

**LAKWOOD PLANNING BOARD  
MINUTES  
SPECIAL MEETING  
MEETING OF: MAY 23, 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 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 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. Franklin, Committeeman Miller, Mr. Neiman, Mr. Banas, Mr. Dolobowsky, Mr. Klein, Mr. Gatton, Mr. Percal

**3. SWEARING IN OF PROFESSIONALS**

**4. NEW BUSINESS**

- 1. SD # 1509A** (No variance requested)  
**APPLICANT: MAJESTIC CONTRACTING LLC**  
Location: Massachusetts Avenue, south of Prospect Street  
Block 445 Lot 18  
Preliminary & Final Major Subdivision – 17 single family townhouses

Mr. Banas wanted to repeat the beginning of this application again, since there are members present that were not at the last meeting when this application was started

Mr. Peters stated the applicant is requesting to construct 17 2 family townhouse units on 2.295 acres. The property is currently a single family residence and is located in the R-M zoning district. Based on the comments from the board and the technical meeting, the applicant has increased the off street parking from 53 to 68 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 planning board attorney and engineer. The agreement shall include ownership and maintenance of the stormwater management

basin. Comments were received by the Ocean County Engineer regarding neighboring lot 17 and a meeting was held today. Due to the site distance and safety concerns, the county is requiring this developer to revise the Massachusetts Avenue access to be right in right out only, with a donation to a fund to improve streets in the area. Present at the meeting with the county was Mr. Peters, a representative from Majestic Contracting, Ray Carpenter, Brian Flannery, Miriam Weinstein, Ron Gasorowski, and three members from the Ocean County Engineer's office. The applicant has revised the proposed turn around, we recommend the pull in on the south side of Alpine Court be widened as much as possible and no parking signs be installed on both sides of the street. This will cause some discussion because if this were to be considered a cul de sac that is based on the parking count. If it is considered a multi-family court, the maximum length for that would be 300 ft. and we are over that 300 ft. length and in the RSIS for multi-family you can provide a hammerhead turnarounds which are provided here, but with the length being over 300 ft. it might put the applicant into a variance situation. Mr. Peters stated the applicant and his attorney should make that determination.

Mr. Neiman questioned the difference between a cul de sac and a hammerhead. Mr. Peters stated a multi family court there is no maximum number of car trips, which is how most streets are defined within RSIS (dead end street) and you are permitted to provide hammerhead turnarounds provided that street is 300 ft. in length or less (this is over 300 ft.) A cul de sac does not have a minimum or maximum length and is based on the number of car trips, (max. 1,000 per day)

Mr. Akerman arrived at the meeting.

Mr. Truscott read from a letter dated April 21, 2006. Access road, off street parking, stormwater basin and tot lot will also be constructed. The majority of the parcel is wooded, except for the single family residence and in ground pool. The rear setback of building #2, 3&4 to the southern property line must be 20 ft. to the property line as required by ordinance otherwise no variances are required. A retaining wall is proposed, and the height is not to exceed 5 ft. Since the wall will be the effective edge of the property, we ask applicant provide additional information regarding the setback from the building to the retaining wall. If terracing is required, that would reduce the setback and the use of the rear yard. A retaining wall is proposed along the northeast side with adjoins a proposed retaining wall on an adjacent approved town house project on Lot 17, and the applicant should coordinate with the other developer. The applicant should consider revising the tree protection plan to preserve existing trees in the west side of unit 3 of building 1 and in the southeast corner of the site along the street frontage.

Mrs. Weinstein, Esq. appeared on behalf of the applicant along with Mr. Flannery, planner and Mr. Carpenter, engineer. Mrs. Weinstein thanked the board members for their guidance at the technical meeting and she believes they have complied with all the recommendations.

Mr. Flannery stated the application is for 17 townhouse units and they are not requesting any variances. At the last meeting there was a discussion relating to the county's approval of the access onto Massachusetts Ave. An agreement was made. The RSIS in table 4.3 lists access classifications for multi family-one is the multi family access cul de sac and one the is the multi family court. The multi family access cul de sac has a footnote m on it

which states “cart way widths of multi family cul de sacs stems should conform to the applicable residential access street type. Cul de sacs shall provide a turning radius of 40 ft. or other suitable means for vehicles to turn around such as hammerheads.” The applicant has gone with the hammerhead and conforms completely with the RSIS, and it is his representation that this does not require a design waiver and complies.

Mr. Banas asked Mr. Peters if they were reading from the same book, and Mr. Peters said he had the same footnote. Mr. Peters said hammerheads were acceptable.

Mr. Flannery responded to Mr. Peters’ letter. The townhouses are single family, not 2 family. The garbage will be handled by containers that will be wheeled to the street and receptacles for the containers that will be in front of the building and enclosed. The hammerhead turn will be revised if the Public Works director feels it is needed. He agreed with the rest of the comments.

Mr. Flannery responded to the planner’s report. There are 19 lots proposed, 17 which are townhouses. He agreed with most of the comments, as they are informational. The lot numbers are approved by the Tax Assessor’s office. To the extent that they could accomplish the revision on the tree protection they would agree.

Mr. Klein questioned the hammerhead section of the turnaround. According to the scale it looks like it is about 5 ft. from the structure of the building. Is that a safety issue with the public works truck backing up and hitting the structure? Mr. Flannery said it was a safe turnaround, but they would make revisions if Mr. Franklin requested it. Mr. Franklin said he needed more than 10 ft. to get that truck turned in there, but he would like 15 ft. Mr. Flannery agreed to revise it as Mr. Franklin indicated.

Mr. Dolobowsky asked where would the 5 ft. come from on each side, and Mr. Flannery said the parking spaces could slide. He also asked about the retaining wall on the south side of the property, will it need to lean back? How tall is it? Mr. Carpenter stated the height was 4 ½ ft. at its’ highest. Mr. Dolobowsky asked where a buffer was between the mixed uses of the adjacent lands, that is usually a requirement when you have different uses such as single family and multi family. Mr. Flannery stated he felt that his site is lower than the other site, but it conforms to the ordinance, but would be happy to put a fence along with plantings along the top of the wall. The fence could be more of a private fence instead of the chain link shown on the plans.

Mr. Dolobowsky asked where the air conditioning units were located and Mr. Flannery stated they would be on the ground in the rear yard, but are not on the plans.

Mr. Banas opened the microphone to the public.

Mr. Gasorowski, Esq. appeared representing objectors Mr. & Mrs. Payne. He asked Mr. Flannery about the issue of the street, cul de sac, k turn. The street is a multi family cul de sac. There is also a multi family court. Mr. Gasorowski mentioned pg. 34 of the statute which identifies cul de sacs which said there must be a median to separate the ingress and egress. Mr. Flannery said a median is not required in a cul de sac. Mr. Flannery was asked the difference between a multi family access cul de sac and multi family court and he said the multi family court does not need a means of turn around, but if it exceeds

300 ft. it does, but then it is no longer a multi family court. Mr. Gasorowski questioned the statement for no variances and produced a notice by Abe Penzer sent out in November 2005 about this project, but Mrs. Weinstein said it was for a different application (that was for 17- 2 family). Mr. Gasorowski stated that basements are considered a 2 family, but Mr. Flannery stated that RSIS shows sufficient parking. Mr. Gasorowski stated that RSIS does not reflect Lakewood and if Lakewood's ordinance states more, this supercedes. He questioned how the calculations were derived and Mr. Flannery stated he wrote to the DCA who suggested 3 compared to the 2.4 that would normally be calculated. Mr. Gasorowski questioned how many parking spaces the UDO required for a 3 bedroom townhouse and Mr. Flannery stated 2.4. They continued on the parking calculations with disagreements made from each party. Mr. Gasorowski asked why there was a bathroom on the 3rd floor without a bedroom? Mr. Flannery said the plans did not indicate a bedroom. Parking is only provided on one side of the street. Mr. Gasorowski stated 68 spaces are provided and that includes guest provisions (1/2 space per unit). Mr. Flannery was adamant that the parking spaces provided is more than is required. Discussion was held about the turn around and if they were adequate for garbage trucks and buses, and Mr. Flannery stated the buses would not go on to the cul de sac. Mr. Gasorowski also questioned if it would be safer for the children to get picked up on Massachusetts Avenue instead of on their street.

Janet Payne, 120 Massachusetts Avenue, was sworn in. She is very concerned about everything to do about this development. The lot is wooded with large trees and would like buffer and a save area. A four foot fence will no nothing, they are used to trees. You are changing the entire environment and it is not fair. She is also concerned about lighting and asked how high the lights will be, and Mr. Carpenter said only street lights for illumination only, and was sure that the residents will only have regular lights, not flood lights. She also thinks busing on Massachusetts is crazy High Point loading takes about 20 minutes, and with the new development to the north and now this one, Massachusetts Avenue will be a parking lot. There is also trucks that use that road with heavy scaffolding and equipment and it makes it even more dangerous for another bus stop. She questioned what came out of the meeting with the county engineer and was told right in and right out only. She feels there should be another exist onto Prospect Street to alleviate the traffic on Massachusetts Avenue.

Gerri Ballwanz, 208 Governors Road, was sworn in. She asked if it was a higher density project abuts a lower density one, that a buffer is required to protect the lower density housing. This project will be impacting an existing house.

John Chadwick, 3086 Route 27, Kendall Park, NJ, appeared as a licensed professional planner, and was sworn in. He has worked in most municipalities and has his own practice for the last 15 years and worked with Oross Assoc., and has appeared in front of many zoning and planning boards along with the Superior Courts in the state. His credentials were accepted. He stated he has been retained by Mr. Gasorowski to testify in this matter. He said he familiarized himself with the Master Plan and has driven the site. Mr. Chadwick spoke about the parking requirements and said this township has sole jurisdiction over land use. The state of New Jersey has said to all municipalities here is your standards for streets and parking by uses, you control the uses, the development regulations for them. The town ordinance defines townhouses as 2 units if it has a

basement, and this application proposes a basement and does not allocate the number of bedrooms. The RSIS standards quoted by Mr. Flannery sets forth uses, it does not determine uses. There is a table for number of parking spaces required for each type of dwelling unit. If you take the township ordinance which states 2 units per dwelling plus the RSIS standards (table 404) and townhouses, which only goes to 3 bedrooms, the requirement is 2.4 and add 2.3 (the number if there are no bedrooms indicated) that total is 4.7 times the 17 structures which is 80. He then spoke about the off street parking. The RSIS standards specifies parking is allowed on one side of the street that is 28 ft. wide. This board has discretion in terms of how to apply that issue, and the reason the ordinance is drafted the way it is, is because the probability of additional dwelling units being created within the townhouses is a fact and characteristic of this community. You need to plan for 34 dwelling units. You are guessing at the occupancy, the question of how the 3rd floor will be used, guessing how many bedrooms will be in the basement. When use that number, you do not have 80 parking spaces on this site off street. In his opinion, that is a substantial variance that must be addressed by this applicant. There are a number of gaps shown on the roadway between the parking spaces in front of the building on the south side of the roadway there are just 7 gaps. On the north side there is a larger section (couldn't hear him)...above and below that there are some gaps between different parking spaces. They say they can achieve 67 spaces on the sight, but the ordinance requires 80 in his judgment, and he doesn't see where you will find the room for the rest of the cars, and there is not any overflow possibilities without paving everything between the dwelling units.

Mr. Gasorowski also questioned Mr. Chadwick about the cul de sac. Mr. Chadwick stated there is a footnote M that Mr. Flannery quoted from page 39 and he thinks the real planning issue is set for single family residences. They had to update them for 2 family, and his judgment is that once you go over 300 feet or 24 family units, planning logic would lead to require a cul de sac. His judgment is that a hammerhead is a last resort design solution. If a vacant piece of property that is being designed fresh, no cliff in the back, no highway stopping it, simply the number of units is driving this design. A cul de sac is the turnaround that is the preferred planning design standard and it is authorized within the regulations. He is not sure if this requires a design waive or a sign off by the township Engineer and/or authorization from DCA and feels it is an important issue and this board should have a answer from. The topography and is wooded and has some grade to it and they are proposing retaining walls and are basically going to flatten it. The site will be totally cleared, and any area not regarded will be dead. All the mature trees will be dead, and the trees adjoining will be damaged particularly if you are going to build a 4 ft. retaining wall along the property line. There is a tot lot proposed but no other passive recreation space proposed. A cul de sac could be accomplished with lesser units. He represents a client who spoke to the board about the need for some form of buffering along the southern boundary. These are large buildings lined up along the southerly boundary line with decks that are going to be 8 ft. from the back property line and fundamentally 3 story structures and his opinion to completely denude the entire property with no remaining mature trees there is absolutely wrong, There is no reason there can't be a retaining wall pulled back from the property line and leave some trees.

Mr. Chadwick was asked about the testimony of Mr. Carpenter with regards to lighting.

Mr. Chadwick said the plans provide for a window on the 3rd floor of the building facing the back of the property, it is either the bathroom or open space; so anyone on the Payne property looking at the project would have lighting present. With regard to Mr. Flannery's comment about the school buses, he said there is no question that if you took the bus off the main street to a side street, it is a safer environment, it is common sense.

Mrs. Weinstein spoke to Mr. Chadwick and spoke about Section 901HD of the UDO. It said townhouses with a basement should be considered 2 units. This defines use, not parking.

Mr. Jackson questioned the parking requirements, and said that he believes there is an ordinance in Lakewood that prohibits using a basement as a residence. Mr. Dolobowsky said there is nothing in the UDO that says a basement can't be a residence, but these are being presented as single family units. Mr. Flannery said if the board is suggesting that 2 family townhouses are a permitted use then you will see applicants coming in for 2 family townhouses. The intent is pretty clear, not to have legal 2 family townhouses. Mr. Jackson asked what if there were a deed restriction on what the basement can't be used for, if that could be effectively enforced. Mr. Chadwick said the ordinance is pretty clear, if you put a basement we call it a dwelling unit, it equals 2. The dynamics of the community reflect this condition, the use of available space for residences. The deed restriction may, by use of paper, sound like a solution, but reality it may only be paper. When you get done with this, you will have a highly developed tract of land with town homes with basements 1st, 2nd and 3rd floors, and there is no flex left, either get it right the first time or it is not going to be right. Mr. Chadwick stated there is access to the basements. The architectural plans show a habitable 3rd floor totaling 17 x 25 ft. with a full bath.

Mr. Banas closed the microphone to the public.

Mr. Gasorowski final statement said Mr. Chadwick summed it up by saying if you don't get this right the first time, you are not going to get a second shot at it. The ordinance is quite specific, any townhouse with a basement should be considered 2 units. Without even counting the 3rd floor, those 2 floors demands 80 on site parking spaces, this applicant provides 61. If he wants to continue, he should seek a variance; instead he says the ordinance doesn't say what it says. If the applicant adheres to the ordinance, he would reduce the number of units which he is seeking, and he would be able to provide a cul de sac. Are you going to allow this applicant to come in and fill this space up from top to bottom with brick and mortar as well as fill, completely leveling the sight?

Mrs. Weinstein cited the same ordinance saying the section speaks about multi family zone. It is the applicant's position that these basements will not be finished, to be used as additional living space for the ultimate owners of these homes, and feel this is a conforming application with adequate parking according to the RSIS.

Mr. Gatton wanted to hear comments from the professionals. Mr. Peters said the way the section is written about basements being 2 units, and you look at it for density, you also have to look at it for parking requirements. It may not be the original intent of the ordinance, but it is a logical deduction for parking requirements. As far as the cul de sac goes, the way the RSIS is written, if you provide a turn around, that is a cul de sac. It may not be the most desirable, a bulb type is more desirable, but it has been approved on private roads. There are some gray areas.

Mr. Truscott said regarding the off street parking he is in agreement with some of the comments from both sides. The basement are not an issue before the board in a sense that they are asking for single family townhouses and they are not finished basements. The requirements of the ordinance saying that in this section the residential multi family zone, the definition “with basements” as 2 family, it was really addressed to deal with parking and it is the duty of the board to provide adequate parking for those types of units. The suggestion was made of a deed restriction and that would eliminate the whole question of 2 family and the number of units that could occur in the future. He has a different opinion on the RSIS, the a lot of flexibility to the board and they should feel comfortable that there is adequate parking depending on the size and type of unit. In terms of the cul de sac issue, the board in the past has allowed hammerhead turn-around, he would prefer a larger bulb or cul de sac, but that is the board’s decision.

Mr. Jackson said both sides make compelling arguments and looking at this ordinance, he doesn’t know why it was written in this manner. It seems that if the governing body was intent on creating double the parking, and double everything, they would have just increased the parking requirements. It is a complicated way to come to that conclusion. Nevertheless, it does seem to say that, and the board should use its’ own assessment of what’s likely to happen in this development. This application is for 1 unit, there are not 2 kitchens provided. Maybe say no kitchen in the basement, or no bedrooms in the basement, there are a lot of restrictions that can be put on the approval.

Mr. Gatton asked if we had precedence here, and Mr. Jackson said he doesn’t remember anything like this, and Mr. Peters concurred.

Mr. Akerman spoke about the buses and their pulling in on Massachusetts Avenue. Does that have to do with the cul de sac, and could the buses pull in if there were a cul de sac? Mr. Flannery said the hammerhead is not sufficient to accommodate a school bus turning around in. Mr. Akerman said if there were an indent, the bus could pull over and cars could still pass. Mr. Banas stated once the bus puts it lights on, no car can pass. Mr. Dolobowsky stated that only on a divided road can a vehicle pass and then only at 10 mph. Mr. Dolobowsky asked if this street will remain private or will it be turned over to the township and Mr. Flannery said it would remain private. Then the BOE will not allow buses into private streets.

Mr. Banas asked what the depth of paving was and Mr. Flannery said it is approved RSIS standards. Mr. Peters had a question about snow removal, and Mr. Flannery stated the homeowners association will stipulate that it will be done by the homeowner’s assoc.

Mr. Neiman commented on the snow removal and stated it should be stated very clearly that it is not the townships responsibility to plow. Mr. Neiman suggested eliminating the exterior entrance to the basement, would that be suffice in not having a second unit, maybe with a deed restriction. Mr. Jackson said there is a balance, but Mr. Banas asked who polices the matter?

Mr. Jackson said with deed restriction, any resident , but if it was a restriction on the approval, then the zoning officer should enforce it. There are enforcement issues with that.

Mr. Banas wants to talk about the buffer. The board has a request from Mrs. Payne asking for a buffer with thick trees and he thinks it is very important to have a buffer here. He doesn't think it should be a meager buffer like a fence; something that might prevent the light infiltration from the neighbors from the third floor window. Mr. Flannery said adequate in everyone's mind is different. He said they comply with the ordinance. If you put an 8 ft. fence on top of the retaining wall, that would be an adequate buffer, and the applicant would agree to an 8ft decorative fence. Additionally, they can plant trees in the rear yard area, and also on top of the retaining wall.

Mr. Gasorowski said with respect to the chair, it is his position that this board does not have the jurisdiction to determine standards of what is appropriate or what may work. This board must look to the ordinance as is drafted by the Township Committee. Mr. Flannery can't have it both ways, argue that with regard to the tree save you have to adhere to the ordinance, yet when you turn to the permitted uses, he wants to suggest that is confusing. He repeated the definition of townhouse in this section, with basements, should be considered 2 units. Making a deed restriction is like asking for something not permitted, and that is not allowed in front of this board. He would be asking for relief and that comes from the zoning board. Mr. Jackson, Mr. Flannery and Mr. Gasorowski continued to argue on the merits of parking and variances.

Mr. Banas has a solution to this problem. Put it on no basement, put it on a slab, it eliminates any question about how many parking spaces we need. Finished. He asked to be told where he was wrong.

Mr. Flannery said in this town applicants have a right to rely on the ordinances and the laws when they prepare an application. Every other application that comes in front of this board has basements. Mr. Banas said he was not interested in that. Will this eliminate the problem that is facing us now? Mr. Flannery argued the parking spaces again along with the right of his applicant to put his application in. Mr. Banas said what if the board decided to choose the cul de sac. Mr. Flannery said the RSIS gives the applicant alternatives, not the board.

Mr. Gasorowski said he does applications in front of numerous boards, but also represents objectors. Ordinances are drafted by legislative bodies to protect 2 people, the property owner and the balance of the community. His client has a right to rely on the ordinance just as much as the applicant does.

Mr. Gatton said when he is asked to vote, what was legally correct, and Mr. Jackson said it is up to the board.

Mrs. Weinstein said if the ordinance was put in for this zone, why not have it in the other zones. The vague terminology in only in this zone the R-M.

Mr. Neiman said as a parent and planning board member, this is a very narrow street, it is facing Massachusetts Avenue, and as a potential homeowner, we are kidding ourselves if we think there won't be a parking issue here, or safety issues here. He does not see this as a safe application.



Mr. Dolobowsky asked the professionals about cul de sacs that were not symmetrical. Would such a cul de sac fit here between the existing roadway and the proposed drainage basin. Mr. Peters said he would check the radius. He said it looks like the cul de sac would come to the fence of the basin, but due to the elevations, it would not be practical, since there is a slope. Mr. Dolobowsky said if it would fit in how many spaces would be taken away, and Mr. Peters said 5 or 6. He asked the applicant if he would consider putting in a cul de sac and reducing the number of units by 1 or 2 to make it fit. Mrs. Weinstein said she did not believe the applicant would be willing to do that. She would put in a cul de sac but not reduce the units.

Mr. Percal said perhaps if the willingness to put in a cul de sac and eliminating the front entrance to basements would we not be able to reach a middle ground. Mr. Dolobowsky said a deed restriction along with that would be a pretty strong case. Mr. Banas said if we went that route only one electrical service would be allowed.

Mr. Franklin suggested moving the units, eliminating one, and making a cul de sac, and the kids would be away from the Massachusetts Ave.

Mr. Jackson had a suggestion based on the comments from the board. The board at the minimum is looking for substantial changes to this. Mr. Gasorowski raises a valid point regarding the way this was noticed as an application with no variances. He suggests the board require the applicant to come back with plans that would revise this and might give them a change to negotiate some of this. With all the restrictions, there could be an appeal and 2 years will go by, and by waiting a few months and clean this application up it would make more sense. The noticing issue is significant.

Mrs. Weinstein asked the board for guidance as to what changes they are looking for. Mr. Banas said listening to the comments made thus far, a cul de sac is one thing. Also a buffer was requested by the Paynes and there needs to be a buffer. Mr. Dolobowsky has a concern for unit 1 in building #2 and for unit 1 in building #1, the residents that are parked there are going to have to back out a mere 25 ft. from the corner onto Massachusetts Avenue. Mr. Carpenter said it was 45 ft.

Mr. Gasorowski said the board should look at this application as it conforms to the ordinance with regard to townhouses with basements. If this applicant is seeking to have less than the required number of parking they need a variance. Mr. Banas said he likes a slab. Mrs. Weinstein said she happened to agree with Mr. Gasorowski on that point. She said the issue of whether a variance is required for parking. It is up to the board to determine and Mr. Banas said his feeling is that it is 2 units, and Mr. Franklin agreed. Mr. Herzl said get rid of the doors. Mr. Banas said you have 2 units vs. 1 unit. If you want to eliminate 1 unit put it on a slab. If you do not you have 2 units and need a variance.

Mr. Akerman said there might be a middle ground, smaller windows, not entrance, etc.

Mr. Gatton agreed with the chair.

Mr. Neiman said there is no room for overflow parking, but here there is not. There was discussion as to whether parking is allowed on Massachusetts Ave. Mr. Dolobowsky said whether it was or not it is a high speed county road, and just south of there is a hill.

Mr. Banas asked what to do about the issue of Section 901H and Mr. Jackson suggested polling the board for their opinion. 3 members already gave their opinion.

Mr. Banas said without a motion, what is your feeling about the 901H dealing with a basement being a second unit. If it applies then all things apply as a 2 unit section. Should we consider 901H as 2 units.

Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

The feeling of the board is that basement is a second unit.

Based on that information, we do not have enough parking.

Mrs. Weinstein would like to carry this application to the next available meeting. Mr. Kielt suggested coming in with the revised plans, get a deemed complete letter to re-notice.

**A motion was made to withdraw the application without prejudice until revised plans are received.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

2. **SD # 1527** (No variance requested)  
**APPLICANT:** **GWEI LLC**  
Location: Squankum Road, north of Whispering Pines Lane  
Block 172 Lot 18  
Preliminary & Final Major Subdivision - 29 townhouses

Mr. Shea agreed to a time extension.

**Motion to carry to June 13th moved by Mr. Dolobowsky, seconded by Mr. Akerman**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

3. **SD # 1531** (No variance requested)  
**APPLICANT: ASTRID JANE DE CICCIO**  
Location: Cross Street, west of Massachusetts Avenue  
Block 468 Lots 7, 8, & 9 Minor Subdivision to create 3 conforming lots

Mr. Shea agreed to a time extension.

**Motion to carry to June 13th moved by Mr. Dolobowsky, seconded by Mr. Akerman**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

4. **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. Shea agreed to a time extension.

**Motion to carry to June 13th moved by Mr. Dolobowsky, seconded by Mr. Klein**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

5. **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. Penzer agreed to a time extension.

**Motion to carry to June 13th moved by Mr. Herzl, seconded by Mr. Neiman**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; abstain, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

6. **SD # 1530** (Variance requested)  
**APPLICANT: JONATHAN RUBIN & MOSHE FEINROTH**  
Location: New Central Avenue, east of Hillside Boulevard  
Block 11.29 Lots 3&75 Preliminary & Final Major Subdivision - 6 lots

Mr. Penzer agreed to a time extension.

**Motion to carry to June 13th moved by Mr. Dolobowsky, seconded by Mr. Akerman**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes,  
Mr. Dolobowsky; yes, Mr. Akerman; abstain, Mr. Klein; yes,  
Mr. Gatton; yes, Mr. Percal; yes

7. **SD # 1533** (Variance requested)  
**APPLICANT: HARVARD STREET DEVELOPMENT**  
Location: Harvard Street, between Apple Street & Park Place  
Block 171 Lots 11, 19 & 21 Preliminary & Final Major Subdivision -  
9 lots

Mr. Penzer agreed to a time extension.

**Motion to carry to June 13th moved by Mr. Dolobowsky, seconded by Mr. Akerman**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes,  
Mr. Dolobowsky; yes, Mr. Akerman; abstain, Mr. Klein; yes,  
Mr. Gatton; yes, Mr. Percal; yes

8. **SD # 1537** (Variance requested)  
**APPLICANT: NJ HAND**  
Location: corner of Spruce Street & Sherman Avenue (south of Pine Street)  
Block 834 Lot 1  
Minor Subdivision

Mr. Penzer agreed to a time extension.

**Motion to carry to June 13th moved by Mr. Dolobowsky, seconded by Mr. Akerman**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes,  
Mr. Dolobowsky; yes, Mr. Akerman; abstain, Mr. Klein; yes,  
Mr. Gatton; yes, Mr. Percal; yes

**9. SD # 1538** (Variance requested)  
**APPLICANT: NJ HAND**  
Location: corner of Read Street & Funston Avenue (south of Pine Street)  
Block 833 Lot 2  
Minor Subdivision

Mr. Penzer agreed to a time extension.

**Motion to carry to June 13th moved by Mr. Dolobowsky, seconded by Mr. Akerman**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; abstain, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

**10.SP # 1838** (No variance requested)  
**APPLICANT: NJ HAND "LAKEWOOD COMMONS"**  
Location: Towers Street & Vine Street  
Blocks 807-809, 813-815,817-820 Lots all  
Block 816 Lot 1  
Block 831 Lots 3, 5  
Block 832 Lot 3  
Block 833 Lot 2  
Block 834 Lot 1  
Block 835 Lot 3  
Block 836 Lot 3  
Block 837 Lot 3

Preliminary & Final Site Plan – Phase 1 – 72 units and 1 community center

Mr. Penzer agreed to a time extension.

**Motion to carry to June 13th moved by Mr. Dolobowsky, seconded by Mr. Akerman**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; abstain, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

**11.SP # 1837** (Variance requested)  
**APPLICANT: CONGREGATION NER YISROEL**  
Location: Ridge Avenue at corner of East Seventh Street  
Block 223.01 Lot 71.04  
Minor Site Plan – Change of Use Site Plan from 2 family home to synagogue

Mr. Penzer agreed to a time extension.

**Motion to carry to June 13th moved by Mr. Dolobowsky, seconded by Mr. Akerman**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; abstain, Mr. Klein; yes,

Mr. Gatton; yes, Mr. Percal; yes

**5. CORRESPONDENCE**

None at this time.

**6. PUBLIC PORTION**

None at this time.

**7. APPROVAL OF BILLS**

None at this time.

**8. APPROVAL OF MINUTES**

None at this time.

**9. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary