

**LAKWOOD PLANNING BOARD
MEETING MINUTES
APRIL 4, 2006**

I. CERTIFICATION OF COMPLIANCE

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

“The time, date and location of this meeting was published in the 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.”

II. SWEARING IN OF PROFESSIONALS

Maxwell Peters, Martin Truscott and John Jackson were sworn in.

ROLL CALL:

Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas, Mr. Ganton, and Mr. Percal.

Mr. Banas stated that the project the board was waiting on, dealing with the reforestation of Lafayette Street, has begun. Mr. Banas stated they would not be able to complete the agenda.

III. WAIVER REQUESTS

1. SD #1534 (Variance requested)

Applicant: MTR Ventures

Location: Ridge Avenue, E. 7th St., Highgrove Crescent, east of New York Avenue
Block 223 Lots 4, 9.04, 84, 85

Minor subdivision from 4 lots to 3

Waiver request from checklist item:

B-1-topography of site

B-3-contours of site

B-7-wooded areas

C-3-location of existing drain pipes, water, sewer mains

C-4-location of existing/proposed well & septic systems

Mr. Peters recommended that the board grant the requested waivers since there was no construction proposed at this time. In the event construction is proposed they would request those items.

On motion by Mr. Neiman and seconded by Mr. Herzl, the requested waivers were hereby granted.

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

- 2. SD #1535** (Variance requested)
Applicant: Moshe Mendelwitz
Location: Miller Road, between Central Avenue & New Central Avenue
Block 11.03 Lot 90.03
Preliminary and final major subdivision to create 7 lots
Waiver request from checklist item:
B-2-topography within 200 feet of site
B-4-contours within 200 feet of site

Mr. Peters recommended granting a partial waiver. Topography and contours should be shown to the drainage high points and the far side of the road.

On motion by Mr. Neiman and seconded by Mr. Herzl, the requested waivers were granted partially in that the topography and contours should be shown to the drainage high points and the far side of the road.

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

- 3. SD #1464** (Variance requested)
Applicant: Aaron Pecker
Location: Ridge Avenue east of Brook Road
Block 189 Lot 24
Minor subdivision to create 2 lots
Waiver request from checklist item:
C-4- location of existing and proposed well and septic

Mr. Peters recommended granting a partial waiver. The proposed well and septic should be shown. The existing well and septic could be left off the plan provided sufficient notation is included that it would be removed in accordance with State and County standards.

On motion by Mr. Neiman and seconded by Mr. Ackerman, the requested waiver was granted partially in accordance with the engineer's recommendations.

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

IV. OLD BUSINESS

1. **SD #1430B** (No variance requested)
Applicant: Somerset Development
Location: Pine River Village
Blocks 830, 844-852 Lots all
Applicant request minor change due to alleged overlap area

This would be heard later in the meeting.

V. PLAN REVIEW ITEMS

1. Motion to Reconsider

Mr. Banas stated the board had a motion to reconsider dealing with Lakewood Equities. Mr. Jackson stated at the last public meeting during the closed session, the board had a concession made. There were two applications denied during the workshop. That is not the public hearing session. He was concerned with this. The workshop is not a hearing where the applicant can call witnesses and give testimony. It was not a public forum. In these applications, they were stopped at the workshop and that caused concern. The public hearing is like a trial and to stop someone short prior to the public hearing could cause appeal. In order to ensure the democratic process, the applicant has to have the opportunity to come before the board at a public hearing. Lakewood Equities was a preliminary matter. He recommended that it should be moved to a public hearing. The board may still deny the application, but the applicant had to have an opportunity to presents its case. There were questions regarding what the ordinance actually said. The matter should go to a public hearing. Mr. Banas stated the board had to hear the matter in public session at a regular meeting.

On motion by Mr. Herzl and seconded by Mr. Ganton, the application would be reconsidered at a public hearing.

Mr. Kielt noted that Lakewood Equities would be heard tonight and the other application would be heard on April 25, 2006.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Ganton, yes; and Mr. Percal, yes.

4. **SD #1523** (No variance requested)
Applicant: Sylvia Manheim
Location: Albert Avenue, between Bellinger Street & Towers Street
Block 801 Lots 4, 6

Mr. Jackson stated he served as a mediator regarding the applicant which he did not think created a conflict.

Mr. Peters stated the applicant is seeking minor subdivision approval to create two lots. No new dwellings are proposed at this time. The property consists of a number of lots within block 801. The property is located on Albert Avenue in the R-20 zoning district, with a double frontage on Sunset Avenue to the rear. No variances are requested. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board and the Ocean County Soil Conservation District. The board should determine if curb and sidewalk will be required along the property frontage. A six foot wide shade tree easement should be added to the Albert Avenue frontage. Due to the double frontage, the board should determine if access to Sunset Avenue should be deed restricted in the event Sunset Avenue is constructed in the future. The applicant shall demonstrate the off-street parking requirements of RSIS are provided, because no improvements are proposed at this time a note will be sufficient. There were comments regarding the Map Filing Law.

Mr. Truscott stated the applicant was seeking minor subdivision approval to consolidate the subject tract and create two conforming lots. The parcel contains one existing single-family residence, which will remain. The site is located in the R-20 residential zone and single-family residences are permitted in this zone. No variances are requested. Since the new lots front on two parallel streets, they meet the definition of "through lots". Section 805.F of the UDO requires that newly created through lots provide a landscaped buffer of a minimum width of five feet along the secondary frontage. No landscaped buffer is proposed and a waiver is not requested. The applicant must address the ordinance requirement. The board should consider if a deed restriction is appropriate concerning future access for the new lots to Sunset Avenue as an alternative to a buffer. Clarify the name of the paper street north of the subject tract. Compliance with the off-street parking requirements of the RSIS is required. No sidewalk is shown along the street frontage. Four street trees should be installed along the Albert Avenue frontage. Individual septic system and private potable well will serve the lots. The applicant should be prepared to address the status of permitting for the well and septic system. The applicant should provide testimony regarding the adequacy of the proposed lot size for a potable well and septic system. The balance of the comments are technical in nature.

Richard Butryn, P.E., appearing on behalf of the applicant. With regard to the planner's report, he stated his client would prefer the deed restriction. The name of the street will be changed and include a note on the plans that the future parking would be based on the future house which at this time is unknown. It would be in compliance with RSIS standards. Four street trees would be added along Albert Avenue. He did a field investigation of the adjoining septic systems and wells and there would be no problems. The distances meet the requirements. They would comply with the Map Filing Law, the application form would be revised to reference the same lot numbers on the subdivision plat, and they would obtain all outside agency approvals. With regard to the engineer's report, they were asking for a waiver from the curb and sidewalk. Mr. Banas did not think it would be granted. The board has not approved any development in Lakewood without curb and sidewalk. Mr. Butryn stated they would add a six foot wide shade tree easement along the Albert Avenue frontage. The parking would be in accordance with RSIS standards.

On motion by Mr. Ackerman and seconded by Mr. Neiman, the application would have public hearing on April 25, 2006.

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

Mr. Jackson stated the application would have public hearing on April 25, 2006 at 6:00 p.m. No further notice was required of the applicant.

5. SD #1509A (Variance requested)

Applicant: Majestic Contracting LLC

Location: Massachusetts Avenue, south of Prospect Street
Block 445 Lot 18

Preliminary and final major subdivision - 17 single family townhouses

Mr. Kielt stated he did not think there were variances requested.

Mr. Peters stated the applicant is seeking preliminary and final major subdivision approval to construct 17, two-family townhouse units on 2.295 acres. The property is currently a single-family residence. The property is known as block 445 lot 18. The property is located on Massachusetts Avenue, south of Prospect Avenue, in the R-M zoning district. Based on comments from the board at a previous technical meeting the applicant has increased the off-street parking from 53 to 68 parking spaces. No variances have been requested by the applicant. The applicant will be required to obtain all outside agency approvals. The applicant shall provide documents outlining the homeowner's association agreement for review by the board's attorney and engineer. The agreement shall include ownership and maintenance of the stormwater basin. We recently received comments from the office of the Ocean County Engineer regarding neighboring lot 17. Due to sight distance and safety concerns the county is requiring the adjacent development to revise the Massachusetts Avenue access to be right-in-right-out access only and add a secondary access to Prospect Avenue. We believe the Alpine Court access will have similar issues that could result in significant redesign. We recommend the applicant at a minimum, meet with the county engineer to discuss site access. The applicant may wish to investigate shared access with the neighboring development. The applicant shall provide testimony as to how garbage collection will be handled, whether it will be private or public, and where containers will be stored. The applicant has provided a detail for stabilized basin access. However, the plans do not clearly show where the access is located and where a gate will be provided in the fence. Please provide. The provided turn-around area appears insufficient for fire pumper trucks and full size school buses. The applicant's engineer shall revise the plan or provide evidence that the turn-around area is adequate. We recommend a handicap ramp be added to the sidewalk on the north side of Alpine Court. A light should be installed for the proposed playground. The plans state that no specimen trees of ten inches in diameter or greater exist on the site. The survey shows trees of 10 inches or greater, some as large as 36 inches in diameter are present. The applicant shall follow the rules as set forth in section 803.H.3.b of the UDO. The balance of the comments were technical in nature.

Mr. Truscott stated the applicant is seeking preliminary and final major site plan and subdivision approval to construct seventeen two-family townhouse dwellings. In addition to the residences, an access street, off-street parking area, stormwater management

basin and tot lot will be constructed. The parcel 2.3 acres in area and contains a single-family dwelling and in-ground pool. The majority of the parcel is wooded. The site plan was previously reviewed and discussed at the plan review meeting on December 5, 2005. The site plan has been revised to address the comments and the number of dwelling units have remained the same. The parcel is located in the RM residential multifamily zone. Town homes are a permitted principal use in the zone. No variances are requested. The following changes in the site plan are proposed: a total of sixty eight parking spaces are now proposed, seven of which are on-street parking spaces. Previously 51 parking spaces were proposed. The tot lot has been relocated to the south side of the street. Fewer dwelling units per building are proposed; four buildings are proposed as this time and three buildings in the prior plan. The rear setback of buildings 2, 3 and 4 to the southern property line is shown as 20 feet as required in the ordinance. We note that a retaining wall is proposed along this property line. Should terracing be required, the applicant should be required to submit revised plans to the board and request relief for a lesser setback. Architectural drawings have been submitted for review of the board. The drawings indicate that basements are proposed. The floor plans indicate that there will be four bedrooms in each unit plus a children's study. The board should also note that a full bathroom is proposed on the third level. All areas put into common ownership for common use by all residents shall be owned and maintained by a non-profit homeowners association in accordance with ordinance requirements. The applicant should clarify the use and disposition of new lot 18.17. The lot should be maintained as open space, owned and maintained by the future homeowners association. There are two comments regarding landscaping and lighting. A retaining wall is proposed on the northeast side of the site, adjoining a proposed retaining wall on the adjacent approved townhouse project on lot 17. The applicant should coordinate the construction of all improvements in that location with the adjoining property owner. The turnaround at the terminus of the proposed road is inadequate and must be revised. RSIS standards should be addressed. The balance of the comments are technical in nature.

Miriam Weinstein, Esq., appearing on behalf of the applicant. This is a new application with a new applicant. They reviewed the transcript from the last hearing and reviewed the board's concerns. The units have been reduced by 2 feet in width. The old units were 28 feet wide and these units are 26 feet wide.

Mr. Banas asked if the construction was one family, two family or multi-family. Ms. Weinstein stated it is a one family construction. The basements are unfinished. Mr. Banas asked about the third floor. Ms. Weinstein stated the third floor was an attic. Mr. Flannery stated it was a loft area. What is permitted under the code is that a certain percentage of the floor area below could be habitable above. There were no bedrooms or closets and it has a bath.

Brian Flannery, P.E., stated the application is for 17 townhouse units. No variances are requested. The reports in general are technical information which they would provide. Lot 17 is a spacious lot for one of the units. These are multi-family access ports in accordance with RSIS and RSIS indicates that hammer heads could be provided. Buses would not be on the site. It was a private roadway and not a public dedicated right of way. Mr. Banas asked if they were providing an area where a bus could go and not hinder the street. Mr. Flannery stated that Massachusetts Avenue was a very wide road.

When the buses stop, no matter how wide the road is, the lights come on and everyone has to stop. Mr. Banas wanted a drive in so the bus could get off the road and pick up the students without a real stopping of the traffic. Mr. Flannery stated they would review the same. If the County accepts the same, they would provide the same. Mr. Franklin stated it appears that the hammer head has to be a little bit larger to get a garbage truck turned around. Mr. Flannery stated he would contact Mr. Franklin in the morning to discuss the same and provide the same.

Mr. Percal asked about the one family and two family home. Mr. Truscott explained how the ordinance reads and what it means. Mr. Percal asked about the parking. Mr. Flannery stated it has to be provided in accordance with the RSIS standards. They provided four spaces per unit which he felt was appropriate.

Mr. Neiman asked about the traffic access. Mr. Flannery stated they would address the same at the public meeting and talk to the County and the adjoining property owner.

On motion by Mr. Neiman and seconded by Mr. Herzl, the application would have public hearing on April 25, 2006.

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

Mr. Jackson stated that the application would have public hearing on April 25, 2006 at 6:00 p.m. No further notice was required of the applicant.

7. SD #1526 (Variance requested)
Applicant: Esther Phillip
Location: Harvard Street, east of Park Place
Block 170 Lot 1
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking minor subdivision approval. The applicant plans to subdivide existing lot 1 to create two new lots. Two new dwellings are proposed. The property is known as block 170 lot 1. The property is located on Harvard Street in the R-75 zoning district. A variance will be required for minimum lot area where lot 1.01 is proposing 7,367 square feet where 7,500 square feet is required; rear yard setback (accessory) where lot 1.01 is proposing 2.8 feet where 7 feet is required and is an existing condition; and minimum lot width where lot 1.01 requires 49.47 feet and 50 feet is required. The board should determine if a sidewalk will be required. If so details shall be added to the plans. The plan should be revised to show a six foot wide shade tree easement along the property frontage. The applicant will be required to obtain outside agency approvals. The board should determine if a deed restriction should be placed on the two lots to prevent access to the unnamed paper street in the event the street is developed in the future. Details for improvements within the right of way should be added to the plans. These should include but not be limited to curb, driveway apron, utility trench with pavement repair. The plan indicates 3 off-street parking spaces will be provided. The driveway has sufficient width to provide side by side parking but not enough length to provide stacked parking. Please review.

Mr. Truscott stated the applicant is seeking minor subdivision approval to create one non-conforming lot and one conforming lot. The parcel contains an existing single family residence, which will be removed. The parcel is approximately 14,873 square feet in area. The tract is located on the south side of Harvard Street, approximately 38 feet east of Park Place in the R-7.5 zone. The parcel has frontage on an unnamed paper street. The surrounding land uses are generally residential. The site is located in the R-7.5 residential zone and single-family residences are permitted in this zone. Variances are requested for lot area, lot width and rear yard setback for lot 1.01. The applicant must address the positive and negative criteria for each of the requested variances. A design waiver from section 805.C of the Lakewood UDO is required for a side lot line, which is not at a right angle to the street line. Based on the angled lot lines on this block, a waiver is justified. The site fronts on two streets. The board needs to decide if a buffer or deed restriction concerning future access would be appropriate. The plat should be revised to identify the required front yard setback along the unnamed paper street. The balance of the comments were technical in nature.

Ray Shea, Esq., appearing on behalf of the applicant. He stated it was a two lot subdivision. The engineer will make the necessary revisions to the plans. The variances would be justified at the public hearing. They were going to build two homes. One was on a new lot entirely. The one lot already has an existing house. They were asking for a new footprint for a new house. It may not be built upon right a way. Architecturals could be provided.

On motion by Mr. Herzl and seconded by Mr. Neiman, the application would have public hearing on April 25, 2006.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Ackerman, yes; Mr. Ganton, no; and Mr. Percal, yes.

Mr. Jackson stated the application would have public hearing on April 25, 2006 at 6:00 p.m. No further notice was required of the applicant.

8. SD #1527 (No variance requested)
Applicant: G Wei LLC
Location: Squankum Road, north of Whispering Pines Lane
Block 172 Lot 18
Preliminary and final major subdivision - 29 townhouse lots

Mr. Peters stated the applicant is seeking major subdivision approval to create 29 lots for 26 townhouse units on 3.301 acres. The property is currently vacant and wooded. The property is known as block 172 lot 18. The site is located on Squankum Road in the B-4 zoning district. No variances will be required. The applicant will be required to obtain all outside agency approvals. The applicant has provided curb, sidewalk and a shade tree easement along the proposed roadway. RSIS requires 78 off-street parking spaces be provided. The applicant has provided 79 off-street parking spaces, or just over three parking spaces per unit. The applicant shall provide testimony on how garbage

collection will be handled, whether it will be private or public, and where the containers will be stored. The provided turn-around areas appear insufficient for full size school buses and large emergency vehicles. The applicant shall address the size of the vehicles that will utilize the turn-around area. The roadway has been designed with the minimal slope of 0.5%. We recommend the longitudinal slope be increased or sump inlets be utilized to maintain the minimal slope in the gutter line through the vertical curve. The plans shall be revised to include a safety fence around the proposed stormwater management basin. We recommend a light be installed for the proposed playground. The plan states that “ no specimen trees or trees of 10” diameter or greater exist on this site.” The survey only shows trees of 10” diameter or greater, some as large as 24” diameter. The applicant shall follow all rules as set forth in section 803.H.3.b of the UDO. There are technical comments regarding stormwater management. The applicant has requested a waiver as a diminimis exception. We recommend the waiver not be granted, the majority of the increase in flow will be directed to the neighboring, developed lots.

Mr. Truscott stated the applicant is seeking preliminary and final subdivision and site plan approval to construct twenty-six townhouse units and associated site improvements at the above-referenced location. The tract is 3.3 acres in area and vacant. A total of 29 lots are proposed, 26 Town homes and three lots for the tot lot, stormwater management basin and a parking area. The subject site is located on the east side of Squankum Road. The surrounding land use is generally residential with the exception of the JCP&L property, which adjoins the site on the northeast side and the NJ Southern Railroad property. The site is located in the B-4 zone and townhouses are a permitted conditional use in the zone. No variances are requested. The applicant should confirm compliance with the minimum rear yard setback of 20 feet per section 1010.B.0 of the UDO between dwelling units in building 5 and the proposed infiltration basin with detailed plans. The applicant shall confirm that the equipment in the tot lot detail will match the proposed area. The site plan indicates that the northeastern boundary of the parcel abuts a parking area owned by JCP&L. The applicant should consider the installation of a stockade fence along the portion of the property line adjacent to the parking area to screen the proposed residences. The turnaround at the terminus of the proposed road is inadequate for school buses and should be revised. Section 808 requires not less than five percent of land area of every residential major subdivision or residential site plan consisting of twenty five or more units shall be preserved as common open space or shall be dedicated to active recreational or community facilities. The applicant shall address compliance with this requirement. Landscaping should be provided around the proposed tot lot. Architectural plans have been submitted for review. Architectural drawings of the side and rear elevations have not been submitted for board review. The architectural drawings should be dimensioned to identify compliance with the maximum height of 35 feet. A homeowners association must be established to own and maintain the common areas. The balance of the comments are technical in nature.

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

Ray Carpenter, P.E., explained the area near the railroad right of way. He would clarify the same with the board’s professionals. They would review the turnaround with Mr. Franklin. The garbage collection would be discussed. Mr. Franklin suggested a concrete pad and moving the tree ahead.

Mr. Neiman asked if the site was the old junkyard. Mr. Shea replied it was.

On motion by Mr. Neiman and seconded by Mr. Ackerman, the application would have public hearing on April 25, 2006.

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

Mr. Jackson stated the application would have public hearing on April 25, 2006 at 6:00 p.m. No further notice was required of the applicant.

14. DISCUSSION - UDO Amendment - Crystal Lake Preserve

Mr. Banas stated a map along with the ordinance would have been helpful. Mr. Kielt stated he has a map with him. A wetlands delineation was done and that was how the new line was arrived at. The new line reflects the current field conditions. Mr. Banas suggested recommending that the governing body change Cedar Drive and First Avenue in the direction that the board previously discussed. Mr. Kielt stated he did not think the two had anything to do with each other. He knew that Mr. Jackson wrote a letter with regard to the same. He thought it was two separate issues. Mr. Banas stated it was Pine Circle and First Avenue. If the board made the recommendation, the change could be done at one time. Mr. Kielt did not think it would work that way because the Crystal Lake ordinance was introduced, but not the name change. Mr. Jackson agreed. It would be easier to do a new ordinance for the name change. Mr. Banas felt the board should notify them of the change. Mr. Kielt stated that Mr. Jackson sent a letter to the manager regarding the name change.

Mr. Truscott stated he was not involved in the preparation of the ordinance and could not provide any further comments. The map amends the Crystal Lake Preserve boundary mostly to the south.

Mr. Percal stated they were changing the name of the street. Mr. Banas stated no, that was a different issue.

On motion by Mr. Neiman and seconded by Mr. Herzl, the Township would be notified that this ordinance was in compliance with the Master Plan.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Ackerman, yes; Mr. Ganton, abstain; and Mr. Percal, abstain.

15. DISCUSSION - UDO Amendment - Privacy Fences

Mr. Truscott stated the purpose of the ordinance was to provide visual screening of pool areas to provide additional height. This ordinance allows the height to go a little over eight feet with specific conditions and approvals from the Township and Zoning Officer. There would be an application procedure. There really are no implications to the master plan.

Mr. Banas stated the ordinance starts by indicating in certain and limited cases. He did not know what that means. The ordinance then continued that a fence could be built up to a maximum of fourteen feet. He felt that was unconscionable. He felt it was too high. The zoning officer would grant the permission to the permit and he would receive objections and comments from residents living within a distance but it does not indicate what happens to them. Could he deny the permit based on the comments. The height of the building in relation to the height of the fence was discussed as well as moving the fence. Mr. Truscott stated that item b addresses the comments from the residents. None of the residents could object to the fence. Mr. Banas stated the board needed to advise the Committee of their action. Mr. Jackson stated the board has to indicate if they think it was consistent, inconsistent, whether it could be adopted with recommendations, or no comment. The Committee would be free to consider it.

On motion by Mr. Neiman and seconded by Mr. Franklin, the Committee would be notified that the ordinance was unclear and that further clarification was needed before a recommendation could be made.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Ackerman, not yet; Mr. Ganton, yes; and Mr. Percal, yes.

16. DISCUSSION - UDO Amendment - Temporary Housing & Temporary School Trailers

Mr. Truscott stated there was a previous of the land development ordinance that provided for temporary housing where homes were destroyed and this ordinance reincorporates that into the UDO and also provides for temporary trailers for schools. The ordinance outlines provisions, standards, requirements and extensions. It also amends the UDO for temporary structures for single family homes. The standards are the same as what was previously in the Land Development Ordinance. It is just being reincorporated.

Mr. Neiman stated the school comes before the board for temporary structures. Mr. Banas stated if this were approved, it would be eliminated. Mr. Neiman did not see why it would be used for residential structures. Mr. Truscott stated that if a house were destroyed by fire, it would permit a temporary trailer on the lot. This provides an administrative procedure. Mr. Banas stated the existing procedure is that the board approves the trailers for schools for a number of reasons to ensure the safety of the children. The board ensures that all the safety requirements are met. With this ordinance, they were not giving a two year approval for a trailer for a school, but they were giving a four year approval. To deal with a trailer for that period of time, it takes more than approving a site and putting it down. It deals with the safety of the children. As it relates to the trailers for a residence, he did not know how the zoning officer could approve the temporary trailer for the residence. He did not think a trailer to house individuals was the way to go. He was against the ordinance. He did not think it was good planning. He felt it was opposite of what the master plan deals with. Mr. Franklin felt that it should come before the board. He was against the ordinance.

On motion by Mr. Franklin and seconded by Mr. Banas, the board would recommend that the ordinance not be adopted. (Mr. Banas stepped down as chairman)

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Ganton, yes; and Mr. Percal, yes.

1. **SD #1430B** (No variance requested)
Applicant: Somerset Development
Location: Pine River Village
Blocks 830, 844-852 Lots all
Applicant request minor change due to alleged overlap area

Mr. Jackson stated there was an issue with the development of the property. It was asked if the amendment could be done on the final map administratively. He reviewed it. Under, N.J.S.A. 40:55D-12, the board has the opportunity to permit modifications for development in the resolution which requires a hearing. The board has the authority to modify it if it is not a significant issue. He had a meeting on this and made a recommendation that the board make the determination. It involves seven lots.

Ray Shea, Esq., stated the applicant appeared before the board in 2005 and processed an application successfully for an active adult community. The application went through resolution compliance and they are ready to file the map. They posted the bonds. The only issue is an alleged boundary dispute. The law offers a remedy to institute a suit in Superior Court to have a boundary line commission appointed. There is 200 plus units on 36 acres of land. The entire area in dispute is 6,000 square feet. Seven lots are affected in the rear. They want to put a note on the plans that no development would take place on the rear of the lots by court order or settlement agreement between the parties. They want to file a map with that note. He felt it could have been done administratively. Mr. Banas agreed with Mr. Jackson that the board should decide. Mr. Shea stated there was no intent to disturb any part of the cemetery. They met with the professionals and they will be starting an action for a boundary line commission.

Mr. Neiman stated there would not be any building. Mr. Shea stated that any lands would not be built on. It was just to file the map.

Mr. Ganton asked what the developer's responsibility was to ensure there was no movement of soil. Mr. Shea stated they have to get approval from the Ocean County Soil Conservation District to stabilize all the slopes. Mr. Jackson stated that was the subject of a discussion. Mr. Peters stated the design plans call for a retaining wall to be installed along the property line. This would allow the applicant's engineer to design some grading in the area that would be stabilized which he would review.

Mr. Ganton stated people were concerned about the cemetery. He suggested that if the board did not hear from the other side, they should not vote on it. It should have an open public hearing. Mr. Banas stated they were saying that you could build everywhere except on the lots abutting the cemetery. They were just revising the resolution.

Mr. Neiman understood there was an emotional attachment, but it just dealt with the seven lots. Mr. Shea stated if there was a different interpretation of the facts, then they would agree to hear the other side. Nothing is going to take place in the area of dispute. Mr. Jackson suggested that he write a letter indicating what the board has done. If they had any objections, it could be reconsidered. Mr. Shea had no objections with Mr. Jackson sending the letter. Mr. Banas stated that when the decision is made regarding the final boundary, they would be back before the board publicly.

On motion by Mr. Neiman and seconded by Mr. Miller, the board would allow a revision of the plans and there would be no substantial change so the plans could be followed and they would do everything they could to take care during the construction to not disturb the cemetery.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Miller, yes; Mr. Banas, yes; Mr. Ackerman, yes; Mr. Ganton, yes; and Mr. Percal, yes.

Mr. Banas called a brief recess. The meeting was reconvened.

Mr. Banas stated that items #2 and #3 could be heard on April 25th. Anything else would be carried to the May 16th meeting.

- 2. SD #1519** (No variance requested)
Applicant: Lakewood Equities
Location: River Avenue, south of Oak Street, across from Cushman Street
Block 1040 Lot 1
Preliminary & final major subdivision - 66 lots and 1 community building

Mr. Peters stated the applicant is seeking a major subdivision of block 1040 lot 1. Sixty-seven new lots are proposed. The proposed project consists of removing an existing restaurant and associated site improvements and constructing sixty-six townhouse units and one community building. Off-site improvements include the construction of portions of Broadway, Parkview Avenue and Wadsworth Avenue. The site is located on Route 9 in the HD-7 zoning district. This application was previously heard by the board and was denied the conditional use. Although, the applicant has not applied for any variances the set back distances are in question. We defer to the board planner to provide additional explanation on the variance issue. Outside agency approvals will be required. The existing structures shall be removed prior to signature of the final plat or a bond posted to ensure prompt removal of the structures after the subdivision has been recorded. The applicant has proposed concrete curbing, sidewalk, and a shade tree easement along the frontages of Pleasant Way, Parkview Avenue and Broadway. The Route 9 frontage is currently curbed and a shade tree easement is proposed. The board should determine if sidewalk will be required along the Route 9 frontage. The board should determine if curb and sidewalk will be required along Wadsworth Avenue. The applicant shall provide a homeowners association to maintain the stormwater management facilities and community building. The homeowners association documents shall be provided to the Planning Board Engineer and solicitor for review. The layout for the community building parking lot should be revised to have only one western entrance.

The current layout causes extra turning movements to Pleasant Way and confusion traffic patterns. The plans do not indicate any proposed play area for the development. We recommend a play area be added to the plans and details provided. Proposed storm water piping and structures are located within the future 55 foot right of way half width. The pipes and structures shall be relocated outside of the future right of way. The balance of the comments were technical in nature.

Mr. Truscott stated the applicant is seeking preliminary and final major site plan and subdivision approval to construct sixty-six single-family townhouse dwellings at the above referenced location. One lot is also proposed for a common area for a total of 67 lots. In addition to the residences, an internal access road, off-street parking areas, stormwater management facilities and a community center are proposed. A landscaped berm is proposed along River Avenue, Highway 9. The townhouses will front on a new internal road and Parkview Avenue. Townhouses are permitted as a conditional use in the HD-7 zone. The community center is shown on the site plan as physically attached to unit #66. The board should make a determination if a variance is required since townhouse units are required by Section 1010.B.1.b to maintain a 12-foot setback for end units. A total of 200 parking spaces are proposed. The site plan indicates that only 176 of-street spaces are required based on the computations shown on the plans. It is our position that the board may require a sufficient number of spaces based on bedroom count as warranted and based on community characteristics. This opinion is consistent with our conversations with the staff of the Division of Codes and Standards of the New Jersey Division of Community affairs. The plans indicate that the applicant is proposing twenty-six 5-bedroom units and forty 4-bedroom units with a sitting room. All units should be deemed as five bedroom units. The site plan should be supplemented to include details for a trash enclosure which is architecturally compatible with the proposed community center. The applicant must indicate where any proposed HVAC equipment will be located. If HVAC equipment is to be located on the roofs of the proposed buildings, architectural drawings with sufficient detail must be submitted in accordance with Chapter 18-1010.B.8 of the Code of the Township of Lakewood. The applicant should provide testimony concerning the purpose and the scope of the improvements of Wadsworth Avenue from Parkview Avenue to Beekman Avenue. Details of the proposed individual trash and recycling enclosures should be submitted for the board's review. These details should illustrate that the enclosures will be compatible with the architectural style of the proposed buildings. In addition, as required by Chapter 18-1010.B.6, the size of the trash enclosures must be approved by the Department of Public Works. As noted, a landscaped berm is proposed along the River Avenue frontage for buffer purposes. The evergreen species in the highway buffer area should be specified as heavy. Landscaping should be provided at the northwest property line along Unit #26 and the cul-de-sac. The Township Engineer or JCP&L should approve the proposed street lighting. The street names shall be approved by the Police Department. An EIS has been submitted. The remaining comments are technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. They agreed to everything. Putting the sidewalk along Wadsworth Avenue is not in the area where it is part of their property. They had a problem with having one western entrance. The play area was omitted.

Brian Flannery, P.E., stated Wadsworth Avenue is an off-site road. It was a road that is not part of the project and is not needed for the project but it would be a benefit to the community as a whole. The community building parking lot has two entrances, they could do what Mr. Peters was requesting but they would lose parking spaces. They would defer to the board. They feel that there is more than enough parking. They have provided off-site three spaces per unit and 34 on-street spaces. They have 3.5 spaces per unit. All the other revisions would be made and testimony provided.

Mr. Penzer stated they provided the items that were requested by former Mayor Cunliffe. There is a tremendous amount of landscaping provided and a road to connect to the sports complex. He felt that they met the 100 foot requirement. A number of people approached them with different concepts. They would reconsider and work with the board.

Mr. Miller stated he would not consider making the road smaller. Everything could be shifted a little further east which would move them off of Route 9. Mr. Penzer stated they were trying to avoid a variance. If the board would grant the variance by moving the homes in, they would consider it. Mr. Flannery stated that by trying to maintain the property lines to the units, they would need to shift the property line 12 foot to the east. They would have to get four feet from each row of houses. Half of the buildings would conform. They would then have 100 feet off of Route 9. Different options were discussed.

Mr. Neiman asked about the paper street behind the project and if it would ever be improved. Mr. Flannery stated he did not know for sure, but it would be improved if this project was approved. The setback and shifting the buildings were further discussed as it related to the variances that would be created.

Mr. Peters asked if the roadway would be dedicated to the Township. Mr. Flannery stated the roadway would be dedicated to the Township and used by the residents. There may be some visitors. Mr. Neiman asked if the cul-de-sac opened to the parking lot and Mr. Flannery replied that it did. Mr. Neiman asked how many entrances to Route 9 and Mr. Flannery replied one. They were proposing right in and right out. Mr. Neiman asked about the play area. Mr. Flannery explained where it was located and indicated that the equipment was shown on the plans.

On motion by Mr. Neiman and seconded by Mr. Percal, the application would have public hearing on April 25, 2006.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Ackerman, yes; Mr. Ganton, yes; and Mr. Percal, yes.

Mr. Jackson stated that the application would have public hearing on April 25, 2006 at 6:00 p.m. No further notice was required of the applicant.

3. SD #1522 (Variance requested)
Applicant: Uman Holdings, LLC
Location: River Avenue, south of Chestnut Street
Block 534 Lot 18
Preliminary and final major subdivision - 25 lots

Mr. Banas asked if they had the reports of the professionals. He suggested that the important items be reviewed.

Mr. Carpenter stated this was an existing office building. There is existing parking in the front yard setback. They could comply with the other requirements.

Mr. Peters stated the applicant is seeking a major subdivision of block 534 lot 18. Twenty-five new lots are proposed. The variances would be addressed at the public hearing. The applicant would be required to obtain outside agency approvals. The plans should be revised to include the location of the proposed street identification sign, stop sign and no outlet sign at the intersection of Road A and Route 9. The applicant has proposed a fire hydrant at the western end of Road A, approximately 700 feet from the proposed units close to Route 9. We recommend an additional fire hydrant be installed. A cross section detail shall be added to the plans for the construction of the proposed roadways. The section shall include typical improvements from right of way to right of way and the cross slope of the roadway. The balance of the items were technical in nature.

Mr. Truscott stated the applicant should discuss and clarify the compliance with the proposed density of the townhouse development with the maximum permitted density in the HD-7 zone of 8 units per acre. The site plan shows townhouses fronting on a road with parallel parking. The final plat shows a proposed road which does not intersect with River Avenue and the lot does not indicate to whom the road would be dedicated. As designed the plan creates 23 lots that do not have access to River Avenue unless a cross-access easement is provided across proposed lot 18.01. The applicant should clarify this issue. A variance from N.J.S.A. 40:55D-35 which requires a building lot to abut a street may be necessary. There is off-street parking and on-street parallel parking provided along the proposed street.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated they agreed to everything in Mr. Peters report. With regard to the planner's report, he asked Mr. Carpenter to comment on item B.4 and C.1.

Mr. Carpenter stated they had other site plan applications before the board and the entire site was considered in the density requirements. In this case, the office building would be maintained by the homeowners association and therefore it was part of the townhouse project. If it was a separate lot, they would be restricted to the lots only used for the townhouse units. Mr. Truscott stated that they would need clarification on the use of the office building. Mr. Penzer stated the basement floor is ground level and it would be owned by the homeowners association. Mr. Truscott stated that it would be considered in the entire townhouse lot area.

Mr. Penzer stated he would advertise using lots that do not comply. They would comply with all the other items.

On motion by Mr. Herzl and seconded by Mr. Ackerman, the application would have public hearing on April 25, 2006.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes;
Mr. Banas, yes; Mr. Ackerman, yes; Mr. Ganton, yes; and Mr. Percal, yes.

Mr. Jackson stated that the application would have public hearing on April 25, 2006 at 6:00 p.m. No further notice was required of the applicant.

6. SD #1505A (Variance requested)

Applicant: 1368 River SL LLC

Location: River Avenue, north of Locust Street
Block 534 Lots 7, 8 & 10

Preliminary and final major subdivision and preliminary and final site plan 28 single family townhouses

Mr. Peters stated the applicant is seeking preliminary and final major site plan and subdivision approval for the construction of 28 town homes on a private drive. The 2.727 acre site currently contains three buildings and a large paved parking area. The property is situated on River Avenue in the HD-7 zoning district. A similar development was previously approved by the board. The applicant has acquired lots 8 and 10 and expanded the project. There are a number of variances required for lot 10 that can be addressed at the public hearing. The applicant has provided a shade tree easement along River Avenue and along the interior right-of-way to be retained by the homeowner's association. The applicant shall confirm that a public trash collection system will be used. The applicant will be required to obtain all outside agency approvals. The applicant shall provide testimony on where school students will be picked up. The proposed turn around areas appear too small for access by full size school buses. The remaining comments were technical in nature.

Mr. Truscott stated it was an amended approval to include additional lots. Section 808 requires that not less than five percent of land area of every residential major subdivision or residential site plan consisting of twenty-five or more units shall be preserved as common open space or shall be dedicated to active recreational or community facilities has to be addressed. The turnaround needs to be addressed.

Abraham Penzer, Esq., appearing on behalf of the applicant. He indicated they had no problems with the engineer's report. Mr. Flannery stated they need to provide clarification on the turnaround. All the other items would be provided.

On motion by Mr. Herzl and seconded by Mr. Franklin, the application would have public hearing on May 16, 2006.

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

Mr. Jackson stated that the application would have public hearing on May 16, 2006 at 6:00 p.m. No further notice was required of the applicant.

- 9. SD #1529** (No variance requested)
Applicant: Mathias Deutsch
Location: East Harvard Street, east of Park Place
Block 170 Lots 7, 8 & 9
Minor subdivision to create 2 duplex buildings (4 lots total)

Mr. Peters stated the applicant has requested minor subdivision approval to consolidate a number of lots containing three existing single-family residential lots to create four lots for two duplex units. The property is located on Harvard Street with a double frontage on an unnamed paper street. The site is located in the R-7.5 zoning district. A variance is requested for lot area. 10,000 square feet is required for duplex units, the applicant has proposed 5,209 square feet for each lot. Duplex units are defined as a building on a single lot containing two dwelling units. The plan proposes lot lines separating the dwelling units into two separate lots. We recommend the interior lot lines be removed negating the need for the variance for lot area. The applicant will be required to obtain outside agency approvals. The applicant has provided a six foot wide shade tree easement along the property frontages to be dedicated to Lakewood Township. Three parking spaces have been provided for each lot in accordance with RSIS requirements. The board should determine if sidewalk will be required along the property frontage. Should the board grant subdivision approval, the existing residences shall be razed prior to signature of the final map or bond posted to ensure prompt removal once the final map has been filed. A note should be added to the final map restricting access to the unnamed paper street in the event the street is improved in the future. The plans shall be revised to include details for all improvements to be located within the right of way. Details shall include but not be limited to depressed curb, driveway aprons, sidewalk, and utility trenches with pavement restoration.

Mr. Truscott stated each unit is on a separate lot. They were suggesting that the use proposed is not a permitted use in this zone since a two family dwelling is clearly defined as a building on a single lot where what is proposed is really a single family semi-detached unit where each dwelling is on a separate lot. A d(1) variance would be required and the board does not have jurisdiction for such a variance.

Mr. Flannery stated the proposed buildings are allowed. The engineer indicated what needs to be done if the board disagrees. If the board wants it to be fee simple lot lines, they would have a condo form of ownership. The matter was further discussed. Mr. Flannery stated the plans would be revised to eliminate the lot lines and comply with the other comments. Mr. Penzer stated that the units would be condominium units.

On motion by Mr. Neiman and seconded by Mr. Miller, the application would have public hearing on May 16, 2006.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes;
Mr. Banas, yes; Mr. Ackerman, yes; Mr. Ganton, yes; and Mr. Percal, yes.

Mr. Jackson stated that the application would have public hearing on May 16, 2006 at

6:00 p.m. No further notice was required of the applicant.

10. SD #1530 (Variance requested)

Applicant: Jonathan Rubin & Moshe Feinroth

Location: New Central Avenue, east of Hillside Boulevard
Block 11.29 Lots 3 & 75

Preliminary and final major subdivision - 6 lots

Mr. Peters stated the applicant has requested a major subdivision approval to construct six residential lots and associated site improvements. The property is known as block 11.29 lots 3 and 75. The site is located on New Central Avenue in the R-15 single family residential district. The applicant has requested variances for minimum lot area. The six lots are proposed under-sized ranging from 12,563 to 14,979 square feet, where 15,000 square feet is required. Outside agency approvals will be required. The applicant has provided curb, sidewalk and a shade tree easement along the frontage of proposed Esther Court. The plans provide parking for two off-street parking spaces in the driveway and an additional off-street parking in each dwelling's garage. As per table 4.3 of the RSIS, the turning radius of the cul-de-sac shall be revised to be forty feet. The radius of the right of way in the cul-de-sac meets the standards as currently designed. There were some minor comments regarding stormwater management.

Mr. Truscott stated the site is located in the R-15 zone and single-family residences are a permitted use. Lot area variances are required and the applicant needs to address the positive and negative criteria for the variances. A tree protection management plan appears to be required. The dwellings need to comply with the uniformity requirements of the ordinance.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated they would agree and stipulate to everything. He asked about the engineer's item nine regarding maintenance of the stormwater system.

Mr. Miller asked which side is Westgate and if there would be buffering between the two projects. Mr. Penzer stated there would be. They were open to suggestions for that. The professionals would work it out.

On motion by Mr. Neiman and seconded by Mr. Miller, the application would have public hearing on May 16, 2006.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes;
Mr. Banas, yes; Mr. Ackerman, yes; Mr. Ganton, yes; and Mr. Percal, yes.

Mr. Jackson stated that the application would have public hearing on May 16, 2006 at 6:00 p.m. No further notice was required of the applicant.

Mr. Miller and Mr. Ackerman left the meeting.

11. SD #1531 (No variance requested)
Applicant: Astrid Jane DeCicco
Location: Cross Street, west of Massachusetts Avenue
Block 468 Lots 7, 8 & 9
Minor subdivision to create 3 conforming lots

Mr. Peters stated the applicant has requested minor subdivision approval to consolidate a number of lots and create three new residential lots, proposed lot 7.03 is a flag lot. No new structures are proposed at this time. The property is located on Cross Street with frontage on unimproved Lewin Avenue, Nassau Street, and Rachel Avenue. The site is in the R-20 zoning district. A variance is requested for minimum lot width for lot 7.02. The applicant has proposed 94.67 feet where 100 feet is required. The applicant will be required to obtain all outside agency approvals. The zoning table indicates the width of lot 7.03 is 20 feet. This should be corrected to indicate the actual lot width of 100 feet. Twenty feet is the lot frontage. The building setbacks shall be revised to show the proper 30 foot front yard setback along the three paper streets. The applicant has provided curb, sidewalk and a shade tree easement along the property frontage. Should the board grant subdivision approval, the existing residences shall be demolished prior to signature of the final map or a bond posted to ensure prompt removal. A note should be added to the final map restricting access to Lewin Avenue, Nassau Street and Rachel Avenue. As per ordinance section 805.G.5 flag lots shall only be permitted consistent with good planning principals and the applicant shall demonstrate that normal subdivision techniques are not practical. Due to the existence of the three paper streets surrounding the subject parcel we question the need to create the flag lot. In order to demonstrate adequate screening will be provided the plans should be revised to indicate the location of the proposed dwellings and all landscaped buffers. Buffers will be required on both sides of the access strip and along the front of the flag portion of the proposed flag lot. There are comments regarding the map filing law.

Mr. Truscott stated variances are required for lot width. The current lot layout does not account for the fact that a front yard setback is required on the unimproved streets of Lewis Avenue, Nassau Street and Rachel Avenue. The front yard setback has a material effect on the developable area of the tract. We recommend that the applicant provide an alternate subdivision plan addressing the front yard setbacks. The proposed plan does not meet many of the flag lot requirements. A solid waste area is required. Architectural plans have not been submitted. The applicant shall demonstrate a need for the flag lot based on good planning principles. The applicant shall discuss the status of permitting for a potable well and individual septic systems.

Ray Carpenter, Esq., appearing on behalf of the applicant, stated he spoke to the board's professionals and the issues would be addressed. A flag lot is permitted under the UDO. He would rather restrict access to the paper streets rather than moving the front yard setback. The lots meet the ordinance requirements with the exception of the requested variance. There is an existing residence with a garage which will be demolished and three new homes will be built.

On motion by Mr. Herzl and seconded by Mr. Percal, the application would have public hearing on May 16, 2006.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, abstain; Mr. Banas, yes; Mr. Ganton, yes; and Mr. Percal, yes.

Mr. Jackson stated that the application would have public hearing on May 16, 2006 at 6:00 p.m. No further notice was required of the applicant.

12. SD #1532 (No variance requested)
Applicant: David Herzog
Location: Endor Lane, west of Canterbury Lane
Block 25 Lot 68
Minor subdivision to create 2 lots

Mr. Herzl recused himself.

Mr. Peters stated the applicant has requested minor subdivision approval to create two new residential lots. Proposed lot 68.02 will be a flag lot. The property is known as block 25 lot 68 located in the R-12 zoning district. The site is primarily wooded with access from Endor Lane. No variances will be required. The zoning table indicates 2.5 parking spaces are required and have been provided for each lot. The driveway on lot 62.08 will provide adequate room for three off-street parking spaces. On lot 68.01 the access easement cannot be counted towards off-street parking spaces, this leaves no room for off-street parking spaces on lot 68.01. The plan shall be revised to indicate existing vegetation to remain and proposed landscaped buffers. Landscape buffers are required along the property lines separating the flag lot from the front lot and along the flag pole portion of the lot. Additional landscaping should be provided to ensure adequate screening between the proposed lots and the existing lots. The remaining comments were technical in nature.

Mr. Truscott stated the applicant is seeking minor subdivision approval to subdivide the subject lot into two single-family building lots, one of which will be a flag lot. The site is located in the R-12 zone and single-family residences are a permitted use. New lot 68.02 has no frontage on Endora Lane since an access easement is proposed. A variance is required pursuant to N.J.S.A. 40:55D-35. The plan does not comply with the following requirements for flag lots: a solid waste area, a landscaping buffer between the front and rear lots; architectural plans; and these items have to be addressed or design waivers requested. The applicant shall demonstrate a need consistent with good planning principles for the creation of the flag lot. The setback lines which are delineated for new lot 68.01, the rear setback line should be parallel to the northern property line. In addition, the side yard setback should be parallel to the north and south property lines. The proposed driveway must extend into the right of way of Endora Lane to provide paved access. The balance of the comments were technical in nature.

Brian Flannery, P.E., stated they would comply with the minor comments. The issues they have are with respect to new lot 68.01. They intend to build a house that fronts. They would move the house back accordingly which would solve the parking problem that was raised earlier. The flag lot indicates that it could be by easement and as such a

variance was not needed. Mr. Franklin suggested taking Endora Lane to the end with a turn around, then the easement would not be needed.

On motion by Mr. Franklin and seconded by Mr. Percal, the application would have public hearing on May 16, 2006.

ROLL CALL: Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, abstain; Mr. Banas, yes; Mr. Ganton, abstain; and Mr. Percal, yes.

Mr. Jackson stated that the application would have public hearing on May 16, 2006 at 6:00 p.m. No further notice was required of the applicant.

13. SD #1533 (Variance requested)

Applicant: Harvard Street Development

Location: Harvard Street, between Apple Street & Park Place
Block 171 Lots 11, 19 & 21

Preliminary and final major subdivision - 9 lots

Mr. Peters stated the applicant has requested major subdivision approval to divide three residential lots into nine lots for four duplex units and one single family home on a flag lot. The property is known as block 171 lots 11, 19 and 21. The property is located on Harvard Street in the R-7.5 zoning district. Duplex units are defined as a building on a single lot containing two dwelling units. The plan proposes lot lines separating the dwelling units into two separate lots. The plans shall be revised or a variance requested. The zoning table indicates no variances are requested. The zone requires 10,000 square foot lots for duplex units. Lots 11.01 and 11.02 total 9,791 square feet in area, lots 11.03 and 11.04 combine for an area of 9,804 square feet. The applicant has provided an average of 2.5 parking spaces per duplex unit and three off-street parking spaces for the flag lot. The board should determine if the provided number of off-street parking spaces will be sufficient for the size of the proposed dwelling units. The applicant has provided a six foot wide shade tree easement along the property frontage. It appears the applicant has provided curb and sidewalk along the property frontage. The proposed improvements shall be clearly labeled on the site development plan. The stormwater management will be achieved by means of perforated recharge pipes. The pipes will be located within the proposed right of way and a blanket easement encompassing the majority of the non-dwelling unit areas of the subdivision. The board should determine if the Township will assume maintenance of the stormwater management system or if a homeowners association should be formed to maintain the system. In accordance with UDO section 805 G.6.a the access strip for the flag lot shall have a width of no less than twenty feet. The plans shall be revised or a waiver requested. In accordance with UDO section 805F buffering shall be provided between the access strip and the property lines along the pole of the flag lots, and a minimum ten foot wide buffer area shall be provided along the property line adjoining the lot immediately to the front of the flag portion of the lot. The current design does not provide buffering in either of these areas. In accordance with checklist items B 7 and B 10 wooded areas and manmade features within 200 feet of the site shall be shown on the plan. The applicant should show at a minimum the existing homes and landscaping surrounding the proposed development to ensure proper screening will be achieved.

Mr. Truscott stated there were similar comments as the previous application regarding the duplex units. What is proposed is not a permitted use in the zone and a d(1) variance is required. If the board should retain jurisdiction than lot area variances would be required for the proposed duplex lots. New lot 11.09 has no frontage on Harvard Street since an access easement is proposed and a variance would be required. If the application were to be changed in terms of the duplex, the required lot area for the flag lot would be deficient. The remaining comments were technical.

Abraham Penzer, Esq., appearing on behalf of the applicant. They agreed to not have separate ownership and it would be condominium ownership. All the objections would fall away and no variances would be required. There is enough parking. The flag lot would be redrawn.

On motion by Mr. Herzl and seconded by Mr. Percal, the application would have public hearing on May 16, 2006.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Ganton, yes; and Mr. Percal, yes.

Mr. Jackson stated that the application would have public hearing on May 16, 2006 at 6:00 p.m. No further notice was required of the applicant.

Mr. Kielt suggested a special regular meeting on May 23, 2006 at 6:00 p.m.

On motion by Mr. Franklin and seconded by Mr. Percal, the board would have a special regular meeting on May 23, 2006 at 6:00 p.m.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Ganton, yes; and Mr. Percal, yes.

VI. PUBLIC PORTION

None at this time.

VII. APPROVAL OF MINUTES

None at this time.

VIII. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Elaine Anderson, Planning Board Recording Secretary