

**LAKWOOD PLANNING BOARD  
MINUTES  
AUGUST 21, 2007**

**I. CERTIFICATION OF COMPLIANCE**

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

“The time, date and location of this meeting was published in the Asbury Park Press and Ocean County Observer and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: The Asbury Park Press, The Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

**2. ROLL CALL**

Mr. Franklin, Mr. Neiman, Mr. Banas, Mr. Akerman, Mr. Fink

**3. SWEARING IN OF PROFESSIONALS**

Mr. Peters and Mr. Truscott were sworn in.

Mr. Kielt stated item #1 – SD 1588 Pine Projects, has been tabled at the request of the applicant’s attorney. That will require additional notice once the revised plans are received and a new date is assigned. Mr. Penzer agreed.

The next change is item #3 - SP 1869 and #6 - SD 1356B will be reversed in order per the request of the applicant’s attorney, who is the same for both. Mr. Shea explained the reason was because it is the same client and he was concerned that #6 would not be reached and he has a timing problem on that one. Mr. Akerman said if it was going to be a long one, it would not be fair to applicant #4. Mr. Shea stated this was a previously approved application. Mr. Banas said if it was already approved, why is it here tonight and Mr. Shea said they are modifying it. Mr. Banas and the board agreed to hear them in reverse order.

**4. NEW BUSINESS**

- 1. SD # 1588 (VARIANCE REQUESTED)**  
**APPLICANT: PINE PROJECTS LLC**  
Location: Miller Road, between Forest Drive & Shady Lane  
Block 1 Lot 16  
Minor Subdivision to create two lots (1 flag lot)

Tabled to a future meeting.

**2. SD # 1589 (NO VARIANCE REQUESTED)**  
**APPLICANT: FAIRMONT INVESTMENTS LLC**  
Location: 1963 New Central Avenue, east of Irene Court  
Block 11 Lot 118.01  
Minor Subdivision to create two lots (1 flag lot)

Mr. Peters stated the Applicant is seeking Minor Subdivision Approval to subdivide Block 11, Lot 118.01 into two lots, Lot 118.02 and Lot 118.03. An existing dwelling on the proposed Lot 118.02 will be removed. The applicant has proposed a single family dwelling on each of the proposed lots with Lot 118.03 being a flag lot. The property is situated on New Central Avenue, within the R-15 Zoning District. It appears no variances will be required. The applicant should show on the plan neighboring dwellings to the north to ensure adequate buffering have been provided. Ocean County Planning Board and Ocean County Soil Conservation District approval will be required. Evidence of both approvals shall be made a condition of final subdivision approval. Architectural plans that show basements without separate entrance shall be provided for review. The applicant shall provide testimony on the proposed use of the basements. The existing dwelling on Lot 118.02 shall be removed prior to completion of the subdivision, or a bond post to ensure the prompt removal. If the dwelling remains a side-yard setback variance will be required. The two single family dwellings will be served by public water and sewer. The applicant has provided sidewalk, concrete curb and a six feet wide shade tree easement along the frontage of the property along New Central Ave. Because ground elevations at the proposed Lot 118.03 are much lower than New Central Avenue along the frontage of the proposed Lot 118.02, gravity flow from the rear proposed dwelling cannot be achieved. A grinder pump will be needed. We defer detailed review of the sewer system to the utility provider. The applicant has provided a stone recharge trench at rear of the proposed lot 118.03 to infiltrate additional storm runoff. A detail of the trench shall be provided. In addition, sizing calculations for the trench are required. We are concerned over flow from the recharge trench will direct a concentrated flow of stormwater to the existing homes to the north of the project. We recommend a level open top storm trench to sheet flow the stormwater overflow from the trench. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated July 13, 2007. The applicant seeks minor subdivision approval to create two (2) lots from Block 11, Lot 118.01, located on the north side of New Central Avenue. Proposed Lot 118.03 is a flag lot; fee simple access is provided from New Central Avenue to the lot via a twelve (12) foot access driveway located inside a 20.25-foot access strip that forms the "flag stem." The property is heavily wooded, and the subdivision plat indicates that an existing dwelling located in proposed Lot 118.02 (fronting New Central Avenue) will be removed. The property is located in the northwestern part of Lakewood Township near the border with Jackson Township. The property and contiguous lots are located in the R-15 (Single Family Residential). Surrounding land use is predominantly residential, with a school (Bais Pinchos) just east of the site. The size of the property is approximately 0.86 acres (37,560 square feet). The flag lot is 21,509 square feet in total (19,128 square feet exclusive of the flag staff). Proposed Lot 16.01 is 15,800 square feet in size. The applicant has submitted a revised plat subsequent to a June 5, 2007 Plan Review meeting. Single-family detached housing is the only permitted residential use type in the R-15 Zone. The applicant has not requested any variances. Section 18-805.G.5

provides the following criteria for creating flag lots: "Flag lots shall be created only in conjunction with an overall development plan of the entire tract of which the flag lot is a part and 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 configurations or other physical characteristics or constraints of the land related to the proposed development concept." The applicant should be prepared to discuss with the Board how this application complies with the above requirements. We note similar lots in the vicinity are also deep lots and the applicant should distinguish the need for a flag lot configuration for this parcel. The submitted architectural plans for the residence on the flag lot depict a six (6) bedroom dwelling. The bulk chart on the subdivision plat indicates a five (5) bedroom dwelling. The applicant should reconcile the plat and the architectural plans. The applicant is providing four (4) parking spaces for the proposed home on the flag lot (new Lot 118.03), which takes into account the sixth bedroom of the proposed house and addresses NJ RSIS compliance. Parking for the proposed structure on new Lot 118.02 must comply with NJ RSIS standards. The applicant should identify any existing dwellings on adjoining Lots 1.18, 1.22 and 1.23 of Block 11. The applicant should verify if the maximum building coverage for the flag lot is correct on the plat, as the building footprint has been revised subsequent the Plan Review meeting. The remaining comments are technical in nature.

Ray Shea Esq. appeared on behalf of the applicant with Ray Carpenter as the engineer. Mr. Shea said they would comply with the recommendations from the professionals. Mr. Carpenter said they are doing a flag lot because if they went with a traditional subdivision, they would need variances for lot width. This application is fully conforming. Mr. Carpenter said the conventional subdivision would be 78 ft. wide for each lot where 100 ft. is required. The adjacent lots show the homes and all the houses are 150 ft. from the property line and they marked the exhibit A1 which showed the adjacent homes. Mr. Banas stated he wanted the homes shown on the plans the board has and not on an exhibit. There was much discussion on the plans showing the existing homes when it is submitted so the professionals can judge if there is enough screening, buffering, etc.

Mr. Carpenter said the drainage was discussed with Mr. Peters and he will provide the calculations to substantiate the fact that there won't be any additional run off from the site due to development and he concurs with Mr. Peters' comment and they will make it a level trench so that when the water flows out of it (if ever) it will flow out as a sheet flow rather than a concentrated flow. The proposed building contains 5 bedrooms, not 6. The existing dwelling will be razed and a bond will be posted. They agreed to comply with the comments from the professionals' letters.

Mr. Banas asked about the grinder pump, and asked who would be supplying the sewage. Mr. Carpenter said NJAWCO has a sewer line on New Central Avenue and they will put in an internal grinder pump within the individual homes that will pump out to Central Avenue and it is standard procedure. Mr. Banas said he was under the impression that they were cutting down on these pumps and Mr. Carpenter said they are trying to cut down on the pump stations, not the individual grinder pumps. Mr. Banas asked what was to be installed in the basements and Mr. Shea said it would be for storage only and no exterior entrance, no sleeping quarters, no bathroom facilities and Mr. Banas asked it to be in the record.

Mr. Carpenter said the unfinished attic will be for storage, no plumbing fixtures or habitation. Mr. Shea said they would be bound by the submitted architectural plans, but there were no basement plans submitted with the architecturals. Mr. Truscott stated it was listed in the cross section and Mr. Banas asked how high the basement was and was told it was 8 ½ ft. high. He thought that was too high for just storage and said in other flag lot applications they stipulated that the basements in these homes be no higher than 7 ft. ceilings. Mr. Neiman said they have always felt comfortable without any outside entrances and no plumbing for bathroom or kitchens downstairs and he feels that is enough. Mr. Banas said the height was also stipulated for no higher than 7 ½ ft. and windows that would prevent human occupation. Mr. Shea disagreed with the height restriction. Mr. Banas said the inspection department also wanted to know in the resolution what is being placed in that basement and the attic. Mr. Shea said the basement would be for storage and recreation for children and their family. Mr. Shea said they had no problem with putting in the resolution what the building department requests but they strongly resist a ceiling height limitation of 7 ½ ft.

Mr. Akerman said the lot is not as narrow as the typical flag lot and asked if the applicant would do a conventional subdivision instead, and it was stated the engineer erred when he said it would be 78 ft. wide, it would be 69 ft. Mr. Neiman wanted to talk about the buffer in the rear. Irene Court is a development in back of these lots and there are 2 homes directly behind this flag lot. Typically those homes have about 25-30ft. of backyard space so they are going to be right on those lots. Mr. Shea pointed to exhibit A1 and Mr. Banas said he would rather see it on the one plan. Mr. Neiman said there are 4-5 lots that abut this flag lot. Mr. Shea stated the approval would be subject to the professionals being satisfied with the plans and Mr. Banas said there was another way of doing it as well and that is to come back with plans that depict that and he is leaning towards that. Mr. Jackson said they have already worked through a lot of these issues and maybe they could come back early on the agenda. Mr. Kielt said these same 5 people would have to be there to vote on it. Mr. Shea offered to carry this application if the board members feel that way or they can stipulate on the resolution to integrate A-1 into the plans. Mr. Banas said he would like to see a plan with all the adjacent properties on it. The members agreed to carry it following the public session. Mr. Neiman wanted to make sure there was a buffer in the back.

Mr. Banas opened the microphone to the public.

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

Mr. Jackson recited what the stipulations on this application were so far. The next public hearing is September 18, 2007. There was a question of voting on the application and whether you needed 5 of 3. Mr. Jackson will investigate and let the members know by that meeting.

**Motion was made by Mr. Akerman, seconded by Mr. Fink, to continue this application to the public hearing of September 18, 2007.**

**ROLL CALL:** Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

Item #4 was heard next.

**3. SP # 1869 (VARIANCE REQUESTED)**

**APPLICANT: J&J GROUP LLC**

Location: Cushman Street, west of Route 9  
Block 430 Lot 60

Preliminary & Final Site Plan for 6,960 sf 2 story office building

Mr. Shea asked that this application, which was heard as #6 be carried to the meeting of September 18, 2007.

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to continue this application to the public hearing of September 18, 2007.**

**ROLL CALL:** Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**4. SD # 1577 (NO VARIANCE REQUESTED)**

**APPLICANT: YOSEF & ESTHER TESLER**

Location: Lakeview Drive, west of Myrtle Place  
Block 12.06 Lots 5.01, 44

Minor Subdivision for 2 lots

Mr. Peters stated the Applicant is seeking Minor Subdivision Approval to move the lot line separating existing Lots 5.01 & 44 to provide Lot 5.01 with an additional area of approximately 3,090 square feet. The applicant also proposes changing the lot numbers to 5.02 & 44.01. The property is situated on Lakeview Drive, within the R-12 Zoning District. It appears no variances will be required. The proposed lot line runs through one of the driveway of New Lot 5.02. The plan has been revised to show an easement for the portion of the driveway on the neighboring lot. The easement wording shall be submitted to the Planning Board Solicitor for review. The easement agreement shall be finalized prior to signature of the Final Plat. We have reviewed the legal description and find it to be acceptable. A 6' shade tree easement has been provided. The applicant should call out all proposed site work such as installations of concrete curbs, sidewalks, and driveways on the plan. Details of concrete sidewalk and apron shall be shown on the plan, if applicable. The applicant is required to provide 3 off street parking spaces for each lot. The existing driveways on Lot 5.02 can provide 6 parking spaces together. The two car garage and driveway on lot 44.01 can accommodate a total of 4 cars. The zoning schedule should be revised according to the changes that have been made from previous plan. The board should determine if the driveway and garage combination will be sufficient. The plan has been prepared in accordance with the New Jersey map Filing Law.

Mr. Truscott read from a letter dated June 14, 2007. The applicant is seeking minor subdivision approval to relocate the lot line between the subject lots, with an access easement indicated on new Lot 44.01. A single-family dwelling is currently located on Lot 44, which will remain. A new two (2) story dwelling is currently being constructed on Lot 5.01. The parcel totals 30,253 square feet in area and is located on the north side of Lakeview Drive near Myrtle Place, one (1) block south of Lake Carasaljo. The tract and surrounding properties are located in the R-12 (Residential) Zone in the northwestern part of the Township. Surrounding land uses are primarily residential. This office has been supplied plans subsequent to our last review. As noted, the site is located in the R-12 Residential Zone. Single-family homes are a permitted use in the zone. No variances are requested. The surveyor's certification should be revised as to the date of the survey to be consistent with the plan data. The subdivision plat indicates that new Lot 5.02 will have a concrete driveway with direct access to Lakeview Drive. A concrete walkway leads to the house indicated on the plat. The new lot line will locate a portion of an existing paved driveway currently on old Lot 44 into new Lot 5.02. The portion of the driveway remaining on proposed lot 44.01 is approximately twenty-two (22) feet wide, with a five (5) foot wide access easement indicated. We note that both lots have apparent direct access to Lakeview Drive via a proposed driveway (Lot 5.02) and the remainder of the driveway located on proposed Lot 44.01. Use of the driveway and the purpose of the proposed ingress and egress easement should be addressed with the Board. A six-foot shade tree easement is identified, but shade trees are not shown on the plans. Indicate that shade trees will be provided. A sidewalk is indicated along the entire frontage of the tract. The Board Engineer and Attorney should review the easement and survey description prior to filing in the Ocean County Clerk's office. Parking for all proposed lots must comply with NJ RSIS standards. The applicant should confirm the amount of bedrooms located in the new home (lot 5.02) and confirm that there will be sufficient area for parking for this new residence. Applicant should verify the existing and required parking for the existing dwelling on proposed lot 44.01, taking into account that part of the driveway for the residence will be located on the adjoining lot due to the subdivision. The balance of the comments are technical in nature.

Ed Liston Esq. appeared on behalf of the applicant. He agreed to comply with the comments and recommendations from the professionals. Mr. Banas commented on the planner's letter that said they dwelling is currently being constructed and Mr. Truscott said the house is built now and the lot lines are being moved. The applicant owns both properties, and they are just moving the line.

Mr. Franklin said he has a serious water problem behind them on lot 8 which involves all these properties including 44.01 and 5.02. There is a drainage ditch with pipe in it that goes down to all these property lines and it stops about the middle of lot 8 (Mrs. Fairchild's property) The township map shows an open drainage trench going from that point around and out into the lake with a pipe under the road. This pipe is not working because of some problems of people have been destroying the pipe in the back of their properties. This has to be addressed at this time behind Mrs. Fairchild's property and lot 5.02 how this drainage ditch is going to be opened and how the water is going to get from behind those properties out to the lake.

Mr. Tesler stated the stream that is behind lot 5.01 has a French drain that runs for a couple of blocks ending at the old lot and turning into a stream which leads to the lake. As far as he can see there is no blockage from where the pipe ends on the old lot and the water continues to the corner of Myrtle and South Lake which empties into the lake. There are no pipes behind lot 5.02 just a stream that is feeding the water to the lake. Mr. Franklin said the township has a right of way for the drainage pipe to the rear of all the properties. What happens is it gets down in the back of lot 8 and at the center of that lot the pipe stops and the right of way stops. The people that live in lot 8 (Mrs. Fairchild) is complaining because the stream has been closed up behind lot 4 and lot 5.02 so it does not hit the pipe and the water does not get under the road, and she gets mosquito problem. Mr. Liston asked if the township wanted an easement and Mr. Franklin said not particularly. Mr. Liston would offer an easement on the back of his client's property and long as the owners of lot 4 & 8 give a similar and equally wide easement and then the Township can maintain it if it chooses. He does not know how his client can maintain it since he does not have access to lots 8 & 4. Mr. Franklin said the stream is back more toward his property. They looked at the elevation on the plans and said it would make little sense for his client to maintain up to his property line if the elevation on the other side of his property line is the same. Mr. Franklin said they do have a problem and they do have to work it out and Mr. Liston said they would do anything that they could and Mr. Franklin said maybe they could get the property owners to give them the easement and the Township would clear. Mr. Liston agreed and represented for his client that if there is an easement necessary they will give the Township an easement along the rear of his property as long as the other property owners (lot 5.02, lot 4 & lot 8) give a similarly wide easement. He said whatever his client needed to do to help solve that problem; he would be willing to do.

Mr. Banas opened the microphone to the public.

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

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to approve this application as long as they work out with the Township the easement and drainage issue.**

Mr. Franklin asked who would be setting the project up to get the neighbors to agree and Mr. Liston said his client would be willing to give them an easement on their property. What has to happen is the owners of lots 4 & 8 should get involved in this. They discussed how this would be done. Mr. Banas said the first thing is to accept Mr. Liston's statement to give an easement and then it behooves the Township Engineer to set up the work as to how that can be done. Mr. Jackson said they could require the applicant to provide an easement along his share of property. Mr. Liston agreed. Mr. Franklin said on the Township map it does show a stream going across that other property to the road. Mr. Banas said if Mr. Liston provides the easement for his client, it is incumbent upon the planning board to write a letter to the Township indicating that easement has been provided to ease the problem and the engineer should be consulted to take the measures necessary. Mr. Liston said the engineer has to tell them what he wants, since they do not know how wide. Mr. Peters asked if he is looking to see an easement on the plans for resolution compliance and he was told yes. Mr. Franklin said if it follows the easement that is there now on the Township map and if it lines up to that easement it would be good.

**ROLL CALL:** Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

Item #6 was heard next.

**5. SD# 1596 (VARIANCE REQUESTED)**

**APPLICANT: PGD DEVELOPERS**

Location: Warren Avenue, north of Pine Street  
Block 768 Lot 81

Minor Subdivision to create two lots

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide 1 lot and created 2 new lots. Existing Lot 81 is current occupied by a 1 story single family dwelling. New single family dwellings are proposed on new Lots 81.01 and 81.02. The property is located along Warren Avenue within the R-10 zone. The applicant is requesting the following variances: Minimum lot areas for proposed Lot 81.01 and 81.02, 7,500 sf are proposed where 10,000 sf are required. Minimum lot widths for proposed Lot 81.01 and 81.02, 50 ft are proposed where 75ft are required. Minimum side setbacks for Proposed Lot 81.01 and 81.02, 7.5 ft with an aggregate of 15 ft are proposed where 10 ft with an aggregate of 25 ft are required. The revised architectural plans show a ground floor area of 1899 sf. With the 7500 sf proposed lot areas, lot coverage is calculated to be 25.2% which exceed the maximum lot coverage of 25%. The applicant shall either revise the architectural plan to show maximum lot coverage of 25% or request a variance for Lot coverage. The applicant is required to obtain outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District. The applicant has revised the plan to show that four (4) parking spaces have been provided by the proposed driveways for each of the proposed dwellings. Per applicant's engineer letter dated July 23, 2007, the existing build has been removed from the site. The applicant shall remove from the plan the notation "EX. 1 STORY FRAME DWELLING NO. 564(TO BE DEMOLISHED)" from the Subdivision Plan. The proposed dwellings will be serviced by public water and sewer. The applicant has revised the note #7 to state that curb and sidewalk improvements are bonded and will be installed by developer of adjacent properties, which is also PGD Developers. The proposed dwelling will be served by public water and sewer. At the technical review meeting, the applicant gave testimony on the proposed off-site sewer and water utility extension work during planning board meeting, the applicant stated that the extension work is part of already approved neighboring dwelling project. The proposed water and sewer lines shall be noted as being installed "BY OTHERS." The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 8, 2007. The applicant seeks minor subdivision approval to subdivide existing Lot 81 into two (2) non-conforming lots, located within Block 768. The 15,000-square feet property contains an existing one (1) story frame dwelling, which the applicant has indicated has been demolished. The property is located in an R-10 (Residential) Zone in the central part of the Township, less than 0.25 miles east of River Avenue. Warren Avenue divides the R-10 from an R-7.5 (Residential) zoning



district to the east. The surrounding properties are either vacant or contain residences. The applicant has submitted a revised subdivision plat addressing comments at the July 10, 2007 Plan Review Meeting. Single-family detached residences are a permitted use in the R-10 Zone. The applicant has requested the following variances for proposed Lots 81.01 and 81.02: Minimum Lot Area: 10,000 square feet required, 7,500 square feet proposed. Minimum Lot Width: 75 feet required, 50 feet proposed. Minimum Side Setback (one): 10 feet required, 7.5 feet proposed. Minimum Side Setback (both): 25 feet required, 15 feet proposed. The positive and negative criteria for the required bulk variances should be addressed. For the variance testimony, the applicant should discuss the dimensions of the proposed lots and the contemplated land use(s) in comparison with current lot sizes and uses in the surrounding area. An exhibit should be provided for Board review. Parking for both lots must comply with NJ RSIS standards. Four (4) off-street parking spaces are proposed for each lot. A revised architectural plan has been submitted for Board review. Confirm that the building coverage will not exceed 25% of the lot since the first floor area of 1,899 square feet as shown on the plan is 25.3 % and slightly exceeds the maximum coverage of 25%. Revise the plan or request a variance. Municipal water and sewer to the proposed dwellings is indicated on the plat. Testimony should be given as to the proposed water main and sanitary sewer lines north of the site as indicated on the plat, as well as the curb and sidewalk improvements south of the site. Shade Tree easements and street trees are now indicated on the plat. The balance of the comments are technical in nature.

David Klein Esq. appeared on behalf of the applicant. There are 8 lots that are against the subject property with a 50 ft. width, so it fits right in with the developer of the other lots. Mr. Boyles is the engineer. They have an aerial exhibit to show the board which shows the homes in the area are 50 ft. wide lots. The zoning map shows that the properties located adjacent to the property are of similar size lots. They are looking to do something consistent with what is in the area. Mr. Banas said the question addressed by both the planner and engineer is to show the reasons why a variance should be granted and they said the pattern they are proposing is similar in size to the lots that are already there and would not be a detriment and would be consistent to what is established. Mr. Neiman questioned the maximum lot coverage of 25.3 % and asked if they could lower that percentage and Mr. Klein agreed. Mr. Klein said they would revise the plans and Mr. Boyles said that equated to 24 sf and they would be able to accommodate that.

Mr. Banas opened the microphone to the public

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

The applicant agreed to the remainder of the recommendations from the professional's report.

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to approve the application with the stipulation to lower the lot coverage to 25%**

**ROLL CALL:** Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**6. SD # 1356B (VARIANCE REQUESTED)**

**APPLICANT: C HOOK LLC**

Location: River Avenue @ corner of Finchley Boulevard  
Block 431 Lots 9.01 through 9.47

Preliminary & Final Major Subdivision – 42 lots

Mr. Peters stated the applicant is seeking preliminary and final major subdivision approval for Block 431, Lots 9.01 through 9.47. The proposed project consists of seven (7) multiple unit townhouse buildings with basements, containing a total of forty-two (42) units, a playground, and a cul-de-sac access road. The site is located on River Avenue (US Route 9), in the HD-7 zoning district. Townhouses are permitted as a conditional use in the HD-7 zone. Outside agency approvals will be required from, the Ocean County Soil Conservation District, Ocean County Planning Board, N.J. Department of Transportation, and NJDEP for TWA and water main extension, and wetlands disturbance. No bulk variances are required for this major subdivision. The applicant shall provide testimony of whether the proposed roadway will be public or private. If the road is private its ownership and maintenance shall be addressed in the Home Owner Association documents. The applicant has provided 2.7 parking spaces for each three (3) bedroom unit where RSIS requires 2.4 parking spaces per unit. The board should determine if this will be sufficient. At the technical meeting the applicant agreed to investigate the possibility of adding a community building to the project. Testimony shall be provided regarding the community building. The Site Development Plan contains a wetland boundary line and areas of wetlands to be filled and buffer areas to be averaged. Evidence of approvals from the NJDEP shall be provided and accompanied by a copy of the NJDEP stamped approved plan. The various easements shown as shaded areas on the Site Development Plan shall be labeled. The applicant has added note #21 on the plan to state that each townhouse unit parking area shall be able to accommodate two cars. An error has been made in the note; the numerical “1” parking space shall be revised to “2”. The parking areas shall be shown and dimensioned on the Site Developments Plan. A note has been added to the Site Development Plan to state that the proposed basements are restricted for storage use only. The board should determine if additional restrictions will be required. The applicant shows on the Existing Condition Plan that 6’ shade tree & utility easement along the proposed Chevy Lane to be vacated, as well as all the homeowner drainage easement from previous approval. The shade tree & utility easement along the River Avenue and sight triangles at the Chevy Lane entrance dedicated to the Ocean County will remain as shown on the plans. The cul-de-sac bulb radius shall be shown on the Site Development Plan. The applicant has provided a cul-de-sac with a 40 ft. radius as required by RSIS. It is our understanding school busses will access a cul-de-sac if the turning radius is a minimum of 55 ft. The board should determine if the applicant should increase the size of the cul-de-sac to allow for school bus access. This application will require the formation of a Home Owners Association (HOA) to own and maintain the public portions of the development. The applicant shall provide the HOA documents to the Planning Board solicitor and engineer for review. The documents must address maintenance of the stormwater management system, snow removal, and ownership and maintenance of all other public portions of the project. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 16, 2007. The applicant seeks preliminary and final major subdivision and major site plan approvals with associated variances to construct a 42-unit townhouse development on a 5.33-acre tract. This property was previously granted site plan and subdivision approval for a forty-three (43) townhouse unit development, with each unit being twenty (20) feet wide; along with approval for four (4) open space lots on the tract. The architectural drawings submitted by the applicant for the present application indicate that each unit is to be twenty-two feet wide, have three bedrooms, and will include basements. The tract is located adjacent to River Avenue (Route 9 South) in the southwestern part of the Township in an HD-7 (Highway Development) Zone. Contiguous zoning is HD-6 (Highway) and R-12 (Residential) to the north and west of the tract, and HD-7 to the south and east. The existing land uses in proximity to the parcel are a mix of uses along Route 9, and residential moving west from the State Highway. The tract is mostly wooded and contains freshwater wetland areas in the western portion of the property. Additional site improvements include parking, stormwater collection and management facilities, a playground, utility services, landscaping and lighting. Access to the development from Route 9 will be provided via a private road. The applicant has submitted revised plans addressing the Planning Board's comments at the Plan Review meeting on July 10, 2007. Townhouses are a permitted Conditional Use in the HD-7 Zone. The application as currently proposed requires no variances. The applicant should discuss the sufficiency of the proposed roadway for school buses. Architectural drawings of the front of the townhouses, as well as a floor plan, have been provided. The applicant must also provide side and rear elevations. Architectural drawings should also be provided if the HVAC equipment is to be located on the roof. The applicant has indicated that access to the basement will not be provided by a separate exterior entrance. NJ Residential Site Improvement Standards (RSIS) Parking Requirements for Residential Land Uses (Table 4.4) specifies that three (3) bedroom townhouse units require 2.4 parking spaces. The applicant should also address the following: Based on the current drawings, there are 2 spaces in front of each townhouse ( $2 \times 42 = 84$ ), and there are a sum total of 32 spaces not fronting townhouse units. The sum total of parking is 116 spaces. The applicant has indicated all common areas (including roads) as an open space lot 3.165 acres in size. Chapter 18-808 requires that applicants who are proposing residential development projects over 25 units preserve not less than 5 percent of the tract land area as common open space, or dedicate the area to active recreation or community facilities for residential development projects. The tract is 5.33 acres (232,174.8 square feet); 5 % of the tract is 0.2665 acres (11,608.74 square feet). Applicant must provide proof that enough of the area in this open space lot will meet the 5% threshold required. The following lands must be excluded from open space calculations: any portion of land not free of environmental constraints such as flood plains, wetlands, bodies of water, storm water drainage ways and basins (exclusive of underground facilities), steep slopes, and any lands not utilized for passive or active recreation, community facilities or left as undisturbed open space and/or wildlife habitat. The applicant must supply documentation to the Board in regards to compliance with Chapter 18-1010.9., which requires that commonly-owned areas for the enjoyment of all townhouse residents and their guests be owned and maintained by a non-profit homeowners association. The Township UDO identifies specific requirements as well as requiring that the applicant adhere to the New Jersey Department of Community Affairs (NJDCA) requirements. The document must be filed with the NJDCA. The applicant has provided a 30-foot buffer along the northern and western portions of the tract bordering

residential uses, as per the requirements of Section 18-803.E.2.b. As per section 18-803.E.2, the applicant should ensure that sufficient screening be provided along those portions of this residential development that border incompatible uses (such as commercial uses of the HD-7 Zone). The landscaping plan should be prepared with consideration of existing vegetation to remain after future site plan disturbances. A sufficient visual screen between the tract and surrounding properties should be provided, either with new plantings or by identifying existing vegetation. This property boundary is also the boundary between the HD-7 Zone and R-12 Zone. It is critical that a sufficient buffer is provided. No screening or buffer is proposed along the southern border of the tract. As required by Chapter 18-1010.B.6., the applicant is required to obtain Department of Public Works approval for the proposed location and size of the individual trash and recycling enclosures for the townhouse development. Applicant must indicate an area designated for the storage of trash and recycling containers for each unit. All trash containers shall be screened from view. Wetlands areas should be clarified and New Jersey Department of Environmental Protection (NJDEP) and NJDEP File Numbers for all wetland delineation lines should be added to the plans. The applicant should discuss the buffer reductions (to the 50' buffers) indicated on the plans, and proof of receipt of a NJDEP Wetlands fill permit should be made a condition of approval. A Tree Protection Management Plan must be reviewed by the Township Environmental and Shade Tree Commissions to address the provisions of the UDO concerning "tree protection" (18-803.H). Compliance with the comments of the Commission should be required. If the proposed road is intended to be a private road, the Board should consider a requirement that Township traffic laws are enforced. The remaining comments are technical in nature.

Ray Shea Esq. appeared on behalf of the applicant and Charles A. Boyles of FWH Assoc. is the engineer. The application has already been filed and approved and there is no change in the filed tax map. They do have an LOI and will put it on the map for the professionals. The only change in the plans from the original approval is there were 43 units and now they are making it 43 units. They are shortening up the 4 units in the back of the site and expanding the building size of all the other units from 20 ft to 22 ft. The developer (Marshall Weisman) found he needed wider units for marketability. That is the entire thrust of this approval; the parking, etc. have already been approved. Mr. Banas said it is his understanding that whenever a plan is submitted, regardless of what portion of that plan is being changed, the entire plan is up for review and that is the reason why the engineer and planner have reviewed the entire project. Mr. Boyles stated the property is somewhat irregular in shape, mostly rectangular with an L shape providing access to Route 9. There are some environmental constraints on the property, specifically regarding wetlands and associated buffers on the southwestern corner of the property and they have recently obtained the appropriate DEP permits not only the LOI but also the buffer averaging and field permits. They will put monuments in the field. These townhouses are not the typical Lakewood townhouses that have been built recently. They are 3 bedrooms so they are looking at a different kind of market, more of a starter house. They do comply with RSIS as far as parking; they have an entry road that goes to a cul de sac running in an east to west direction which is intended to be a private road. They have an onsite infiltration collection system and basin located on the southern portion of the property behind the units. The biggest concern is the existing houses on Finchley Boulevard and they have a requirement of a 30 ft. buffer along that property line that has been provided. They have provided a buffer but if the professionals would like to see additional plantings in that area they would be willing to review it with them and provide the plantings if

needed. With regards to the screening along the southern portion of the property, right now the plans as presented do not show additional landscaping since there are stormwater management facilities in that location. There is an opportunity along the high side of the berm to provide some type of additional landscaping. There are no uses along the property south of the development that would present an eyesore, but to be more proactive instead of reactive, they will beef up the landscaping plan. Mr. Banas thought that was a wise decision and suggested vegetation and trees in the high berm and Mr. Truscott agreed. On the comment of open space that is provided they do meet the 5% requirement and are well over that 11,000 sf requirement. The question of the school bus and access to the site, the roadway complies with RSIS requirements and they do not have the 55 ft bulb that the buses need, so there are 2 options to look at. One is the plan as submitted showing the school bus shelter on the eastern portion of the property close to Route 9 as a pick up spot along Route 9. In addition, one other option is to take the bus shelter and shift it over towards Finchley Boulevard and provide a second walkway parallel to Route 9 and approximately 80 ft. back off of Route 9. Either option is fine with the applicant. Mr. Neiman said he liked the second plan better than the first plan and would rather see it on Finchley but wondered if it would be in front of an existing house on Finchley Boulevard. Mr. Boyles said there is an existing house on Lot 8 but it does not have to be all the way back off Route 9 it could be centered along that frontage of Route 9 if needed. The comments about a community facility is pointed out on the plans is that there is a playground at the cul de sac of the development that was part of the original approval. The comment about the community center is that none is proposed and the applicant feels there are sufficient community facilities available. Mr. Shea marked exhibit A-2 showing an aerial of Lots 9.01 through 9.47 in Block 431 and it shows in the immediate proximity (in green) some sites within 700 ft., Sterling Forest, Chateau Park and Regency that are used as synagogues, or community buildings. The Presidential site also has a community building. Mr. Shea stated there will be an HOA and a note will on the plans restricting the basements to storage as these are small units. Mr. Boyles said they agreed to comply with the remainder of the comments in the professionals reports.

Mr. Banas asked if the board were to use his thoughts based on the original approval, he remembers that there were no basements in the original. Mr. Fink wanted him to show where the bus stop was going to be located. Mr. Boyles said the bus would stop on Finchley Boulevard and Mr. Fink said what concerns him with the bus stop close to Route 9, this is 2 lanes and to see the kids cross the street, even with the lights, he is concerned with the safety. He would rather it stop on Finchley. Mr. Banas said the property extends to Finchley Boulevard but the parking that is there, if a pick up was to be located in that area, the width of that property is 100 ft, so that whole area would have to be cut in because you have 2 lanes on Finchley Boulevard and that is a very busy street as it is now and if you were going to pick up any children, you need to go and cut that piece of property. He suggested that they would have to come from the west on Finchley Boulevard and make a left turn on Route 9. There was discussion of a pull out lane and not an access lane without backing out. Mr. Peters suggested because of state laws, any time this bus stops to pick up children, if it is not a divided highway, everyone coming in both directions has to stop. If you have a pull out for the bus, you are almost asking people to pull along side of it and thinks it would be better to stop traffic both ways. There was discussion of the bus going east vs. west to pick up the children and it was decided the bus had to go east. Mr. Neiman said with all the development on Route 9 they have to show the developer the importance of bus stops and maybe make the development a little

smaller so the cul de sac could be larger to accommodate the buses safely. Mr. Shea said the developer can build what he already has been approved for. Mr. Neiman said it was proposed as slabs and if wants to change it to sell them, he has to realize that he has to give something up too. If he can't sell them because they are on slabs, he has to safely provide bus stops and a lot of the developments he has on Route 9 is not providing that. That is part of building a development, a vital part; have a bigger cul de sac at the end of the development so that the buses can come in and turn around safely without having to stop on Route 9. Mr. Franklin said drop the 4 units down at the cul de sac because what you have done by adding 2 ft. each one of the units is covering an area that would add 4 more units to the entire project. Mr. Neiman said they did not even talk about parking yet. Mr. Shea said he was not here to give away his client's property and Mr. Neiman said he would have to speak to his client. Mr. Shea said the professionals recommended a second sidewalk on Finchley Boulevard for the buses and Mr. Neiman asked how he would feel if he was the corner house that would have all those children on it for the bus (75-100 children) and he does not think it is a fair thing to do that to a homeowner. Mr. Banas indicated that if the bus pick up and drop off were on Finchley Boulevard, if they did not provide a walkway in that lot 9 he assures Mr. Shea the children walking from that corner back to their home would create their own way. Mr. Shea suggested the creation of a second walkway or a bond posted to create one after a trail is made by the children and if the concern is with the owner on Lot 8, he is sure they can screen it. Mr. Franklin said there were a lot of cars that come out of there in the mornings and it would cause extreme traffic for those people, while if you open that cul de sac in the back it would be a home run. You would cover what those 4 units would have covered and you are picking up the basements and then you have a marketable item. You also take the islands out of the middle that will free up the traffic flow for the buses. Mr. Peters said after 24 units it is required by the RSIS to have those islands, although the board does have some leeway on how far that can go.

Mr. Akerman agreed with what Mr. Neiman said and added he would much rather work with variances to make it a public road so the buses can go down. He would rather see a cul de sac that the 3 parking spaces. Mr. Shea said based on the strong feelings on the subject, he respectfully requests a continuance so he can speak to Mr. Weisman. Mr. Neiman said he also has to understand that 2.7 parking spaces were good when the units were on a slab, now that there are basements, 2.7 is not going to be enough and by eliminating those 4 units at the end, the parking ratios will be better, the cul de sac would be safe and it would be a much more marketable and safer development. Mr. Truscott also added they should check what the 55ft. radius would do to those lots and it may not be too bad. Mr. Kielt said they could put them on the September 18th meeting, but if they are doing a re design, they may not be ready. Mr. Shea said it would be a modification to accommodate the 55 ft bulb and feels it would be ready by then. There was discussion of whether to come back for discussions and sketches or just a public hearing and Mr. Jackson suggested the applicant speak to the professionals with the revisions and then come back for the public hearing. Mr. Fink said there was also the issue of the basements and parking. The basements are not accessible to the outside and are only 600 sf. so Mr. Neiman said he was comfortable with the parking.

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to table the application to September 18, 2007**

**ROLL CALL:** Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**7. SP # 1872 (VARIANCE REQUESTED)**

**APPLICANT: RICHARD ROBERTS MD PHD**

Location: Arbutus Drive @ southwest corner of Case Road  
Block 21 Lot 4

Preliminary & Final Major Site Plan for 2 story synagogue with parking area

Mr. Jackson said Mr. Neiman recused himself from the Plan Review Meeting because his wife is cousins with Dr. Roberts' wife. Mr. Jackson does not feel there is a conflict since the applicant is not related to Mr. Neiman. If Mr. Neiman recused there would not be a quorum and he is not a member of the congregation so he feels he could vote fairly.

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval for Block 21, Lot 4. The proposed project consists of constructing a two story synagogue with basement. A dwelling that was previously located on the site has already been removed. The site is located at corner of Arbutus Drive and Case Road. The applicant is requesting the following variances: 24.7 ft front setback is proposed where 30 ft are required. 15 ft rear yard setback is proposed where 20 ft are required. 5 ft side yard setback is proposed where 10 ft are required. 31 % building coverage is proposed where 25% maximum building coverage is permitted. 7 off-street parking spaces are proposed where 20 spaces are required. In accordance with section 18-905 B of the Lakewood UDO a 20 ft buffer is required. The applicant has provided a 10 ft buffer to the rear yard and 4 ft buffer to the side yard, and has requested waivers for both. The applicant has submitted a copy of the approval letters from the Ocean County Soil Conservation District, and Ocean County Planning Board. It appears gravity sewer flow from the building will not be possible due to the elevation of the proposed basement and existing sanitary sewer. In addition, a gravity sewer from the building would cause a conflict with the 30" HDPE pipe. We defer review of the detailed design to the utility provider. Proposed sidewalks and curb have been shown on the plans along both property frontages. Handicap ramps shall be added to the proposed sidewalks at either side of the entrance. The applicant has proposed a six foot high board on board fence along the rear and side property lines, and a four foot high concrete post and rail fence along the property frontages. A discussion of the contents of the onsite shed was not provided in the report. We recommend that shed's contents be inspected for hazardous materials (i.e. pool-related chemicals, petroleum products, and/or fertilizers) that may require proper removal and disposal prior to site development. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 8, 2007. The applicant is seeking preliminary/final major site plan and variance approvals to construct a 2.5-story synagogue and associated parking, drainage facilities and utilities on Block 21, Lot 4. The property is a corner lot formed by Arbutus Drive and Case Road, approximately 0.33 acres (14,363

square feet) in size and currently contains a cleared area (formerly the site of a private home), a small shed and an in-ground swimming pool. The proposed synagogue will contain a worship area of 1,976 square feet, and a basement area totaling 3,764 square feet. Seven (7) off-street parking spaces are proposed. The property is located in the northern part of the Township, just west of Georgian Court University. Zoning for the tract and surrounding properties is R-12 (Residential). The surrounding land uses are residential in nature. Revised plans have been submitted to address the Planning Board's comments at the Plan Review Meeting of July 10, 2007. Places of worship are a permitted use in the R-12 Zone. The applicant has requested the following variances: Minimum Front Setback: 30 feet required, 24.7 feet proposed. Minimum Rear Yard Setback: 20 feet required, 15 feet proposed. Minimum Side Yard Setback: 10 feet required, 5 feet proposed. Maximum building coverage: 25% maximum permitted; 31% proposed. Parking: 20 spaces required; 7 spaces proposed. The applicant has requested variances from the buffer requirements of 18-905.B.1 (Perimeter buffer: 20 feet from residential use): Side yard: 5 feet proposed; no landscaping along the building. Rear Yard Setback: 10 feet proposed. Testimony must be provided to address the requested waivers. The applicant should discuss the sufficiency of the landscaping plan and proposed board on board fencing to provide a sufficient visual screen between the property and the residences in close proximity to the site. The applicant should supply a varied planting schedule for the buffer areas. The positive and negative criteria for the required bulk variances should be addressed. The applicant should discuss the building and site improvements and proximity of the proposed improvements and land use(s) in comparison with adjoining lots. Parking: The Planning Board should discuss the variance for off-street parking spaces being requested. As noted, parking required for the proposed synagogue is twenty (20) off-street parking spaces; seven (7) parking spaces are provided. The architectural plans indicate a basement with a 2,088-square foot simcha. Testimony must be provided to address the parking variance, describing how parking will be provided for the proposed use. We recommend the Board require expert traffic engineering testimony to provide the necessary data for an informed decision. A 25-square foot trash enclosure with landscaping is now identified on the north (Arbutus Drive) side of the structure. Small (1.5 – 2 feet) perimeter shrubs or a short hedge should be provided along the west side of the parking area. The remaining comments are technical in nature.

Abe Penzer Esq. appeared on behalf of the applicant. He has several exhibits; A-1 is the site development plan which has been colored. He also brought photographs that were taken by Dr. Roberts and marked A-2 which is a north view of Case Road; A-3 is another view of Case Road; A-4 is also Case Road; A-5 is four photos on the same page of Case Road. All were taken about 2 weeks ago. The next set of photos A-6 is more of Case Road. Exhibits A-7 and A-8 depicts the border between one of the properties and the proposed site on the south side.

Mr. Penzer said the 2 major issues that were raised in the reports were the need for 22 parking spaces and we are only providing 7. He asked the board to look at the pictures and they will see it is almost an enclave and there is no parking, and this is probably the one are in Lakewood where there will be no cars. Exhibit A-2 shows that across the street is Georgian Court University and there will be no one there. The ordinance provides that an applicant is allowed to use for houses of worship parking as far as 200 ft. and that area is deserted and anyone who drives along that area will know that. The second issue is of



whether a landscape buffer is needed. Dr. Roberts has the most extensive amount of bushes and there is a natural buffer there. Mr. Boyles said the photos show the existing landscaping on the property and his plans show the proposed landscaping. Mr. Penzer said the area is heavily populated, and there is a need for another synagogue. Mr. Boyles stated the property is a corner lot and irregular in shape as a result the building was situated as far away from the corner as possible to utilize as much parking as they could. This results in the multiple variances requests. The adjoining property is owned by the applicant and there is substantial landscaping on that property. The building has been removed and there is still an existing fence along with the in ground pool. The building coverage is 31% where 25% coverage is maximum and that is because they are trying to fit in with the neighborhood and feel the design will not present a visual problem or aesthetic problem and will fit in well with the neighborhood. He stated that the width of the cartway and the lack of cars on that roadway makes an abundance of off street parking available. There are virtually no cars up and down this area and based on that they will be able to provide a house of worship for that neighborhood. Mr. Boyles said they will use an ejector pump to provide sewer in this case and is a common occurrence. They will provide curbs and sidewalks along with handicapped ramps and board on board fence. They have also done the tree protection fence be installed around the 24 inch oak tree. Mr. Penzer agreed with the comments in Mr. Peters report. Mr. Penzer said the shed only has a Sukkoth in it and it will be demolished. Mr. Boyles stated the site has been designed to minimize any potential impact of the proposed variances on the adjoining properties. The only negative criteria could be if there was an impact from this development on the adjoining properties and he feels it is a sound design and it minimizes any potential impact from an aesthetic viewpoint and it is clear from a function viewpoint that there will not be an overload of the roadways as far as vehicles are concerned. Mr. Penzer said it is not a simcha room but a kiddish room and it is not intended for anyone outside and they would request that no traffic report be submitted as this house is isolated. They agree with the remainder of the comments in Mr. Slachetka's report.

Mr. Banas said the worship space is less than 2,000 sf but the basement space is almost twice that. Mr. Penzer said it was bathrooms. Mr. Banas asked what safety measures will be involved with pedestrians that have to walk 4-5 blocks to the site and there are no sidewalks in the area except for at the site. Mr. Penzer said they could only do on their property what they can but will entertain any suggestions. Mr. Banas said he is concerned with no sidewalks. Mr. Penzer said on the Georgian Court side of the street between the fence and the curb, there is about 20 ft. and that is where he walks. Mr. Banas was concerned with the people walking on property and asked if there would be an announcement made at the services not to walk there and Mr. Penzer said no problem with that and they will also post a sign in the synagogue telling them to walk on the Georgian Court side and not on the private property side.

Mr. Banas asked why they needed building coverage of 31% and can't that be reduced to 25%. Mr. Penzer said they needed the space badly and there are 3 synagogues that are bursting and he wishes they could go even bigger than that.

Mr. Banas opened the microphone to the public

Mr. Louis Richmond, 319 Case Road was sworn in. He asked about the stormwater and if it was going to be self contained within the property and Mr. Boyles said there is a collection system on site that controls and recharges the stormwater. Mr. Richmond has a concern that the school will have on the surrounding homes as what is observed on Tanglewood and 14th and Willow and 14th. The concern deals with parking and he would like to know for both Case Road and Arbutus and asked Mr. Peters what the appropriate width for a car to be parked on both sides of the road and to maintain a lane of traffic on both sides. Mr. Peters said generally in a residential neighborhood is 30-32 ft. and this street is 34 ft and widens considerably at the intersection. Mr. Richmond said Dr. Roberts has been having a study group in his home that goes Sunday through Thursday night and they are parking on both sides of Case Road and it doesn't seem possible to stay within the yellow line and drive through there. Buses come through there day and night and this house of worship will be operating morning and night and the study group will grow, so the question comes because of the curb it does narrow and if more and more cars are parked, there will be a safety issue. He suggested widening the road. Mr. Peters said the width of 30 ft is typical of a neighborhood street and this part of Case Road would be considered a minor collector which would be 36 ft. wide to have parking on both sides. If parking were allowed on one side then you would be 29 ft. wide. Mr. Boyles disagreed with Mr. Peter's assessment of this being a collector road and said it is a residential road, but Mr. Richmond asked Mr. Boyles whether he has observed the parking when Dr. Roberts is having his study group, because when he does, you cannot travel 2 lanes with cars parked on both sides of the street, so there needs to be something done. Other streets (Tanglewood, etc.) put out orange cones so they don't block their driveways and mailboxes and this will become a problem. He asked if they could give up some of the property to make the street wider and Mr. Jackson said he was not sure if the Planning Board had the authority to widen a municipal roadway and asked Mr. Boyle if the road was taking up the entire right of way and Mr. Boyles said no, that the right of way in that particular area is approximately 60 ft. , the cartway is 33 ft. immediately in front of the site and it varies as you go north. Mr. Jackson said the board could asked the governing body to widen the road and Mr. Boyles said based on his observations it is his opinion that there is sufficient room to park on both sides and have traffic pass safely. Mr. Richmond said you either need to ban parking on one side or move the curb back. Mr. Banas said that is for the governing body to do, not this board.

Mrs. Roberta Richmond 319 Case Road was sworn in. She stated they have lived there for over 25 years and traffic has increased over the years. It is a very curvy road and the section that Mr. Boyle talked about is a very short part of the roadway. During the school year they have buses that run through there and since they do not have sidewalks, there are a lot of walkers and they are the only cut through between 14th Street and North Lake Drive and they have college traffic and there is construction vehicles for GCU and they travel all day. They are concerned with the traffic. If they could have more on site parking, it would not impact them as much. There are not walkers coming to schul in the morning, they come in their cars, and that type of traffic will have an impact with parking and the ongoing traffic we have now.

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

Mr. Banas asked Mr. Penzer if there was any space within 1000 ft. available for rent to accommodate parking. Mr. Penzer said his perspective is looking differently than Mr. Richmond because he thinks Case Road gets wider and wider and as a practical matter instruct the people who are parking not to try to park south of the property but to park north of the property and around it. They have to be realistic as well, a parking space is 9 x 18, so at the smallest point, 33ft. but how it broadens out to 60 ft. They are required to have 20 spaces, and they are missing 13 and there is room for at least 20 cars in the widest part of the roadway. He said they could put signs stating to park north of Arbutus Drive to where it is wider there. Mr. Banas said if they took care of it within the synagogue it would be sufficient and Mr. Penzer said he had no problem with putting up a sign requesting they park north of Arbutus and if they abuse it they would be welcome to the synagogue. They are trying to be good neighbors.

Mr. Akerman agreed with the Richmonds and wanted to point out that there is a schul in his neighborhood and there was one schul that was begging not to put parking and they were forced to put in spaces, but with the other schuls that opened up, those spots are not even being used, everyone walks. As more and more schuls open up he feels there will be much more walking and the concern for parking will be much less.

**Motion was made by Mr. Akerman, seconded by Mr. Fink, to approve this application with all the stipulations of the professionals.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; abstain (since there is a quorum without him), Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

Mr. Jackson wanted it to be noted in the record that Mr. Herzl arrived before this application began so was eligible to vote.

## 5. MEMORIALIZATION OF RESOLUTIONS

**1. SD # 1583 (NO VARIANCE REQUESTED)**

**APPLICANT: KRUPNICK & SCHUSTER**

Location: North Lake Drive and 14th Street, between Curtis Lane & Cedar Row  
Block 24 Lots 12, 21, 24 & 30

Minor Subdivision to create 3 lots

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

**2. SD # 1584 (VARIANCE REQUESTED)**

**APPLICANT: SOMERSET DEVELOPMENT LLC**

Location: 975 East County Line Road, west of Lucerne Drive  
Block 174.04 Lots 24 & 63

Preliminary & Final Major Subdivision for 9 lots

**Motion was made by Mr. Neiman, seconded by Mr. Franklin, to approve**

**ROLL CALL:** Mr. Herzl: yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

- 3. SP # 1868 (NO VARIANCE REQUESTED)**  
**APPLICANT: TIFERES BAIS YAAKOV**  
Location: Oak Street, west of Albert Avenue  
Block 795 Lot 1.02  
Preliminary & Final Site Plan for proposed school

**Motion was made by Mr. Neiman, seconded by Mr. Franklin, to approve**

**ROLL CALL:** Mr. Herzl: yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

- 4. SP # 1863 (VARIANCE REQUESTED)**  
**APPLICANT: MOUNTAINVIEW INVESTMENTS LLC**  
Location: Kennedy Boulevard, former Shop-Rite  
Block 104 Lot 38  
Minor Site Plan to construct canopy on existing building and reconfigure parking lot

**Motion was made by Mr. Akerman, seconded by Mr. Franklin, to approve**

**ROLL CALL:** Mr. Herzl: yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

## **6. CORRESPONDENCE**

Mr. Banas said his computer is down, but a letter needed to be composed dealing with the New Jersey American Water Company who wants a copy of the maps and plans as they get them.

## **7. PUBLIC PORTION**

Gerri Ballwanz, Governors Road, Lakewood. She noticed there are 2 applications that are going to be close to the railroad tracks, one is Rye Oaks and if the Township wants to have the MOM railway come through, they really need to do something about not allowing close to the railroad tracks residential homes. If the Planning Board thinks this is important to have the railway as the backyard neighbor, this is ludicrous. You are building up a case for people to come and complain about the noise and the trains in the future and to sabotage the MOM tracks from coming through Lakewood. She asked what the procedure was, does the Township first put up an ordinance and then ask the Planning Board for input or

does the Planning Board suggest to the town that maybe they need to protect the right of way. Mr. Banas said she was correct in the manner she described and said the Township Committee is more cognizant of what is going on with the MOM transportation and anyone from the Township Committee could endorse this kind of thing to generate the material. All ordinances originate in the municipal government and if it deals with planning this board is asked for our input. Whether or not they would make any strong recommendations at this level it is hard to say. We just finished with the reexamination of the Master Plan and that would have been the appropriate place to do that.

## **8. APPROVAL OF MINUTES**

- Minutes from July 31, 2007
- Minutes from August 7, 2007

**Motion was made by Mr. Franklin, seconded by Mr. Fink, to approve**

**ROLL CALL:** Mr. Herzl: yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Fink; yes

## **9. APPROVAL OF BILLS**

**Motion was made by Mr. Akerman, seconded by Mr. Franklin, to approve**

**ROLL CALL:** Mr. Herzl: yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes

## **10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary