

**LAKWOOD PLANNING BOARD
PLAN REVIEW MEETING
MINUTES
JUNE 27, 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. Gatton, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Slachetka were sworn in.

Mr. Kielt stated there were several changes to the agenda. Items #3, #6, #7, and #13.

Item#3 –SD 1545 319 Prospect LLC., we received a letter from the attorney asking to be tabled until August 1, 2006

A motion was made by Mr. Neiman, seconded by Mr. Herzl, to table this application until August 1, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Gatton; yes, Mr. Percal; yes

Item #6 – SD 1542 – Rye Oaks LLC, cannot be heard because of deficient notice. Must re-notice for a future meeting, anticipated date of August 1, 2006

A motion was made by Mr. Neiman, seconded by Mr. Miller, to table this application until August 1, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Gatton; yes, Mr. Percal; yes

Item #7 – SD 1543 - Batim Management LLC/Michael Burstyn, notice was not done and needs to be noticed for August 1, 2006

A motion was made by Mr. Neiman, seconded by Mr. Herzl, to table this application until August 1, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Gatton; yes, Mr. Percal; yes

Item #13 – SD 1551 – Hope Hill Lane. A letter was received from the applicant's attorney requesting this be tabled to August 1, 2006.

A motion was made by Mr. Herzl, seconded by Mr. Neiman, to table this application until August 1, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Gatton; yes, Mr. Percal; yes

4. OLD BUSINESS

1. SP # 1794/ SD # 1460

Applicant: Marion Werbler

Location: Cross Street, west of Augusta Boulevard
Block 524 Lot 3

Revisit approval resolution pertaining to deed restrictions outlined in Item 9 of JCA letter dated 11/29/04

Mr. Jackson read from a letter from Mr. Penzer dated June 9, 2006 requesting a condition be removed from the resolution of approval regarding a deed restriction. On page 41 of the transcript it says they were asking that no deed restriction be imposed, but no where does it state the board says the deed restriction should be eliminated. Since the board did not address it and did not move on it one way or another, Mr. Jackson thought it would be appropriate to leave in the resolution, but it may be an oversight.

Mr. Miller thought it would be best to wait until Mr. Penzer was here to discuss this item. Mr. Miri is requesting that it be carried to the next meeting. It will be tabled until July 18th, 2006.

A motion was made by Mr. Neiman, seconded by Mr. Miller, to table until July 18, 2006.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Gatton; yes, Mr. Percal; yes
Mr. Akerman arrived at the meeting.

5. WAIVER REQUEST

1. SD # 1549 (VARIANCE REQUESTED)

APPLICANT: MORRIS WEINBERG

Location: Spruce Street, between Funston Avenue & Caryl Avenue
Blocks 842 Lot 3

Minor Subdivision to create two lots

Waiver request from checklist items:

#C-4 – location of existing and proposed wells and septic

#C-21 – architectural drawings of proposed dwelling

Mr. Peters stated he believes a partial waiver should be granted for #C-4 for proposed but existing should be shown, and believes the waiver should be granted for #C-21 as no new construction is proposed at this time.

A motion was made by Mr. Miller, seconded by Mr. Herzl, to approve the recommendations by Mr. Peters

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

2. SD # 1550 (NO VARIANCE REQUESTED)

APPLICANT: SEYMOUR INVESTMENTS LLC

Location: Cross Street, west of River Avenue-Calgo Gardens Nursery
Block 533 Lots 3 & 10

Preliminary & Final Major Subdivision – 74 townhouse units, community center and tot lot

Waiver request from checklist items:

#B-2 – topography within 200 feet

#B-10 – man made features within 200 feet

Mr. Peters recommended a granting a partial waiver for B-2, topography should be shown for the high points. For Item B-10, he does not recommend a waiver, but an aerial photo would suffice.

A motion was made by Mr. Herzl, seconded by Mr. Akerman, to approve the recommendations by Mr. Peters

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

3. SD # 1552 (VARIANCE REQUESTED)
APPLICANT: MOSHE MENDLOWITZ
Location: end of cul de sac of Sherie Court
Block 26 Lots 6, 13 & 26
Minor Subdivision

Waiver request from checklist items:
#C-1 – topography of site
#C-3 – contours of site
#C-7 – wooded areas

Mr. Peters recommended the granting of all 3 waivers. This is a minor subdivision basically re-aligning one lot line.

A motion was made by Mr. Herzl, seconded by Mr. Akerman, to approve the waivers

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

6. PLAN REVIEW ITEMS

1. SP # 1847 (VARIANCE REQUESTED)
APPLICANT: SPECIAL CHILDREN CENTER
Location: Prospect Street, south of Havenwood Court
Block 490 Lot 13
Preliminary & Final Site Plan to construct a recreation center for children with special needs

Mr. Peters stated the parcel is on 1.116 acre site and unimproved Johnson Avenue lies to the east and unimproved Blanche Avenue lies to the south. The site is located in the A-1 zone. Variances will be required for the following: Lot area; 1.12 acres proposed, 2 acres are required. Lot width; 160 ft. where 200 ft. is required. Both variances are existing conditions. The applicant will be required to obtain outside agency approvals from OC Soils Conservation District. The applicant has proposed curb and sidewalk along the property frontage. The applicant has provided 22 parking spaces where 13 are required. There are no dumpster locations on the plans and the applicant shall address how solid waste will be disposed of. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated June 23, 2006. The site plan and application form indicates that the proposed use is a recreation center for children and testimony should be provided concerning the use for the board to make a determination for the proposed use is permitted in the A-1 zone. The applicant should describe the operational characteristics of the facility including the following: the proposed number of students to be educated on site; the anticipated number of school buses visiting the site on a daily basis; the proposed hours of operation; the services that will occur on site. The zoning map and general location map on the cover sheet is not consistent with the key map provided with the

same sheet or with the rest of the site plan, and indicates the site is in the M-1 zone and not adjacent to Blanche Street or Johnson Avenue. The ordinance requires a 20 ft buffer be provided for any lot line with a residential use and a buffer of 10 ft. in a non residential use. The parcel is bordering the property to the west is M-1 and the parcels to the east and south are A-1. Parking is not permitted in any required buffer and the applicant is proposing 15 parking spaces within the 20 ft. buffer to the east of the property. This area abuts an unimproved right of way or paper street and a design waiver is required. The architectural plans indicate the rear entrance leads to "playfields" None are indicated in the site plan. Section 905D requires if a recreation area or an area are designated then details shall be provided for such recreational areas. All play equipment should meet all required safety standards and the applicant should indicate the location and size of the proposed play areas and various equipment. Bus loading and unloading areas should be provided and no provisions are shown on the site plan for solid waste containers. The applicant should clarify the parking tabulations shown on the zoning schedule on the site plan. The applicant states that 22 parking spaces are provided and only 18 are shown. The rest of the comments are technical in nature.

John P. Doyle, Esq. appeared on behalf of the applicant. Brian Flannery is the engineer for the applicant. Mr. Doyle agreed with the comments on the professionals letters and will revise the plans to reflect their comments. With regard to the operational descriptions, they will provide this at the public hearing. Recreational is only one of the elements of this facility. It will provide education, and training as well as recreation for disadvantaged developmentally disabled and special children. Mr. Flannery said the parking in the front yard is on a paper street and a design waiver is requested and testimony will be given at the public meeting.

Mr. Neiman asked about the hours of operation and was told there will be testimony.

A motion was made by Mr. Miller, seconded by Mr. Herzl, to advance this application to the meeting of July 11, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

2. SD # 1522 (VARIANCE REQUESTED)
APPLICANT: UMAN HOLDINGS LLC
Location: River Avenue, south of Chestnut Street
Block 534 Lot 18
Preliminary and Final Major Subdivision - 25 lots

Mr. Starkey is the planning board attorney for this application because of a conflict with Mr. Jackson.

Committeeman Miller had to leave for another meeting.

Mr. Peters stated the applicant is proposing 28 new lots, and the project consists of removing the existing garage on the site, improving the site around the existing office building and constructing 20 townhouse units where 24 were previously proposed. The site is located in the HD-7 zoning district. Since the project was previously before the board the applicant has combined the roadway, basin and office building lots into a single lot approximately 1.74 acres in size negating the necessity for a lot area variance for the commercial site. The following variance will still be required: Front yard setback for the commercial site: proposed 94.3 ft. where 150 ft. is required; parking in the front yard requires a variance on the commercial site. Front yard setback and parking are existing conditions. The applicant will be required to obtain outside agency approvals. The applicant will be required to form a homeowners association to be responsible for the common areas and stormwater management facilities. Homeowner association documents shall be submitted for review. The provided turn around areas appear to be insufficient for fire or garbage trucks, and the applicant's engineer shall revise the plans or provide evidence that the turn around area is adequate. The applicant shall include the curb radii dimension on the plans and shall provide a magnified view of the intersection of Charming Way and US Route 9 on the plans. Charming Way will be a private road access through proposed lot 18.01 and this will result in a residential portion of the subdivision having no frontage on a public street requiring a variance. The applicant shall provide the location of the waste storage area for the commercial site and shall include details of the storage enclosure. The applicant should provide details for the right turn in right turn out sign which must be provided at the intersection of Rte. 9 and Charming Way. The bus shelter plans should be provide in detail. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated June 26, 2006. The applicant should confirm the project complies with all the standards of the townhouse conditional use. The site plan shows townhouses fronting on a private road with parallel parking. The final plat also shows a proposed private road which does not intersect with River Avenue. As designed, the plan places 27 townhouse lots that do not have access to River Avenue unless a cross access easement is provided across proposed lot 18.01. A variance from NJSA 40:55D-35 which requires a building lot to abut a street is necessary and to grant the variance, the board must find that there is adequate access to protect the public health and safety. Testimony must be provided by the applicant. The calculations on the site plan indicate a density of 7.9 townhouses per acre and this is based on the entire calculation for the entire parcel, 3.4 acres. Of the entire parcel approximately 1.7 acres is in the common area which is created under new lot 18.01 and the residential portion of the proposed construction only totals 1.7 acres. The common area must be either deed restricted or somehow incorporated into the residential area to meet the density standard. Cross easements will also be required for access to drainage and utilities since the road and stormwater basin are on different lots from the residential area. As noted, the conversion of the office use into an office/community center violates the front yard setback requirement of the HD-7 zone and the applicant should discuss the current office use, the square footage involved and whether site plan approval is granted for conversion from the residence to the office use. A smaller office would be more consistent with the setback provisions of the HD-7 zone. The Lakewood Public Works Department should review the revisions made to the turn around to accommodate their vehicles. We recommend a no parking sign be provided in addition to the pavement markings. An environmental impact statement has been submitted however the report discusses 22 town homes when 27 town homes are

proposed. Under parking, a total of 48 off street spaces are provided in front of the townhouse units and 29 spaces are provided in a parallel parking arrangement on the new road for a total of 77 parking spaces. Expert testimony should be provided that the # of proposed off street parking spaces is sufficient based on the bedrooms in the townhouse dwellings. A total of 32 spaces are provided in the front and rear for the office and community building but a total of 35 parking spaces are required for the combined office/community building. The relationship between the office building tenancy, the community center and the overall residential development should be clarified. Landscaping along the front, rear and side of the office building should be provided; landscaping and street trees should be provided along the street frontage, a short perimeter hedge along the front of the parking area is recommended. Sidewalk should be provided from the parking behind the community center and the office community center to the front door of the structure. The remaining comments are technical in nature.

Mr. Miry, Esq. appeared on behalf of the client. Mr. Flannery and Mr. Carpenter are engineers representing the applicant. Mr. Flannery stated the engineering comments can be complied with, and testimony will be provided at the public hearing.

Mr. Banas was worried that all the comments suggested would be drawn up by the time of the meeting. Mr. Flannery stated the nature of the comments were that they needed a cross access easement. Mr. Banas asked how many bedrooms are in these units. Mr. Flannery said 3 and that the unit size has been reduced drastically, there is no outside access to the basement. Mr. Gatton had the same feeling as Mr. Banas, there are so many requests he hopes they can do it in time.

Mr. Akerman questioned that Charming Way was going to be accessed by lot 18.01 and if that was how they would access Route 9 and was told yes. Mr. Banas asked Mr. Franklin if the turn around was sufficient and Mr. Franklin said yes. Mr. Banas asked for the safety of the people living in the area if there was suitable access to get onto Route 9 or is there another possible way to get out of this development and Mr. Flannery said it was suitable access, the same access as other developments on Route 9. Mr. Kielt asked if there was a blow up of the detail of the entrance that was requested at the last meeting and was told it will be provided. Mr. Neiman question the problems with the school buses coming in and out and that is why they asked for a blow up of the entrance. Mr. Banas also asked about a bus shelter and Mr. Flannery said that would be shown on the plans in front of the office building between the parking and Route 9.

Mr. Klein wanted to make sure that the homeowners are aware that Charming Way is a private road and must be maintained by them.

A motion was made by Mr. Akerman, seconded by Mr. Neiman, to advance this application to the meeting of July 11, 2006

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

3. SD # 1545 (NO VARIANCE REQUESTED)

APPLICANT: 319 PROSPECT LLC

Location: Prospect Street, west of Massachusetts Avenue
Block 445 Lot 1

Preliminary & Final Major Subdivision for 53 townhouses and 1 community center

Tabled until August 1, 2006

4. SD # 1535 (VARIANCE REQUESTED)

APPLICANT: MOSHE MENDELWITZ

Location: Miller Road, between Central Avenue & Lakewood New Egypt Road
Block 11.03 Lot 90.03

Preliminary & Final Major Subdivision – 7 lots

Mr. Peters stated the parcel is located in the R-12 zoning district and a variance will be required for lot area. All 7 lots are proposed at 11,700 sf where 12,000 sf is required. Variances will be required for lot width, 5 of the proposed lots are 88 ft wide where 90 ft. is required. The applicant will be required to obtain outside agency approvals from the Ocean County Planning Board, Ocean County Soils Conservation District and NJDEP for treatment works approval. We find the plans are difficult to read and a larger scale is recommended as there is plenty of space on the plan sheet. The board should determine whether the proposed road shall be public or private. Stormwater will be controlled by a series of perforated recharge pipes under the roadway and the township may not want to assume maintenance responsibilities for the underground system. Plans indicate homes will be serviced by well and sewage ejector pumps that will discharge to the municipal system. The appears to be a small land locked lot designated as lot 98 at the eastern limit of the property and the applicant's engineer shall provide testimony on this area. The 15 ft. radii at the intersection of Mendel Court and Miller Road will make turns by full sized trucks difficult. The radii should be increased to 25 ft. The applicant should revise the plat to indicate to whom the 20 ft. wide easement is to be dedicated to and the plans should be revised to show where the no outlet and fire lanes signs will be installed. The handicapped ramps should be revised to include a detectible warning surface. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated June 23, 2006. The applicant appears to have provided the sufficient number of street trees along the proposed Mendel Court but should also include 3 street trees along Miller Road. Architectural plans should be provided in order to determine compliance with the RSIS parking requirements. Existing lot 90.04 will now become a corner lot and subject to the front yard provisions along Mendel Court. The proposed residential development must comply with Building Uniformity which requires variation in house designs and the remainder of the comments are technical in nature.

John Miry, Esq. appeared on behalf of the applicant. Ray Carpenter is the engineer for the applicant. Mr. Carpenter concurs with the comments made in Mr. Peters report and will provide testimony at the public hearing in regards to the variances. The disposition of lot 98 will be researched to find out the ownership. The easement along the back is to the township. Mr. Carpenter said his client has no intention of building on these lots so

architecturals are not available but he will be selling the lots individually. The building department will have to review architectural plans when they submit for permits and they would have to make sure it meets the ordinance. Mr. Carpenter said they would probably be up to 5 bedrooms but could not be sure. Mr. Franklin asked if the streets would be developed before the lots are sold and Mr. Carpenter said yes, because they would have to bond the streets and no lots would be sold until the streets were approved by the town engineer.

Mr. Jackson said there were several competing policies in regard to the architecturals being submitted. A lot of boards will insist in seeing architecturals especially if there are variances. They could submit plans that would fit into the envelope with the setbacks, etc. but be a general footprint. But this way the board could make sure it fits in with the character of the neighborhood etc. All those things are relevant to good planning.

Mr. Miry said if the applicant submitted architecturals at this point, he would be bound to build that particular house if that lot is sold after the approvals and the owners may want to make changes and it may become cumbersome.

Mr. Banas stated that both the professionals commented in the direction of architecturals being provided.

Abbi Hirsch spoke on behalf of the applicant. He oversees his real estate related investments. He said the developer who submitted plans and then built the development submitted architectural plans, since they have them from past projects and it would not be hard at all. Their plans for the subdivision approval is to get the approval, put in the improvements then sell to the end user who would have the freedom to design the house within the parameters and variances approved but in a way that suits them and to be tied down to an elevation or a floor plan would significantly diminish the value of the lot. It would be a hardship for them to be tied down to any level of architectural plans at all at this time.

Mr. Franklin thought that architecturals were not needed in this situation as long as the buildings fit into the footprints and elevations of the lot. Mr. Banas said he heard that the consensus of the board was that as long as they had the setback lines that would be sufficient.

Mr. Gatton asked if the owner of the property considered providing a plan that does not require variances. Mr. Carpenter said the variances they are asking for is 300 sf on a 12,000 sf lot. for 7 lots which is really small. Due to the geometry of the lot, it was not possible.

Mr. Klein said he did not see any buffering provided and was told single family residential to single family residential did not require it.

A motion was made by Mr. Herzl, seconded by Neiman, to advance this application to the meeting of July 18, 2006

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

5. SD # 1541 (NO VARIANCE REQUESTED)

APPLICANT: MOSHE ARYEH

Location: East Spruce Street, east of Albert Avenue
Block 855.02 Lot 31

Minor Subdivision to create 2 lots

Mr. Peters stated one lot will contain an existing single family dwelling and the second lot is a flag lot for a proposed single family dwelling and is in the R-20 zone. No variances are required for this application. The applicant will be required to obtain outside agency approvals from the Ocean County Planning Board and Ocean County Soils Conservation District. A minimum of 3 off street parking spaces have been provided for each lot. The plan notes state that a municipal water and sewer will be provided. Wells and septic fields are shown on the plans. The applicant shall clarify how water and sewer will be provided to the lots. Buffer plantings on lot 31.02 are shown within the proposed tree line. The planting shall be shown within the limit of clearing. The applicant may choose to provide under story plantings to supplement existing vegetation. The plans shall be revised to show location of the neighboring homes to demonstrate adequate screening has been provided. Curb, sidewalk and a 6 ft. wide shade tree easement have been provided along the property frontage. We question the use of white pines due to the loss of the lower limbs and we defer to the board planner on the use of the white pines. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated June 23, 2006. Section 805-G6C of the UDO requires that applications for flag lots include architectural plans for the proposed dwelling. The applicant must submit architectural plans, in addition, trash containers may not be permanently located within the area of the access strip and we note that the plan includes an area for the storage of trash within the access strip. The applicant must verify that trash containers will not be stored at this location on a permanent basis. The applicant must revise the plans to graphically demonstrate conformance of the planting of shade trees with Section 803 of the UDO. The remaining comments are technical in nature.

John Miry, Esq. appeared on behalf of the applicant. Mr. Carpenter is the engineer for the applicant. Mr. Carpenter stated it is well and septic not sewer and water. He also stated they planned on planting under story trees and will change the white pines to a species agreeable to both parties, possibly cypress. For Mr. Slachetka's letter, he stated the owner is simply subdividing the property and is only showing a footprint not architectural plans and is asking for a waiver from the architectural. He will comply with the remaining comments on both professional's letters.

Mr. Banas asked about the screening and buffering and Mr. Carpenter said the site is a densely vegetative site. Mr. Banas wants to see plantings on the second site along the flag portion.

Mr. Percal asked if it was customary for a flag lot like this to have an idea where the adjacent structures are in the area. Mr. Carpenter said he would provide that.

A motion was made by Mr. Akerman, seconded by Mr. Gatton, to advance this application to the meeting of August 15, 2006

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

6. SD # 1542 (NO VARIANCE REQUESTED)

APPLICANT: RYE OAKS LLC

Location: Ocean Avenue (Route 88), east of railroad
Block 536 Lots 1, 2 & 4

Preliminary & Final Major Subdivision- 40 townhouses and 1 retail center

Tabled until August 1, 2006

7. SD # 1543 (VARIANCE REQUESTED)

APPLICANT: BATIM MANAGEMENT LLC/MICHAEL BURSTYN

Location: Sixth Street, between Lexington Avenue & Monmouth Avenue
Block 130 Lots 11 & 12

Preliminary and Final Major Subdivision – 4 townhouse units

Tabled until August 1, 2006

8. SP # 1843 (VARIANCE REQUESTED)

APPLICANT: JOSEPH GUTTERMAN

Location: corner of Central Avenue and Columbus Avenue
Block 12.04 Lot 41

Preliminary and Final Site Plan for proposed synagogue

Mr. Peters stated the applicant is proposing a 2 story addition with a footprint of 2,340 sf to an existing 1 ½ story dwelling which will be used as a synagogue. The building addition will be constructed on an existing foundation. The 16,000 sf property is in the R-2 zoning district. Except for the front yard setback, the existing dwelling meets all the setbacks to Columbus Avenue. This non-conformance is a pre-existing condition neither created or expanded by the application. It shall be noted that the required and permitted combined side yard setback shown as 15 ft. shall be revised to 25 per the ordinance. This will not affect the existing or proposed setbacks. The applicant will be required to obtain outside agency approvals from the Ocean County Soils Conservation District and NJDEP for treatment works approval. The parking lot for this application will be installed behind the building and outlet onto Columbus Avenue. The applicant proposes 17 parking spaces for the application and the ordinance requires 1 parking space be provided for 100 sf of sanctuary which yields 20 required parking spaces, therefore a variance is being sought. The application proposes 1 handicapped parking space which conforms to the code and a handicapped ramp will be provided to the east side of the building making the building handicapped accessible. New curb will be installed along the Central Avenue side of the property and new sidewalk will be installed along both Central Avenue and Columbus Avenue frontages. The board should determine if shade tree easements should be required along the property frontages. It appears that a new water service will not be

provided for this application and this should be confirmed by the applicant through testimony. A trash enclosure has not been shown and the applicant shall testify how solid waste will be handled. The handicap ramp detail shall be revised to include a detectable warning surface. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated June 23, 2006. A visit to the site on June 8, 2006 appears to indicate the construction has already begun on the proposed structure. The exterior of the single family home is no longer evident and the structure matching the elevations of the proposed building is under construction. Contrary to the architectural plan provided which indicates that the building will have a stucco exterior, 2 sides of the building appear to be clad in vinyl siding. The applicant should discuss the current construction at the site. The application lists the proposed uses as a synagogue, but there appears to be no sanctuary space indicated on the architectural plans, and this should be clarified. The existing conditions plan indicates there is an existing foundation on the parcel in question that is not part of the 1 ½ story dwelling. The applicant should clarify this point. The minimum required side yard setback is 25 ft. not the 15 ft. indicated on the site plan. The applicant should correct the zoning schedule on the site plan. The board should note the handicap access ramp protrudes approximately 13 ½ ft. into the required side setback. This allows only approximated 4 ft. between the ramp and the lot line of neighboring lot 42. The buffer requirements of Section 905B must be addressed; this requires 20 ft. buffer on the north and south sides of the site. According to Section 905A2 of the UDO no parking area shall be located closer than 5 ft. to any side or rear year property line that are adjacent to a residential zoned property. The proposed parking area infringes on this 5 ft. setback along the border with lot 40. A decorative solid 6ft. fence plus shrubs will be required to hide all parking spaces adjacent to residential properties, and no such fence is proposed. In addition to the shrubbery proposed along the property edges, the applicant should also propose a 6ft high board on board fence to properly screen the proposed construction of proposed development from neighboring lots and buildings. 6 street trees are required, where 4 are provided. The applicant should provide the required number of street trees on Central Avenue, and a shade tree easement should be provided. The environmental impact statement references a major subdivision and that should be corrected.

Miriam Weinstein Esq. appeared on behalf of the applicant. As far as the current construction, the applicant's initial intention was to construct an addition to the existing residence. He has received a building permit for the renovations. He subsequently made the decision to convert this property to synagogue use and that is the reason for the application. Mr. Banas asked if there was any construction going on right now, and Mrs. Weinstein said he has halted construction. Mr. Banas asked when it stopped and the result was that construction is still going on. Mr. Banas asked Mr. Jackson for advice on the construction going on now, and Mr. Jackson said you could view this application as a provisional application. Mr. Kiert said that was not the question. The question is there is construction going on at this point and time, he is indicating he is presently constructing with a permit to build a house, and Mr. Banas said he doesn't think the applicant is being fair to the board, and that he is building it anyway and hoping for an approval. Mr. Jackson said if he has a permit that is on file and that is what he is building, that would not be a violation, and he would never get a c/o for something he was given a permit for. Mrs. Weinstein said he is building a residence with living quarters. Mr. Carpenter agreed

with all the technical details of Mr. Peters report, other than the parking variance he said they are requesting. They will discuss the parking at the public hearing. The rest of the items in Mr. Peter's letter they agree to comply with. With regard to Mr. Slachetka's letter, the variances requested will be discussed at the public hearing. Regarding the parking, the applicant can move the parking lot so it meet the requirement of 5 ft. off the property line. They will put up the fence required in the ordinance and will extend it down lot 42 along where the handicapped access to the building is to provide screening. Lot 42 is vacant, and is owned by the same person who owns Lot 43. They will comply with the shrubs and tree recommendations, including the shade tree.

Mr. Gatton is confused because he doesn't understand what the applicant is asking for in reference to what they have now, and Mrs. Weinstein said they are asking to utilize the property as a synagogue and now they have a single family residence being constructed. The footprint of the building is not going to change but the site will be handicap accessible and parking facilities. They are requesting a variance for the parking.

Mr. Akerman asked about the buffering and was told a 6ft board on board fence is acceptable.

A motion was made by Mr. Herzl, seconded by Mr. Neiman, to advance this application to the meeting of August 15, 2006

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

9. SD # 1546 (VARIANCE REQUESTED)
APPLICANT: YEHUDA & IRIS SCHWARTZ
Location: Leonard Street, west of East End Avenue
Block 227 Lot 6
Minor Subdivision to create two lots

Mr. Peters stated that the existing one story dwelling will be removed and 2 single family dwellings will be constructed. The zone is R-10 and variances will be required for the following: Lot area; both lots propose 7,500 sf where 10,000 sf is required. Lot width; both lots propose 50 ft. where 75 ft. is required. Side yard setback: both lots propose 7 1/2 ft. one side with an aggregate of 15 ft. where 10 ft. and 25 ft. are required. The existing dwelling shall be removed prior to signature of the final map or a bond posted to ensure prompt removal one the subdivision is complete. The plan is difficult to read at the scale provided. Existing conditions and proposed improvements are not legible. We recommend blow up or an additional drawing at a larger scale be provided. Outside agency approvals will be required from Ocean County Planning Board and the Ocean County Soils Conservation District. Architectural plans have not been submitted and should be provided to the board for review. It is unclear on the plans whether the existing water and sewer lines will be extended down Leonard Street to serve the proposed dwellings. If they are not currently there, they need to be extended and NJDEP permit for treatment works approval will be required. Water and sewer extensions shall be shown

on the plan view and detailed. RSIS required 2 ½ parking spaces per dwelling and each driveway counts as 2 off street parking spaces. A third parking space shall be provided for each dwelling. The applicant shall provide a sidewalk along Leonard Street. In addition, the plans shall call out depressed curbing full high curbing and driveway aprons and details of each shall be provided. The remaining comments deal with the map filing law.

Mr. Slachetka read from a letter dated June 23, 2006. The zoning schedule on the plot should be revised to correct proposed lot 14.01 to proposed lot 6.02 and we recommend the scale of the plot be revised to mark the subject parcel similar to Mr. Peters' recommendation. The remaining comments are technical in nature with the exceptions that 2 street trees should be provided and no sidewalk is proposed along Leonard Street.

Mr. Miry, Esq. appeared on behalf of the applicant. The engineer is Brian Flannery. Mr. Flannery said the engineering and planning comments are minor in nature and the applicant will make the revisions required.

Mr. Percal asked if there were any other 7,500 sf lots in the area and Mr. Flannery said there were.

A motion was made by Mr. Akerman, seconded by Mr. Klein, to advance this application to the meeting of August 15, 2006

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

10.SP # 1846 (NO VARIANCE REQUESTED)

APPLICANT: JACKSON OFFICE COMPLEX LLC

Location: West County Line Road, border with Jackson Township
Block 2.03 Lot 1

Preliminary & Final Site Plan -2 story retail/office building

Mr. Peters stated the total lot area is 3.14 acres of which 0.135 acres approximately lies in Lakewood Township. Nearly all the improvements to this property which includes the 2 story building itself, paved parking area and stormwater management basin are located within Jackson Township, the only portion of the site located in Lakewood contains the eastern 2 way right in right out driveway from the site. A site triangle has been shown for this driveway. The applicant will be required to obtain outside agency approvals from the Ocean County Planning Board and Ocean County Soils Conservation District. The portion that lies in Lakewood is located in the B-1 zone and it appears the application conforms to the requirements of the B-1 zone.

Mr. Slachetka read from a letter dated June 23, 2006. The majority of the driveway is located in Lakewood. The metes and bounds of the proposed driveway easement should be approved by the Planning Board Engineer, the form and content should be approved by the board attorney, performance bond should be posted for the right of way improvements, shielding should be provided and light fixtures located on the west side of the site to minimize light spillage to the adjacent property and the rest of the comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as engineer. Mr. Banas asked if Jackson Township gave approval and Mr. Flannery said he believes it has been submitted. The application is just for the 100 ft. triangle that is in Lakewood, the rest of what is being constructed is in Jackson and they will provide all the details in both reports.

A motion was made by Mr. Neiman, seconded by Mr. Akerman, to advance this application to the meeting of August 15, 2006

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

11. SD # 1547 (VARIANCE REQUESTED)

APPLICANT: SAM & HENNA BAUMAN

Location: Woodland Drive, west of Hillridge Place
Block 12.04 Lot 101

Minor Subdivision to create two lots

Mr. Peters stated the existing structures will be removed and 2 separate dwellings are proposed and is in the R-12 zone. Variances will be required for the following: Lot area: both lots propose 7,500 sf where 12,000 sf is required. Lot width: both lots propose 50 ft. where 90 ft. is required. Side yard setback: both lots propose 8 ft one side 18 ft. combined where 10 ft. one side and 25 ft. combined is required. The applicant will be required to obtain outside agency approvals from the following: Ocean County Planning Board, Ocean County Soils Conservation District and NJDEP for treatment works approval. 3 parking spaces have been provided for each lot which conforms to RSIS standards. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated June 23, 2006. A sidewalk is proposed and 2 street trees area proposed to be installed, and the remaining comments are technical in nature.

Mr. Doyle, Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Doyle told the board that the comments from the professionals will be made and revised for the public hearing. There are a number of similarly sized lots in the area, some even smaller.

A motion was made by Mr. Herzl, seconded by Mr. Klein, to advance this application to the meeting of August 15, 2006

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

12.SD # 1548 (NO VARIANCE REQUESTED)

APPLICANT: MOSHE FEINROTH

Location: New Central Avenue, west of Princess Court
Block 11.02 Lots 1 & 12

Minor Subdivision to create two new lots

Mr. Peters stated the applicant is subdividing 2 existing lots into 4 new lots. 2 lots will front on Central Avenue and 2 flag lots will be proposed. 2 existing single family dwellings will remain and 2 new ones are proposed. The property is in the R-12 zone and no variances are required. Access to the new flag lots will be provided by access easements. The easements are permitted although a waiver will be required for the lots having no frontage on a public right of way. The board may wish to consider having the applicant to make the flag pole portion of the rear lots part of the lots themselves. This would require a variance for lot width for the front lots. Ocean County Planning Board and Ocean County Soils Conservation District approval will be required. Evidence of approval shall be made a condition of final approval. A minimum of 3 off street parking spaces has been provided per dwelling. The applicant should provide additional landscaping to provide screening between proposed lot 12.02 and proposed lot 12.01 and existing lot 27. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated June 23, 2006. No bulk variances are requested, however, since new lots 1.02 and 12.02 do not front on Central Avenue, a variance is required from NJSA 40:55D-35 to see if there is adequate access to the residence and the access will be sufficient to protect the health and safety of those residences. The applicant shall demonstrate a need consistent with good planning principles for the creation of the flag lot and shall further demonstrate that normal subdivision techniques are not practical because of topography, lot or land configuration, or other physical characteristics or constraints of the land related to the proposed development concept. Trash storage areas proposed in lots 1.02 and 12.02 the UDO states an area shall be provided approximate to the street frontage for solid waste and the applicant should revise the plans to conform to this requirement, and no continual storage of trash containers shall be permitted in this area. Architectural plans are required, and should be submitted and provide landscaping along the length of each of the access easements. Additional landscaping detail of the buffer plantings should be provided on the plans, and the key map provide on the cover of the site plan appears to place Attaya Road incorrectly on the north side of New Central. The remaining comments are technical in nature.

Mr. Miry, Esq. appeared on behalf of the applicant with R.C. Burdick as the engineer. Mr. Burdick said they would provide additional buffering and agree to all the comments made by the professionals. Mr. Banas said he prefers ownership as opposed to an easement. Mr. Burdick said the applicant would have no problem with that but that would make the width less than the 100 ft. required and a variance would be required. Mr. Banas said he would also like to see where the houses are on the adjacent lots.

A motion was made by Mr. Klein, seconded by Mr. Percal, to advance this application to the meeting of August 15, 2006

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

13. SD # 1551 (NO VARIANCE REQUESTED)

APPLICANT: HOPE HILL LANE

Location: Hope Chapel Road, between McKinley Avenue & Shonny Court
Block 11 Lots 5, 16-32, 35, 87-93, 95-98, 100, 101

Preliminary & Final Major Subdivision-38 residential lots and 1 open space

Tabled until August 1, 2006

7. MEMORIALIZATION OF RESOLUTIONS

1. SP # 1841 (VARIANCE REQUESTED)

APPLICANT: COMMERCE BANK NA

Location: Madison Avenue (Route 9) between Kennedy Boulevard and
County Line Road (former Crystal Diner)

Block 1051 Lot 29

Preliminary & Final Site Plan for proposed bank

A motion was made by Mr. Akerman, seconded by Mr. Franklin, to approve the resolution.

Mr. Jackson reviewed the highlights of the resolution.

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

8. PUBLIC PORTION

None at this time.

9. APPROVAL OF MINUTES

None at this time.

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary