

**LAKWOOD PLANNING BOARD
MINUTES
AUGUST 15, 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

3. SWEARING IN OF PROFESSIONALS

Mr. Jeffery Winegar and Mr. Slachetka were sworn in.

Mr. Kielt stated the only change on the agenda is item #11- SD 1548 Moishe Feinroth, tabled until August 22, 2006. The notice was defective and will be re-noticed.

4. NEW BUSINESS

1. SD # 1539 (VARIANCE REQUESTED)

APPLICANT: REUVEN KANAREK

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

Minor Subdivision to create 2 lots

The testimony of Mr. Winegar was inaudible so the review letter from Max Peters was copied.

Mr. Peters review letter stated the subject property is located on East Eighth Street. There is a house currently on the property. The applicant is seeking a minor subdivision to divide one conforming lot into two nonconforming lots. Variance 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 feet, where 75 feet is required. Proposed dwellings not indicated. In order to comply with the side yard setbacks, houses of 50 feet maximum width will be allowed. The

right-of-way width and pavement width for East Eighth Street must be indicated on the plan. The existing dwelling will be bisected by the proposed lot line. The house must be removed prior to signature of the final plat or a bond posted to ensure prompt removal after subdivision is achieved. The remaining comments deal with the map filing law.

Mr. Slachetka read from a letter dated June 19, 2006. The applicant is seeking minor subdivision approval to create two (2) lots fronting on East 8th Street. The parcel is 0.34 acres (15,000 square feet) in area and contains a single family residence, which will be removed. The tract has approximately 100 feet of frontage on East Harvard Street and is situated in the R-10 Zone. As noted, the site is located in the R-10 Residential Zone and single-family residences are a permitted use in the zone district. The following variances are requested: New Lots 9.01 and 9.02 are proposed to have a lot area of 7,500 square feet and the minimum lot area in the R-10 Zone is 10,000 square feet. A lot width of 50 feet is proposed for new Lots 3.01 and 3.02 and a minimum lot width of 75 feet is required. The applicant should address the positive and negative criteria of each of the requested variances. The applicant names listed on the plat are not consistent with the applicant names listed on the application form. The applicant should clarify. There is an existing concrete sidewalk along the frontage of the subject parcel. All improvements in the right-of-way should be bonded prior to signing of the map. Compliance with the off-street parking requirements of the NJ RSIS is required. The Zoning Schedule indicates that one parking space per lot is required, which is incorrect. The number of required parking spaces is 2.5 spaces, since the applicant has not specified the number of bedrooms in the proposed dwellings. Public water and sewer will serve the new building lots. The remaining comments were technical in nature.

Mr. Pfeffer, Esq. appeared on behalf of the applicant. Mr. Carpenter is the engineer for the applicant and was sworn in. The plans have been revised for landscaping, sanitary, water and sewer connections, curb, sidewalk and any pavement repairs that are required as far as improvements. Each proposed new dwelling is 35 ft. in width, and that would leave 7 ½ ft. side yard setback on each side. Across the street is R-7.5 zone and 50 ft. lots are permitted in that zone. Exhibit A-6 is a larger image of the tax map showing the subject lot and the surrounding lots that are similar in size. This subdivision would be more in conformance with the neighborhood. Mr. Carpenter agreed to comply with the recommendations in Max's report. The applicant stated there would probably be 5 bedrooms. Mr. Banas said 5 bedrooms required 4 parking spaces as they have done in other applications. Mr. Carpenter said they could provide 4 parking spaces. Mr. Jackson said they would make it a part of the resolution. Mr. Carpenter said they would agree with the recommendations in Stan's letter.

Mr. Neiman asked about the surrounding lots in that area and asked if there were homes on those lots and Mr. Carpenter said the majority of the lots do have homes on them. Mr. Carpenter said there were 5 lots that were vacant.

Mr. Dolobowsky asked if there were individual homes on these lots, or if they were on double lots, and Mr. Carpenter said single lots. Mr. Dolobowsky said if they made the driveways double wide, they could accommodate 4 cars and Mr. Carpenter said they would agree to that.

Reuven Kanarek, 127 East 8th Street, was sworn in. He said this property was at one time 2 separate lots and was consolidated by the Tax Assessors office. He said his parents would move to one of the lots and the other lot would be occupied by Mr. Lederer.

Mr. Banas opened the microphone to the public.

Shlomo Kanarek, 137 East 8th Street was sworn in. He is a neighbor, not a relative. He is happy with this project.

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

Motion was made by Mr. Neiman, seconded by Mr. Miller, to approve this application with the 2 variances with 4 off street parking spaces

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

2. SD # 1540 (VARIANCE REQUESTED)
APPLICANT: PROSPECT BUSINESS PARK II
Location: Prospect Street, east of Havenwood Court
Block 396 Lot 1
Minor Subdivision

The testimony of Mr. Winegar was inaudible so the review letter from Max Peters was copied.

Mr. Peters review letter stated the applicant is seeking a minor subdivision of Block 136 Lot 1 which has an area of 14.46 acres. Proposed Lot 1.01 contains a group of existing storage buildings and will have an area of 8.46 acres. Proposed lot 1.02 is vacant. And will have an area of 6.0 acres. The site is located on Prospect Rd. at the corner of Lewin Rd. which is presently undergoing some improvements. The property extends from Prospect Rd. along Lewin Rd. to Railroad Street (unimproved). The property is in the in the M-1 Industrial Zoning District. Ocean County Planning Board Approval will be required. Evidence of approval should be made a condition of approval. The Applicant has also filed a separate Major Site Plan for Lot 1.02. The applicant wishes to reduce the front yard setback from 100' to 50'. This is permitted with approval from the industrial commission. The applicant has provided evidence of approval from the industrial commission. A variance will be required for the front yard setback of Lot 1.01. The setback is 50 feet to Lewin Ave. where 40 feet is proposed. The setback is 100 feet to Prospect Street where 99.8 feet is proposed. The remaining comments deal with the map filing law.

Mr. Slachetka read from a letter dated July 17, 2006. The applicant seeks minor subdivision approval to subdivide one conforming lot into two conforming lots. The property in question is located on Prospect Street in the M1 Industrial Zone. It is located in the Lakewood Industrial Park and abuts the former Southern Railroad of New Jersey right-of-way. The existing parcel is 14.45 acres (629,710.4 square feet) in area. Proposed Lot 1.01 is 368,556.9 square feet (8.46 acres) in area, and Proposed Lot 1.02 is 261,153.5

square feet (6.00 acres) in area. No improvements are proposed herein; however, under application SP-1842, approval is sought for several office/warehouse buildings. The site is located in the M-1 Industrial Zone. No variances are requested for proposed Lot 1.02. Proposed Lot 1.01 has existing non-conformities in the form of one building wholly within the 100-foot setback from Lewin Avenue, as well as five buildings partially within the 100-foot setback from Lewin Avenue. The applicant requests a 50-foot front yard setback from Lewin Avenue, where a minimum of 100 feet is required (or 50 feet, with the approval of the Industrial Commission). This is a continuance of an existing condition with respect to new Lot 1.01. The Board should note that the existing structure on proposed Lot 1.01 extends two-tenths of a foot (about 1.5 inches) into the 100-foot setback line from Prospect Street. This may qualify as a de minimus exception. According to the Municipal Land Use Law §40:455D-35, "No permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such a proposed building or structure ... such street shall have been certified to be suitably improved to the satisfaction of the governing body, or such suitable improvement shall have been assured by means of a performance guarantee ..." Proposed Lot 1.02 abuts Lewin Avenue, but the road is unimproved and only a The required outside agency approvals include, but are not limited to, the following: Lakewood Industrial Development Commission; Ocean County Planning Board, Soil Conservation District.

Mr. Penzer, Esq. appeared on behalf of the applicant. He said the application will make more sense with the testimony of the site plan. Miss Dunn is the engineer for the applicant. She agreed to the revisions in Max's letters. The variances requested are existing conditions. The new lot 1.02 needs no variances. Mr. Penzer agreed to the recommendations in Stan's letter. They will provide testimony at the site plan application about the road frontage. She says they do propose approximately 500 linear ft. of 30 ft. wide pavement that will tie into the existing edge of the pavement on Lewin Avenue and extend for approximately 120 ft. - 140 ft. in front of the new lot 1.02, and that will be where the egress to the site for the new use.

Mr. Slachetka stated the issue is not the fact that it doesn't have a right of way, but it is an unimproved right of way so there needs to be some assurance that the roadway is to be constructed. Typically, there would be some kind of bond required as part of that, to ensure that the access is provided. Even though we will be dealing with that in the next application, technically it doesn't exist yet. Mr. Jackson said it will be made a condition of the approval that a bond posted for the roadway. Mr. Banas said the application would be treated as 2 applications, and Mr. Penzer agreed to it, but in the site plan not the subdivision. Mr. Jackson said that the subdivision stands alone and comes before the site plan and it should be part and parcel of the subdivision. Mr. Penzer asked that if they do not develop the property, they post a bond. Mr. Jackson and Mr. Slachetka said it must be part of the subdivision, not the site plan. Mr. Penzer agreed.

Mr. Jackson read the ordinance and corrected the statement and said no permits would be issued until a bond is posted for the road.

Mr. Dolobowsky said how did the building get 40 ft. from the road when it should be 50 ft. Mrs. Dunn said there was an application that was submitted with a 40 ft. setback as if Lewin Avenue did not exist so that is how it turned out, apparently approved by a prior board. (1989?)

Mr. Banas opened the microphone to the public.

Seeing no one come forward, he closed this portion to the public.

Motion was made by Mr. Dolobowsky, seconded by Mr. Miller, to approve with all of the conditions mentioned.

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

3. SP # 1842 (NO VARIANCE REQUESTED)
APPLICANT: PROSPECT BUSINESS PARK II
Location: Prospect Street, east of Havenwood Court
Block 396 Lot 1
Preliminary and Final Site Plan

The testimony of Mr. Winegar was inaudible so the review letter from Max Peters was copied.

Mr. Peters review letter stated the applicant is seeking a major site plan preliminary/final site plan approval for Block 136 Lot 1.02 which has an area of 6.0 acres. The plan must be reviewed in conjunction with a minor subdivision application for this property, SD #1540, which establishes the subject lot. The property fronts on the unimproved Lewin Rd. which connects to Prospect Street. Improvements proposed by this application will establish access to the lot created by the subdivision. The proposed improvements do not extend the full length of Lewin Rd. The proposed lot 1.02 is vacant except for a storm water detention basin and storm sewer from the adjacent lot 1.01. An easement also exists for the storm sewer. The property is in the M-1 zoning district, and no variances are being sought. A waiver has been granted from the Lakewood Industrial Commission to reduce the front yard setback from 100 feet to 50 feet.

Outside agency approvals are required from the Ocean County Planning Board and Ocean County Soil Conservation District. Evidence of approvals shall be made a condition of final Site Plan approval. The plan provides an excessive amount of parking spaces totaling 144. The applicant shall provide testimony on the parking needs for the proposed use. Lewin Ave. is not being improved along its entire length. Improvements are proposed only to provide access to the proposed right-of-way which will drain water runoff through the proposed development and to the retention basin. A large excavation cut (17 feet deep) is proposed for the Lewin Ave. extension which will require grading easements on both Block 402, Lot 1 and Block 396, Lot 1.01 (not shown). Also, a retaining wall as high as 11 feet is proposed along the right-of-way line and will extend into Block 402, Lot 1. A large fill area is proposed to extend into Lewin Ave. in order to accommodate the third building in the proposed development. This will preclude any future connection to Railroad Ave. A legal description of the grading easement on Lot 2 shall be provided to the Planning Board Engineer for review. A signed copy of the easement agreement shall be provided as a condition of approval. An easement has been shown on the plans to allow for the

construction of the free standing sign on Lot 1. A legal description shall be provided to the Planning Board Engineer for review. Three dumpsters are proposed south of building A, additional dumpster locations near building B may be required. The outlet structure trash rack for the low flow orifice shall be called out on the detail. The Type B Inlet detail shall be revised to show a Type N Eco curb piece will be utilized. The basin is proposed to percolate storm water into the ground. Percolation tests must be submitted and details for the sand/gravel interface should be provided.

Mr. Slachetka read from a letter dated July 11, 2006. The applicant is seeking preliminary and final Major site plain approval to construct a total of three (3) office/warehouse buildings with a combined gross floor area of 47,056 square feet on Block 396, Lot 1.02. A 14,101.73-square foot grading easement and retaining wall are proposed on the east side of Lewin Avenue. We defer to the Board Engineer on the design and construction. The applicant should describe the operational characteristics of the facility including the following: The types of office and warehouse uses that will occur on site; the anticipated number of employees; the proposed hours of operation. Two (2) phases are proposed for the current project. The first phase will entail the construction of the buildings identified as "A" and "B" on the plans, and related improvements. The second phase will entail the construction of Building "C" and related improvements. A total of 144 parking spaces are provided, where a minimum of 70 parking spaces is required. This more than doubles the requirements of Section 18-807-B. Superfluous amounts of parking are discouraged because of the excess runoff they create. The applicant should provide justification for the proposed number of parking spaces. The applicant is permitted, under the Lakewood UDO, to reduce the yard requirement upon recommendation of the Industrial Commission and consent of the Planning Board. The applicant proposes a 55-foot front yard setback, when a minimum 100-foot setback is required. A recommendation of the; 'Industrial Commission should be submitted by the applicant and reviewed by the Planning Board. The improvements to Lewin Avenue must comply with all Township improvement standards, including storm water management, pavement, curb, and lighting. The applicant has proposed extensive lighting for the site. In order to facilitate a more thorough review of the lighting that has been proposed, the applicant should revise Sheet 7 of the plans to include a beam spread diagram for each of the proposed lighting standards in plan-view. A total of four (4) trash enclosures are proposed for the site. We find the design of these enclosures to be suitable. We would recommend, however, the single trash enclosure located in the southeast corner near the entrance be relocated within the interior of the site. The remaining comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. Miss Dunn is the engineer for the applicant. Ms. Dunn said that the extension of the road will tie into the existing pavement of Lewin Avenue as testified in the subdivision application. The reason it is not being extended to the entire frontage of the property is because there is a high point of topography on the site that would not enable them to push the road through and meet grade without extensive retaining walls. Also access is provided at the corner of their property with they have an egress which is adequate to access the site. There are proposed retaining walls located on the easterly side of the proposed roadway with Lewin Ave. which is about 190 ft. long and at the highest point it is about 10 ½ to 11 ft. high but it quickly drops down to grade. It is the only feasibly way they found to tie in the road to meet the existing grade as the prior applicant who extended the road through from

Prospect did. The run off will be collected in that roadway and collected within the on site stormwater management system. The parking was laid out based on ordinance requirement with number of executive and employees per number of units proposed. The client will provide testimony about the use and types of clientele he will have renting from his buildings. Mr. Penzer said they based it on a parking space per every 300 sf. which equals 144 spaces. CAFRA requires that if there are over 151 parking spaces you have to go the state for approvals and we maximized the spaces on site not to exceed 150 total spaces. The basin is also designed with the impervious coverage for 144 spaces. Mr. Banas asked if they had to use 144 or can they do with 70. Mr. Slachetka said it would be better to have more sufficient coverage but the standard is based on the employees but it is the board's call on whether they have sufficient spaces or the preservation of green space.

Mr. Dolobowsky said there are 22 spaces along the western edge, and asked if they could bank those in green lawn, and if they need them for future use, it will remain grass. He also had no problem with the 31 spaces along the southern side being banked for future use, and the retention basin would be built to include them. Mr. Penzer said 100 – 110 spaces would remain. Mr. Dolobowsky said 22 spaces from one side, 10 from the middle of the 31 and 8 over by the retention basin, you are around 100 spaces. The applicant agreed, subject to the professionals' recommendation. Mr. Penzer said they would have to bank about 40-44 spaces. The applicant would be glad to add additional dumpsters over where the parking spaces are being removed. The balance of Max's report will be revised. The recommendations in Stan's letter will be complied with and Mr. Ferguson will testify on the inhabitants of the buildings.

Charles Ferguson, 1525 Prospect Street was sworn in. He testified he is the contract purchaser of the site. He stated the typical tenant will be construction trade, electrician, plumber, carpet, ceramic tile, and these types of trades. The anticipated number of employees is speculative at this time, because they do not know who they will be, maybe 30-50 employees and then their customers. The hours of operation would be approximately 8am to 5pm.

Mr. Neiman asked about proposed signage and Ms. Dunn said there will be a sign at the intersection of Prospect Street and Lewin Avenue and a sign between the access way along Lewin Ave. All signage will be complying with the ordinance and no variances will be sought.

Mr. Dolobowsky asked about the phasing and said the detention basin was part of phase 2. Ms. Dunn said somewhere in the plans show that the detention basin will be developed as part of phase 1 construction. Mr. Dolobowsky said he is a bit nervous about all the retaining walls, there is at least one other building along Prospect with a large retaining wall in the parking lot that parallels Prospect and is very bulging, and he wants to make sure these walls are not going to do that.

Mr. Franklin said he imagines that Lewin Avenue would become a township street and was told yes, and then he suggested a cul de sac to turn his trucks around, and Mrs. Dunn said the turning radius would be sufficient to turn around. She said it is at least 24 ft. wide. Mr. Franklin said they do not go into private property and requested a cul de sac. Ms. Dunn agreed.

Mr. Banas opened the microphone to the public.

Seeing no one come forward, he closed this portion to the public.

Motion was made by Mr. Dolobowsky, seconded by Mr. Herzl, to approve this application with the following stipulations; the end of Lewin will be rounded off to make it easier for township trucks to maneuver, the retaining walls be looked at very carefully by the professionals to make sure they stay upright and solid, that the proposed retention basin be built with phase 1, they will bank approximately 40 of the parking spaces, and will put a trash enclosure at the westerly end of building B on what appears to be a grass area.

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

4. SP # 1839 (VARIANCE REQUESTED)

APPLICANT: 401 MADISON LLC

Location: Route 9 (Madison Avenue) @ northeast corner of 4th Street
Block 93 Lot 17

Change of Use Site Plan from rooming house to 3 story office building

The testimony of Mr. Winegar was inaudible so the review letter from Max Peters was copied.

Mr. Peters review letter stated this application proposes the construction of a three-story office building, with a footprint of 2,808 square feet, on the subject 15,000 square foot lot. The property is located at the northeast corner of the Madison Avenue/Fourth Street intersection. Entrances to the building are located on both the Madison Avenue and Fourth Street sides of the property. For the purposes of the site plan, the applicant has selected Madison Avenue as the front of the property. Both Madison Avenue and Fourth Street are dedicated Township streets. The proposed development is located in R-OP, Residential Office Park Zone. An office is a permitted use in this zone. Based on Madison Avenue being designated as the front of the property, this development conforms to all of the bulk and setback requirements of the zone with the exception of the front yard setback for the Fourth Street side of the property. The ordinance requires a front yard setback of 25 feet while the proposed setback is 20 feet; therefore, a variance is being sought. The existing property is occupied by a three-story multifamily dwelling that will be demolished. The majority of the property is vacant with several large trees that will be removed for the proposed development. Curb and sidewalk exist along the property frontages. As there is no loading area provided, we assume that there is no need for one, which shall be confirmed in testimony by the applicant.

Mr. Slachetka read from a letter dated July 12, 2006. The applicant is seeking preliminary/final major site plan and variance approvals to construct three-story office building and associated site improvements. The area of the tract is 15,000 square feet (0.34 acres). The property is located at the northwest corner of the intersection of Fourth

Street and Madison Avenue (Route 9). There is an existing multi-family residence on the site, which will be razed. The multi-family residence appears to be vacant, as determined by a visit to the site on July 7, 2006. The site is located in the Residential Office Park (ROP) Zone and professional offices area permitted use in the zone district. The following variances are requested: A variance is required for a front yard setback of 20 feet from Fourth Street, where a minimum of 25 feet is required. A variance is required for a parking area of 17 stalls, where a minimum of 29 is required. The applicant should address the positive and negative criteria of the requested variances. The testimony for the parking variance should address how parking requirements for this 8,568-square foot building will be accommodated. Concerning the parking variance, the type of office uses should be addressed in testimony during the public hearing. The Site Development Plan (Sheet 3) indicates that the proposed building footprint will be 2,856 square feet, while the Landscaping and Lighting Plan (Sheet 5) indicates that it will be 2,808 square feet. The Landscaping Plan should be revised to correct the square footage. HVAC equipment is proposed for the roof of the building. Screening of the equipment should be provided. The pole-mounted parking lot lamp on the east side should be shielded to mitigate light spillage on to the adjacent lot. A sign plan should be provided per Section 18-812. The remaining comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the property. This building is intended to be used by the client as his corporate headquarters for real estate business. They know how many parking spaces they need, and know they need 17. Brian Flannery is the engineer for the applicant.

Mr. Flannery was sworn in. He stated the application is for an office building, corporate offices for the applicant. He showed 2 photos, one the rooming house (A2), and the second the proposed office building (A1), (A3 is the aerial photo and A4 is the architectural rendering). Mr. Banas asked if it will fit into the character of the surrounding buildings and Mr. Flannery said yes. He then showed what is on the 4 corners, the bank, an office building; the cati-corner is the townhouses. Mr. Banas said it is beautiful but seems out of character with the rest of the buildings in that area. Mr. Penzer said if the next door neighbor is not here to object, it must be good. (Mr. LoBello)

Mr. Banas said with no trees around it, it will stand out. Mr. Flannery said they show plantings on the landscaping plans, and even though they are not mature trees, they will be nice. The variance they are requested, they said they are improving from what is on the existing site, which is 8.5 ft. from the right of way line. The other variance requested is parking, they are providing 17 and 29 are required. The adjacent zone, B-2 has no parking requirements, but their corporate office only requires 17. The RSIS said you can take note of the area you are in and there are municipal parking lots around and they are in route for public transportation.

Mr. Dolobowsky said he saw the open office areas and more business will come in and parking is tight, but Mr. Flannery said the applicant will testify on the spaces required.

Chaim Abadi, 217 10th St. was sworn in. He is the applicant and testified that he builds all of Pine Projects in Lakewood. He said they needed 2 conference rooms to do business, one for the construction end and one for the real estate end. Basically they are looking for

large open rooms and there are 5 secretaries. He said there are 12 employees and Mr. Dolobowsky said there is another floor for workers. He is very concerned with the parking. Mr. Penzer said that is the testimony of the applicant. Mr. Banas asked if this was going to be similar to Todd Plaza and was told no. Mr. Abadi said when he is there, no one else will be on the floor. Mr. Jackson said the board should listen to the ordinance says and the number of spaces required by the ordinance. If the ownership changes, the parking problem will remain.

Mr. Miller said let's not lose sight of the improvements that would be gained by this application. This is a great project that takes an eyesore and makes it greater.

Mr. Penzer said the applicant would agree that this would not be rented, they would agree that if there is a new owner, he would have to come back to the board. The intent is corporate offices and they have no problem with the board limited them to be corporate offices for Pine Projects. If anything is done other than that, they would come back to the board and deal with the parking issue. Mr. Banas said what he would like to see happen, whatever is constructed there live within the ordinance as it is written. If that doesn't meet the constraints of the ordinance, we cannot look at what comes down the road. Mr. Penzer said they can't make it smaller, and they would have to go with townhouses, they have no choice.

Mr. Franklin asked if they could bump it one story and park below the area. They could use an elevator. Mr. Flannery said they would have to go to the Zoning Board because they would exceed the height restriction of 35 ft. Mr. Franklin said they could ramp down and build up a ½ a story and you could stay within the 30 ft. They discussed different possibilities. Mr. Flannery said they would lose 4 spaces to gain 6 leaving an increase of 2, but created a difficult situation.

Mr. Dolobowsky asked if they shifted the building forward and Mr. Flannery said they would have to get 44 ft. before it would impact anything. Mr. Franklin asked if they could eliminate 1 floor and was told they needed the space. They discussed numerous possibilities, including making 3 employee spots.

Mr. Neiman asked if BP Graphics might be persuaded to share their parking and Mr. Abadi said he spoke to Mr. Heineman about that and he said he did not have a problem with that, but sometimes he doesn't want to obligate himself to 3 or 4 spots (he would not put it into writing). Mr. Miller brought up the point that the applicant owns the Econo-Lodge across the street and why can't the parking be worked out across the street. Mr. Penzer said it is within 200 ft. and the applicant agreed. The parking lot is empty during the day. There will be an agreement that 12 spots will be designated for parking for the applicant. Mr. Jackson said it might require an easement or a letter of agreement, but he would investigate what the ordinance requires.

Mr. Flannery continued with his presentation. He agreed to comply with the remainder of the planners' report, and also agreed to the comments in the engineer's report.

Mr. Dolobowsky asked if it was possible to go to 2 ½ to 3 inch caliber trees, so it would look less barren and Mr. Flannery said 2 ½ is agreeable. The restoration of the sidewalks would also be done if damaged.

Mr. Neiman asked about signage and was told it would be lettering on the building and within the ordinance.

Mr. Jackson said the ordinance requires assurances to the board that is acceptable, so the board has the option of an easement, contract, or agreement. Mr. Penzer said he would rather have an agreement, Mr. Banas likes an easement, and Mr. Flannery said it has been done by agreements. Mr. Jackson said you would have to look at the situation. Mr. Penzer said he would do an agreement, either 15 or 20 years if the board prefers.

Mr. Slachetka said his concern is what would happen if at some point the Econo-Lodge re-develops in a way that those spaces disappear. Mr. Banas said he would be comfortable with a 20 year contract, because the township may alleviate the parking problems in the future.

Mr. Banas opened the microphone to the public.

Seeing no one come forward, he closed this portion to the public.

Motion was made by Mr. Miller, seconded by Mr. Dolobowsky, to approve this application with the stipulations regarding the parking, landscaping (2 ½ caliber trees), sidewalk repair and whatever else was itemized by the board.

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

5. 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. Dolobowsky was confused with the location of the application and the labeling of the road.

Central and 528 abuts. Mr. Banas said the key map needed to be looked at very closely.

The testimony of Mr. Winegar was inaudible so the review letter from Max Peters was copied.

Mr. Peters review letter was dated July 13, 2006. The Applicant is seeking Preliminary & Final Major Subdivision Approval for seven (7) residential lots, and associated site improvements. The property is situated along Miller Road near Attaya Road, within the R-12 Zone. A variance will be required for the Lot area; all seven (7) lots propose 11,700 SF where 12,000 SF is required. A variance will be required for the Lot width, five (5) of the lots propose an 88 foot width where 90 feet is required. The Applicant will be required to obtain approvals from the Ocean County Planning Board, Soil Erosion and Sediment

Control and an NJDEP Permit Treatment Works Approval (TWA). Evidence that these permits have been received should be made a condition of final approval. The Applicant has proposed a dry wells and infiltration system for stormwater management. The Planning Board shall determine whether the proposed road shall be public or private. Stormwater will be controlled by a series of perforated recharge pipes under the roadway. The Township may not want to assume the maintenance responsibilities for an underground system. The plans indicate the homes will be serviced by well water and sewage ejector pumps that will discharge to the municipal system. There appears to be a small landlocked lot designated as Lot 98 at the eastern limit of the property. The applicant's engineer shall provide testimony on this area. The 15' radii at the intersection of Mendel Court and Miller Road will make turns by full size trucks difficult. The radii should be revised to a minimum of 25 feet. The survey spot elevations are not relevant to the Lighting & Landscape plan and shall be turned off.

The infiltration basin maintenance plan shall be revised to be applicable for a subsurface basin, not a surface infiltration basin. The Type B and Double B Inlet details shall be revised to show a Type N Eco curb piece will be utilized. The stormwater management report states that a stormceptor unit will be utilized for water quality. This is not shown on the plans, and the site plan must be revised to include it. Details and sizing calculations must also be provided. The report states that the homeowners will maintain the storm system. Easement documents shall be provided for review by the Planning Board Engineer. The Applicant shall provide back-up information for the infiltration rate used in the stormwater calculations. The rate shall be provided for the dry wells perforated pipes. Boring logs and percolation tests shall be provided for review.

Mr. Slachetka read from a letter dated July 12, 2006. The applicant seeks preliminary/final major subdivision and variance approvals to subdivide a single lot into 7 non-conforming lots on a proposed cul-de-sac. There currently exists on the site a 2-story dwelling with outbuildings, all of which are to be removed. The project will include the construction of a cul-de-sac street, stormwater management facilities, and associated utility improvements. The parcel is 2.3 acres in area and is situated in the northwest section of the Township. The property has 175 feet of frontage on Miller Road. The surrounding land uses are residential. The applicant seeks preliminary/final major subdivision and variance approvals to subdivide a single lot into 7 non-conforming lots on a proposed cul-de-sac. There currently exists on the site a 2-story dwelling with outbuildings, all of which are to be removed. The project will include the construction of a cul-de-sac street, stormwater management facilities, and associated utility improvements. The parcel is 2.3 acres in area and is situated in the northwest section of the Township. The property has 175 feet of frontage on Miller Road. The surrounding land uses are residential. A variance is required for a lot area of 11,700 square feet for the following six lots: proposed Lots 90.04, 90.05, and 90.07 - 90.10, where a minimum of 12,000 square feet is required. A variance is required for a lot area of 11,770 square feet for proposed Lot 90.06, where a minimum of 12,000 square feet is required. A variance is required for a lot width of 88 feet for the five lots numbered 90.06.90.10, where a minimum of 100 feet is required. The applicant must address the positive and negative criteria for each of the requested variances. The applicant is required to comply with the NJRSIS off-street parking requirements. We note that existing Lot 90.04 will now be a corner lot and subject to front yard provisions along Mendel Court. The proposed residential development must comply with Section 18-821 (Building Uniformity) which requires variation in house designs. Compliance with the Map

Filing Law is required. All site improvements shall comply with the NJ RSIS. Lot numbers should be obtained from the Lakewood Tax Assessor. We note that the applicant proposes a lot numbered 90.04, while there is already an existing lot numbered 90.04, located to the south and west of the parcel in question. Performance bonds should be posted for all site improvements. The existing structure should be razed prior to signature of the subdivision map, or a bond must be posted for the structure removal. Required approvals include, but may not be limited to, the following: Ocean County Planning Board; New Jersey State Department of Transportation; Sewer utility; Ocean County Board of Health

Mr. Penzer Esq. appeared on behalf of the applicant. Ray Carpenter is the engineer for the applicant. He said looking at the key map, which is a tax map that cut off the New from New Central. He will correct. Mr. Penzer asked that the TWA approval be a condition of permits, and not of subdivision approval. Mr. Carpenter said they did recharge into public street before, but would defer to Mr. Franklin as to if the roads would be private or public, but in this case the laterals do not interfere with the sewer and water to the individual homes, and maintaining it would not be an extreme hardship to the town. Mr. Franklin said the drainage pipe at the end of the cul de sac going out between 2 properties and asked what type of pipe that was and was told it was porous pipe. That is basically an overflow, that is where the entire site drains, and the only time there would any water flowing from that pipe is for the 100 year storm. Mr. Franklin said the township stayed clear of any drainage that was on private property, so the street should be private. The applicant agreed the street would be private.

Mr. Neiman wanted to make sure the homeowner knows it is a private street. Mr. Penzer said that as a condition of approval, any contract would spell out the issue of a private street. If the drainage system was changed, the township would take over the street. Mr. Penzer said he would rather have the drainage re designed and come back. Mr. Neiman asked if there were any objectors they might wish to offer suggestions.

Mr. Dolobowsky said he had some questions and comments and since the applicant will be re drawing the plans, he could incorporate these suggestions as well. Mr. Carpenter said they reviewed the ownership of lot 98 and the record show unknown. They applicant agrees to revised the radius and the remaining comments in Max's report will be complied with. The difference in the lots proposed and the required size is a 2% deviation from the acceptable standards which is approximately 250 sf per lot. The lot width is a 2 ft. difference which is diminimus is nature (90 ft. required vs. 88 ft. proposed). The lots deficient in lot width are pie shaped lots. The applicant will sell the individual lots so that the designs will vary between homeowners. They agree to comply with the remainder of Stan's recommendations. The lot numbers have been approved by the Tax Assessor's office. Mr. Banas asked about the off street parking spaces and asked how many spaces will be allocated. Mr. Carpenter said since the applicant does not know what houses are to be built; he would state that the zoning dept. and construction dept. stipulate the number of parking spaces required when the permit is secured for construction. Mr. Neiman said he would imagine that these would be at least 5 bedrooms and in the past the board has asked for 4 off street, and asked the board stipulate that again. Mr. Penzer said they would agree to 4 off street parking spaces.

Mr. Dolobowsky said why well water, why not public water and Mr. Carpenter said there is water on Central and Whitesville Road, but they are about 700 ft. away. Mr. Dolobowsky said why not do it with 6 homes and not have to worry about the variance for square footage, one less lot. Mr. Carpenter said it was a minor variance, 300 sf per lot. Mr. Dolobowsky said that was just a lot of wells in the area and he thinks it would be worth bringing in public water. Mr. Carpenter said it would make it not feasible. The cost of bringing in water 750 ft. is approximately be well over \$100,000, and that is just to bring it into the site. Mr. Dolobowsky said that is less than the profit of one unit. Mr. Penzer said he would recommend to the applicant to explore the cost of a per lot basis for public water.

Mr. Banas opened the microphone to the public.

Mr. Imants Smildzins, 534 Parkwood Avenue, Toms River, was sworn in. He is the owner of 5 Miller Road along with his brothers, and his mother lives there. He had questions and asked if there were any wetlands on this site or steep topography and was told no. He asked if they looked at the surrounding lots on Miller, Attaya and the subdivision behind there and found any lots less than 12, 000 sf. and was told no. He asked Mr. Carpenter to describe the surrounding lots and was told they were conforming lots varying in size from 12, 000 sf up and the adjoining lots next to this subdivision are larger than 12, 000 sf. Mr. Smildzins said the land use law requires a finding that there is uniqueness to the property specific to it that requires relief from strict interpretation of the zone and asked why he believes the C-1 variance should be granted, and Mr. Carpenter said it was an L shaped piece of property which doesn't lend itself to normal subdivision, so it is a geometric issue. Mr. Smildzins asked if he could subdivide these lots and make them conforming and was told by Mr. Carpenter absolutely. Mr. Smildzins said that looking at it, you could probably put 6 conforming lots on it. Mr. Smildzins quoted a section in the Land Use Ordinance either Section 805 or 815 which relates to plating of lots and that lots shall be radial of perpendicular to the street lot right of way lines, and there are several lots on this subdivision map that don't follow that concept. Mr. Carpenter said he was wrong and that the planner would agree. Mr. Smildzins spoke to Mr. Carpenter about the location of some the lots and where would they face. Mr. Slachetka said each of the structures would face the cul de sac, although at slightly different angles.

Mr. Smildzins stated that the testimony heard as planners does not muster relief from variances for zoning. The character of the neighborhood has no lots under 12,000 sf and most are larger than that. Miller road serves as a bypass between Hope Chapel Road and County Route 528. There is plenty of traffic on that road and even though these are minor variances, the number of lots is too dense, with almost every tree being taken down. He said the yard space is so unique that he questions their usefulness and there are nuisances that will occur between neighbors with their lack of privacy.

Mr. William Lewendowsky, 23 Miller Road, was sworn in. He had an objection as to why they are trying to squeeze a 7th home into this area; there will be 7 variances so each one is too small. They will increase traffic, noise etc. and asked if anyone has looked at the water situation, the aquifer, and if that would accommodate 7 houses. The aquifers have dropped in that area, he just had a new pump put in. Mr. Banas said the applicant would look into bringing water in from the public water company. Mr. Penzer questioned whether putting in water would assist him in hooking up but his response was inaudible.

Meyer Svei, was sworn in. He is glad the board is tabling this tonight, because it gives him a chance to speak with the applicant. He pointed out the drainage, and he lives on the street behind it and the grade is downward to his street and backyard. The trees that buffer his backyard from this new development will be removed and he wanted to make sure the drainage would not go onto his property. Mr. Banas asked Mr. Carpenter to make sure the drainage goes to Miller road and not behind it, it will be redirected. His other issue is the trees, or the lack of them. He strongly encourages the applicant to keep as many trees as possible because of the buffer it provides, as well as the environmental issue. Mr. Penzer said they would be happy to sit down with him and work on the landscaping plan. Mr. Svei said the area is single family homes in the area, and the trend is coming around to many subdivisions and he wishes the board try to keep it as it is.

Seeing no one else come forward, he closed this portion to the public at this meeting. When the application is heard again, the public will be welcome to speak again.

Mr. Dolobowsky said the landscape plan and asked that as long as you are revising the plans, look at the buffering, there is hardly any buffering between the developments. Perhaps a beefing up of the tree line. He asked the applicant to contact the owner of Lot 90.04 and ask if there is anything they want in particular to re protect their back yard which in now going to be open to Mendel Court.

Mr. Banas said the application would have to come back to a technical meeting and Mr. Kiert said the date would be October 3, 2006.

Motion was made by Mr. Dolobowsky, seconded by Mr. Herzl, to table to October 3, 2006.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,
Mr. Banas; yes, Mr. Dolobowsky; yes

6. 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. Penzer agreed to carry this application to the August 22, 2006.

Motion was made by Mr. Dolobowsky, seconded by Mr. Herzl, to carry to the meeting of August 22, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,
Mr. Banas; yes, Mr. Dolobowsky; yes

7. 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

Mrs. Miriam Weinstein agreed to carry this application to the August 22, 2006

Motion was made by Mr. Dolobowsky, seconded by Mr. Herzl, to carry to the meeting of August 22, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes

8. 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. Penzer agreed to carry this application to the August 22, 2006

Motion was made by Mr. Dolobowsky, seconded by Mr. Herzl, to carry to the meeting of August 22, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes

9. 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. Pfeffer agreed to carry this application to the August 22, 2006.

Motion was made by Mr. Dolobowsky, seconded by Mr. Miller, to carry to the meeting of August 22, 2006.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes

10. 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. Doyle agreed to carry this application to the September 19, 2006

Motion was made by Mr. Dolobowsky, seconded by Mr. Miller, to carry to the meeting of September 19, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes

11. 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 four lots

Tabled until August 22, 2006

5. MEMORIALIZATION OF RESOLUTIONS

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

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes

2. SP # 1844 (NO VARIANCE REQUESTED)
APPLICANT: GEORGIAN COURT UNIVERSITY
Location: Lakewood Avenue and Ninth Street
Block 44 Lot 1
Denial of a Preliminary and Final Site Plan for proposed wellness center, athletic fields and new entrance on Ninth Street

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; no, Committeeman Miller; yes, Mr. Banas; no, Mr. Dolobowsky; yes

3. SD # 1544 (VARIANCE REQUESTED)
APPLICANT: JOSEPH GUTTERMAN
Location: Towers Street, east of Albert Avenue
Block 855.03 Lot 34 & 36
Minor Subdivision from 2 lots to 3 lots

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes

4. 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

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes

5. SP # 1840 (VARIANCE REQUESTED)
APPLICANT: BEN ORSHITZER
Location: East End Avenue at end of Leonard Street, between East Havenwood
And Rosebank Streets
Block 208 Lot 180
Change of Use Site Plan from residence to residence and house of worship

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Dolobowsky; yes

6. SD # 1525 (NO VARIANCE REQUESTED)
APPLICANT: SARAH BODEK
Location: New York Avenue, between Ridge Avenue & East Seventh Street
Block 223 Lot 95
Minor Subdivision to create 2 lots

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,
Mr. Banas; yes, Mr. Dolobowsky; yes

7. 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

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes,
Mr. Dolobowsky; yes

6. CORRESPONDENCE

None at this time.

7. PUBLIC PORTION

8. APPROVAL OF BILLS

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes,
Mr. Banas; yes, Mr. Dolobowsky; yes

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