

1. CERTIFICATION OF COMPLIANCE

Chairman Neiman 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 Meeting 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 the 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 criteria of the Open Public Meetings Act.”

2. ROLL CALL

Roll Call Mr. Franklin, Mr. Arcchi, Mrs. Koutsouris, Mr. Banas, Mr. Neiman, Mr. Follman, Mr. Percal, Mr. Schmuckler.

3. SWEARING IN OF PROFESSIONALS

Mr. Terrance Vogt was sworn in.

4. MEMORIALIZATION OF RESOLUTIONS

1. Resolution 2011-02 confirming the election of officers, appointment of professionals and selection personnel.

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arcchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

2. SP # 1932

<u>Applicant:</u>	Georgian Court University
<u>Location:</u>	Lakewood Avenue & 9 th Street
	Block 44 Lots 1, 25 & 26
	Block 45 Lots 1 & 4
	Block 46 Lot 1
	Block 47 Lot 1
	Block 48 Lot 1

General Development Plan – 156.3 acres (Resolution to deny)

Tabled to the March 15, 2011 meeting as per the applicants attorney.

3. SD # 1757

Applicant: Dan Czermak
Location: southwest corner of Vine Street and Wadsworth Avenue
Block 1026 Lot 4
Minor Subdivision to create 2 lots

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arcchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, abstained

4. SD # 1758

Applicant: Rochelle Mikel
Location: New York Avenue, north of Ridge Avenue
Block 224 Lot 10
Minor Subdivision to create 2 lots

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arcchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, abstained

5. SD # 1767

Applicant: Eli Schwab
Location: Joe Parker Road, north of Long Beach Avenue
Block 189.16 Lot 157
Minor Subdivision to create 2 lots

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arcchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, abstained

6. SP # 1941

Applicant: Congregation Torah Utefilah
Location: Miller Road, north of Carasaljo Drive
Block 12.02 Lot 8
Preliminary & Final Site Plan for proposed synagogue

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arcchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, abstained

7. SD # 1772

Applicant: Sara Flam

Location: Southwest corner of Bergen Avenue & Linden Avenue
Block 189.02 Lots 173 & 174

Minor Subdivision to create 3 lots

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, abstained

8. SD # 1773

Applicant: Chaim Schepansky

Location: Manetta Avenue, west of Ridge Avenue
Block 236 Lots 8, 10.01 & 49.01

Minor Subdivision to create 4 zero lot line lots & lot line realignment.

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, abstained

9. SD # 1774

Applicant: Park & Second Acquisition, LLC

Location: East Second Street, east of Railroad Street
Block 248.01 Lots 63.02 & 78

Minor Subdivision to create 2 lots

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, abstained

10. SP # 1942

Applicant: Park & Second Acquisition, LLC

Location: East Second Street, east of Railroad Street
Block 248.01 Lots 63.02 & p/o 78

Preliminary & Final Major Subdivision & Site Plan for 21 townhouse units

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, abstained

11. SD # 1756

Applicant: Baruch Halpern

Location: Astor Drive, north of Kennedy Boulevard East
Block 104 Lots 16 & 27

Minor Subdivision to create 3 lots

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, abstained

5. NEW BUSINESS

1. SD # 1779

Applicant: Lakewood Development Corp.

Location: Clifton Avenue & Fifth Street
Block 93 Lots 6.01 & 12.01

Minor Subdivision & consolidation of 2 lots

Project Description

The applicant seeks minor subdivision approval to make lot line adjustments to two (2) existing lots, currently depicted as Block 93, Lots 6.01 and 12.01. The property is an L-shaped tract consisting of 0.34 acres, with frontage on Clifton Avenue and Fifth Street. As depicted on the subdivision plan, a 10-foot wide strip of land will be subdivided from existing Lot 12.01 and added to existing Lot 6.01 (including deletion of two internal lot lines). The newly-formed lots will be numbered as Lots 6.02 and 12.02. Both lots are at least partially-developed. As depicted on the plan, Lot 12.01 contains a 3-story Commercial building which occupies the majority of the property. There is a masonry garage within the rear of Lot 6.01 that is proposed to remain. The frontage of both lots is developed, including curbing and sidewalk along the Fifth Street frontage and curbing and brick pavers along the Clifton Avenue frontage. No new improvements or development within the property are proposed per the subdivision plan. We have the following comments and recommendations: (1) **Zoning** (1) The parcels are located in the B-2 Central Business Zone. As stated previously, both lots are partially-developed, with no new proposed development as depicted on the subdivision plan. (2) As depicted on the subdivision map, variances are requested for minimum side yard setbacks for proposed Lot 6.02 (7 feet required, 5 feet proposed (existing condition)) and for proposed Lot 12.02 (-0.1 feet proposed, proposed condition). (3) Variances are requested for aggregate minimum

side yard setbacks for proposed Lot 6.02 (15 feet required, 10.2 feet proposed (existing condition)) and for proposed Lot 12.02 (-0.1 feet proposed, proposed condition). (4) A variance is requested for aggregate minimum side yard setback for proposed Lot 6.02 (10 feet required, 2.6 feet proposed (existing condition)). (5) The applicant must address the positive and negative criteria in support of the requested waiver. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (6) As noted on the subdivision plan, design waivers are requested from depicting topography and drainage contours. Since no new development is proposed as part of this application, we support the waivers as requested. (II) **Review Comments** (1) The applicant or professionals should provide testimony explaining the nature of the proposed request. (2) It appears that the purpose of the request (in part) is to use the existing 10-wide strip of land being included with new Lot 6.02 to provide direct access to Clifton Avenue. Testimony should be provided. (3) As depicted on "Detail A" within the subdivision plan, there is an existing sidewalk on new Lot 6.02 that provided access to an existing office building within adjacent Lot 5. Testimony should be provided as to whether a formal access easement is proposed as part of this subdivision. (4) The proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. (5) Compliance with the Map Filing Law is required. (III) **Regulatory Agency Approvals.** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) All other required outside agency approvals.

Ms. Patricia Adams for the applicant, when we were last here there were some questions concerning addition of ballast at the end of the entry way. We figured that that was something that would be easily accomplished and would be easily added in.

Carolyn Feigin, Engineer was sworn in the application is to take the ten foot sliver and adding it to proposed lot 6.02 in order to provide access from Clifton Ave to this lot, Lakewood Development would like to put a parking lot here possibly it will be would go to lot 5, I'm not sure where we left off it was in the works. Their interest is to provide pedestrian access to this lot. Right now there is a depressed curb out there on Clifton Ave., one of the things discussed was possibly putting in full faced curb, we could do that. Mr. Franklin stated that yes they should do that. Those curbs would be part of the site plan in addition to the ballards. Mr. Franklin stated that these were not on the plans as of yet. Ms. Adams stated that they would be on the site plan that the only thing for this evening was the minor subdivision and consolidation of lots.

Mr. Neiman asked if there was any comment from the public seeing no one this portion was closed to the public.

A motion to approve with the curbs and ballards being put in the site plan was made by Mr. Schmuckler, and seconded by Mr. Percal.

Roll Call Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

2. SD # 1782

Applicant: Lydig Land, LLC

Location: Adams Street, opposite McKinley
Block 11 Lots 45, 105, 106 & 133
Block 8 Lots 1 & 15

Minor Subdivision & variance to realign existing lots

Project Description

The applicant seeks minor subdivision approval to subdivide five (5) existing lots in Block 8 containing Lot 1 and Block 11 containing Lots 45, 105, 106 & 133 into seven (7) new residential lots. The proposed residential lots are designated as new Lots 45.01-45.06 and 133.01 in Block 11 on the subdivision plan. The property totals 3.50 acres in area. The site contains five (5) existing dwellings, three (3) of which will remain on proposed Lots 45.01, 45.06, and 133.01. An existing shed will also remain on proposed Lot 133.01. Two (2) existing dwellings will be removed from existing Lots 105 and 106. **We have the following comments and recommendations per testimony provided at the 01/18/11 Planning Board Meeting and comments from our initial review letter dated December 20, 2010:**

(I) **Zoning** (1) The parcels are located in the R-15 Single Family Residential Zone. Single family detached housing is a permitted use in the zone. **Statements of fact.** (2) Per review of the Subdivision Map and the zone requirements, the following variances are requested: (a) Minimum Front Yard (proposed Lots 45.02 and 45.03, 20 feet, 30 feet required) – proposed condition. **The Board shall take action on the Minimum Front Yard variances requested.** (3) A waiver from constructing curb and sidewalk along the Adams Street property frontage is necessary (if approved by the Board). **Curb has been extended on the revised plans. The proposed termination point of the curb is not clear. A partial waiver may still be necessary. The topography makes the extension of curb to the terminus of Adams Street impractical. The Board may have to take action on a partial waiver from constructing curb. A waiver from constructing sidewalk across proposed Lot 45.01 has been requested. The applicant's professionals have indicated sidewalk will be constructed across the other proposed lots even though it is not shown on the plan. The Board shall take action on the waiver request from constructing sidewalk across proposed Lot 45.01.** (4) The applicant must address the positive and negative criteria in support of the requested variances. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (II) **Review Comments** (1) The portion of McKinley Avenue passing through the project was vacated on 3/25/04 under Ordinance # 2004-25.

The old centerline which is also an existing lot line shall be shown as an existing Block Limit line. **The line to be removed must be shown as an existing Lot and Block Limit line.** (2) The portion of McKinley Avenue on the north side of Adams Street has also been vacated. Reagan Court in its proper configuration shall replace the incorrectly shown McKinley Avenue. **Reagan Court and the associated Lot and Block numbers have been revised in accordance with the filed map. A lot line separating existing Lots 1 and 13 is missing.** (3) A Wetlands Delineation Line has been shown. Approval from the New Jersey Department of Environmental Protection is required. Survey information for the Delineation Line and any Transitions Areas required must be added. **A survey data table for the Wetlands Delineation Line has been added. The Wetlands Delineation Line must be tied to the proposed subdivision. Survey information for any transition areas required by the New Jersey Department of Environmental Protection must be added.** (4) Once the Freshwater Wetlands have been verified by the NJDEP, the File Number and Activity Number must be added. Copies of the Letter of Interpretation/Line Verification and approved map must be submitted. **The applicant's professionals indicate copies of the Freshwater Wetlands approvals will be supplied when obtained.** (5) The plans show existing septic systems and wells. The General Notes state that water and sewer will be provided by New Jersey American Water. Therefore, existing potable wells and septic systems shall be abandoned. Approval from the Ocean County Board of Health is required. **The applicant's professionals indicate that approval from the Ocean County Health Department will be obtained.** (6) The existing property has substantial relief and generally slopes towards the existing ravine. Since no units are depicted at this time for proposed Lots 45.02-45.05, testimony is required to address proposed grading and drainage. Furthermore, we recommend that a resubmission of the plan be made prior to the Public Hearing using a conforming building box to delineate proposed layout, grading, and drainage schemes. **The applicant's professionals indicate this item will be addressed with engineering plans.** (7) No site improvements are proposed or required along the Queens Court frontage of the project. The existing dwelling to remain will not be altered and fronts a developed street. Adams Street is a partially improved Municipal Road with a fifty foot (50') wide right-of-way. New curb with some depressed sections for driveways exists along the eastern portion of the Adams Street project frontage. The curb is proposed to be extended to the future property line between new Lots 45.01 and 45.02. A waiver from constructing concrete curb is required unless the curb is extended across the frontage of new Lot 45.01. New sidewalk exists in front of existing Lot 1 even though it is not shown on the plans. A waiver from constructing concrete sidewalk is required since no additional sidewalk is proposed. Should sidewalk be required by the Board, handicapped ramps would have to be installed across from the intersection of Reagan Court. **Proposed curb has been extended on Adams Street, but the proposed end point is not clear. A waiver from constructing concrete sidewalk across proposed Lot 45.01 has been requested. Proposed sidewalk must be shown where required by the Board.** (8) We recommend Improvement Plans be prepared for Adams Street. A vehicular turnaround for Adams Street should be addressed. **The applicant's professionals indicate Improvement Plans will be prepared. Testimony should be provided**

on a vehicular turnaround. (9) Except for a section of curb, no construction or new dwelling units are proposed at this time. The Zoning Requirement Schedule indicates three (3) off-street parking spaces are required per dwelling unit and three (3) off-street parking spaces are proposed per dwelling unit. However, the plans do not properly address off-street parking. Only the existing dwelling on proposed Lot 133.01 which has a two-car garage and a two-car driveway appears to have enough off-street parking. Parking shall be provided to the satisfaction of the Board. **The applicant's professionals indicate parking will be provided as per ordinance.** (10) The proposed rear lot line for new Lot 133.01 appears to be based on the location of the existing shed to remain. Proposed dimensions are required to the side and rear property lines to check zoning conformance. **Shed offset dimensions to existing and proposed property lines have been added and the accessory building is in conformance.**(11) The topography of the site is ideal for walk-out basements. Testimony should be provided as to whether basements will be proposed for the future dwellings on new Lots 45.02-45.05. Seasonal high water table information will be required should basements be proposed. **The applicant's professionals indicate that testimony will be provided on walk-out basements.** (12) The General Notes indicate proposed lot and block numbers were approved by the Lakewood Township Tax Assessor on 11/12/10. The plat must be signed by the Tax Assessor. **The Tax Assessor's signature is required.** (13) The Legend must be corrected on the Minor Subdivision Plan. **Existing and proposed corner markers with their respective symbols must be shown.** (14) No shade trees are proposed for the project. Landscaping should be provided to the satisfaction of the Board. **The applicant's professionals indicate that landscaping will be supplied to the satisfaction of the Board.** (15) The Plan does not indicate any existing trees on the site. Testimony should be provided regarding whether there are any specimen trees located on the property. Compensatory plantings should be provided in accordance with the Township Code (if applicable). Additionally, protective measures around mature trees to remain (e.g., snow fencing or tree wells at drip lines) should be provided. If this subdivision is approved, the final plot plans for proposed Lots 45.02-45.05 submitted for Township review should include tree protection measures to save mature vegetation where practicable. **Tree locations in accordance with the current ordinance should be provided when plot plans are submitted to the Township Engineer.** (16) Construction details are required for improvements required by the Board. This will include curb and sidewalk unless the Board waives the construction of curb and sidewalk. **The applicant's professionals indicate that construction details for improvements will be furnished with engineering drawings.** (17) Testimony should be provided on existing utilities. There are additional sanitary sewer manholes in Adams Street which are not shown on the plans. There are existing telephone poles, sanitary sewer cleanouts, and water meters which are not shown on the plans. **The applicant's professionals indicate that the missing existing utilities will be shown on the Road Improvement Plan.** (18) The Surveyor has not set monuments and the Monument Certification has not been signed. **The applicant's surveyor indicates the certification will be signed upon the setting of monuments.** (19) Compliance with the Map Filing Law is required. **The applicant's surveyor indicates that compliance with the Map Filing Law will be done.** (III) Regulatory Agency

Approvals Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District; (c) Ocean County Board of Health (well & septic removal); (d) NJDEP (Freshwater Wetlands); and, (e) All other required outside agency approvals. Potable water and sanitary sewer will be constructed by New Jersey American Water.

Mr. Samuel Brown on behalf of the applicant, Mr. Vogt has indicated that there are some unique topographical features on this property, lets put that second, first and foremost for all intense and purposes there are currently five lots on this road there is more than enough to squeeze in several more lots but the applicant has chosen to present to you instead a sort of pared down version of what it can twist into the property and you have seven lots which are all conforming but for the fact that as was mentioned there are some unique topographical features that require that the building on two of the properties would be a little further up closer to the road such that the wetlands in the back and such other environmental features would be properly preserved, other than that I believe that it is appropriate to turn this over to the applicants engineer.

Mr. Christopher P. Rosati, engineer was sworn in. As Mr. Brown stated this application is for a sub-division of five existing lots to seven lots, it is essentially is realignment of lot lines, the exhibit marked A-1 I have on the board is a tax map of the area, we have Adam Street in the center, Reagan Court and Hope Chapel Road is on the top. The next exhibit A-2 is a colored map of the minor subdivision prepared by Harry Major. There is so much topography in this area and a lot of line work on this drawing. The heavy red lines depict the lots that we are going for, the purple line is the existing lots. One of the lots goes along Adams Street, it goes down along the wetlands corridor, down again south and on an angle all the way up, it is a very uniquely shaped lot what we are trying to do is straighten that out better to make nicer lots. The next lot has about 50 feet of frontage, drops to the south and goes all the way to the east several hundred feet and then down and then back again. What we are basically trying to do is get nice rectangular shaped lots going from Adams Street, south 90 degree angle, another lot we have included is lot 133 on Queens Court and the reason that that is in the sub-division is there is an angular piece in the back that is unusable because it is wetlands and basically we are squaring off the back lot line to give a little bit more area to lot 45.01. We are requesting front yard setback variances on two of the lots that would be lots 45.02 and 45.03 we are asking for 20 feet where 30 feet is required, the reason is you can see from the map, the topography is such that there is a severe drop off from the edge of the pavement down and to get a house in there with a walk out basement and we are also restrained by some wetlands in the back and the associated buffer, we are kind of squeezed from both directions, so if we are going for a 20 foot setback in the front it makes it a little more useable for a home. These lots are unique and it is my opinion that there would be no detriment to granting these variances for front yard setback. We are proposing sidewalks along the entire frontage from the east towards the west up to the point where the existing driveway is on proposed lot 45.01 after that the topography of that lot drops severely right at the edge of pavement down, if you put a sidewalk there to get it somewhat level we would have to put a retaining wall on the other side which is not the safest thing to do. Additionally there are no further lots or areas where pedestrians would go on that side of the street, so we are actually serving pedestrian access all the way on every single lot that we have up until the access point of that lot. So it is a partial waiver we are requesting for the sidewalk and we realize that the Board does not like us asking for waivers for sidewalk however we feel that in this instance it is a

special circumstance. We will be adding a little bit more pavement on the north side of the road to give vehicles a larger area to turn around, we will be meeting with Al Burdge of DPW about garbage pick-up. Mr. Franklin stated that the road has to be big enough to get a K-turn in there. Mr. Brown stated that the applicant is agreeable to make whatever changes or additions he needs to do to accommodate this issue. Mr. Schmuckler asked if there is enough parking for four vehicles per house so they won't park in the turn around area.

Mr. Neiman opened the application to the public seeing no one he closed this point of the application.

A motion to approve with all that was discussed as well as granting the partial sidewalk waiver and making sure they meet with the DPW and make the partial turn around at the end of the road was made by Mr. Schmuckler, seconded by Mr. Follman.

Roll Call Mr. Franklin, yes, Mr. Arecchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

3. SD # 1792

Applicant: Tashbar of Lakewood
Location: Oak Street, west of Cypress Avenue
Block 1011 Lot 1
Block 1012 Lot 1
Block 1013 Lot 1
Consolidation & Minor Subdivision

Project Description

The applicant seeks minor subdivision approval to allow a land transfer between the owners. The owner/applicant of existing Lot 1 in Block 1011, existing Lot 1 in Block 1012, and existing Lot 1 in Block 1013 is Tashbar of Lakewood, 600 West Kennedy Boulevard, Lakewood, New Jersey 08701. The owner of existing Lot 5 in Block 1012 is Whiting Pines Realty Corp., Inc., PO Box 109, Lakewood, New Jersey 08701. Existing Lot 5 in Block 1012 will be transferred to Tashbar of Lakewood and will become part of proposed Lot 1.01 in Block 1012. A portion of existing Lot 1 in Block 1013 will be transferred to Whiting Pines Realty and will become proposed Lot 1.02 in Block 1012. The subdivision plan indicates proposed Lot 1.01 will be serviced by existing utilities in Oak Street and private individual septic disposal systems. The plan also indicates proposed Lot 1.02 will be serviced by existing utilities, and future sewer and electric extensions. ***We have the following comments and recommendations per testimony provided at the 02/01/11 Planning Board Meeting and comments from our initial review letter dated January 25, 2011: (l)***

Waivers (A) The following waivers have been requested from the Land Development Checklist: (1) B – Site Features. (2) C4 – Location of proposed septic systems on Lot 1.01. Testimony should be provided for the waiver requests. Topography of the site with contours has not been provided and no improvements have been shown. Since no improvements have been proposed, a waiver from providing a location of proposed septic systems has been requested. The Board shall take action on the waivers requested from the Land Development Checklist. We recommend the Board grant the waiver from located proposed septic systems since no development is proposed at this time. We recommend a partial waiver be granted on site features. Existing man made features such as fences and drainage should be added to the site and surrounding roads. **The Board granted the waivers in full since the applicant's professionals indicated a future school site plan will be submitted.** (II) **Zoning** (1) The parcels are located in the R-12 Single-Family Residential Zone District. Uses for the proposed lots have not been indicated. Testimony should be provided on the future uses for the proposed lots being created. **Testimony should be provided on the future uses.** (2) A waiver from constructing curb and sidewalk along the property frontages is necessary (if approved by the Board). Of the surrounding streets only Oak Street is improved. Curb exists along Oak Street, but sidewalk does not. Should the Board require the construction of sidewalk along Oak Street, existing fencing and drainage must be shown since it could impact the proposed sidewalk location. **The Board shall take action on the waiver requests. The applicant's professionals indicate that sidewalk will be provided with future site plan applications.** (3) No variances have been requested by the applicant or identified in our review. The applicant must address the positive and negative criteria in support of any variances that may be required. **At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.** (III) **Review Comments** (1) The proposed setback lines shall be added on the Minor Subdivision Map. Proposed typical dimensions should be added for any front, side, and rear yards. **The proposed setback lines should be added based on the side yards being perpendicular to Oak Street since only Oak Street is an improved street.** (2) The General Notes reference a Survey dated 9-10-2005. The Certifications reference a Land Survey dated 11-23-2010. A correction is required to the Minor Subdivision Plan. A Copy of the survey should be provided. **A copy of the survey has been provided. The Certification date shall be corrected.** (3) The applicant's professionals have indicated the proposed lot and block numbers were approved by the tax assessor's office. The signature block for the tax assessor must be revised to "new block and lot numbers have been assigned". **The note has been revised. The Tax Assessor's signature is required.** (4) Proposed shade tree and utility easements are shown along all property frontages except for Halsey Street. The proposed easement shall be added to the Halsey Street frontage unless a waiver is sought. **A waiver of the shade tree and utility easement along Halsey Street is requested for this application. The applicant's professionals indicate a future vacation request of the remaining Halsey Street frontage is contemplated. The applicant's professionals also indicate an easement would be provided on a future site plan if the street is**

not vacated. The Board shall take action on this additional waiver request. (5) Sight triangle easements have not been proposed at the intersecting streets. However, it should be noted that only Oak Street is improved. **The applicant's professionals indicate that sight triangle easements will be provided on any future plans submitted for development of the lots. The Board may grant this technical waiver since the streets intersecting Oak Street are unimproved at this time.** (6) The Monument Certification has not been signed since the monuments are not in place at this time. **The applicant's professionals indicate the certification will be signed upon the setting of monuments.** (7) Compliance with the Map Filing Law is required. **The applicant's professionals indicate that compliance with the Map Filing Law will be done.** (IV) **Regulatory Agency Approval.** Outside agency approvals for this project may include, but are not limited to the following: (a) Ocean County Planning Board; (b) Ocean County Soil Conservation District (if necessary); and (c) All other required outside agency approvals.

Mrs. Miriam Weinstein attorney for the applicant, this application is a minor sub-division application. Tashbar right now owns a parcel on Oak street which will be the site of the Tashbar boys elementary school, however that parcel contains a donut hole right now that is owned by Whiting Pines Realty, the purpose of this application is to simply create a sub-division such that the donut hole will be consolidated with the rest of Tashbar's lot and in exchange for the donut hole Tashbar will effectuate a land swap with Whiting Pines Realty and convey what is shown on the sub-division map as proposed lot 1.02, as this parcel is actually contiguous to another parcel owned by Whiting Pines Realty. There is no construction being proposed at this time this is not a site plan application. Tashbar will be back with an application in the future for the school.

Mr. Neiman opened the application to the public seeing no one he closed this point of the application.

A motion to approve was made by Mr. Banas and seconded by Mr. Follman.

Roll Call Mr. Franklin, yes, Mr. Arcchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

4. SD # 1717

Applicant: Nissim Sankary
Location: Whitesville Road, opposite Gudz Road
Block 252 Lots 3, 8
Preliminary & Final Major Subdivision – 4 lots

Project Description

The owner/applicant is Nissim Sankary, 398 Dr. Martin Luther King Drive, Lakewood, New Jersey 08701. The applicant is seeking Preliminary and Final Major Subdivision approval. The

applicant proposes to subdivide the existing two (2) lots into four (4) proposed lots. The existing two (2) lots known as Lots 3 and 8 in Block 252 are proposed to be subdivided into four (4) lots shown as proposed Lots 3.01-3.03 and 8.01 on the Major Subdivision Plan. Existing Lot 3 has frontage on Lafayette Boulevard, an unimproved right-of-way. Existing Lot 8 has frontage on Whitesville Road, with a variable width right-of-way. A subdivision is being proposed by requesting a road vacation of Lafayette Boulevard in front of existing Lot 3 and using the area along with a sliver of land from existing Lot 8 to create three (3) new properties Lots 3.01-3.03, with a remainder tract Lot 8.01. A proposed right-of-way easement connecting to Third Avenue near its intersection with Whitesville Road would provide access to the three (3) new lots which used to front Lafayette Boulevard. The remainder of existing Lot 8 would become new Lot 8.01 and still front Whitesville Road. **Therefore, this application is contingent upon Lakewood Township vacating a portion of Lafayette Boulevard and providing an access easement.** Public sewer and water is not available for the major subdivision. The approximate locations of existing and proposed septic systems and potable wells are shown on the plans. No improvements are proposed for new Lot 8.01 which contains an existing dwelling. No improvements to new Lots 3.01-3.03 are shown at this time. The proposed access to the lots would be from a twenty foot (20') wide paved cart way within a twenty-five foot (25') wide right-of-way owned by the Township. The cart way is proposed to terminate at a hammerhead turnaround in the right-of-way of Second Avenue just past proposed Lot 3.03, the last lot in the sequence. Curb, sidewalk, and shade trees are proposed across the frontage of proposed Lot 8.01. Shade trees are proposed across the frontage of proposed Lots 3.01-3.03. Otherwise, no other improvements are proposed across proposed Lot 3.01-3.03 such as curb and sidewalk. A Freshwater Wetlands/Waters Boundary Line with NJDEP File No. 1514-09-0012.1 is indicated off-site to the east. The fifty foot (50') buffer associated with this line is shown to cross the northeast corner of proposed Lot 3.03. ***We have the following comments and recommendations per testimony provided at the 8/3/10 Planning Board Workshop Meeting, and comments from our most recent review letter dated July 28, 2010:*** (I) **Waivers (A) The following waivers have been requested from the Land Development Checklist:** (1) C14 - Tree Protection Management Plan. (2) C16-Soil Erosion and Sediment Control Plan. (3) C17 - Design calculations showing proposed drainage facilities to be in accordance with the appropriate drainage runoff requirements. ***The Board denied the above referenced waiver requests at the June 1, 2010 Workshop. A Soil Erosion and Sediment Control Plan has been provided. The applicant's professionals have determined that there are less than ten (10) trees of twelve inch (12") caliper on the site and no specimen trees. Therefore, in accordance with Section 18-803H.3.b of the UDO, a Tree Protection Management Plan is not required. By our site investigation our office can concur with applicants professional's determination. The applicant's professionals acknowledge that the project proposes more than a quarter acre of new impervious surface. Therefore, water quality standards must be addressed.*** (II) **Zoning** (1) The site is situated within the R-12, Single-Family Residential Zone District. Single-Family residences are permitted in the R-12 Zone. ***Statements of fact.*** (2) No bulk variances are being requested for the proposed lots in the subdivision. ***A front yard setback variance for proposed Lot 8.01 will be required with the proper right-of-way dedication along Whitesville Road. The subdivision plan indicates the centerline alignment of Whitesville Road was held per Ocean County Engineering Plan #15-005-104 (a copy of the plan should be provided). However, a variable width right-of-way easement is proposed to the Township of Lakewood. Unless this portion of Whitesville Road has reverted to the Township, a right-of-way dedication to Ocean County is required.*** (3) The plans note that the access roadway for proposed Lots 3.01-3.03 is to

be an eighteen foot (18') wide Rural Lane with no on-street parking, no sidewalk, and no curbing in accordance with RSIS 5:21-4.2(c) and Table 4.3. It should be noted that the roadway being proposed by the applicant is gravel. It should also be noted that Table 4.2 in RSIS describes a Rural Lane as a street that serves dwellings on lots that are two (2) acres or greater. The subdivision being proposed consists of twelve thousand square foot (12,000 SF) lots. Lot to street access should also be designed so vehicles do not have to back out of lots onto the street. ***The plans have been revised to provide a twenty foot (20') wide Rural Street with no curb, sidewalk, or on-street parking. A de minimus exception is requested to allow three (3) twelve thousand square foot (12,000 SF) lots access by the street, where Table 4.2 defines a Rural Street as accessing lots of one (1) acre or more. Our office has requested an interpretation from the Department of Community Affairs as to whether the municipality can issue a de minimus exception to classify a proposed street as a Rural Street if it does not meet the conditions of RSIS. Based on the response received (copy enclosed), the NJDCA has determined that the proposed road for this projects does not fit the "Rural Street" definition in RSIS. Per review of the recommended RSIS widths, and due to the potential future development of property on the other side of the street, we recommend a minimum cartway width of 28 feet (based on the "Residential Access" RSIS classification, and one parking lane) for this project. (4) A de minimus exception is requested for a right-of-way width of twenty-five feet (25'), where forty feet (40') is recommended by RSIS Table 4.3 for Rural Streets. Testimony justifying this request is necessary. Based on our recommendation (above), additional right of way easement, at a minimum, is necessary.*** (5) The applicant must address the positive and negative criteria in support of the required variances and requested de minimus exception. ***At the discretion of the Planning Board, supporting documents will be required at the time of Public Hearing, including but not limited to aeriels and/or tax maps of the project area and surroundings to identify the existing character of the area.*** (III) Review Comment (a) **General/Layout/Parking** (1) The subdivision references a Topographic and Outbound Survey, dated 5/20/09, prepared by Anthony T. Romeo, PLS, NJ License #12674 of Clearpoint Services, LLC. A copy of this survey must be submitted. ***A copy of the Survey has been submitted. Additional off-site topography is required for the off-site improvements proposed. The applicant's professionals have indicated the additional off-site topography will be provided upon completion.*** (2) On the adjoining properties immediately to the west of proposed Lot 8.01, the half right-of-way width of Whitesville Road scales twenty-five feet (25'). The Planning Board should require a dedication from proposed Lot 8.01 to provide a half right-of-way width of twenty-five feet (25'), consistent with the neighboring lands to the west. ***A right-of-way easement is being proposed to circumvent a front yard setback variance and from the existing septic field from being too close to the right-of-way. The Subdivision should be conditioned upon the Board granting a front yard setback variance as well as approvals by the Ocean County Planning Board and Ocean County Board of Health, even if existing septic system and potable well facilities have to be relocated for conformance with the current requirements.*** (3) Off-street parking: The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. No specific parking data for the proposed lots is provided. Therefore, the zoning table rounds up to three (3) off-street parking spaces being required. The location of an existing dwelling is shown on proposed Lot 8.01, but no driveway, garage, basement, or number of bedrooms is indicated to confirm off-street parking compliance. No dwellings are proposed for new Lots 3.01-3.03 at this time. Testimony on the existing and proposed dwellings should be provided. (4) Parking shall be provided to the satisfaction of the Board. ***The applicant's engineer has indicated that adequate parking will be***

provided when the grading plans are provided for each lot. The applicant's engineer has also indicated that the existing dwelling on proposed Lot 8.01 has three (3) bedrooms and three (3) parking spaces. The existing driveway dimensions indicate that two (2) parking spaces can be accommodated within the driveway even after considering the proper right-of-way dedication. Another space is available in the garage. (5) Since a dwelling exists on proposed Lot 8.01, the actual zoning data shall be provided to insure no variances are being created. The existing building dimensions are required on the plans and survey for completeness. ***Zoning data has been provided for the existing house on proposed Lot 8.01. The proposed lot area must be corrected because of the required right-of-way dedication. The front yard setback dimension must be corrected because of the required right-of-way dedication and a variance will be necessary. A side yard setback dimension of 21.0' has been added from the southwest house corner to the side property line. Accordingly, the proposed aggregate side yard setback has been corrected to 36.4'. The existing wood deck has been added to the existing house and the building coverage must be recalculated. The rear yard setback dimension has been calculated from the corner of the deck based on the deck elevation shown on the plan.*** (6) Testimony shall be provided by the applicant's professionals on disposal of trash and recyclables. Should the Township be responsible for collection, the proposed scheme must be reviewed and approved by the Department of Public Works. ***Street side collection by the Township is proposed. The applicant's professionals have indicated the hammerhead turnaround has been dimensioned based on the turning template for a single unit truck. Testimony and a graphic display should be presented at the Public Hearing.*** (7) The plans indicate a portion of Lafayette Boulevard was vacated by Ordinance 2008-34. However, the current configuration of the existing lots and right-of-ways is not correctly depicted. The correct configuration appears on the latest Tax Map. ***The lots and right-of-ways configuration has been corrected. An area and dimensions for the small section of Lafayette Boulevard proposed to be vacated in front of existing Lot 4.01 have been added.*** (8) A line that appears to be an old centerline extension of Lafayette Boulevard is shown to intersect Whitesville Road. This line shall be eliminated from the drawing since old Lafayette Boulevard intersects with Third Avenue. ***The centerline of Lafayette Boulevard has been corrected to intersect with Third Avenue.*** (9) To create the proposed subdivision, the right-of-way of Lafayette Boulevard across the frontage of the site from Second Avenue to the previous vacation of Lafayette Boulevard needs to be vacated by the Township. The limits for the proposed vacation are not correctly shown. ***The proposed right-of-way vacation has included the area in front of existing Lot 4.01 to reach the limit of the prior vacation.*** (10) A Freshwater Wetlands/Waters Boundary Line with NJDEP File No. 1514-09-0012.1 is indicated off-site to the east. The fifty foot (50') buffer associated with this line is shown to cross the northeast corner of proposed Lot 3.03. A copy of the Letter of Interpretation along with the stamped plan shall be provided. ***A copy of the Letter of Interpretation dated November 4, 2009 was submitted. The applicant's professionals have agreed to provide a copy of the approved plan.*** (11) Since vertical datum is assumed, a bench mark must be provided. ***A bench mark has been provided on the Grading & Drainage Plan.*** (B) **Architectural** (1) No architectural plans are provided. There is an existing dwelling on proposed Lot 8.01, but no units are shown for proposed Lots 3.01-3.03 at this time. The Zoning Schedule indicates the proposed dwellings will be conforming on the new lots. **Statements of fact.** (C) **Grading** (1) The only proposed grading shown on the Grading & Drainage Plan is the crowning of the gravel driveway to direct surface runoff from the proposed drive. In some instances the crown is reversed and directs runoff to the center of the drive. No drainage is provided. ***The proposed paved road has been graded with a crown. No drainage is proposed and runoff will collect at a low point being created on the south side of the road.***

Runoff from the proposed north side of the road will flow overland through existing and proposed lots. Proposed storm drainage must be addressed. A profile is required for the design of the proposed road. The applicant's professionals have indicated that the profile and drainage will be addressed after the off-site topography is completed. (2) No proposed grading is provided for the new lots. ***Grading for the proposed lots has been added to the plans. Revisions are necessary to direct more runoff away from the rear yards and to avoid trapping runoff on adjacent Lot 4.01.*** (3) The applicant should indicate whether basements will be proposed; in which case minimum basement elevations must be added to the plans and soil borings provided to determine whether a two foot (2') separation from the seasonal high water table is maintained. ***The applicant's engineer indicates there are no proposed house plans have been prepared at this time. The applicant's engineer indicates that seasonal high water table will be determined for any dwellings with basements proposed.*** (D) **Storm Water Management** (1) No proposed storm water management measures are proposed and a waiver has been requested. Testimony shall be provided on current and future storm water management matters. ***A waiver from providing storm water management measures was denied by the Board. Recharge is proposed for each house and sample calculations are on the revised plans. The applicant's professionals must still address storm water management measures for the paved access to the proposed lots.*** (E) **Landscaping** (1) Nine (9) October Glory Maples are proposed along the property frontages of proposed Lots 3.01-3.03. No shade trees are proposed along the property frontage of proposed Lot 8.01. ***Three (3) proposed shade trees have been added to the proposed Lot 8.01 frontage.*** (2) The five foot (5') radius should be removed from the tree protection detail. ***The tree protection detail has been corrected.*** (3) A six foot (6') wide shade tree and utility easement is proposed along all property frontages, except for Second Avenue which is unimproved. No sight triangle easements are proposed, however Second Avenue which intersects the remaining Lafayette Boulevard right-of-way is unimproved. ***Proposed areas for the shade tree and utility easements have been provided on a per lot basis. The area must be corrected on proposed Lot 3.03.*** (E) **Lighting** (1) Testimony shall be provided on street lighting. No street lighting has been provided for the twenty-five foot (25') right-of-way. ***The applicant's engineer has indicated that testimony will be provided.*** (F) **Utilities** (1) New structures are to be serviced by septic and well approved by the Ocean County Health Department. The approximate locations of the existing septic system and potable well for the dwelling on proposed Lot 8.01 is shown on the plans. ***Ocean County Health Department approval is required for the Subdivision.*** (2) Testimony should be provided regarding other proposed utilities. No information is provided for electric, gas, telephone, and cable television. ***The applicant's engineer has indicated that electric, cable, and telephone will be provided underground. Furthermore, there is a natural gas main on Whitesville Road that will be extended to the new lots.*** (G) **Environmental** (1) **Site Description** Per review of the subdivision plans, aerial photography, and a site inspection of the property, existing Lot 3 is undeveloped and wooded. Existing Lot 8 is residentially developed. ***Statements of fact.*** (2) **Environmental Impact Statement** An Environmental Impact Statement (EIS) report was not prepared and submitted for the project, nor does one appear necessary given the nature of the project. Our office performed a limited natural resources search of the property and surroundings using NJ Department of Environmental Protection (NJDEP) Geographic Information Mapping (GIS) system data, including review of aerial photography and various environmental constraints data assembled and published by the NJDEP. The following data layers were reviewed to evaluate potential environmental issues associated with development of this property: (a) Known Contaminated sites (including deed notices of contaminated areas); (b) Wood Turtle and Urban Peregrine habitat areas; and (c) NJDEP Landscape Project areas,

including known forested wetlands, emergent wetlands, forest, and grassland habitat areas. A Freshwater Wetlands/Waters Boundary Line with NJDEP File No. 1514-09-0012.1 is indicated off-site to the east. The fifty foot (50') buffer associated with this line is shown to cross the northeast corner of proposed Lot 3.03. ***Confirmation of the location for the Wetlands Boundary Line is required by a bearing since there is only a survey tie distance to the proposed subdivision project.*** (3) **Tree Management** A waiver has been requested from providing a Tree Protection Management Plan. ***The Board denied the waiver from providing a Tree Protection Management Plan. The applicant's professionals have determined that there are less than ten (10) trees of twelve inch (12") caliper on the site and no specimen trees. Therefore, in accordance with Section 18-803H.3.b of the UDO, a Tree Protection Management Plan is not required. By our site investigation our office can concur with applicants professional's determination.*** (I) **Construction Details** (1) Limited construction details are provided due to the lack of improvements proposed. ***Construction details have been provided for the improvements proposed. A detailed review will be undertaken by our office during resolution compliance should subdivision approval be granted.*** (2) All proposed construction details must be prepared to comply with applicable Township or NJDOT standards unless specific relief is requested in the current application (and justification for relief). Details shall be site specific. ***No relief is requested from the details that have been provided.*** (3) Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. ***Statement of fact.*** (J) **Final Plat (Major Subdivision)** (1) A legend is required. ***The legend provided requires corrections. The monuments to be set should be differentiated from the monuments set.*** (2) The Blocks and Lots indicated for the surrounding properties must be completed. ***The Blocks and Lots numbers of adjacent properties have been added.*** (3) Survey information and areas of the easements on the individual proposed lots must be indicated. ***Some additional survey information has been completed for some of the proposed easements. A correction is required for proposed Lot 3.03.*** (4) The location for the tie distance is not clear. The existing lots and right-of-ways configuration also needs to be corrected. ***The location for the tie distance to the Whitesville Road and Third Avenue intersection has been clarified. The existing lots and right-of-ways configuration has been corrected.*** (5) Proposed lot numbers must be assigned by the Tax Assessor and the plat signed by the Tax Assessor. ***The plat must still be signed by the Tax Assessor.*** (6) Building setback lines must be added for proposed Lot 8.01. ***The front yard building setback line should be corrected because of the required right-of-way dedication.*** (7) The date must be corrected for the Notary Public signature block. ***The Notary Public date has been corrected.*** (8) Compliance with the Map Filing Law is required. ***The applicant's professionals have indicated that the Final Plat will comply with the Map Filing Law prior to filing at the Ocean County Clerk's Office.*** (IV) **Regulatory Agency Approvals** Outside agency approvals for this project may include, but are not limited to the following: (a) Township Committee (Street Vacation, road acceptance); (b) Ocean County Planning Board; (c) Ocean County Soil Conservation District; (d) Ocean County Board of Health (Well and Septic); (e) NJDEP (Freshwater Wetlands); and (f) All other required outside agency approvals. ***NJDEP Freshwater Wetlands Letter of Interpretation – Line Verification was issued on November 4, 2009. Evidence of all other outside agency approvals must be submitted when they are obtained.***

Mr. Ron Gazarowski for the applicant, I think the application has been discussed but there is a bit of misunderstanding. I have marked in evidence three letters the first letter is dated September 27th which I sent to Steven Secare with a copy to Michael Hozopple who is the attorney for

Baumen a copy to Kevin Peele and a copy to Chris Johnson, the planning board secretary and I would like to read it into record. "Dear Steve initially you were handling on behalf of the Township of Lakewood subsequently Harold took it over you were present at Judge Grasso's chambers when this matter was settled, when I say settled the four of us, including you, Hozopple, Judge Grasso and myself looked at the plans and came up with this concept of having a 25 foot right of way going back to Sankary's property. Initially there was a tentative settlement; you stated that you had to go back to the Committee to make sure that they were on Board with regard to this. You did that came back and we settled it, the Planning Board is just indicating skepticism with regard to that so I have to get an affirmative appearance by you or a Committee member telling the Board that this is what the agreement was. Obviously the ordinances speak for themselves but the Planning Board wants the reassurance. Would you please call me concerning this?" He received that, it is marked A-1 in evidence, on September 23rd and he wrote back on September 27th, marked A-2 in evidence. He wrote to Mr. Jackson with a copy going to me. He says "Dear Mr. Jackson, I have enclosed correspondence received from R.S. Gazarowski dated 9/22/10 regarding the above minor subdivision that is pending before the Lakewood Township Planning Board, the representations contained in the letter are accurate and I would ask that you take the appropriate action, if you have any questions please do not hesitate to contact me. So basically Secare confirms our settlement, what happens was that I assumed that the Ordinances had been passed and I wrote to Mr. Waters and there was a change in the Township attorney, Jan Waters became the attorney, he sent me copies of Ordinances which I assumed related to this, what they related to was the earlier vacation that had taken place two years earlier. I didn't read those ordinances I just put them into my file. So I was under the assumption based upon Secare's letter I had the ordinances it was all over, it is not. Mr. Waters is going to be discussing it with the Township Committee, I spoke to him today he has these letters, I wrote Mr. Vogt and learned that these are the ordinances that had been passed. His suggestion was possibly that the Board could consider taking action one way or the other conditioned upon what the Township Committee did or did not do. My client and I are ok with that. I think you have heard this application several times. Mr. Neiman asked Mr. Vogt to explain what Mr. Gazarowski was talking about.

Mr. Vogt stated that he received a phone call from Mr. Waters and it is his understanding that there was an agreement in principal between Mr. Gazarowski and a prior attorney and it was just that the Township Committee hasn't done anything.

Mr. Jackson stated that the governing body it is just like if I went to court for the planning board I could call everyone of you and ask you what you thought about a settlement that gives me every right to give a very strong indication to the attorney that I am dealing with and maybe even make an agreement in terms of litigation, but until the board meets at a public meeting and there is a resolution and a second and a vote that it passes it is not the official act of the governing body.

Mr. Gazarowski pointed out that the original vacation essentially land locked Mr. Sankary's property so the settlement was Bauman would retain the 25 feet that he got, the 25 feet that the Township got would be given back for a public thoroughfare it would go back the Sankary's property on half would be vacated and given to him and the other half would be the right of way where there would be a 20 foot wide roadway that would correspond with RSIS standards. That is what we agreed to in the Judge's chambers I was under the impression that it was done it was not hopefully it will be done. What I said to Mr. Kielt rather than my coming back 2 or 3 months

from now, I would agree that anything that be done tonight will be subject to basically confirmation or affirmation by the Township Committee.

Mr. Banas stated that didn't he read that that roadway was not approved by the RSIS.

Mr. Vogt stated that earlier there was an interpretation that the cart way would have to include parking that is not the case; it would only meet RSIS if it was restricted and enforced for no parking. This is suppose to be a Township road and we do not want to sign off on a road without the people that were going to own it in consent and that would be the Township.

Mr. Jackson stated that his recommendation would be that the Board can grant the approval being mindful that of the agreement with Mr. Secare, making it conditional that the Township signs off on the road.

Mr. Franklin asked why could not be made a private street owned by the homeowners. You can't get trucks, busses, emergency vehicles back to those homes.

Mr. Vogt stated that that was discussed but the applicant's asked to be heard on this application. There are all kinds of possibilities. An RSIS road with one side parking would have to be at least 25 feet.

Mr. Gazarowski stated that the Township vacated the street land locking his client, depriving him of the use of the land. Weather it is 20, 25 or 28 feet needed from the Township this is what Mr. Waters would be discussing with the Township.

Mr. Neiman stated that this application could be approved for today for a private road and if after the vacation the DPW is ok with the road then it could be further approved for a Township Road.

Mr. Glen Lines stated that there is a k-turn at the end of the road for turning around.

Mr. Banas stated that the board could do nothing at this time and wait for the Township to decide what it wants to do.

Mr. Schmeckler asked what would make this road RSIS compliant.

Mr. Vogt stated that there are tables and he did not have them as to what makes a road RSIS compliant, one way, two way, parking, no parking

Mr. Neiman opened the application to the public seeing no one he closed this point of the application.

A motion to approve was made by Mr. Schmuckler with the condition that the Municipality will vacate 25 feet for a road with no parking on either side, and seconded by Mr. Banas.

Roll Call Mr. Franklin, no, Mr. Arecchi, yes, Mrs. Koutsouris, no, Mr. Banas, no, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

6. PUBLIC PORTION

7. APPROVAL OF THE MINUTES

- Minutes from October 19, 2010 Planning Board Meeting

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arcchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

- Minutes from February 1, 2011 Planning Board Meeting

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arcchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

8. APPROVAL OF BILLS

Moved by Mr. Percal, seconded by Mr. Follman

Roll Call Mr. Franklin, yes, Mr. Arcchi, yes, Mrs. Koutsouris, yes, Mr. Banas, yes, Mr. Neiman, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Margaret Stazko
Secretary