

**LAKWOOD PLANNING BOARD  
PLAN REVIEW MEETING AGENDA  
TUESDAY, MARCH 15, 2005 • 6:00 P.M.**

**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.”

**ROLL CALL:** Mr. Long, Mr. Herzl, Mr. Miller, Mr. Neiman, Mr. Banas, and Mr. Ackerman.  
Also present were Attorney John Jackson, Engineer Maxwell Peters and Planner Stanley Slachetka.

Mr. Banas asked if there were any changes and there were not.

**III. NEW BUSINESS**

**1. Review/Adoption of Municipal Overall Stormwater Management Plan**

Glenn Lines, Township Engineer, stated the members received a copy of the proposed stormwater management plan for the Township. The plan is an additional element to the existing master plan. As part of the New Jersey stormwater management regulations, the Township was required to get a permit to operate the stormwater system. Within a year of receiving the permit, the Township had to introduce a stormwater management plan which discusses existing water facilities in town and how they plan to collect, provide detention and filtering for stormwater prior to discharge into the waterways of the Township. Within the plan is a draft stormwater ordinance that complies with the regulations which will be adopted over the next twelve months. One of the time constraints is that before they can submit the stormwater plan to Ocean County, they had to have it adopted by the Planning Board. It is a work in progress. The Township had a consultant who was supposed to prepare this but did not and they stepped in at the last minute to put something together to submit to the County.

Mr. Banas stated that in the introduction of the proposed study, it indicates that the master plan and the existing ordinances that the Township has. He stated that the master plan was completed in 1999. The ordinances as of yet have not been made available or changes. He asked if he planned to use the new ordinances to review the stormwater management. Mr. Lines replied yes. He stated that the stormwater regulations in the back as a draft are based on the existing zoning ordinances and development regulations.

If between now and the next twelve months, the new ordinance should be adopted, this ordinance would be reviewed based on what is adopted and recommend changes if necessary. Mr. Banas asked about the cabinfield branch off of Squankum Road. He stated there have been problems with that area for years. He asked if he saw anything that could be done quickly to alleviate the problem. He knew Mr. Franklin had that in a budget. Mr. Lines stated it was in the budget the past several years. They did develop some improvements to the upper end of the cabinfield from Squankum to Park Avenue to include improving the storm drainage system from Squankum into that low natural detention area, providing a new outlet by the railroad tracks and putting a new higher capacity pipe underneath the railroad tracks. Then they identified other projects from there down to the other side of Ridge Avenue to improve flow and capacity under all the cross streets. One of the other things that that branch of the Metencodnek has the C-1 classification which is different than wetlands but the State will now impose a 300 foot setback from the banks of that waterway. Mr. Banas asked about the housing developments off of Ninth Street and Squankum Road and if it caused a problem. Mr. Lines replied not if they were existing. Mr. Banas asked about Lake Carosaljo and fecal matter. Mr. Lines stated the Township has a grant to do a study of the lake and the water quality. The report should be ready in April. It does address the fecal problem and possible locations of where it is coming from. Mr. Banas stated that the engineer mentioned that the quality of water is good and that there is no need to be alarmed in anyway. He felt that speaks well of the municipality. Mr. Lines stated that most of the developments approved include stormwater management and a lot of recharge which is beneficial to the area. This is one of the things that the State wants to promote. Mr. Banas stated he felt the mitigation plans were good.

Mr. Lines stated that the Township will be using BMPs which are best management practices recommended by the State.

Mr. Neiman asked if this will tie into the ordinances. Mr. Banas stated it would not. Mr. Lines stated that this is another element of the master plan. It is basically a road map as to how the Township intends to comply with stormwater and there will be a separate stormwater ordinance. Mr. Jackson stated that this needs to be adopted. This is a public hearing to amend the master plan.

Mr. Banas opened the matter to the public.

Brian Flannery, Lakewood, New Jersey, asked if there were copies available. Mr. Banas replied that copies were available.

Seeing no further person wishing to speak for or against the stormwater management plan, Mr. Banas closed the public hearing.

On motion by Mr. Herzl and seconded by Mr. Long, the stormwater management plan was hereby adopted.

ROLL CALL: Mr. Herzl, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; and Mr. Ackerman.

- 2. SD #1469** (No variance requested)  
Applicant: Township of Lakewood  
Location: Cedar Bridge Avenue & New Hampshire Avenue  
Block 548 Lots 162, 163, 171 & 178  
Blocks 549, 550, 551, 552, 553, 556, 557, 558, 560, 561, 566, 567

All Lots and all existing paper street located within the subject parcel  
Preliminary & final major subdivision to create 4 lots in conjunction with prior approved site plan for John J. Franklin Public Works Complex

Mr. Peters stated the applicant is seeking preliminary and final major subdivision approval for various blocks and lots within the A-1 zone. No variances were requested. The site plan components of the project were approved by the Planning Board at the December 7, 2004 plan review meeting. The applicant has made all the requested revisions to the plans to comply with the map filing law.

Mr. Slachetka stated the plat indicates that the existing platted streets within the subject tract will be vacated. Action of the Township Committee is required to vacate the existing paper streets. The ordinance number and date of adoption of the street vacation should be provided on the plat. The zoning data table should reference the A-1 zone district.

Mr. Lines stated the township was subdividing the property to comply with the public works yard site plan already approved. The plan revisions were made to comply with the map filing law. He sent a letter to the Committee for vacation of the streets which should be heard on March 31st. They will correct the A-1 area on the map. They are subdividing the land so they have to get all the necessary approvals.

Mr. Neiman asked where the trucks will exit. Mr. Lines stated that all of the trucks will either come out onto Cedarbridge or New Hampshire Avenue. They will be provided left turn lanes in off New Hampshire Avenue and Cedarbridge. There will be a left turn lane out of the site onto New Hampshire. They have a plan to widen and restripe the road.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, Mr. Banas closed the public hearing.

On motion by Mr. Neiman and seconded by Mr. Herzl, the application was hereby approved.

ROLL CALL: Mr. Herzl, yes; Mr. Miller, abstain; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; and Mr. Ackerman, yes.

- 3. SD #1462** (Variance requested)  
Applicant: Marcy Janora  
Location: East Fifth Street, east of Negba Street  
Block 236 Lot 44

Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking minor subdivision plan approval for Block 236, Lot 44 along East Fifth Street within the R-7.5 zone. The applicant is requesting a vari-

ance from the provisions of Chapter 18 for lot width. A lot width of 44 feet is proposed where a minimum of 50 feet is required. The applicant has made the revisions to plan required to comply with the New Jersey map filing law. The proposed plot plan shows the proposed dwelling location within the setback lines and a 25 foot driveway has been provided to comply with the parking requirements of RSIS.

Mr. Slachetka stated the applicant has agreed, via a letter from his engineer dated March 7, 2005, to either remove the existing dwelling or post a bond guaranteeing the removal of the dwelling prior to signature of the map. The project will be subject to the approval of the Ocean County Planning Board. The existing right-of-way width is 43 feet where a minimum of 50 feet is required. A waiver of the requirement based on the fact that the area is developed would be appropriate. Compliance with the map filing law is required. As noted on the plat and in accordance with NJ RSIS, a total of three off-street parking spaces are required for each of the proposed five bedroom dwellings. The applicant has submitted a plot plan for proposed lot 14.02. The plot plan outlines a proposed dwelling with a 1,100 square foot footprint with the seven foot side yard setbacks. A proposed three care driveway is also delineated on the plot plan. The board may want to consider an alternate layout, which would provide for a two-care wide driveway with garage parking within the dwelling.

Ray Shea, Esq., appearing on behalf of the applicant.

Brian Flannery, P.E., was sworn in and his credentials were accepted. Mr. Flannery stated the parking is indicated on the plans and that parking would be provided in accordance with RSIS. At the time of submission for a building a permit, the township would review and confirm that they complied. They were asking for a variance on proposed lot 44.02 due to the unique shape of the property. The width of the lot provided is only 44 feet where 50 feet is required. The average lot width is 70 feet which exceeds the requirement by 20 feet. There is no detriment to the zone plan or zoning ordinance based on this. They were asking for a C-2 variance where they have to show that the benefits outweigh any detriments. It was his opinion that there were no detriments to this. It was providing housing opportunity and the benefits would be as outlined in the Municipal Land Use Law that they were establishing the appropriate population density. C-1 is the unique shape of the property.

Mr. Neiman stated that the width is 44 feet but the plans show 32 feet. Mr. Flannery stated the lot width is measured at the set back line. The frontage along the street is 32 but the setback line is 44. Mr. Slachetka stated the ordinance indicates that is how it should be measured. Mr. Neiman asked if there was a detriment to traffic since it was on a curve. Mr. Slachetka stated that is why they suggested a narrower driveway. As presented, almost the entire frontage would be a driveway. Mr. Flannery stated that a two car driveway and a garage would be out of character with the neighborhood. He felt the driveway could be limited and provide a condition that there be a turn around so the vehicles could turn and exit.

Mr. Banas asked if any of the other lots are 44 feet wide. Mr. Flannery stated that lot 20 to the east is about 45 feet. Lot 23 to the west is under 40 feet wide. It is consistent with the area. All the lots are narrow. He felt that a turn around in the driveway would be

a superior condition to any of the other driveways. Mr. Banas stated the lots on the opposite side do not appear that small. Mr. Flannery stated that they are on the inside of the curve and you end up with more frontage but the lot width is smaller.

Mr. Neiman asked about the building envelope. Mr. Flannery stated the setback line is shown on the plan. There is no plan to construct houses at this time. They were trying to subdivide the property into two lots. It was a deep lot.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, Mr. Banas closed the public hearing.

Mr. Long asked if a condition could be placed requiring the developer to come back before the Board to ensure that the setback is sufficient. Mr. Shea stated that this was not an issue two weeks ago. They were welcome to receive comments from the professionals. If five feet was insufficient, ten or twelve may be sufficient. If the house is pushed back, there is more room in the front for the turn around. Mr. Banas did not think he could approve the subdivision because it was too narrow. Mr. Shea stated it was only insufficient at the setback line. If it is pushed back further, they exceed the requirement. Mr. Banas did not think that the setback line could be moved that easy. Mr. Slachetka stated that the developer could agree to move the house back but there is a requirement in the ordinance. Mr. Flannery stated the ordinance stipulates 25 feet. Existing this site there would be more visibility. They agreed to move the setback to 40 feet, they would have the 50 feet. They would be accomplishing two things, providing room for the turn around, allowing the vehicles to exit forward and addressing the traffic concerns. Aesthetically, he did not think that 40 feet back causes any sort of a problem. You then have accomplished the width requirement. Mr. Slachetka stated the question for the board would be why the lot width was measured from the setback.

Mr. Ackerman stated that if a house was on a cul-de-sac with narrow frontage, would they not use the setback.

Mr. Banas stated that if the house was moved back, they would not need a variance. Mr. Long felt that the applicant would be playing with the lines to serve their purpose. Mr. Shea did not feel that they were playing with anything. The applicant had the right to set the house anywhere on the property so long as he does not violate the rear yard setback. He did not need a variance to move a minimum to a maximum. They were creating a safer and better condition. The ordinance sets a minimum setback line. Once the applicant moves the house back beyond that point, then there is no issue for the board. They only had to provide C-1 and C-2 testimony. The lot was pie shaped. The average lot width on this lot is 70 feet wide. This is 20 feet more than the minimum. Mr. Slachetka stated that if the applicant moved the building back, they would try to comply with the ordinance. Technically because the lot width is associated with the width of the lot, the applicant would still need a variance.

Mr. Jackson stated that either a C-1 or C-2 could be satisfied. He felt that the board should consider the same. The square footage should be considered. The required lot size is 7,500 square feet. The new lots are significantly over the minimum lot area. You have to determine if the purpose is fulfilled. It is an odd shape lot on a curve. The big

thing is the area. In summary, if the board exercises discretion and is satisfied with the application, that it does fit with the character of the neighborhood, if it will promote the objections of land use, if it does not have any substantial detriments, and the board in its discretion thinks it is a good move then those items need to be put into the record. If the board rejects this application, the reasons why need to be explained. It has to be very clear as to the board's determination.

Mr. Neiman asked if there was parking on the side of the street. Mr. Flannery stated he knows that there is parking on one side of the street. He believed it was the other side of the street. Mr. Neiman stated that it was a one family dwelling and it should be a condition that it is a one family dwelling and that there will be no additional families in the basement. Mr. Banas asked how it could be done on a subdivision. Mr. Jackson stated that it could be a deed restriction. Mr. Flannery stated that if the applicant agrees as a condition of approval, it is put in the resolution so everyone knows that it is a single family home with one utility service. The applicant is willing to go along with this. The negative impacts of the narrow lots would be that the houses looking close together or narrow houses. If it is pushed back, it would be eliminated because it would not be a narrow house. They would not cause a situation where the houses are close to the road. The traffic impact with pushing it back and creating a turn around is better. The visibility will be improved with the turn around. The negative impacts have all been addressed.

Mr. Miller asked if it was a subdivision for a single family house, which it was.

Mr. Long asked what was considered a one family house. Mr. Flannery stated that the building codes do address what a single family house is.

On motion by Mr. Neiman and seconded by Mr. Herzl, the application was hereby approved with the condition that the setback is moved by 15 feet, provide a turn around driveway, that it would only be for one family with one utility service, and granting the variance.

ROLL CALL: Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, no; and Mr. Ackerman, yes.

- 4. SD #1463** (Variance requested)  
Applicant: Yomah, Inc.  
Location: Nowlan Place, between East 7th Street and East 8th Street  
Block 208 Lot 136  
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision plan approval for Block 208, Lot 136 along Nowlan Place within the R-10 zone. The applicant is requesting variances from the provisions of Chapter 18 for minimum lot area, minimum lot frontage, and minimum side setback for proposed lots 136 and 136.01. On proposed lot 136.01 a lot area of 7,950 square feet is proposed where 10,000 square feet is required, lot frontage of 53 feet where 75 feet is required, and a side yard of 7.5 feet on one side and 15 feet combined where 10 feet one side and 25 feet combined is required. On proposed lot 136, a lot area of 8,299 square feet is proposed where 10,000 square feet is required, lot

frontage of 62.81 feet is proposed where 75 feet is required; and a side yard of 7.5 feet on one side and 15 feet combined where 10 feet one side and 25 feet combined is required. The board should determine whether a shade tree easement is required along the street frontages. The applicant should indicate the proposed square footage of each of the proposed structures on each of the proposed lots.

Mr. Penzer asked if Mr. Herzl left. Mr. Kielt stated that he left, but a quorum was still present.

Mr. Slachetka stated that a note has been provided on the revised plat that the existing dwelling will be removed or a bond posted prior to signature of the maps. The subdivision will be subject to approval of the Ocean County Planning Board. The plat has been revised to note the number of bedrooms (5) in each proposed dwelling. A total of three (3) off-street parking spaces are required to comply with the NJ RSIS. The proposed driveway shows sufficient area for three spaces. Information has not been provided whether a garage is proposed. I reiterate my comment regarding the side yard setback lines on the submitted drawings. The setback lines show a 7.5 foot side yard setback, where the ordinance requires a 10-foot minimum setback on one side and 25-foot combined side yard setback. To remove any future confusion, the setback lines shown on the plan should correspond to those required in the district, unless otherwise modified by the Planning Board through the grant of a variance. If so modified, the plat should specifically identify the Planning Board resolution number and date of the variance. As previously noted, filing of the subdivision must comply with all provisions of the Map Filing Law. The applicant should provide testimony regarding the lot sizes and character of the surrounding neighborhood, with specific attention to the lots in the R-10 district.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated the lot sizes and the character would be testified to. If you examine the lots, shown on a map marked as P-1 which is the improvement plan dated 10/2/04. Various lots are colored which are undersized. Thirty two of the lots are undersized. A lot of them are smaller than what they were proposing.

Robert Burdick, P.E., was sworn in and his credentials were accepted. He stated they reviewed the lots within 200 feet of the site. There are 32 lots listed in the area of which 50 percent do not comply with the ordinance for the zone that they are in. In addition, in looking at the 32 lots, 25 or 78 percent of the lots overall are not as large as the lots they were proposing to create. In looking at the lots on East Eighth Street and Nowlan, there are 20 lots of which 65 percent of 13 lots do not comply. In addition, 17 of the lots are smaller than or narrower than the lots proposed. The last meeting, Mr. Dolobowsky pointed out that the area immediately to the left of this parcel is within a R-7.5 zone and we recognized that. If we deduct the R-7.5 zone lots from the analysis, there are 16 lots which front on East Eighth Street or Nowlan Place of which 14 lots do not comply with the ordinance. All of the 14 lots are smaller than the proposed lots. These lots are in compliance with the area. Mr. Burdick stated that there are 4 conforming lots along East Seventh Street within the R-10 zone and 4 conforming within the R-7.5 zone. Nowlan Place is a less traveled road. The lots comply with the actual land development in the area. The variances could be granted without substantial detriment to the zoning ordinance, master plan or public good. With regard to the professionals' reports, they would provide

a shade tree easement but providing one along 120 foot parcel seemed overkill. They would provide the same if the board determined. They want to keep the building setback lines where they area, they will label them with the proper ordinance numbers if the approvals are granted. The side yard setbacks are 7.5 feet. Those to the exterior are 10.5 feet. The R-10 ordinance is 10 feet minimum. This was increased which they felt was adequate for lot 136. To the north, they were providing a 12 foot setback. The interior between the two homes are the setbacks which are 7.5 feet.

Mr. Penzer stated that they were doing what the neighborhood was. The lots in the area are smaller. He felt that they were in conformance with what was presently there.

Mr. Miller asked how many lots were there. Mr. Burdick stated that out of 32 lots, 25 are smaller or narrower than what was being proposed. There are 24 lots in the R-10 zone of which 17 are smaller than the proposed lots. The lots were discussed again as discussed previously by Mr. Burdick.

Mr. Ackerman asked what the conditions of the homes were in the area. Mr. Burdick stated that some are new and larger homes. Some are smaller, older homes. The home currently on the site is an older home.

Mr. Banas stated to eliminate the need for the variance, what is needed for the setback. Mr. Burdick stated 10 and 15 feet. Mr. Slachetka stated that it has to be 10 feet on one side and 25 feet combined.

Mr. Long stated that until the master plan is changed, the board had to be stringent in giving all of the variances because then the master plan would not have to be changed because everything already was changed. Mr. Penzer stated that this was a minor subdivision. The general area does not lend itself to a larger home. Mr. Burdick stated that if the subdivision created a precedent with the other lots in area he could understand it.

Mr. Neiman asked if they would work with the setbacks. Mr. Burdick stated that the way the homes are presently, they have 7.5 feet on one side and 10.5 on the other. They would have no objection if the board was comfortable with 18 feet.

Aaron Rotenberg, 207 Carey Street, Lakewood, was sworn in. He stated he has a house that is 35 feet on the property which he could make 33 feet. That would give another 2 feet which would give them 20 feet. Mr. Neiman stated he was looking for the increase in the setback.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, Mr. Banas closed the public hearing.

Mr. Neiman asked if there were sidewalks. Mr. Burdick replied that there were.

On motion by Mr. Neiman and seconded by Mr. Miller, the application was hereby approved with the condition that there would be a total side setback of 25 feet combined, the variance for the lot width and square footage was granted and that it was a single family dwelling.



Mr. Banas did not feel that the homes would fit in the area. Twenty five feet combined side setback was required. Five more feet was required. Mr. Penzer stated that they were willing to shrink the building. The variance would not be required.

Mr. Penzer stated that they would not need any further variance. Mr. Banas stated that shade trees and sidewalks were needed.

ROLL CALL: Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, no; and Mr. Ackerman, yes.

5. **SP #1806** (Variance requested)  
Applicant: Shравan K. Baile d/b/a Best Liquors of Lakewood  
Location: Route 88 (Ocean Avenue) between the railroad & South Park Avenue  
Block 536 Lot 5  
Site plan for proposed second story addition on the rear half of existing building

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the construction of a second story addition on the rear half of the existing building along Ocean Avenue within the B-4 zone. The applicant is requesting a variance from the provisions of Chapter 18 section 14.3.b.3 & 7, pertaining to the minimum number of parking spaces required. The applicant has proposed 18 parking spaces where 24 are required. The applicant indicated at the plan review meeting, the existing free standing sign will be utilized at its current size and location. The existing 20 foot 3 inch high sign is located 12 feet from the property line. Ordinance requires free standing signs be set back 15 feet plus one additional foot of setback per foot of sign height. The existing sign must be located 35 feet from the property line or a variance obtained. The applicant shall provide testimony as to the location and methods proposed for off-street loading and unloading. Ordinance chapter 18, section 14.3b.8, require spaces be provided for off-street loading. The parking table has been revised to show the proper number of required spaces. The proposed number of parking is indicated as 18. It appears from the plans 17 spaces have been provided. The parking table or plan shall be revised to indicate the correct number of proposed parking spaces. The applicant shall provide testimony as to the type of food preparation that will be performed and clarify if this is an accepted use. It appears the dumpster has been located to meet the minimum turning radius to allow for 30 foot trash truck access to the dumpster. Although the minimum required radius has been met, the turn is extremely tight. The board should determine if the dumpster should be relocated to the eastern most corner of the building and to remove the proposed employee parking lots. The proposed employee parking spaces located behind the building will block access to the trash enclosure. The applicant shall provide testimony as to the proposed hours of operation and how the employee parking will impact trash collection. A detail for a wood stockade fence has been added to the plans. The location of the proposed fence shall be noted on the plans. If the fence is to be used as the trash enclosure it shall be noted as such.

Mr. Slachetka stated the handicapped space has been relocated to the center of the lot in the front of the building, across from the porch entrance. The justification for the parking variance must be provided to the planning board. We note that the parking lot is a dead end with minimal area for turnaround. A landscaped peninsula is now proposed to

screen the row of parking spaces. The site plan should be revised to provide the planting size and the appropriate landscape planting details. The engineer has added isolux lines for purposes of delineating the illumination by the existing pole mounted light and building mounted lights. It appears that the lighting is deficient for the first six spaces and additional lighting is required. Concrete bumper stops are now proposed for the proposed parking stalls. A detail should be added to the plans. A construction detail of the proposed wood stockade trash enclosure has been provided on the site plan. The detail should be supplemented with information about the entry side. Will it be gated or open? A variance is required for the freestanding sign. Testimony should be provided to conform that the sign will not be expanded with the new use. We continue to have concerns regarding parking space #1. Access to this space will be difficult for cars traveling eastbound on Ocean Avenue. In addition, we recommend that the space be more fully delineated on the site in a manner consistent with the other parking spaces. The board should also consider requiring a curbed and landscaped island between this parking space and the right-of-way to further define the entrance to the site. An architectural elevation should be submitted of the Ocean Avenue elevation.

John Vassalo, Jr., Esq., appearing on behalf of the applicant.

Shravan Baile, 991 Jessica Court, Lakewood, applicant, was sworn in and he was accepted.

Charles Gilligan, P.E., Brielle, was sworn in and his credentials were accepted. He stated that the freestanding is an existing condition. They do not intend to expand on the sign. Any new signs that will occur with occur within the framework of the existing sign.

Mr. Baile stated that the deliveries are usually between 9 a.m. and 10:30 a.m. Using the map, Mr. Baile explained how the trucks come to make the deliveries. The two pictures were marked as A-1. Mr. Baile stated the pictures represent what is there currently. Mr. Baile showed where the truck parks on the parking lot and the deliveries are made to the middle of the building. The deliveries will remain the same. The trucks enter facing southbound. Mr. Banas asked what size trucks they were and where they would turn around. Mr. Baile stated that the trucks back out to the front of the store. They basically make a k-turn and pull out state. Mr. Peters asked if that was reasonable. Mr. Gilligan stated that the deliveries happen during off peak hours and he felt that it was acceptable. Mr. Banas stated that between 9 and 10:30 Route 88 was busy. He also felt that people would be going into the liquor store at that time as well as the other two businesses once it is expanded. Mr. Gilligan stated that he did not think that all the spaces would be taken up at that time. There is an area with an handicapped unloading zone which provides some maneuverable. Mr. Baile stated that 90 percent of his customers were walking customers. All the residents residing on Ocean Avenue walk. Mr. Peters suggested a condition with the time of deliveries. Mr. Vassalo stated that they do not have control over when the deliveries come. The distributors set the times. There is no change to how the business operates currently. The deliveries were not being changed with this application. The question is whether or not there would be an increase in deliveries which there would not be. Mr. Banas stated that when a plan comes before the board, they have every opportunity to ensure that safety is an issue and safety is paramount in their thinking. They have to ask and provide for the safety of all the citizens. Mr. Vassalo agreed. Overall there is no

substantial change in how the deliveries are being made currently. Mr. Banas asked about the other two businesses that they would have and the times they would open. Mr. Vassalo stated that one business is a proposed office. The other business is a proposed Mexican grocery which will take the business that was destroyed up the road which was almost all completely walk in. He stated that Mr. Baile was trying to recapture that business. There would really be no increase in traffic.

Mr. Miller asked about the condition of the sidewalks. Mr. Gilligan stated that the sidewalk is completely across the property but he was not sure about the condition. Mr. Banas thought the sidewalk was raised in front of the store. All sidewalks should be repaired or replaced.

Mr. Baile stated that 30 percent of the customers come by vehicle and the rest are walkers. He did not think that the Mexican grocery would increase the number of cars. He described the traffic in the area. Mr. Baile stated the parking lot currently only gets busy from 4 p.m. to 7 p.m. with seven to eight spaces used. He would permit the one space to be exclusively employee parking. Mr. Vassalo stated if it was reserved as employee parking no one else would use it. Mr. Banas thought that the truck would use that area because it entered moving south towards the main door, comes back and backs into where the parking space is and then turns out. Mr. Gilligan stated that was correct. The space was limited by the location of the sign. The space could be up as far as the sign. There is a guardrail. Mr. Banas asked where the truck backs into in. Mr. Gilligan explained. Mr. Banas stated it could not be used as a parking space and a turn around at the same time. Mr. Gilligan stated that since it is a parking space that is designated as employee parking only, it could be used to allow for the safe back out of the truck with no public person using the space. Mr. Banas asked how much space was needed for a handicapped space. Mr. Slachetka stated the space is 8 feet wide. The loading space next to space is 8 feet wide. Mr. Banas did not think the space was there. Mr. Gilligan stated the space was there. The loading zone was the isle itself. Mr. Banas stated it could not be used to back the truck in. Mr. Gilligan stated that the loading zone is always open. Mr. Banas stated that if it is a handicapped space that is all it is. If it is a loading zone, it is nothing else but a loading zone. It cannot be both ways. Mr. Gilligan stated that the only possible consideration is that one of the employees would act as a traffic cop while the unloading occurs. There are four deliveries a week.

Mr. Miller suggested to eliminate the spot in the front. Mr. Banas stated it would be discussed. Mr. Gilligan stated there are 18 spaces not 17. Mr. Peters stated he missed the space out front. There are 24 spaces required. Mr. Baile stated that the grocery would mainly be coffee, tea, bagels, rolls, tacos, burritos, etc. It is mostly stuff that is taken out of the freezer, microwave and taken out. There is no in store seating. It is all prepared food that is microwavable. Mr. Gilligan stated that handicapped ramp will be provided and will work. It is seven inches above the elevation. The details will be shown on the plans. The dumpster will be in the back fenced in with a cedar fence. The dumpster is on rollers. It will be rolled out so the truck can access it from the parking isle. This will be done once a week. It is a private collection. Mr. Baile stated that the collection is between 6 and 8 a.m. He can control the time since it was a private company. Mr. Gilligan stated the dumpster will have a five foot high cedar board on board fence with a gate. Some landscaping will be provided out front. The office use will be a separate use.

Mr. Baile stated the total square footage would be 1,800. It would be not more than two tenants. Mr. Gilligan stated that handicapped space was relocated to the center of the lot. The parking lot is a dead end with minimal turn around. The variance should be granted because the application does provide a neighborhood business that assists the community. The architectural will be an improvement over what presently exists. The negative impact would be the applicant's. He did not think it would be a negative aspect as far as the neighborhood. The landscape has been added to the plans and an additional light will be installed. Concrete bumper stops have been added and details will be provided. The trash enclosure will be gated and details provided. The existing sign will remain. Parking space #1 will be employee parking. The applicant typically uses it. The architectural elevation of the Ocean Avenue elevation will be provided. The front of the structure is about 70 feet back from the front of Route 88. There will be no change in the front.

Mr. Neiman asked about parking space #1. He was thinking about eliminating the spot since it would be used for backup for the trucks. Based on the testimony given, not that many spaces are used. There would be more truck deliveries with the grocery store. The front of the store does need help. The sidewalks should be repaired or replaced. He wanted to see some landscaping. Mr. Gilligan stated landscaping would be inappropriate at the turn around area. Mr. Neiman asked the purpose of the guard rail. Mr. Slachetka stated he was going to ask about the guard rail as well. Mr. Gilligan stated they could cut a stripe of asphalt away and put a planter in. It would give everyone an indication that it was not a head on parking space and the guard rail could be removed. Mr. Neiman felt that once the curbing is fixed, it should help eliminate the problem as well. Mr. Slachetka felt the planter would help. He felt that the since the grocery store would be in the rear, some type of sidewalk along the frontage to the rear should be provided.

Mr. Banas stated that with all the walkers, he suggested to move the two new stores up front and the liquor store in the back. You would get the walking traffic for the grocery store and the liquor store is something that would sell itself. Mr. Baile stated it would be expensive to move it. Mr. Gilligan stated that this was a known successful business. He wanted to keep it status quo. Mr. Banas felt that this made sense and would eliminate safety issues. You would not have customers going to the grocery store walking through the parking lot. Mr. Gilligan stated that the walk ups to the liquor store would be as voluminous as to the grocery store.

Mr. Peters asked about the sidewalk along the front of the liquor store. He asked if the grade could be done to have some curb next to it. Mr. Gilligan stated they would prefer not to do a curb there but a sidewalk next to the building could be.

Mr. Banas stated that every time he has gone to the liquor store, he has parked right next to the door. He felt some kind of curb would provide safety for the people who are walking. You cannot have them walking down the middle of the parking lot. Mr. Peters stated that was what he was recommending. Mr. Banas stated that striping would not be adequate. Mr. Peters agreed. Mr. Gilligan stated that the applicant agreed to brick pavers. Mr. Banas stated that it was fine but it had to be elevated. Mr. Gilligan stated they were agreeing to the curb.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, Mr. Banas closed the public hearing.

On motion by Mr. Neiman and seconded by Mr. Miller, the application was hereby approved with the repair and/or replacement of the sidewalks on Ocean Avenue, to eliminate the front parking space, to put planters in the front, to put a sidewalk with curb along the length of the front of the store, to put a sidewalk and curb on the east side of the building, to grant the parking variance and with the recommendations of the professionals that were agreed to.

ROLL CALL: Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; and Mr. Ackerman, yes.

#### **IV. MEMORIALIZATION OF RESOLUTIONS**

Mr. Banas asked if there were any corrections. Mr. Jackson stated that the resolution for Fourth & Forest LLC was amended to clarify that no bedrooms would in the basement.

1. **SP #1802** (No variance requested)  
Applicant: American Classic Realty  
Location: Route 88 (Ocean Avenue) between Chambers Bridge Road &  
New Hampshire Avenue  
Block 569 Lot 35

Change of use site plan from carpet sales to proposed used automobile sales  
(No construction proposed)

On motion by Mr. Miller and seconded by Mr. Ackerman, the resolution was hereby memorialized.

ROLL CALL: Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; and Mr. Ackerman, yes.

2. **SP #1804** (Variance requested)  
Applicant: Colonial Auto Mall Inc.  
Location: Route 88 (Ocean Ave) between Chambers Bridge Road &  
New Hampshire Avenue  
Block 189.03 Lot 76

Preliminary and final site plan for expansion of existing commercial operation

On motion by Mr. Neiman and seconded by Mr. Ackerman, the resolution was hereby memorialized.

ROLL CALL: Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; and Mr. Ackerman, yes.

**3. SP #1797** (No variance requested)

Applicant: New Jersey American Water Co.

Location: Sunset Road, south of Caranetta Drive  
Block 290 Lot 1.02

Preliminary and final site plan for Sunset Road washwater basin covers

On motion by Mr. Neiman and seconded by Mr. Ackerman, the resolution was hereby memorialized.

ROLL CALL: Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; and Mr. Ackerman, yes.

**4. SP #1785A** (Variance requested)

Applicant: Fourth & Forest LLC

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

Amended site plan for 9 proposed townhouse units

On motion by Mr. Ackerman and seconded by Mr. Neiman, the resolution was hereby memorialized as amended.

ROLL CALL: Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; and Mr. Ackerman, yes.

**5. SP #1800** (No variance requested)

Applicant: Township of Lakewood

Location: One America Avenue (access on Cedar Bridge Avenue &  
New Hampshire Avenue)  
Block 548 Lots 162, 163, 171 & 178  
Block 549, 550, 551, 552, 553, 556, 557, 558, 560, 561, 566 567  
All lots

Courtesy review of site plan for proposed John J. Franklin Public Works complex

On motion by Mr. Neiman and seconded by Mr. Long, the resolution was hereby memorialized.

ROLL CALL: Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; and Mr. Ackerman, yes.

**6. SP #1791**

Applicant: Mesivta Ohr Zarua Inc.

Location: Faraday Avenue, west of Cross Street  
Block 508 Lot 5.01

Amended resolution for change of use site from existing residence to proposed school  
Denial of motion to reconsider prior condition of approval to construct curb & sidewalk

On motion by Mr. Neiman and seconded by Mr. Ackerman, the resolution was hereby memorialized.

ROLL CALL: Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; and Mr. Ackerman, yes.

- 7. SD #1437** (Variance requested)  
Applicant: Baruch Reichman  
Location: Forest Drive, south of Shady Lane  
Block 12.02 Lot 7  
Minor subdivision to create two lots

On motion by Mr. Neiman and seconded by Mr. Ackerman, the resolution was hereby memorialized.

ROLL CALL: Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; and Mr. Ackerman, yes.

- 8. SD #1469** (No variance requested)  
Applicant: Township of Lakewood  
Location: Cedar Bridge Avenue & New Hampshire Avenue  
Block 548 Lots 162, 163, 171 & 178  
Block 549, 550, 551, 552, 553, 556, 557, 558, 560, 561, 566 567  
All lots

And all existing paper streets located within the subject parcel  
Preliminary and final major subdivision to create 4 lots in conjunction with prior approved site plan for John J. Franklin Public Works Complex

On motion by Mr. Neiman and seconded by Mr. Ackerman, the resolution was hereby memorialized.

ROLL CALL: Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; and Mr. Ackerman, yes.

## **V. CORRESPONDENCE**

Mr. Kielt stated a memorandum was received from Mr. Lines responding to a letter from the Ocean County Engineer which had concerns about the Planning Board and Zoning Board granting variances along the Route 9 corridor. The County Engineer is requesting that before that any other variances are granted that they be looked upon very hard for the future widening of Route 9.

## **VI. APPROVAL OF MINUTES**

On motion by Mr. Neiman and seconded by Mr. Ackerman, the three minutes were here by approved.

ROLL CALL: Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; and Mr. Ackerman, yes.

Mr. Banas asked about the receipt of the minutes. He suggested that the attorney write the secretary a letter to request the technical review minutes prior to the regular meeting. Mr. Jackson would do the same.

## **VII. APPROVAL OF BILLS**

On motion by Mr. Neiman and seconded by Mr. Miller, the submitted bills were hereby approved for payment.

ROLL CALL: Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; and Mr. Ackerman, yes.

## **IX. PUBLIC PORTION**

None at this time.

## **V. ADJOURNMENT**

On motion by Mr. Neiman and seconded by Mr. Miller, the meeting was hereby adjourned. All were in favor.

Respectfully submitted,  
Elaine Anderson  
Planning Board Recording Secretary