

**LAKWOOD PLANNING BOARD
MINUTES
APRIL 17, 2007**

I. CERTIFICATION OF COMPLIANCE

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

“The time, date and location of this meeting was published in the Asbury Park Press and Ocean County Observer and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: The Asbury Park Press, 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.”

2. ROLL CALL

Mr. Herzl, Mr. Banas, Mr. Akerman, Mr. Gatton, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Kielt stated the only changes # 6 being heard before #5, both are the same applicant.

4. OLD BUSINESS

1. SD # 1539A (VARIANCE REQUESTED)

APPLICANT: REUVEN KANAREK

Location: East Eighth Street, between Park Avenue & Nowlan Place
Block 230 Lot 9

Extension of previously approved Minor Subdivision to create 2 lots

Mr. Peters stated the project was previously approved by the Planning Board; the Resolution of Approval was adopted on September 19, 2006. The applicant is seeking an extension of the previous approval. The mylars of the final plat for the minor subdivision were signed on March 13, 2006. The application form did not provide information on the reason for the extension. The applicant shall provided testimony on why the board should grant the requested approval.

Mr. Lincoln Arab, 120 East 8th Street, appeared on behalf of the applicant. He stated the application was held up by the county. They agreed to 190 day extension.

Motion was made by Mr. Herzl, seconded by Mr. Percal, to approve the extension for 190 days.

ROLL CALL:

Mr. Herzl; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

5. NEW BUSINESS

1. SD # 1570 (VARIANCE REQUESTED)

APPLICANT: SHIMSHON BANDMAN

Location: corner of Melville Avenue and Elm Street
Block 762 Lot 4

Minor Subdivision to create 3 lots

Mr. Peters stated the Applicant is seeking Minor Subdivision approval to subdivide one Lot into three Lots. The subject property, known as Block 762, Lot 4, lies at the intersection of Elm Street and Melville Avenue, in the R-7.5 Zone. Proposed Lot 4.01 currently contains a one story dwelling which will remain. Proposed Lots 4.02 and 4.03 are currently vacant grassed area. No new construction is proposed at this time. A variance will be required for the following: Side Yard Setback: A 3.2 foot setback is proposed for Lot 4.01 where 7 feet is required. A note has been added to the plans stating that "If new dwelling on Lot 4.01 is demolished in the future, minimum side yard setbacks will be required for construction of new dwelling." The Applicant has revised the Zoning Requirement Table to indicate that three (3) off-street parking spaces will be provided for each of the three (3) proposed lots. It is our recommendation though, that a note be provided on the plans that clearly states that three (3) off-street parking spaces will be provided for any residential dwelling proposed on the lots. The proposed lots will be serviced by public water and sewer. The address of the owner/applicant is different on the application form and the subdivision plat. This discrepancy shall be revised. The applicant has provided a six (6) foot shade tree and utility easement along Elm Street and Melville Avenue. Concrete curb is exists along the property frontages. The applicant has included concrete sidewalk along the property frontages and has also included a concrete sidewalk detail on the plans. The applicant has provided a sight triangle easement at the corner of Elm Street and Melville Avenue.

Mr. Truscott read from a letter dated February 23, 2007. The applicant seeks minor subdivision and variance approval to subdivide existing Lot 4 (located within Block 762) into three (3) separate tax lots. Lot 4 is located at the corner of Elm Street and Melville Avenue, one (1) block south of Cedar Bridge Avenue. A one-story structure exists on proposed Lot 4.01; said Lot 4.01 will front Melville Avenue. Proposed Lot 4.02 is vacant and will front Melville Avenue. Proposed Lot 4.03 is vacant and will front Elm Street. Most of the surrounding properties are residential dwellings. All lots will be served by public water and sewer. Lot 4 is located in the R-7.5 Single-Family Residential Zone. Single-

family residences are a permitted use in this zone. As demonstrated in the following table, the applicant is requesting the following bulk variance:

Standards: R-7.5 District	Required	Proposed Lot 4.01
Minimum side yard (in feet)	7	3.2

The positive and negative criteria for the requested variance should be addressed. The subdivision map has been revised to propose sidewalk and street trees. The Zoning Chart should be revised to indicate only one (1) side yard setback of 7 ft. for new corner Lot 4.02. The applicant has indicated on the plans that three (3) parking spaces per lot will be provided. We recommend that, as a condition of approval, any new dwelling constructed on Lot 4.01 meet minimum side yard setbacks, as indicated on the plans. Site triangle and shade tree/utility easement dedications to Lakewood Township are indicated on the submitted plans. The applicant should verify that the proposed lot numbers have been approved by the Lakewood Tax Assessor on July 12, 2006. Compliance with Map Filing Law is required. Performance Guarantees should be posted for any improvements in the public right-of-way. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; Sewer and water utilities; and, All other required Outside Agency approvals.

Mr. Alfieri, Esq. appeared on behalf of the applicant. They agree to address all the comments in the professional's report; the only complication is the variance request for the side yard setback. The existing house has 3.2 ft. from the proposed property line. The applicant has expanded the side yard setback on the neighboring property to 11 ft. so that the effect will be that the house will be as far away as they would be if there were no variance in place. The applicant could have made an irregular lot line but they felt that was poor planning and this would be a better approach.

Mr. Jackson stated there was a building envelope on the plans, but that had some enforcement difficulties and asked if they would agree to a deed restriction for that side yard setback for the benefit of lot 4.01. Mr. Alfieri agreed.

Mr. Akerman asked if about the comment in Max's report that if the building get demolished and asked if anything gets written down. Mr. Alfieri said there is a note on the plans and they will also deed restrict it.

Mr. Banas opened the microphone to the public.

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

Motion was made by Mr. Akerman, seconded by Mr. Herzl, to approve with the stipulations provided.

ROLL CALL:

Mr. Herzl; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

Mr. Jackson said the deed restriction should be extinguished if the house is demolished.

2. SD # 1572 (NO VARIANCE REQUESTED)

APPLICANT: TRACHS INC.

Location: East End Avenue at corner of East Eighth Street
Block 208 Lot 139

Minor Subdivision to create 2 lots

Mr. Peters stated the applicant is seeking a minor subdivision of Block 208 Lot 139 to subdivide one residential lot into two residential lots. The site currently contains an existing dwelling on proposed Lot 139.01 that is to be removed along with all associated accessory structures. No new dwellings are proposed at this time. The property contains 1.645 acres of wetlands area out of a total area of 2.546 acres. The site is located at the corner of East End Avenue and East Eighth Street, fronting East End Avenue, in the R-10 Zoning District. It appears no variances will be required for this application. As noted on the plans, a waiver is requested for non-radial lot lines. Ocean County Planning Board Approval is required and evidence of approval shall be made a condition of final subdivision approval. The applicant has provided a six foot wide shade tree and utility easement along the property frontage. Concrete curb exists along the property frontage. The Applicant has revised the Schedule of Bulk Requirements to indicate that three (3) off-street parking spaces will be provided for each of the two (2) proposed lots. It is our recommendation though, that a note be provided on the plans that clearly states that three (3) off-street parking spaces will be provided for any residential dwelling proposed on the lots. The applicant has stated that testimony will be provided at the hearing regarding the removal of existing accessory structures which will require disturbance of the wetlands buffer. It shall be noted that the appropriate NJDEP permit or a jurisdictional determination from NJDEP that no permit is required shall be obtained prior to disturbance. The existing building is to be removed or bond posted for its removal prior to signature of the final plat by the Planning Board Engineer. The site is serviced by public utilities. The applicant has provided a copy of the NJDEP letter of interpretation for the wetland line and buffer determination. The applicant shall provide a copy of the NJDEP stamped plan the letter of interpretation is based on, for our records. The applicant shall revise the plans to show permanent markers will be installed along the wetlands buffer line. The note added to the plans stating that sidewalk to be installed is not sufficient. The sidewalk shall be shown on the plan, with a detail included. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated March 15, 2007. The applicant is seeking minor subdivision approval to subdivide existing Lot 139 into two oversized lots. The property contains one single-family dwelling, which will be removed. The subject parcel is 2.546 acres in area. The lot is located in an R-10 (Single-Family Residential) Zone located in the northern portion of the Township at the juncture of East End Avenue and East 8th Street, approximately 1/3 mile south of East County Line Road. Surrounding land uses are generally residential. East End Avenue and East 8th Street meet at a ninety-degree angle, and do not cross each other. An existing two (2) story frame building and attached wood deck is currently located on proposed Lot 139.01, with frontage on East End Avenue. Proposed Lot 139.02 will have frontage at the juncture of East 8th Street and East End Avenue. As noted, the tract is situated in the R-10 Zone and detached single-family residences are a permitted use in this zone. No variances or waivers are requested. The applicant has requested a waiver from Section 18-805.C, as the side lot line dividing the proposed lots is not at a right angle to East End Avenue. Although East End Avenue and

East 8th Street do not cross each other (they meet each other at a ninety-degree angle), the Planning Board should consider if sight design standards related to intersections are applicable to the application, including but not limited to, site triangles and driveway standards. We recommend that, as a condition of approval, the sidewalks and street trees be bonded. The plat indicates that the existing two-story frame structure will be removed. The structure must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. The NJDEP freshwater wetlands reference number and date is located within Note #11 on the subdivision plan. The bulk table indicates that three (3) off-street parking spaces will be provided for each lot. Compliance with the Map Filing Law is required. Outside agency approvals which will be required include: Ocean County Planning Board. Soil Conservation District. The applicant has provided documentation that certification for its soil erosion and sediment plan has been received.

Mr. Roth Esq. appeared on behalf of the applicant. There are minor revision comments that Mr. Flannery will address. He stated they agreed to all the minor comments in the professional's letters. There is really no way to subdivide the property without the design waivers and Mr. Peters agreed. Mr. Flannery agreed to obtain the permission from NJDEP for determination prior to removing the structure. The monuments go on the outbound corners and would not touch the wetlands.

Mr. Klein asked Marty about the site design standards in his letter and what would be affected in this application. Mr. Truscott said that was if they needed to impose a question with the driveways consideration coming out of this intersection, but he deferred to the engineer.

Mr. Banas opened the microphone to the public.

Mr. Herman Winkelman appeared to talk about something other than this application and was told to wait until #8 on the agenda.

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

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to approve with the recommendations of the professionals

ROLL CALL:

Mr. Herzl; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

- 3. SD # 1573 (VARIANCE REQUESTED)**
APPLICANT: PROSPECT BUSINESS PARK 3 C/O CHARLES FERGUSON
Location: Prospect Street, south of Railroad Street
Block 386 Lot 17
Minor Subdivision to create 2 lots

Mr. Peters stated the applicant is seeking Minor Subdivision Approval of Block 386 Lot 17, to subdivide one industrial lot into two. The property currently contains a self storage warehouse facility that will remain on proposed Lot 17.01. Two new warehousing buildings totaling 25,020 sq. ft. are proposed on Lot 17.02. This application only covers the property

subdivision as the applicant has submitted a separate application, SP 1857, for the improvements on Lot 17.02. The property is located between Prospect Street and unimproved Railroad Street within Lakewood Industrial Park, within the M-1 Zone. A variance was previously granted on September 17, 1996, under SP#1393, to provide less than the required Side Yard Setback for proposed Lot 17.01, 15 feet for one side and 60 feet combined were approved. The applicant has provided 14.8 feet on one side and 58.7 feet combined, where 30 feet and 70 feet is required. Should the Planning Board approve this application, the Board should grant the revised setback variances. Access to Lot 17.02 is proposed to be provided by an access easement. The easement is permitted, although, a variance from NJSA Section 35 of MLUL will be required for the lot having no frontage on an improved Right of Way. The proposed access easement runs through Lot 18. The applicant has revised the Subdivision Plan, specifically the List of Property Owners Within 200 feet of the Site to include the owner of Lot 18 as an applicant. The applicant has included evidence of approval from Ocean County Planning Board regarding this application. The Applicant seeks the reduced 50 foot front yard setback that can be used with a recommendation from the Industrial Commission. Proof of this recommendation has been provided. The Board should decide if the 50 foot front yard setback is acceptable in this case. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated March 14, 2007. The applicant is seeking minor subdivision and variance approvals to subdivide existing Block 386, Lot 17 into two (2) separate tax lots; Lots 17.01 and 17.02. Lot 17 is a 7.02-acre lot located in the M-1 (Industrial) Zone District. The front portion of the lot is developed and the rear portion is currently vacant and undeveloped with forested upland vegetation. Please note, in a separate application to the Planning Board, the applicant has prepared a preliminary and final site plan for the proposed improvements to Lot 17.02 for Board consideration (SP-1857). Lot 17 contains an existing self-storage warehouse facility that fronts Prospect Street (County Route 628) and abuts the New Jersey Southern Branch Main Line railroad right-of-way to the north. The subject site is located within an area with commercial and industrial uses. Proposed Lot 17.01 will encompass 4.02 acres and front Prospect Street. The existing self-storage warehouse facility will remain on the subject site. The applicant indicates they received prior approval for a proposed warehouse storage facility that has not been constructed. Proposed Lot 17.02 will encompass 3.0 acres and will have no lot frontage on an improved right-of-way. The proposed improvements include two freestanding warehouse/office buildings totaling 25,020 square feet and associated parking and drainage facilities. On October 15, 1996 a site plan application was memorialized for Lot 17 to construct a proposed warehouse storage facility. A side yard setback variance was granted as part of the approval. Lot 17 is located in the M-1 (Industrial) Zone District. The proposed warehousing/office uses are permitted uses within the M-1 zone. Bulk Variance. As demonstrated in the following table, the applicant will require the following bulk variances for subdivision approval:

Standards: M-1 District	Required	Proposed Lot 17.01
Minimum Side Yard (feet)	30 / 70	14.8' / 58.7(1)

- (1) Existing variance condition; A side yard setback variance was granted by the Planning Board by resolution memorialized on October 15, 1996. (The variance allowed a 15-foot setback on one side and 60-feet combined side yard setback.)

The applicant will be required to obtain a planning variance from N.J.S.A. 40:55D-35., since the proposed lot does not front on an improved public roadway. The applicant has proposed a 30-foot access easement from Block 386, Lot 18 to Block 386, proposed Lot 17.02. The applicant should be prepared to address the sufficiency of the access easement for daily use and emergency access. The positive and negative criteria for the requested variances should be addressed. The applicant has submitted documentation demonstrating Lakewood Industrial Commission recommendation for reducing the minimum front yard setback (on Railroad Street) for proposed Lot 17.02 to 51 feet. (Copy of February 15, 2007 memorandum attached.) The applicant has proposed an access easement from Block 386, Lot 18 to proposed Lot 17.02 which will require that trailers be moved. The applicant should indicate the proposed placement of these trailers. We recommend that a bond be posted for such removal prior to the signature of the plat by the Planning Board. Board approval of the access easement to Lot 17.02 should be conditioned on the submission of a deed document to the Board Attorney and the metes and bounds description to the Board Engineer. Compliance with the Map Filing Law is required. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board (approved November 15, 2006); Soil Conservation District; Sewer and water utilities (prior to construction permits); and, All other required Outside Agency approvals.

Mr. Penzer, Esq. appeared on behalf of the applicant. He reminded the board of previous legal problems and introduces exhibit A-1 which is the subdivision map, page 1 of 1, dated 9/15/06 is owned by an individual that has a mortgage on the property that he cannot prepay and the question was should they wait to do the subdivision and do it in 2 parts. The members of the board suggested that they should do it this way which means making an easement not fronting on the road. They cannot buy the property because of the large prepayment penalty and the variance talked about in both reports are existing but not part of this application. This is the other man's property that in 1996 he built and he got the variance.

Mr. Jackson spoke for clarification and said proposed lot 17.02 they are the contract purchaser that subject to this subdivision being granted, so when you talk about "he" being 17.01 that is the applicant. Mr. Penzer said no, they do not own 17.01. Lot 17.01 is on Prospect Street and 17.02 will need an easement to access the property. Mr. Jackson asked if they could get the easement from the owner of 17.01 and Mr. Penzer said yes. Mr. Jackson asked if they could pave Railroad Street and Mr. Penzer said he didn't think they could. They agreed with the remainder of the engineer's comments. Mr. Penzer said they have no problem posting a bond for the placement of the trailers and would like to put that as part of the performance bond, instead of bonding before you sign the map, so they don't have to post 2 bonds. He said it would be complicated to put the easement in the deed; they would rather put it on the map that will be filed. Mr. Jackson said if you want an access easement, you need a deed. Mr. Banas asked if that access should be granted first and Mr. Penzer said you needed the subdivision first and Mr. Banas asked how he is going to do that. Mr. Penzer said he wanted it on the filed map. Mr. Surmonte is the engineer for the applicant and showed on the map where the easement is. Mr. Penzer said the owner of lot 18 is Mr. Ferguson. Mr. Ferguson showed the members where his lot is located and where the easement for his new lot would run. Mr. Jackson said they

needed the easement for perpetuity, and Mr. Penzer pointed out they would have no problem getting the easement because it is from Mr. Ferguson. (Mr. Franklin arrived). They discussed the deed for the easement and Mr. Jackson said they needed to record an easement for the benefit of owner 17.02, whoever the owner is and subject to the subdivision being perfected and finalized. Mr. Surmonte testified on the whether 30 ft. is enough for daily use and access and said it was sufficient and CAFRA requires 28 ft. Mr. Surmonte said the variances are for existing buildings and the total setbacks, wherever you take that is slightly less than 60 ft. so as it relates to the total intent, it is met everywhere along the sides of the outside of the building. He pointed where the setbacks were on the map.

Mr. Gatton asked about the road that comes outside the easement and if that would cause a problem. Mr. Jackson said that could be a potential problem because the easement meanders in and out of the improvement. He thinks they should draw the easement to reflect that is where the metes and bounds description and language in the deed that would follow that. The easement is 30 ft. but at the entrance and access point it is 24 ft. wide, everywhere else it is 20 ft. wide. Mr. Banas asked why it couldn't be straightened out and not meander and the boundary of lot 18 is straight and the applicant agreed. They would bond for it as part of the performance bond and a condition that they finish it.

Mr. Banas opened the microphone to the public.

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

Motion was made by Mr. Akerman, seconded by Mr. Herzl, to approve with all the discussion items

ROLL CALL:

Mr. Herzl; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

- 4. SP # 1857 (NO VARIANCE REQUESTED)**
APPLICANT: PROSPECT BUSINESS PARK 3 C/O CHARLES FERGUSON
Location: Prospect Street, south of Railroad Street
Block 386 Lot 17.02
Preliminary and Final Site Plan for 2 warehouse/office buildings

Mr. Peters stated this application is seeking site plan approval to construct two warehouse buildings totaling 25,020 sq. ft. on Proposed Lot 17.02. The application also includes a paved parking area and a stormwater management basin. The property is located in the Lakewood Industrial Park on unimproved Railroad Street in the M-1 zoning district. The site is accessed from Prospect Street by an access easement through Lot 18. Outside agency approval is required from the Ocean County Soil Conservation District. Evidence of approval shall be provided as a condition of approval. Access to Lot 17.02 is proposed to be provided by an access easement. The easement is permitted, although, a variance from NJSA Section 35 of MLUL will be required for the lot having no frontage on an improved Right of Way. Ordinance requires one parking space for every 300 square feet of office space and one space for every 1000 square feet of warehouse space. The applicant

has used these numbers for their parking calculations, and provided 59 parking spaces. The applicant shall revise the parking calculations to include the number of square feet for each use. The applicant has stated in their letter, dated January 5, 2007, that pickup trucks, vans, and panel trucks are the typical size of trucks anticipated to access the proposed garage doors on the proposed buildings. The proposed warehouses will be serviced by an individual potable well and septic disposal systems. The applicant has provided a letter from New Jersey American Water that water and sewer service "are not available." The Applicant has relocated the septic disposal field to fifteen (15) feet from the proposed building, which meets the minimum distance requirement from an occupied building with a slab on grade. The stormwater detention basin has been enclosed within a fence, including a gate for maintenance access. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated March 14, 2007. The applicant is seeking preliminary and final site plan approval to construct two freestanding buildings totaling 25,020 square feet on a 3-acre lot (proposed Lot 17.02). Both buildings will consist of warehouse uses. Proposed Building A will be 15,120 square feet, and proposed Building B will be 9,900 square feet. Please note in a separate application to the Planning Board, the applicant has prepared a minor subdivision approval plan for proposed Lots 17.01 and 17.02 for Board consideration (SD-1573). Proposed Lot 17.01 will encompass 4.02 acres and front Prospect Street. The existing self-storage warehouse facility will remain on the subject site. Lot 17 contains an existing self-storage warehouse facility that fronts Prospect Street (County Route 628) and abuts the New Jersey Southern Branch Main Line railroad right-of-way to the north. The subject site is located within an area with commercial and industrial uses. Proposed Lot 17.02 will encompass 3.0 acres and will have no lot frontage on an improved right-of-way. Proposed Lot 17.02 is currently vacant and undeveloped with forested upland vegetation. The applicant has proposed a 30-foot access easement from Block 386, Lot 18 to Block 386, proposed Lot 17.02. The applicant will need to move two (2) trailers to provide access to proposed Lot 17.02. Lot 17 is located in the M-1 (Industrial) Zone District. The proposed warehousing use is a permitted use within the M-1. The applicant has not requested any variances. The M-1 Zone District standards require a 100-foot setback for the front yard which may be reduced with a recommendation provided by the Industrial Commission and the consent of the Planning Board. The applicant has submitted documentation demonstrating Industrial Commission recommendations for reducing the minimum front yard setback for proposed Lot 17.02 prior to Board approval. Railroad Street is an unimproved right-of-way. The applicant has proposed an access easement from Block 386, Lot 18 which will require that trailers be moved. The applicant should indicate the proposed placement of these trailers. We recommend that a bond be posted for such removal prior to the signature of the site plan by the Planning Board. Board approval of the access easement should be conditioned on the submission of deed language to the Board Attorney and metes and bounds description to the Board Engineer. This was also a requirement of the minor subdivision application SD-1573. The applicant will need to clarify the proposed parking computations. Specify how many square feet is warehouse area and provide parking calculations based on warehouse specifications (one space per 1,000 square feet). Specify how many square feet is office floor area and provide parking calculations based on office specifications (one space per 300 square feet of office floor area). The site plan has been revised to "green bank" 27 parking spaces. The applicant will utilize an individual

septic disposal system and well system to service the subject site. The applicant has noted the presence of suitable habitat for two state threatened species, the Barred owl (*Strix varia*) and the Northern pine snake (*Pituophis melanoleucus*). There also is suitable habitat for priority species. The applicant notes that confirmation of their findings is pending review from NJDEP. Documentation has been provided by Maser Consulting, P.A. (dated January 9, 2007) on behalf of the applicant indicating that the suitable habitat findings are based upon dated information, specifically aerial photography from 1995-1997, that is no longer applicable to the site. The landscape plan has been revised since its initial submission to provide a greater diversity of species to screen the warehouse use. Remove bulk chart references to proposed Lot 17.01, as it is not a part of this site plan application, which is for Lot 17.02 only. The site plan indicates that grading and installation of a drainage structure are proposed in the right-of-way of Railroad Street. The proposed construction should be reviewed by the Township Engineer prior to signature of the site plan by Board officials. If grading and improvements are permissible in the Railroad Street right-of-way, then a landscaping screen should be considered in the disturbed areas in the right-of-way. A Stormwater Management Report has been supplied by applicant for Planning Board Review. Filing of the subdivision plat to create Lot 17.02 must precede any construction permits for the subject site plan. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board (approved November 15, 2006); Soil Conservation District; County Board of Health for the well and septic; and all other required Outside Agency approvals.

Mr. Penzer, Esq. appeared on behalf of the applicant. Charles Surmonte is the engineer. Mr. Penzer entered exhibit A-1 which is the preliminary site plan dated 9/15/06 sheet 4 of 10. Mr. Penzer agreed that pick up trucks, vans and panel trucks are the type that will be using garage doors. Mr. Banas said the 15 ft. is the minimum for the septic field and said if the health department wants to go beyond the minimum, is there space left, and Mr. Surmonte said he would be shocked if they would, and Mr. Penzer said they would drop the green bank of the parking and then they would have room. They will add a second ADS trench detail. They agreed to the comments in Max's report. In regard to the environmental impact statement, he provided the board at the technical meeting a letter from Masur Consultants which states after close review, we determined that the project site is neither habitat for baird owl, northern pine snake, or eastern box turtle for the following reasons: 1) the property de segmented forested parcel located in the center of a highly developed industrial park. The above animals require a large tract of contiguous uplands away from human disturbance to nest and forage. 2) The NJDEP "i" map and landscape project has not been updated to show the current development conditions surrounding the property site. In regards to Stan's report, they agree with the comments except the following. They need these trailers only to act for the construction, as soon as the construction is done, the trailers are going. That is why they want to bond, as part of the performance bond, to guarantee that those trailers will be gone. The map shows where the trailers are located and will be filled with construction materials. They ask the bond be posted not before the signature of the site plan, but as part of the performance bond. As for the parking, Stan had a problem with the parking and quoted ordinance #18-807B6 which is the wholesale trade establishment. Mr. Penzer stated they are using 10,000 sf for office and 15,020 sf for warehouse. Therefore, under this ordinance, they would be going one space per 300 ft which would be 34 spaces and under warehouses, that would be 49 spaces. The ordinance says this is the "minimum

standards". They are 10 over plus they are land banking on the green. They feel they are not a wholesale trade establishment, but more under the M-1 which is 18-903 M6G, then they have more than enough spaces to meet that under those requirements. They would need 62.55 spaces which would be 1 space for every 400 sf or one per each employee whichever is greater. They are giving 59 and land banking 27, so they meet it all.

Mr. Surmonte said he agreed more with the office warehouse breakdown. He doesn't think a use like this should use a blanket one for 400 sf parking requirement. Mr. Banas asked what will be going on in these warehouses and Mr. Ferguson said the tenants that would be typical for this would be plumbers, electricians, heating and cooling sub contractors, etc. In regards to the remaining comments, Mr. Penzer stated they did put in landscaping in the islands and they agree to the remaining comments.

Mr. Truscott said the green bank spaces would be activated if necessary and wanted to know how that would be implemented in the resolution, and suggested a letter from the Township Engineer saying such spaces would be constructed within 60 days of some sort of letter. Mr. Penzer said they would initiate it themselves depending on need and time of year and can put that either party could request it be implemented. Mr. Peters had a comment about the access easement and the performance bond and said it would be good for the Township Engineer when he does put that bond estimate together if the limits of that access roadway be shown on sheet 3 of 10 because it will be hard to determine otherwise. Mr. Penzer agreed.

Mr. Percal questioned where the well would be located and if it was a problem with the septic and was told no.

Mr. Banas opened the microphone to the public.

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

Motion was made by Mr. Akerman, seconded by Mr. Percal, to approve with the items discussed.

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin: yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

5. SD # 1574 (VARIANCE REQUESTED)

APPLICANT: PINE PROJECTS LLC

Location: corner of Netherwood Drive and Bellecourt Boulevard
Block 431 Lot 1.02

Minor Subdivision to create 3 lots

Mr. Peters stated the Applicant is seeking minor subdivision approval of Block 431, Lot 1.02. The applicant proposes to subdivide one existing lot into three new lots. The property in question lays at the intersection of unimproved Netherwood Drive and unimproved Bellecourt Boulevard in the R-12 zoning district. The property is currently vacant and the majority of the property lies within wetlands or wetlands buffer zones.

Three new single family dwellings are proposed. A variance will be required for the following: Minimum Lot Width – Lot 1.03 and Lot 1.04 propose 75 feet, and Lot 1.05 proposes 79.66 feet. 90 feet is required in the R-12 zone. Outside agency approval will be required from, the Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for a wetlands disturbance. Evidence of Ocean County Soil Conservation District approval has been provided. A copy of the approved wetlands disturbance plan shall be provided for our records along with evidence of the wetlands disturbance permit. The proposed lots will front Netherwood Drive, an unimproved roadway. The plans state that Netherwood Drive is a bonded roadway, evidence of the bond has been provided. The applicant shall provide testimony on the status of the roadway construction. The applicant states that the proposed dwellings will be serviced by public water and sewer. The applicant states that the proposed dwellings for Lots 1.03 and 1.04 include a one car garage, the three off street parking spaces can be achieved with garage and driveway for Lots 1.03 and 1.04. The applicant should call out on plans the garages for Lots 1.03 and 1.04. The Board should determine if the proposed parking will be sufficient. The applicant has provided a sight triangle easement dedicated to Lakewood Township at the corner of Bellecourt Boulevard and Netherwood Drive. The applicant has provided shade tree & utility easements dedicated to Lakewood Township along the entire property frontage. Handicapped ramp details have been provided. The balance of the comments are technical in nature.

Mr. Truscott read from a letter dated February 23, 2007. The applicant is seeking minor subdivision and variance approvals to subdivide existing Lot 1.02 (located within Block 431) into three (3) separate tax lots. Lot 1.02 is L-shaped and located on two unimproved roads in the southwestern portion of the Township. The lot is unimproved wooded land, as are all contiguous lots, except for Lots 1.01 and 2 to the north, which contain residential structures. Existing residences are located to the north and west, accessed by Finchley Boulevard. Mapped (but unimproved) streets Bellecourt Boulevard and Netherwood Drive form the southern and western borders, respectively, of the subject parcel. The tract abuts the HD-7 (Highway Development) Zone. As shown on the Minor Subdivision Plan, a Wetlands Boundary Line (approved January 12, 2005) bisects the tract. Lot 1.02 is situated in the R-12 (Single-Family Residential) Zone. Single-family detached housing is a permitted use in this zone. As demonstrated in the following table, the applicant is requesting the following bulk variances:

Standards: R-40 Districts	Required	Proposed Lot 1.03	Proposed Lot 1.04	Proposed Lot 1.05
Minimum Lot Width (in feet)	90.0	75.0	75.0	79.66

The positive and negative criteria for the requested bulk variances should be addressed. The subject lots are constrained by freshwater wetlands areas and wetlands transitional areas. Proof of receipt of a DEP Wetlands fill permit should be made a condition of approval. The Zoning Schedule should be revised to indicate the rear yard setback for new corner Lot 1.05. We note that Bellecourt Boulevard and Netherwood Drive are not fully improved to Township standards. The applicant has provided written documentation concerning the posting of performance bonds and engineering escrow accounts. However, no plans have been submitted to indicate the limits of the bonded improvements. Site triangle and shade tree easement dedications to Lakewood Township are indicated on the

Minor Subdivision Plan. Performance guarantees should be posted for all improvements in the right-of-way, which are required for this approval. Condition of approval should be contingent upon applicant providing a bond for curbs, sidewalks and street trees, as represented by applicant in Note #11 on the Proposed Improvement Plan. Parking for both proposed lots must comply with NJ RSIS standards. Compliance with the Map Filing Law is required. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; The applicant has provided documentation that it has received certification for its soil erosion and sediment plan. Sewer and water utilities; and, all other required outside agency approvals.

Mr. Penzer, Esq. appeared on behalf of the applicant. Mr. Banas wanted to discuss Mr. Slachetka's report about the wetland filling as there is a lot. Mr. Flannery stated the permit for that was submitted by Trident Environmental and he was told by them it was approved on March 7, 2007, but he does not yet have a copy of it. Mr. Jackson stated that would be a condition of the resolution compliance. Mr. Banas said looking at the map in general he is guessing if they take the wetland out of the application, the lines delineated as wetlands and buffer, you don't have the buffer to the north and it goes beyond. That represents 80%- 85% of the total project and Mr. Flannery agreed. Mr. Banas said without that paper, he hesitates whether they want to review it. Mr. Flannery said the law is clear that the DEP regulates the wetlands and they can only do what they get a permit for and he has been assured that the permit has been issued. Mr. Jackson said the board can say they do not wish to hear it, but given Mr. Flannery's track record and experience with this, the board can count on his assurances. With regard to the remainder of the comments, Mr. Flannery stated they well exceeded the lot areas for all three lots for the R-12 zone. On the two northerly lots, they show a 36 ft. driveway and a garage to get the 3 parking spaces, on the 4th one they show a 36ft. long double wide driveway, so there is 4. They can add a double wide driveway on the other 2 and Mr. Banas said they would like that on all the lots and Mr. Flannery agreed. He stated Netherwood Drive is a bonded roadway and is being built to Township's standards with curb and sidewalks on both sides and the plans will be provided. They will post a bond if the roadway is not completed by the development across the street who originally bonded for the roadway. They agreed to comply with the remaining comments in Max's report. Most of the issues in the planners report are the same as the engineer's report and they agreed to comply. They are providing public sewer and water. Mr. Franklin asked if they were going to have a turn around and Mr. Flannery said they have provided includes a turn around coming to the west so that when the road gets continued, it will be there. Netherwood connects to Finchley Boulevard which goes out to Route 9 or through Hearthstone to Cross Street and Massachusetts.

Mr. Percal asked about the lot width, and asked about the surrounding lots in the area, and Mr. Flannery said yes, that the Hearthstone Development was a cluster with the average lot size is 8,000 sf and the lots vary from 70 – 90 ft. Mr. Percal asked if an aerial was requested of this applicant and Mr. Banas said no. Mr. Miller said he is very pleased with the layout of this application. Mr. Banas asked Mr. Flannery to put in the 50 ft. wetland buffer in the northern side, as this map does not show it. Mr. Flannery would agree to delineating the wetland lines for the property owners.

Mr. Banas opened the microphone to the public.

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

Motion was made by Mr. Herzl, seconded by Mr. Percal, to approve with the stipulations made, including the DEP permit.

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin: yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

6. SP # 1858 (NO VARIANCE REQUESTED)

APPLICANT: NEW CEDAR HOLDING LLC

Location: Oberlin Avenue at northwest corner of New Hampshire Avenue and Cedar Bridge Avenue

Block 1603 Lots 1.02, 2.02

Preliminary & Final Site Plan-proposed shopping center

Mr. Peters stated the Applicant is seeking site plan approval to construct a shopping center on 27.248 acres of land with 201,175 S.F. of ground floor building area within six (6) separate buildings and associated site improvements. The subject property, known as Block 1603, Lots 1.02 and 2.02, lies at the northeast corner of the intersection of New Hampshire Avenue and Cedar Bridge Avenue, in the B-6 Zone. The property is currently wooded. It appears that no variances will be required for this application. The applicant will be required to obtain outside agency approvals from the Ocean County Planning Board, the Ocean County Soil Conservation District, and NJDEP for CAFRA and Treatment Works Approval and Water Main Extension. The applicant shall submit a signed and sealed copy of the property survey. Existing vegetative buffer easements are located along Cedar Bridge and New Hampshire Avenues. The applicant shall provide a copy of the easement agreements for review of the restrictions imposed by the agreement. The applicant proposes clear cutting, re-grading, and replanting the entire easement area. A legal description is required for the proposed drainage easement. The wording shall be reviewed by the solicitor and the legal description provided to the Planning Board Engineer for review. The easement agreement shall be signed by the neighboring lot owner prior to signature of final plans. The applicant has provided fire hydrant locations as requested by the Lakewood Fire District No. 1. The plans shall be re-submitted to the Fire District for review of the hydrant locations. The retaining wall is located along the northern property line, there needs to be room for construction and geogrid if a block wall is proposed. The lighting plans include two notes relating to compaction and seeding. These irrelevant notes shall be removed. The applicant shall revise the plans to include the area of each proposed easement. The applicant has not shown any elevations for the wall between Building #1 and Building #2. The plans shall be revised to include elevations for this wall. The basin embankments will be Type A & B soils. A clay core or other impermeable core or layer is needed in the berm of both basins. A wavier is required for the discharge from the 2- year storm event. Perimeter grading does not allow for the capture and detention of the required amount of run-off, therefore the required 50% reduction in runoff has not been achieved The CAFRA compliance statement has addressed the comment in our previous review letter concerning the presence of threatened or endangered species and other

forms of wildlife. As re-grading and construction is proposed, we recommend that the applicant provide a testimony as to whether this project will require the importation of fill material during site construction. Should imported soil or fill be necessary, a note shall be added to the plan stating the contractor shall provide the source of the imported fill and provide documentation that the soil has been analytically tested at a frequency approved by the Township Engineer. We have reviewed the traffic impact study prepared for this project. We agree with the methodology used and the conclusions reached in the report. The level of service (LOS) provided at the intersection of Cedar Bridge and New Hampshire will drop from a LOS of C to LOS E or F depending on the direction of approach to the intersection, in the year 2010. The applicant's traffic engineer performed further analysis and determined modifications to the timing of the light will return the intersection to a LOS D. Both of the roads in question are Ocean County Routes, we will defer to modification of the timing of the light to the office of the County Engineer. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated March 15, 2007. The applicant is seeking preliminary and final major site plan approval to construct a 201,105-square foot shopping center and associated parking, drainage facilities and utilities on Block 1603, Lots 1.02 and 2.02. Lot 1.02 is 18.472 acres and Lot 2.02 is 8.776 acres, for a total combined size of 27.248 acres. The tract is unimproved and mostly wooded, located in the Lakewood Industrial Park, and is situated on the northeast corner of Cedar Bridge Road and New Hampshire Avenue (diagonally across from First Energy Park). Contiguous uses are non-residential in nature. The Planning Board granted preliminary and final major site plan approval by resolution memorialized in May, 2005 for three industrial buildings on Lot 1.02 of this tract. Lots 1.02 and 2.02 are located in the B-6 (Corporate Campus/Stadium Support) Zone. Shopping centers are a conditional use in this zone. The applicant has not requested any variances. The Zoning Table reflects the bulk standards of the Shopping Center conditional use, which supersede the requirements of the B-6 Zone. Revise the schedule for maximum building height, which is 45 feet for shopping centers. The Zoning Table includes maximum building coverage, which is not addressed in the Lakewood UDO in regards to Conditional Use standards for Shopping Centers. We note that certain architectural features, such as steeples, as shown on the proposed retail design exceed 50 feet in height. The UDO allows height exceptions for such features. The Planning Board should discuss the access to Kenyon Drive, a street in the Industrial Park. We recommend restricting access from Kenyon Drive to commercial traffic only, as we have concerns about the adverse impact of introduction of the retail trade traffic into the Industrial Park. All proposed signage should comply with applicable regulations. The Planning Board might wish to consider requesting the applicant voluntarily abandon the prior preliminary and final major site plan approval from May 2005 for Lot 1.02. We note that an Environmental Impact Statement (EIS) has been submitted for Planning Board review. The EIS should be supplemented with maps or drawings addressing the environmental features of the site. The Site Plan does not specify a site triangle dedication for the corner of New Hampshire and Cedar Bridge Avenues. Sidewalks and shade tree easement dedications are not indicated on the site plan. Lakewood Fire District No. 1 has requested the applicant provide hydrant locations for review. The Lakewood Industrial Commission and Lakewood Environmental Commission have indicated no objections to the site plan as currently proposed. The Site Plan includes Landscaping and Lighting Notes, a Tree Save and Protection Plan, and indicates existing vegetative buffer easement. The applicant has

provided a Soil Erosion Plan, and drainage plans are included on the site plans. Performance guarantees should be posted for all improvements in accordance with ordinance provisions. It should be noted that 910 parking spaces have been provided; a total of 894 spaces are required per Lakewood UDO regulations for shopping centers greater than 100,000 square feet. A Traffic Report has been provided to the Planning Board addressing the traffic impacts of the proposed development, sufficiency of the adjoining roads to accommodate the additional traffic, and potential traffic improvements to mitigate any impacts. Testimony should be provided to highlight the findings of the Traffic Report. We recommend that Lots 1.02 and 2.02 be consolidated by deed. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; NJDEP, CAFRA Permit; Sewer and water utilities; and, all other required Outside Agency approvals.

Mr. Penzer, Esq. appeared on behalf of the applicant. Mr. Monteforte is the architect for the applicant and Mr. Carpenter is the engineer. They are not requesting any variances. They have agreed to put sidewalks along the perimeter. They believe the patrons from the Blue Claws would come across the street to shop. They agree to everything in Stan's report except the following: the traffic issue will be addressed by Mr. Rhea. In Max's report, he has a problem with the easement agreement, he needed clarification. Mr. Peters explained it was along both property frontages, there is an existing 20 ft. buffer easement existing on the plans, so he assumes there must be some sort of easement agreement stating what that easement is for and what that restriction is. Mr. Penzer said he would have Mr. Carpenter address that issue. They agreed to the remainder of the comments in Mr. Peter's report. Mr. Carpenter stated when the industrial park was created they needed a CAFRA permit and part of that permit was that there was a 50 ft. vegetative buffer around all the main street in the industrial park, primarily Cedar Bridge, New Hampshire, Swarthmore, etc. Through the years, the OC Engineering and Planning Department widened both Cedar Bridge and New Hampshire and got CAFRA permits to reduce the vegetative buffer from 50 ft. to its present condition. Mr. Carpenter reviewed the CAFRA permit and all it says is vegetative buffer, (no physical structures, impervious surface such as pavement, concrete) it does not say anything about maintaining the vegetation, so there is no deed. Mr. Jackson asked if they needed a new CAFRA permit for this application and Mr. Carpenter said yes. Mr. Banas said they have maintained that buffer on previous applications and kept that 50 ft. even with the road widening. Mr. Jackson said this is a retail site that needs highway exposure for its viability and Mr. Penzer said they would like to put the sidewalks there. Mr. Jackson requested a copy of that permit from CAFRA for Mr. Peters and Mr. Jackson for review. Mr. Carpenter stated the adjacent property owner is John Meyers Jr. who stated he has no problem with the drainage easement and wrote a letter agreeing to the easement. That will be provided to the board. The drainage basin is part of the CAFRA permit. He pointed to the map to describe the details and the CAFRA requirements. He agreed to mark them on the plans. No soil will be taken onto the site. Mr. Rhea addressed the traffic concerns and said they did a detailed traffic study and found in order to maintain acceptable levels of service at the intersection of Cedar Bridge and New Hampshire they needed to do a traffic signal timing and cycle change in order to maintain an acceptable level of service. The intersection runs on a 100 second traffic signal cycle, and we need to extend that to a 120 second cycle and we need to increase the green time that is given to New Hampshire main phase and to the Cedar Bridge Avenue left turn phases, and with that in place, with the design they are proposing, including the traffic generated by the shopping center, we can maintain an acceptable

level of service (D). Both of the roads are under the County jurisdiction and this application needs to be approved by the county. The County has hired a traffic engineer about 6 months ago, and Mr. Rhea is confident that when the county reviews their traffic study, they will agree with their recommendation. Mr. Gatton said in the summer they are estimating 200-500 cars and Mr. Rhea said yes, although sometimes they have to account to traffic during seasons when the Blue Claws do not play, but they incorporated the Blue Claws schedule in this traffic study. Mr. Gatton asked how many cars did they expect from the shopping center and how did it compare with the Home Depot shopping center and Mr. Rhea said this would be a little less. This project, he is estimating approximately 1,000 driveway movements during the pm peak hour and 1,300 driveway movements during the Saturday peak hour. About 1/3 of the traffic will be from pass by traffic that is on the road already.

Mr. Penzer stated he wanted to eliminate those buffers if CAFRA will not say anything, because that is where he thinks the sidewalks should be and Mr. Banas agreed. Mr. Banas said they still needed some type of buffer there. They looked at the landscaping plans for verification. Mr. Carpenter said the sidewalk would go into the public right of way and the property line to the roadway is approximately 12 ft. so there is more than enough space to accommodate 5 ft. sidewalks. With regards to the shade tree easement, being they have a buffer easement anyway as part of the site, they are landscaping the entire perimeter with trees, bushes, etc. it is a moot point. Mr. Banas said as long as they are going to put the same number of trees as an easement, and Mr. Carpenter said they are putting way more trees than the easement, which requires 1 every 40 ft. and they have that.

Mr. Rhea spoke about the access to Kenyon Drive. He said that will serve as a cul de sac and access to the rear of the stores for delivery. They agree to restrict it for commercial traffic and deliveries only, and would provide signage. At the south driveway of New Hampshire Avenue, they are applying for a left turn in because there is a striped median there and the site distance is good. That should give enough access into the center without using Kenyon and with the signage for deliveries only, it should be adequate. The reason there is no sight triangle dedication is because a signalized intersection does not require a sight triangle because the signal itself controls the movements. They will be required to provide sight triangles at the 3 access points, one at Cedar Bridge and 2 and New Hampshire in accordance with the county's guidelines and they are shown on the plans. Mr. Truscott asked if there were any mitigating measures that needed to be taken for the improvements and Mr. Rhea said it was the left in access that they were able to improve for access into the project. The other is the traffic signal timing change and they had another recommendation for a timing change at Oberlin and Cedar Bridge, they needed to change from an 85 second cycle to a 90 second cycle.

Mr. Monteforte explained the design and marked into exhibit A-2 which is a rendering of the parcel looking from New Hampshire east and A-3 is a rendering from Cedar Bridge looking north. The design is incorporating with the ball field with brick, stucco and metal. There is a theme but they want the individual store owners to add their own style. They will have 4 of 5 large tenants and the rest are in fill tenants, so they don't have a shopping center that is proto-typical that runs forever but they tried to give the buildings some individuality. He pointed to the plans and pointed out some designs. Mr. Banas said they have 2 ordinances and being they do not know what tenants are coming in, how will they

stick with the motif? Mr. Monteforte said the main motif will be maintained but individual style with signs, etc. is allowed. Mr. Banas brought up the ordinance about the building height not being over 45 ft. and the tallest part (steeple) is 50ft. Mr. Monteforte said they would hold the line at 50 ft. Mr. Banas said that is what ordinance states is and Mr. Truscott was reviewing the ordinance. Mr. Monteforte said he would comply with the ordinance.

Mr. Miller complimented the plans. Mr. Truscott recited the ordinance and said there was no height for steeples and Mr. Jackson recommended the architect give a specific height and that is put on the plans and the board should accept or reject. The architect said the height is on the plans, and it is 50 ft. and it is from tip to tip. Mr. Penzer asked about the signage and if they were going to have any. The signage should be reflected on the site plan. Mr. Banas said they have to identify where the sign is going to be and it must meet the ordinance. No signage was provided on the plans. Mr. Jackson recommended the signage be according to the ordinance and if their sign varies from the plans, they come back for an amendment and they should be satisfied that the board seems very receptive to anything within reason. Mr. Banas said they should at least identify where the signs are going to be. Mr. Penzer suggested the professionals for the applicant pick a location now to show the board.

Mr. Banas asked the applicant to come back with the location of the sign. They can approve everything else, this way they are not rushed into the placement. Mr. Penzer agreed.

Mr. Truscott has a comment relating to the sidewalk. He asked if there would be some kind of linkage from those sidewalks into the site to connect the buildings to the sidewalks and Mr. Carpenter agreed.

Mr. Percal was curious to the 6 distinct buildings and asked if they were going to be built in stages and was told no. Mr. Banas asked them to identify the tenants and the broker was present and said he was not at liberty to say.

Mr. Banas opened the microphone to the public.

Bill Hobday, 30 Schoolhouse Lane, was sworn in. He said this is terrific for Lakewood. He hopes they take some business from Brick Town.

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

Mr. Penzer said the broker is CB Ellis which the most prominent shopping center brokerage firm in the Unites States and they have access to the biggest companies and intent to bring in really big names here. They want to keep the UEZ money here and that is the purpose of this project.

Motion was made by Mr. Miller, seconded by Mr. Percal, to approve this application with all the stipulations made and to come back to show us where the sign will go.

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin: yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

6. MEMORIALIZATION OF RESOLUTIONS

1. **SD # 1569 (NO VARIANCE REQUESTED)**
APPLICANT: FAIRMONT INVESTMENTS LLC
Location: Hope Hill Lane
Blocks 11 Lot 90
Minor Subdivision to create 2 lots

Motion was made by Mr. Herzl, seconded by Mr. Miller, to approve

ROLL CALL:

Mr. Herzl; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

2. **SD # 1563 (VARIANCE REQUESTED)**
APPLICANT: MOSHE ARYEH
Location: Lanes Mill Road- east of Barrymor Drive
Block 187.15 Lot 12
Minor Subdivision to create two lots

Motion was made by Mr. Herzl, seconded by Mr. Miller, to approve

ROLL CALL:

Mr. Herzl; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

3. **SD # 1568 (VARIANCE REQUESTED)**
APPLICANT: ISAAC GREENWALD
Location: River Avenue, between Halsey Avenue & Edgecomb Avenue
Block 1019 Lot 2
Minor Subdivision to create 2 lots

Motion was made by Mr. Gatton, seconded by Mr. Herzl, to approve

ROLL CALL:

Mr. Herzl; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

- 4. SP # 1856 (NO VARIANCE REQUESTED)**
APPLICANT: CONGREGATION TORES EMES
Location: Atlantic Avenue, James Street & Ridgeway Avenue
Block 370 Lots 1 & 3
Preliminary & Final Site Plan and proposed addition to existing school

Motion was made by Mr. Percal, seconded by Mr. Miller, to approve

ROLL CALL:

Mr. Herzl; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

- 5. SD # 1545 (NO VARIANCE REQUESTED)**
APPLICANT: 319 PROSPECT LLC
Location: Prospect Street, west of Massachusetts Avenue
Block 445 Lot 1
Amended Resolution for Preliminary & Final Major Subdivision for 53 townhouses and 1 community center

Motion was made by Mr. Herzl, seconded by Mr. Percal, to approve

ROLL CALL:

Mr. Herzl; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

7. CORRESPONDENCE

None at this time.

8. PUBLIC PORTION

Mr. Herman Winkelman, spoke to the board and expressed his views, grievances and facts. He is here out of necessity because he is financially — (inaudible). He gave a history of his life, volunteering for the fire department, on the board of directors for Kimball Medical Center etc. He mentioned other boards he was on (most inaudible) and was on the Elks etc. Mr. Banas said there is a 5 minute time limit and asked him to get to his point. He had a memorandum that he wanted to read that was sent to the Lakewood Police Department April 17th. He put it into evidence, and it was 6 pages. He said his secretary would type up a copy as his English writing was not too good.

9. APPROVAL OF MINUTES

Minutes from March 20, 2007 Planning Board Meeting
Minutes from March 27, 2007 Plan Review Meeting

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

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin: abstain, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

10. APPROVAL OF BILLS

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

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin: yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

Mr. Percal questioned what happened and Mr. Banas explained that Mr. Winkelman is suing the Planning Board and went on to explain the details.

Mr. Kielt handed the members a copy of the UDO from the clerk's office.

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary