provided along the tract frontage. Off-street parking for the new dwelling must comply with RSIS standards. The balance of the comments were minor and technical in nature.

Yitzchok Schreiber, applicant, stated the only issue he had was the curb and sidewalk on the entire block. It was a country like area. He did not think the neighbors would want the same. Mr. Banas stated the board would be unhappy without them. He asked the street name. Mr. Schreiber stated it was White Street. Mr. Dolobowsky thought it was White Road. The issue of the exact name was discussed further. The plans would be changed to reflect White Road.

Mr. Percal asked about enforcing the construction of the sidewalks. Mr. Banas stated it would have to be in the plans as to when they were constructed or a bond posted.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the application would have public hearing on February 21, 2006.

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

Mr. Jackson stated that the application would have public hearing on February 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

7. SD #1425A (No variance requested)

Applicant: Herbert Heyman

Location: corner of North Apple Street and Kennedy Boulevard East
Block 172 Lot 16

Extension of previously approved preliminary and final major subdivision

Abraham Penzer, Esq., stated that this was an extension of an approval because the County could not sign off because of a stream encroachment project. They were not looking to make any changes to the approval. In three or four months they would run out of town.

Mr. Widacur and Mr. Slachetka stated they were entitled to an extension.

Charles Boyles, P.E., stated that the final design of the road has not been completed. Therefore, they could not submit the plans.

Mr. Franklin stated he remembered this application.

Mr. Dolobowsky asked how long the extension was for. Mr. Boyles stated it was a one year extension.

On motion by Mr. Dolobowsky and seconded by Mr. Klein, the application was hereby extended for one year.

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

8. SD #1514 (No variance requested)

Applicant: Shraga Schorr

Location: Read Place, south of Albert Avenue
Block 855.02 Lot 24

Minor subdivision to create 2 lots

Mr. Widacur stated the applicant is seeking a minor subdivision of block 855.02 lot 24. Two new lots are proposed. An existing one story structure is to remain on proposed lot 24.01. The applicant proposes a two story frame dwelling on new flag lot 15.02. Both lots are to be serviced by separate well and septic systems. The site is located on Read Place in the R-20 zoning district. No variances are required. Ocean County Planning Board approval will be required. The applicant has provided a six foot wide shade tree and utility easement fronting Read Place to be dedicated to the Township. The board should determine if curb and sidewalk will be required along the property frontage. The plan meets all requirements of the Map Filing Law.

Mr. Slachetka stated the applicant is required to comply with requirements for flag lots as specified in section 805.G. of the UDO. The applicant must demonstrate the need for the flag lot arrangement, consistent with good planning principles. In this regard, the applicant should distinguish the subject lot from other lots on this block that appear to be similar in lot area, depth and frontage. In reviewing the applicant's testimony, the board may wish to consider the precedent that may be established for other lots in this area. A ten foot landscape buffer is required along the entire lot line between lots 24.01 and 24.02 as required by section 805.G.7.b. Given the proximity of the existing residence on lot 5, we recommend that an additional buffer be provided along this lot line. Sidewalks should be provided along the frontage of both lots. Testimony should be provided regarding the adequacy of the proposed septic system and proximity to existing septic facilities and dwellings on lots 5 and 6. The applicant should provide testimony addressing the status of permitting with the NJDEP and the adequacy of the proposed lot. Compliance with the off-street parking requirements of the RSIS is required. The balance of the comments are minor and technical in nature.

Shraga Schoor, Applicant.

Charles Boyles, P.E., stated the comments would be complied with fully with regard to revised plans. They would be providing curbs and sidewalks. Mr. Schoor asked about item 3 of the planner's report regarding the sidewalks along the frontage and what frontage was with regard to the rear of the lot. Mr. Slachetka stated in the right of way on Read Place. Mr. Boyles stated that an additional buffer along the lot line of 5 would be provided.

Mr. Dolobowsky stated this is probably one of the first of a lot of flag lots to be forthcoming. He stated that lot 31 is losing its privacy as is lot 27. He felt the entire project needed to be buffered. He wanted to see some type of buffering around the entire project. He felt it should be a mixed vegetative buffer. He asked that the site with the board's engineer. He asked about the septic. Mr. Boyles did not know if it would be a mound or not. He would know by the public hearing. Mr. Banas asked who close they were to the existing sewer line or water line. Mr. Boyles stated he would find out.

On motion by Mr. Herzl and seconded by Mr. Dolobowsky, the application would have public hearing on February 21, 2006.

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

Mr. Jackson stated that the application would have public hearing on February 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

- 9. SD #1515** (Variance requested)
Applicant: Gitel Eisen
Location: corner of Ocean Avenue (Route 88) and Holly Street
Block 189.02 Lots 160 and 161
Minor subdivision to create 3 lots

Mr. Widacur stated the applicant is seeking a minor subdivision of block 189.02 lots 160 and 161. Three new lots are proposed. Existing two story structures are to remain on proposed lot 160.01 and proposed lot 161.01. The applicant proposes a two story structure on proposed lot 161.02. The site is located on the corner of Ocean Avenue and Holly Street in the R-7.5 zone. A variance for front yard setback will be required. Lot 160.01 proposes 21.6 feet where 25 feet is required. This is an existing condition. Ocean County Planning Board approval and Ocean County Soil Conservation District certification will be required. The board should determine if a shade tree easement will be required along the frontages of Ocean Avenue and Holly Street. The zoning chart shall be revised to include off-street parking requirements per RSIS. We anticipate proposed lot 161.02 will require three off-street parking spaces. The proposed driveway will provide two off-street parking spaces. As no architectural plans have been provided, it is not known at this time if a garage is proposed to serve as an additional off-street parking space. The balance of the comments were minor and technical in nature.

Mr. Slachetka stated compliance with the off-street parking requirements of the RSIS is required. The number of bedrooms in each dwelling should be specified to determine the parking required. An existing concrete sidewalk is shown along the frontage of the new lots on both Holly Street and Ocean Avenue. The zoning schedule on the plat should be revised to reflect the existing front setback of new lots 160.01 and 161.01. A total of seven street trees should be provided. Public water and sewer will serve the new building lot. The balance of the comments were minor and technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. With regard to the engineer's report, the variance is existing. They can comply with everything. They will tell you the number of bedrooms and comply with RSIS for the number of bedrooms. There is nothing they cannot do. There is an existing concrete sidewalk. If it is broken, it would be repaired.

Mr. McWeeney stated there notes from Mr. Jackson indicating that there were concerns about the public notice that was done. The applicant is seeking a minor subdivision with a variance but it was captioned as a preliminary and final site plan approval for a minor subdivision and the recommendation was that Mr. Penzer renounce the application. Mr. Kielt stated that was the initial notation. We notified Mr. Penzer and conducted a conference call and determined that the notice was okay because it indicated a minor subdivision to create three lots but it had added language which indicated site plan. There was enough information to relay to the public what was being done.

Mr. Dolobowsky asked on lot 160.01 and the driveway which appears to go off. Charles Surmonte, P.E., explained the driveway. Mr. Penzer stated it would be corrected to show three parking spaces. Mr. Dolobowsky suggested that people would have to back out onto Ocean Avenue and requested they look at a turn around for the one lot.

On motion by Mr. Percal and seconded by Mr. Dolobowsky, the application would have public hearing on February 21, 2006.

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

Mr. McWeeney stated the application would have public hearing on February 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

10. SD #1516 (No variance requested)
Applicant: Benjamin Parnes
Location: Cedar Avenue, south of Lafayette Boulevard
Block 262 Lots 7 and 8
Minor subdivision to create 2 lots

Mr. Kielt noted it might be a major subdivision

Mr. Widacur stated the applicant is seeking a minor subdivision of block 262 lots 7 and 8. Two new lots are proposed. A two story structure is proposed on each of lots 8.01 and 7.01. The site is located on currently unimproved Cedar Avenue in the R-12 zone. The extension or creation of Cedar Avenue makes this application fall under the definition of a major subdivision according to the UDO. The applicant shall provide testimony as to the reasoning for asking for a minor subdivision. The street names and configuration differ from the area map to key map to site plan. First Avenue on the site plan is labeled as Cedar Avenue on the Area Map. The direction of curvature

of Lafayette Boulevard differs from area map to key map to site plan. Pine Circle Drive on the area map is not shown on the key map, but appears to take the place of a road named Leigh. Please review and revise as needed. The applicant as not submitted architectural plans. It appears that no variances will be required. Outside agency approvals are necessary. The board should determine if a shade tree easement will be required along the frontage of the two proposed lots. The plans show curbing proposed on both sides of First Avenue and Cedar Avenue. The board should determine if sidewalk will be required and to what extent. The local fire official should determine if a fire hydrant and paved turn around area will be required for this newly improved road. Construction details must be included for those improvements that are proposed within the right of way. The balance of comments are minor and technical in nature.

Mr. Slachetka stated the applicant proposes a new paved roadway from Lafayette Boulevard to the subject lots. The roadway improvements are within the rights of way of First Avenue and Cedar Avenue and would terminate in a stub at proposed lot 7.01. The proposed subdivision should be classified as a major subdivision because of the extension of off-tract roadway improvements. The applicant should be required to address all requirements of a major subdivision. A sidewalk should be installed along the proposed lots and continue to Lafayette Boulevard. The board should discuss whether sidewalks should be provided on the other side of the street. A temporary turnaround should be installed at the terminus of the road improvements to accommodate emergency vehicles. The area map should be corrected to show First Avenue, identify the triangular block 262 as 263 and show the boundary of lot 2 of block 263 and lot 10 of block 262. Construction plans and details for the proposed road improvements of First and Cedar Avenues should be submitted to the engineer for review and approval. The improvements should address pavement, drainage, curb, sidewalk, street trees, lighting, street name sign, and traffic control signage. RSIS shall be addressed. The board should discuss whether the intersection of First and Cedar Avenues should be designed and constructed as a full intersection. The balance of the comments were minor and technical in nature.

Charles Surmonte, P.E., stated the correct street names would be determined for the public hearing. Mr. Banas suggested making the entire street Cedar Avenue. Mr. Franklin felt the street should be aligned and given one name. Mr. Kielt stated they have to decide if it is a major subdivision. A major subdivision requires notice. There was no notice because it was submitted with a minor subdivision with no variance which does not require notice. Mr. McWeeney agreed. If it is classified as a major subdivision then notice was required.

The applicant had to notice the application as a major subdivision.

11. SD #1517 (Variance requested)

Applicant: Benjamin Parnes

Location: Hudson Street, west of Lexington Avenue
Block 107 Lot 8

Minor subdivision to create 2 lots

Mr. Widacur stated the applicant is seeking a minor subdivision of block 107 lot 8. Two new lots are proposed. An existing one story structure is to be relocated onto lot 8.02. A structure is proposed on lot 8.01 the site is located on Hudson Street in the R-10 zone. The applicant proposes extending the sewer main east on Hudson Street to a new manhole at the intersection of Lexington avenue, then south on Lexington Avenue to an existing manhole. Per N.J.A.C. 7:14A-22.3 a TWA permit will be required. Evidence of permit receipt shall be a condition of final subdivision approval. Variances are required for lot area for lot 8.01 where 10,000 square feet is required and 7,500 square feet is proposed, lot area for lot 8.02 where 10,000 square feet is required and 7,500 square feet is proposed; side yard for lot 8.01 where 10 feet/25 feet is required and 7.5 feet/15 feet is proposed, side yard for lot 8.02 where 10 feet/25 feet is required and 7.4 feet/15.5 feet is proposed, and lot coverage for lot 8.02 where 25% is allowed and 25.3% is proposed. Outside agency approval is required. The board should determine if a shade tree easement will be required along the frontage. Construction details must be included for those improvements that are proposed within the right of way. These may include but are not limited to utility trench and pavement restoration. The applicant must post a bond for all improvements proposed within the right of way. The applicant has proposed relocating an existing structure onto lot 8.02. The structure shall be moved prior to final subdivision approval or a bond must be posted. The plans do not show a water main location or wells. If public water is available in the project area, the applicant shall connect to the public water system. The plans shall be revised to show water service or well locations. The zoning table indicates three off-street parking spaces will be provided for each lot. The driveways shown will provide two off-street parking spaces. One additional parking space is required for each lot. Architectural plans have not been submitted and it is unknown if garages are proposed. A proposed garage would provide an additional parking space. The balance of the comments are minor and technical in nature.

Mr. Slachetka stated the applicant must address the positive and negative criteria for each of the requested variances. The consistency of the proposed lot area with that of the surrounding neighborhood should be discussed. The applicant should indicate why the proposed building cannot be constructed within the required setbacks. Compliance with the off-street parking requirements of the RSIS is required. A sidewalk is proposed along the frontage of the subject parcel. Four street trees should be installed. The balance of the comments are minor and technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. Mr. Parnes is a lifelong resident of Lakewood. He wishes to keep his kids together. The purpose of these two houses are to have two of his children live together. Mr. Rothenberg lives on lot 6. He needs the size of the house that is proposed and the neighbor does not object. They will bring sewer to the block. They can agree to all the requirements in the

reports except the TWA permit and asked that it be at the time of the building permit instead of the subdivision approval. There will be garages. They will comply with the RSIS standards. Mr. Banas asked what happens if Mr. Rothenberg sells his property. Mr. Penzer stated that his client is willing to comply and make the house 2.5 feet smaller so it would be ten feet. One side would comply with the setback of 10 feet. They would comply with everything else. Mr. Banas asked about the 25.3% coverage. Mr. Penzer stated that was lot 8.02 but he did not think it would drop off the .3%. He would show the board a number of houses in the area that are the same.

Mr. Dolobowsky felt that they had to prove the case and show the other houses that were undersized. He was concerned with the variances for the setbacks. Bringing the water and sewer to the area was a benefit to the area. He stated the aerial map shows two lots 13 and asked them to review it.

Mr. Surmonte explained the water and sewer and how it would get to the site. Mr. Penzer discussed the shade tree easement and where they would be placed.

On motion by Mr. Dolobowsky and seconded by Mr. Klein, the application would have public hearing on February 21, 2006.

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

Mr. McWeeney stated the application would have public hearing on February 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

12. SD #1520 (No variance requested)

Applicant: MTR Ventures

Location: corner of Cedar Bridge Avenue and Melville Avenue
Block 763 Lots 2 and 17

Minor subdivision to create 2 lots

Mr. Kiert stated it should be a minor subdivision for 3 lots.

Mr. Widacur stated the applicant is seeking a minor subdivision of block 763 lots 2 and 17. Three new lots are proposed. An existing 1 _ story frame structure is to be removed from lot 2. The site is located at the intersection of Cedar Bridge Avenue and Melville Avenue in the R-7.5 zone. No variances will be required. Outside agency approvals are required. The applicant has provided a six foot wide shade tree easement to be dedicated to the township. The applicant shall provide testimony as to the availability of utility connections for each of the proposed lots. In accordance with checklist item C.1, the Location of proposed structures and their setbacks shall be shown. The zoning table states 3 off-street parking spaces are required. None are shown on the plans. Please review. The balance of the comments were minor and technical in nature.

Mr. Slachetka stated the existing residence and all structures should be identified as to be removed. The zoning schedule on the plat should indicate that the proposed side yard setbacks of lots 17.02 and 17.03 will be seven feet on one side and fifteen feet combined. Compliance with the off-street parking requirements of RSIS is required. Sidewalk is proposed along the Melville Avenue frontage of the subject parcel. An existing concrete apron on Cedar Bridge Avenue will be removed. The applicant should indicate driveway locations and aprons on the plan. Nine street trees should be installed. The existing chain link fence along Melville Avenue should be removed. The applicant should indicate the height and condition of the wood fence at the corner of Melville and Cedar Bridge and whether it will be removed. The balance of the comments were minor and technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. With regard to the engineer's report, they can meet all the requirements. The required bonds will be posted. The three parking spaces are provided and the plans would be revised to reflect the same. With regard to the planner's report, they will meet RSIS standards. All the changes will be made. Specifically, the existing sidewalk apron will be removed and they will show the driveway locations. The existing chain link fence will be removed and felt the professionals should discuss the street trees. They would request that the improvements be bonded prior to building permit. There are no variances.

Mr. Dolobowsky asked what development was happening where in connection with the property. The engineer gave the development in the area. Mr. Dolobowsky wanted to see some kind of berm along Cedarbridge Avenue.

Mr. Banas asked how far the Washington Square development was from the site. The engineer explained that it was further down. Mr. Banas asked to see the driveway coming from the Washington Square development. The engineer would show the same. The police traffic section will be doing a study on the same.

On motion by Mr. Dolobowsky and seconded by Mr. Miller, the application would have public hearing on February 21, 2006 at 6:00 p.m.

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

Mr. McWeeney noted that the application would have public hearing on February 21, 2006 at 6:00 p.m. No further notice was required of the applicant.

13. Discussion - proposed amendment to Unified Development Ordinance by adding regulations for the location and approval of wireless telecommunication towers.

Mr. Slachetka stated this was an ordinance which would provide for the location of wireless telecommunication towers. It was consistent with the standards and further explained what the ordinance would accomplish.

Mr. Banas asked about visual pollution. Mr. Slachetka stated there are a series of requirements in the ordinance regulating the same. Mr. Banas stated there were a number of ways that the towers could be disguised as trees so they were not offensive. Mr. Slachetka explained what the applicant would have to do. Mr. McWeeney stated there was a section that addressed aesthetics.

Mr. Dolobowsky stated he was happy to see the ordinance to regulate the locations of the towers.

On motion by Mr. Ackerman and seconded by Mr. Klein, the board would notify the governing body, through the attorney, that there were no objections with the ordinance and that it follows the basic master plan.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, abstain; Mr. Banas, yes; Mr. Dolobowsky, abstain; Mr. Ackerman, yes; Mr. Klein, yes; and Mr. Percal, yes.

14. Discussion - discuss the outcome of meeting with Lakewood Municipal Utilities Authority

Mr. Banas stated the Board wrote a letter to the MUA requesting that water be given to four units on Tower Street. At the last meeting dealing with SD 1454 gave permission to the applicant to either do another search to get water or get approval from the MUA or put in wells and septic. They met last Friday and the MUA wants to put water and sewer throughout all of Lakewood. In this case, it was a high figure that was quoted that it would cost to put sewer to the project. The estimate that the MUA determined was \$200,000. to just apply for the sewer. The MUA has reconsidered and is going to provide water for the four homes and they are working on some kind of arrangement that anyone who is going to require water or sewer would either be asked to provide the water and sewer if it is in their area at the time of plan designs or they would have to put into an account that money would be available when it becomes feasible to put the water and sewer in to all of the developments. The matter was further discussed. The MUA would be included in their reviews.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the board would notify the MUA when they received plans that affected them.

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

Mr. Kielt stated he would start to include the MUA once he receives a map of their service area. The board's attorney was to correspond with the MUA's attorney on the same.

Mr. Banas stated that the attorney gave each member a letter regarding educational requirements. There is a class on March 8, 2006.

The following members were going: Mr. Herzl, Mr. Franklin, Mr. Kielt, Mr. Miller, Mr. Banas, Mr. Dolobowsky, Mr. Ackerman, Mr. Klein, and Mr. Percal.

V. PUBLIC PORTION

None at this time.

VI. APPROVAL OF MINUTES

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the minutes of December 20, 2005 were hereby approved with the correction that Mr. Ackerman was present at the meeting.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, abstain; Mr. Banas, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; Mr. Klein, yes; and Mr. Percal, yes.

VII. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,

Elaine Anderson

Planning Board Recording Secretary