

**LAKWOOD PLANNING BOARD
MINUTES
AUGUST 22, 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, Mr. Neiman, Mr. Banas, Mr. Dolobowsky, Mr. Klein,

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Slachetka were sworn in.

Mr. Kielt stated there were changes to the agenda. Item #6 and #7 - The Teen Center for Education and Opportunity Inc. are tabled until September 19, 2006 at the request of the attorney for the applicant.

Motion was made by Mr. Dolobowsky, seconded by Mr. Herzl, to table until September 19, 2006

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

Mr. Kielt announced that item #11 SD # 1558- Yitzchok Singer was also tabled until September 19, 2006 at the request of the applicant.

Motion was made by Mr. Neiman, seconded by Mr. Dolobowsky, to table until September 19, 2006

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

4. OLD BUSINESS

1. SP # 1785A (VARIANCE REQUESTED)

APPLICANT: FOURTH & FOREST LLC

Location: corner of Fourth Street & Forest Avenue
Block 51 Lot 2

Site Plan for 9 proposed townhouse units. Review resolution to determine use of basement.

Ed Liston, Esq. appeared on behalf of the applicant. Paragraph G2 of the resolution states the applicant proposes the units to be 2 ½ floor single family dwelling and living space in the basements with no kitchens and no separate apartments are proposed for the basement. The attorney who drew the resolution is in agreement with this, but the zoning officer told the applicant that he could not finish the basement. Mr. Jackson said the concern of the board was that it not be a separate living space and it be a single family house. What is specifically not permitted is a kitchen. Mr. Neiman said item 15 also states there will be no kitchens or bedrooms in the living area and no separate apartment in the basement area. Mr. Kiel added when he got the call, he made the change on the resolution, with his initials, after the 2 attorneys conferred during the resolution. They neglected to notice it on the second place of the resolution. Mr. Neiman asked if there was a separate entrance from the outside and Mr. Liston said no. Mr. Neiman asked the number of parking spaces set up and was told with the addition of the basement living space, more spaces may be required. Mr. Liston said when it was approved, bedrooms would be allowed, kitchens would not and a second family would not be allowed. Mr. Jackson said the question is what does the board mean. Mr. Neiman said 4th & Forest, parking is at a premium and adding bedrooms you have to make sure there is sufficient parking. Mr. Liston said there was adequate off street parking provided, and the board approved, but does not think that if you add a bedroom or 2 in the basement, that will change the parking needs. Mr. Jackson said he recalled these townhouses had 5 bedrooms already. Mr. Liston said a kitchen is prohibited and they have no problems with that. Mr. Jackson suggested making a motion that the restrictions are only those limited in the resolution and as provided by law and he could draft a letter to the zoning officer that the board discussed this matter and their intent was to allow bedrooms and bathrooms, as long as there is no kitchen or separate apartment.

Motion was made by Mr. Neiman, seconded by Mr. Dolobowsky, to clarify the resolution to allow bathrooms (full or ½) and bedrooms but not kitchens.

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

Mr. Neiman asked Mr. Jackson if he put into the resolution the number of parking spaces or just that they comply with the RSIS. He said he usually doesn't unless a variance is requested. Mr. Neiman said if they asked for double wide driveways, etc. that should be in the resolution.

5. NEW BUSINESS

1. SD # 1541 (NO VARIANCE REQUESTED)

APPLICANT: MOSHE ARYEH

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

Minor Subdivision to create 2 lots

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide the site into two conforming lots. One lot will contain an existing single family dwelling and the second lot is a flag lot for a proposed single family dwelling. The property is situated on East Spruce Street, within the R-20 Zoning District. It appears no variances will be required. Ocean County Planning Board and Ocean County Soil Conservation District Approvals will be required. Evidence of these approvals shall be made a condition of final subdivision approval. A minimum of three (3) off-street parking spaces has been provided. Curb, sidewalk, and 6' shade tree easements have been provided. We question the use of white pines due to the loss of lower limbs. We defer to the Planning Board Planner on the use of white pines. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated August 10, 2006. Section 805-G(6)c of the Lakewood Unified Development Ordinance requires that applications for a flag lot subdivision include architectural plans for the proposed dwelling to be constructed on the flag lot. In lieu of architectural plans, the applicant has delineated a proposed building footprint. We note that buffering is not provided along the east side of the "pole" portion of new Lot 12.02. As required for all flag lot subdivisions, the applicant should provide testimony demonstrating "a need, consistent with good planning principles, for the creation of a flag lot. The rest of the comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. Mr. Carpenter is the engineer for the applicant. Mr. Banas said his plans were not sealed and Mr. Carpenter said sealed plans were delivered to the board. Mr. Kiert said he does not feel every set of plans for a seal. Mr. Carpenter said these are revised plans. Mr. Banas asked Mr. Carpenter to attest that what is here is correct and Mr. Carpenter said yes. Mr. Banas said to continue with the stipulation that a complete set of sealed plans be provided to the Secretary. Mr. Banas advised Mr. Carpenter to provide sealed copies of the plans for all future applications. They agree on all of Max's comments and with regard to the white pines they are at the discretion of the planner.

Mr. Dolobowsky said it was noted in one letter that there is no buffer along the pole and Mr. Penzer said they would provide buffer. Mr. Carpenter said he could put a note on the plans that the inspection by the township engineer be added and if a supplemental buffer be added, he would do so for the infill. Mr. Slachetka agreed with Mr. Peters on the white pines, and suggested if they could do a mixing of low evergreens on the north side of the flag portion of the lot buffering the existing dwelling, there are some arborvitaes proposed, they could do something similar. He would prefer to see a mix of vegetation rather than a single species planted in a row. Some Norway Spruce, some White Pine, some Arborvitaes but be careful and look for the shade tolerant species. Mr. Penzer agreed.

Mr. Banas asked if there were any specimen trees in the flag portion of the lot and was told no by Mr. Carpenter. Mr. Penzer said there is no architectural plans because they do not know who they are selling the lot to, so they agree it will be in the building footprint and will not require any variances. They agree to comply with the remaining comments in Stan's letter. Mr. Carpenter stated that the typical subdivision would make these lots 71 x 300 ft. lots causing a need for lot width variance for 2 lots and would constrict the building envelope available for the houses, so it is more desirable to develop a subdivision with no variances with the biggest building envelope available. This is a better planning technique.

Mr. Neiman asked where the closed sewer and water connection was and Mr. Carpenter said there is no sewer available and water is on New Hampshire.

Mr. Dolobowsky asked where the location of the well for the front home was, and Mr. Carpenter stated it was in the backyard labeled W.

Mr. Banas opened the microphone to the public.

William Hobday, 30 Schoolhouse Lane, was sworn in. He said this is a flag lot and customary with this board is requiring access to that back house to be conveyed to the rear house. Mr. Penzer agreed.

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

Motion was made by Mr. Dolobowsky, seconded by Mr. Herzl, to approve this application with all of the stipulations mentioned tonight.

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

2. SP # 1843 (VARIANCE REQUESTED)

APPLICANT: JOSEPH GUTTERMAN

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

Preliminary and Final Site Plan for proposed synagogue

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for a two-story addition, with a foot print of 2,340 square feet, to the existing 1 1/2 story dwelling which will be used as a synagogue. The building addition will be constructed on an existing foundation. The 16,000 square foot property is located on Central Avenue at the intersection of Columbus Avenue, within the R-2 Zoning District. A variance is required for the side yard setback. The applicant has proposed 7.7 feet where 10 feet is required. This is an existing condition. A variance is required for the number of parking spaces. The applicant has proposed 17 spaces where 20 spaces are required. The applicant will be required to obtain outside agency approvals from Ocean County Soil Conservation District and NJDEP for Treatment Works Approval. New curb will be installed along the Central Avenue side of the property and sidewalk will be installed along both the Central Avenue and Columbus Avenue frontages of the property. The board should determine if shade tree

easements will be required along the property frontages. A soil boring shall be provided which indicates the seasonal high groundwater elevation. In addition a permeability test shall be performed to demonstrate the sub soils will provide an adequate infiltration rate. A device shall be provided for pretreatment of the stormwater prior to discharge to the underground infiltration system. Four (4) 10 foot high Colonial type light fixtures will be provided to illuminate the parking area. The poles adjacent to the residential property to the north will be back shielded. A detail of the light has been provided. We assume that exterior building lights will be provided along the handicap ramp and at all entrances to the building which shall be confirmed in testimony. A sanitary sewer to service this development will be installed along Central Avenue, which will connect to an existing sewer line in St. Nicholas Avenue with a doghouse manhole. The sewer main is shown to be installed with a horizontal separation of four (4) feet from the water main. Sewer and water are generally separated by a minimum of ten (10) feet. We question the design of the sewer system but defer approval of the final design to the New Jersey American Water Company. It appears that a new water service will not be provided for this application, which shall be confirmed in testimony.

Mr. Slachetka read from a letter dated August 10, 2006. The application lists the proposed use as a synagogue, but there appears to be no sanctuary space indicated on the architectural plan. Please clarify. The existing conditions plan indicates that there is an existing foundation on the parcel in question that is not a part of the 1.5-story dwelling. The applicant should update the plan based on the construction to date. The perimeter buffer requirements of Section 905.B. should be addressed along the southeast property line with plantings along the property boundary. §803D1 of the Lakewood Unified Development Ordinance requires six (6) street trees, where four (4) are provided. The applicant should provide the required number of street trees on Central Avenue. Revise the number of Inkberry plantings to reflect the number of plantings in the plan view on Sheet 4. The remaining comments are technical in nature.

Mrs. Weinstein, Esq. appeared on behalf of the applicant. This synagogue is designed to be a neighborhood synagogue with most of the congregates living very close to the synagogue and will walk to the services, even on the weekday, which the reason for the variance on parking. Mr. Flannery is testifying for the applicant and Mr. Carpenter is the engineer.

Mr. Flannery said the application is for a neighborhood schul. One variance is an existing condition. Here we have given 17 spaces where the ordinance requires 20, so we are shy by 3 and it is his testimony that the parking is adequate for the facility. Mr. Banas asked if there were sidewalks from the most distant house in the development to the schul and was told the applicant is present to give testimony. Mrs. Weinstein said the township just installed sidewalks this week.

Mr. Neiman said he would like to see no parking on Central Avenue and Mr. Flannery said they would write a letter to the county stating the board's wishes. Mr. Flannery said the architectural plans would be revised to show a sanctuary. They agree to the remaining comments in Stan's letters. Mr. Flannery will add the shade tree comments to the plans, and the remainder of the comments in Max's letter will be complied with.

Mr. Neiman recommended having some type of cross walk lines for the crossing on Central Avenue. Mr. Jackson said they could ask the county and Mr. Flannery said they would contact the county with the recommendations of the planning board and they are very open to suggestions. Mr. Jackson said if they got a letter from the planning board to the county planning board they would be more open to the suggestion. Mr. Banas suggested doing all three, the crosswalk, signs and something that would slow down the traffic for the pedestrians crossing.

Mr. Neiman asked whether there are sidewalks along Columbus Avenue. Joseph Gutterman, 189 Columbus Avenue, was sworn in. He said there are sidewalks on Columbus Avenue on the south side, but none on the north side. They will be putting in 160 ft. of sidewalk along their side of Columbus Avenue.

Mr. Banas opened the microphone to the public.

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

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve this application with the provisions of sidewalk on Columbus, the shade trees, and doing everything they can to make sure there is a crosswalk over Central Avenue with some type of signage and if possible to put no parking on Central Avenue.

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

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

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide one residential lot into two lots. An existing one story dwelling will be removed, and two single family dwellings will be constructed. The property is situated on Leonard Street, within the R-10 Zone. A 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 a 50 foot where 75 feet is required. Side yard setback, both lots propose 7.5 feet with an aggregate 15 feet where 10 feet with an aggregate of 25 feet is required. The existing dwelling shall be removed prior to signature of the final map or a bond posted to ensure prompt removal once the subdivision is complete. Ocean County Planning Board and Ocean County Soil Conservation District Approvals will be required. Evidence of approvals shall be made a condition of final subdivision approval. Water and sewer lines will need to be extended in order to serve the proposed dwellings, and a NJDEP certification of Treatment Works Approval (TWA) will be required. Water and sewer extension details shall be shown. Three off-street spaces have been provided for each lot in accordance with RSIS requirements. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated August 2, 2006. The applicant must address the positive and negative criteria for the required variances. Off-street parking should comply with the NJ RSIS for each of the proposed residences. At least two (2) street trees should be provided. The rest of the comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. Mr. Flannery is the engineer for the applicant. Mr. Flannery showed a rendering with a 200 ft. radius showing all the lot that are similar. This is the R-10 zone that has not been developed as R-10. Of 145 lots, 92 are multi family lots, 63% of this zone is multi family, and only 10 are conforming which is 7% that conforms to the zone. In their area there are more 7,500 sf lots so rather than propose townhouses as an application they are proposing 7,500 sf lots and his testimony is that it is consistent with the area, and is appropriate. The other comments in the reports are minor and will be complied with. Mr. Penzer said they would provide an extra parking space for each lot, since there are bedrooms in the attics and basement.

Mr. Banas opened the microphone to the public.

William Hobday was sworn in. He thinks this is a travesty, both the applicant's attorney and engineer have promised in the Master Plan Committee that all of those negotiations to be kept secret until the final committee's decision and submission to the township committee and here in an open public meeting, these proposals are disclosed. They are not approved in no way shape or form. I think the applicant is taking every advantage and not justifiably, these plans are not approved. We have a scenario here that is ridiculous and he would urge this board to not approve this application based on the facts themselves and the point that the attorney and engineer had no right to divulge this proposed information.

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

Mr. Banas responded to Mr. Hobday and said he was correct, the information was not to be divulged, but it is something that we have requested from and on each application to show the number of lots that were in the neighborhood and the characteristics to see the basis for granted the subdivision.

Mr. Neiman said there has been a concern with on street parking on Leonard Street, and asked how many off street parking spots were being provided. Mr. Flannery agreed to 4 off street parking spaces on each lot.

Motion was made by Mr. Herzl, seconded by Mr. Klein, to approve the application with the recommendations made.

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

- 4. SP # 1846 (NO VARIANCE REQUESTED)**
APPLICANT: JACKSON OFFICE COMPLEX LLC
Location: West County Line Road, border with Jackson Township
Block 2.03 Lot 1
Preliminary & Final Site Plan -2 story retail/office building

Mr. Peters stated the applicant is seeking preliminary and final site plan approval to construct a two-story office/retail building on the subject lot. The property is located on West County Line Road, County Route #526. The Township boundary line between Lakewood Township and Jackson Township cuts diagonally through the northeast corner of the property. The total lot area is 3.14± acres of which 0.135 acres lies in Lakewood Township. The existing lot is vacant and wooded and slopes toward the rear of the property in a southwesterly direction. There is an existing concrete block foundation, to be removed, located at the northeast end of the property that is actually in Lakewood Township. Nearly all of the improvements to this property, which includes the two-story office/retail building, paved parking area and stormwater management basin, are located within the Jackson Township portion of the property. The only portion of the site located in Lakewood Township contains the east two-way right-in right-out driveway from the site. A sight triangle has been shown for this driveway. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District. The portion of this property that lies in Lakewood Township is located in the B-1 Neighborhood Business Zone. It appears that the application conforms to the requirements of the B-1 Zone. As the development fronts on a County Road and is under the jurisdiction of Ocean County, we defer review of the Traffic Impact Statement to Ocean County. It shall be noted, however, that the report concludes that the Brewers Bridge Road intersection with West County Line Road will continue to operate at the same level of service for the 2008 future predevelopment and post development conditions. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated August 4, 2006. The building and most of the site improvements are proposed to occur in Jackson Township. The majority of the driveway is located in Lakewood Township. A sight triangle easement is proposed for the westerly driveway. The metes and bounds of the proposed easement should be approved by the Planning Board Engineer. The form and content of the sight triangle easement should be approved by the Board Attorney. The rest of the comments are technical in nature.

Mr. Adam Pfeffer, Esq. appeared on behalf of the applicant. Only a small amount the land is in Lakewood Township. They agree with all the comments in the professionals report. Mr. Flannery was sworn in to answer any questions. The application is for the triangular piece in Lakewood.

Mr. Neiman asked if they went in front of the Jackson board yet and was told no. Mr. Jackson said this could be contingent upon the application getting approval from Jackson Township.

Mr. Klein asked about the buffering and if it would go up to the site triangle and was told the plantings were just outside of that.

Mr. Banas opened the microphone to the public.

Seeing no one, Mr. Banas closed this portion to the public.

Motion was made by Mr., Neiman, seconded by Mr. Dolobowsky, to approve this application contingent on Jackson Township approval.

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

5. 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

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide two existing lots into four conforming lots, two lots fronting on Central Avenue and two flag lots. Two existing single family dwellings will remain, and two new ones are proposed. The property is located on New Central Avenue, near Princess Court, within the R-12 Zone. It appears no variances will be required. Access to the two flag lots will be provided by access easements. The easements are permitted, although, a variance from NJSA Section 35 of MLUL will be required for the lots having no frontage on a public Right of Way. The board may wish to consider requesting the applicant make the flag pole portion of the rear lots a part of the lots themselves. This will require a variance for lot width. Ocean County Planning Board and Ocean County Soil Conservation District Approvals will be required. Evidence of these approvals shall be made a condition of final subdivision approval. As per RSIS standards, a minimum of three (3) off-street parking spaces has been provided per dwelling. The applicant should provide additional landscaping to provide screening between proposed Lots 12.02 & 12.01 and existing Lot 27. The applicant has added landscaping between the front and rear lot. The intent of our previous comment was to screen the new construction from existing Lot 27. The remaining comment deals with the map filing law.

Mr. Slachetka read from a letter dated August 9, 2006. No bulk variances are requested; however, since new Lots 1.02 and 12.02 do not front New Central Avenue, a variance is requested from N.J.S.A. 40:55D-35. The criterion for this variance is a Board finding that adequate access to the proposed residences will be provided to protect health and safety. §805G5 of the Lakewood Unified Development Ordinance reads "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 provide testimony to address these requirements. The applicant should revise the drawings to provide a temporary refuse

storage area near the front of the access easements on Proposed Lots 1.01 and 12.01, in addition to the trash storage areas indicated for Proposed Lots 1.02 and 12.02. §805G3c of the UDO states “An area shall be provided proximate to the street frontage for solid waste and recyclable pick up on designated collection days.” The applicant should note that the same section requires that “No continual storage of trash and recyclables shall be permitted in this area. §805G6c of the UDO requires “applications for a flag lot subdivision shall submit architectural plans for the proposed dwelling to be constructed on the flag lot.” The applicant has requested a waiver of this requirement. The plans on Sheet 3 Lot 1.02 indicate a proposed building footprint 50 feet by 60 feet for new lot 1.02 and 12.02. The rest of the comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. Bob Burdick was sworn in as engineer for the applicant. He agreed with the comments in Max’s report and said they have agreed to a recorded easement for the flag portion. The lots are very narrow but deep and this is a unique condition in which the flag lot variance should be granted. They agreed to all the comments in Stan’s report. Mr. Penzer stated this was the least intense use for this property.

Mr. Banas has trouble with easements and recommends fee simple lots, which the applicant agreed to, but stated they would require variances for lot widths for both lots, and side yard variance for the existing home on lot 12 that would be 6.7 ft. vs. 10 ft. required. Mr. Banas said that was diminimus but in the end granting the variance would be more to his liking. (friends today, enemies tomorrow on an easement) The rest of the board members agreed.

Mr. Dolobowsky said the shape of the lots would change a little and was told it would be.

Mr. Neiman said there are 2 driveways, and wouldn’t it be better to have one large one, and was told the same premise as friends today, enemies tomorrow. Mr. Slachetka’s comment was that a more sound planning would be to have a cul de sac which would accommodate 3 to 4 lots. Mr. Burdick said there would be additional impervious coverage and maintenance by the township. He said the houses are being constructed closer to the rear yards and this provides more open space and less dense.

Mr. Dolobowsky said the landscaping on lot 101 along the drive, shows shrubbery stopping. He would like to see more and asks the professionals get together for more buffering and the applicant agreed. Mr. Banas said the landscaping on the right would need a buffer on the east side of 12.01. Mr. Burdick said that was one of the comments from the planner and they agree to that. Mr. Burdick also said there are sidewalks on the site.

Mr. Banas opened the microphone to the public.

Seeing no one, Mr. Banas closed this portion to the public.

Motion was made by Mr. Herzl, seconded by Mr. Klein, to approve this application with all the recommendations with regard to fee simple and the rest discussed and granting the variances.

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

- 6. SD # 1553 (VARIANCE REQUESTED)**
APPLICANT: THE TEEN CENTER FOR EDUCATION & OPPORTUNITY INC.
Location: East 8th Street, between Middlesex Avenue & Somerset Avenue
Block 217 Lots 1, 3 & 4
Minor Subdivision for 4 single family homes

Tabled to September 19, 2006

- 7. SP # 1848 (VARIANCE REQUESTED)**
APPLICANT: THE TEEN CENTER FOR EDUCATION & OPPORTUNITY INC.
Location: East County Line Road & Somerset Avenue, north of Cabinfield Circle
Block 208.01 Lots 10.03 & 71
Preliminary and Final Site Plan for 2 story school

Tabled to September 19, 2006

- 8. SD # 1555 (VARIANCE REQUESTED)**
APPLICANT: MARGALIT LANKRY
Location: Case Road, between Lake Drive Terrace & Magnolia Drive
Block 16 Lots 1 & 7
Minor Subdivision to create two lots

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide one residential lot into two lots. An existing dwelling will be removed, and two single family dwellings will be constructed. The property is situated on Case Road, within the R-12 zone. The applicant has provided architectural drawings for a five bedroom house on Lot 7.02, no architectural plans have been provided for Lot 7.01. A variance will be required for minimum lot width. Lot 7.01 proposes 80.23 feet and Lot 7.02 proposes 80.48 feet, where 90 feet is required. Ocean County Planning Board and Ocean County Soil Conservation District Approvals will be required. Evidence of approvals shall be made a condition of final subdivision approval. The existing dwelling labeled as to be removed on Lot 7.01 must be removed prior to signature of the final plat, or a bond posted to ensure prompt removal. The Zoning Requirements Table states that proposed Lot 7.01 contains three (3) off street parking spaces. It is not clear on the plans where these spaces are located. Please revise. The rest of the comments deal with the map filing law.

Mr. Slachetka read from a letter dated August 18, 2006. The positive and negative criteria for each of the requested variances should be addressed. The proposed septic system should meet all New Jersey Department of Environmental Protection septic design regulations (NJAC 7:9A). The status of permitting for the septic system should be addressed. The remaining comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. They will not exceed the footprint for second dwelling. They agree with the comments in

Mr. Peters report. These lots are extremely deep. They agree with the comments in Mr. Slachetka's report. Mr. Banas commented that these plans are also not sealed. Mr. Kielt said from now on if they are not sealed, they will not be accepted at the counter. Mr. Carpenter used exhibit A1 (enlarged view of tax map between Autumn Rd and Case Rd) and said there are 11 lots in a 200 ft. perimeter including the subject lot, 5 existing lots are 80 ft. in width and they all comply in lot area. The existing lot is 40,000 sf. but based on geometry, it is not possible to come up the conforming lots, but 2 lots fit nicely. Exhibit A2 is the minor subdivision plat for Lots 1 & 7 Block 16. The location of the parking spaces are in the architectural plans with a 2 car garage with the driveway. There are no bedrooms marked, but they think the minimum would be 5 bedrooms, so they will provide 4 off street parking spaces. Mr. Carpenter believes that the septic system will meet all the requirements.

Mr. Peters said he had an issue on parking with lot 7.01 where there is just a house footprint. They are 35 ft. off the property line so only one car can fit in that location, so if they moved the house back 1 more foot it would be better. Mr. Dolobowsky asked why they were creating a T shaped lot, why not bring that property line straight back, you would end up with a lot that instead of 12 would be 17,000 and the other one would be 23,000 and would be a little more equal. Mr. Carpenter said that was at the request of the applicant. Mr. Dolobowsky said the problem is that they do not know that the proposed house will be. The applicant was not present so Mr. Penzer said they would discuss it with him. Mr. Peters said it makes more sense to him and Mr. Penzer said if that is what the board wants, then that is what the applicant will do. Mr. Kielt suggested contacting the applicant by phone.

The application was put on hold and the next application was heard.

Mr. Moshe Lankry appeared after the next application was heard and this application continued. He was sworn in. Mr. Penzer asked him why not make the lots straight back instead of a T shape. He said they are planning to build a house on a lot. He has a basketball court there now and maybe in the future he would like to maybe put in a pool or playground. Mr. Dolobowsky said you are selling the property next to him and to make more parking, they would have to move the house on the next lot back more, so the back portion would be beneficial. Mr. Lankry said he plans on just building one lot and keeping the other lot open. Mr. Banas asked why he is subdividing now if he doesn't plan on developing the next lot. Mr. Lankry said the zoning could change at any moment.

Mr. Neiman asked if there was water and sewer anywhere near there and was told everyone has septic. Mr. Banas asked if there was room for septic on the second lot if the house is moved back. Mr. Neiman said if he was going to keep the T shaped lot, there should be more buffer.

Mr. Peters asked Mr. Jackson how long the doctrine of merger kick in where these 2 lots would be merged and Mr. Jackson said a subdivision would not allow that. Mr. Penzer said the law states after 3 years, if the zone changes, he would be hit. Mr. Jackson commented but it was inaudible.

Mr. Banas opened the microphone to the public.

Larry Simons was sworn in. He asked for clarification for the creating of 2 lots where there is already 2 lots. Mr. Lankry said he is living on 2 lots now, his house is 160 x 130. He owns the property behind it which is 80 deep by 250 wide. That is 2 separate lots and he is moving the lot lines, or reconfiguring the lot lines. Mr. Banas could not find the existing lot lines and Mr. Carpenter said they were not on the plans. Mr. Simons said if we have 2 existing lot now, what are the new lots called and Mr. Penzer said they are eliminating lot 1 and naming it lot 7.01 and 7.02.

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

Motion was made by Mr. Dolobowsky, seconded by Mr. Neiman, to approve with the stipulations mentioned earlier, that the proposed lot 7.01 somehow the property be marked such as the house will get moved back so it will fit 4 parking spaces in the driveway and the new 7.02 also have 4 parking spaces

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; no, Mr. Dolobowsky; yes, Mr. Klein; yes

9. SD # 1556 (VARIANCE REQUESTED)

APPLICANT: JOSEPH GOLDBERG

Location: corner of Hope Chapel Road & Miller Road
Block 7 Lots 15 & 52

Minor Subdivision from 2 lots into 3 lots

Mr. Peters stated The applicant is seeking a minor subdivision of Block 9, Lots 15 & 52. The subdivision proposes to subdivide two (2) existing lots to create three (3) new lots. The tract lies at the intersection of Hope Chapel Road and Miller Road. Lot 15 contains an existing dwelling and a detached garage and fronts on Hope Chapel Road. Lot 52 contains a two-story dwelling and fronts on Miller Road. Hope Chapel Road is a County roadway (CR 639). The 41,524 square foot tract consisting of the two (2) lots lies in an R-1'5, Single Family Residential Zone. As noted above, three (3) new lots will be created by this subdivision. Proposed Lot 50.01 will contain the existing split level dwelling; proposed Lot 50.02 will contain the existing two-story frame dwelling and pool, the existing shed will be removed and the existing driveway will be relocated; proposed Lot 50.07 will contain a new residence and will front on Miller Road. It appears that a lot area variance will be required. The ordinance requires a lot area of 15,000 square feet in this zone. The three (3) lots will each have a lot area of 13,841± square feet. It shall be noted that the existing garage side yard setback does not conform to the ordinance. The ordinance requires a 10 foot side yard setback for accessory use structures. This is an existing condition neither created nor expanded by this application. All of the other bulk and setbacks of this application conform to the ordinance. Outside agency approvals will be required by the following: Ocean County Planning Board and Ocean County Soil Conservation District. The existing dwellings and the proposed dwellings will require three (3) parking spaces. The plans show adequate room for three off street parking on each lot. Driveway layout and construction details have been provided. Curbs and sidewalks have been provided around the perimeter and along Miller Road and Hope Chapel Road. Details of the curb

and sidewalk have been provided on the Details sheet. There is an existing water main in Miller Road to which the new home will connect. A pavement restoration detail shall be added to the plan. The remaining comments deal with the map filing law.

Mr. Slachetka read from a letter dated August 18, 2006. The applicant is seeking minor subdivision and variance approvals to subdivide two existing lots into three undersized lots. One single family home remains on each of the existing lots, which are to remain. The applicant proposes to construct one single-family home on the newly-proposed Lot 50.03. The parcel totals 41,524 square feet (0.953 acres), and is located at the intersection of Hope Chapel Road and Miller Road. The site is located in the R-15 Residential Zone. Single-family homes are a permitted use in the zone district.. The following bulk variances are required: A variance is required for Proposed Lot 50.01 for a lot area of 13,841 square feet, where a minimum of 15,000 square feet is required. A variance is required for Proposed Lot 50.02 for a lot area of 13,841 square feet, where a minimum of 15,000 square feet is required. A variance is required for Proposed Lot 50.03 for a lot area of 13,841 square feet, where a minimum of 15,000 square feet is required. A variance is required for Proposed Lot 50.01 for an accessory structure side yard setback of 5 feet, where a minimum of 10 feet is required. This is side yard, not a rear yard setback, as indicated in the zoning schedule on the site improvement plan. The applicant should address the positive and negative criteria for all the requested variances. The proposed septic system should meet all New Jersey Department of Environmental Protection septic design regulations (NJAC 7:9A). The status of permits should be discussed. A total of twelve (12) street trees are required, six each along Hope Chapel Road and Miller Road. A note has been provided on the Improvement Plan. Compliance with the Map Filing Law is required. Off-street parking shall comply with the NJ RSIS. A five-bedroom residence is indicated on the submitted architectural plans. Three (3) off-street parking spaces are required. Required approvals include, but may not be limited to, the following: Ocean County Planning Board; Ocean County Soil Conservation District; Ocean County Health Department, prior to issuance of a building permit.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Flannery testifying as the engineer. The application requires a variance for lot area for each of the 3 lots. Ordinance requires 15,000 sf. and 13,841. sf is proposed which is 92% of the lot area required. The remaining bulk standards they would comply with. He showed other houses in the area, marked A-1 the rendered version of the proposed improvement plan and A-2 is an exhibit showing the lots in the area and is a compilation of tax maps. The property is also at the boundary of a zone line, the east side of the lot is R-12 and these would be larger.

Mr. Banas asked about the undersized lots and he feels that most of the lots conform to the zone. Mr. Flannery said the density they are proposing is consistent with the density that is proposed for the zone and they are providing much needed housing. The negative criteria would be aesthetics. Mr. Banas said this is probably the most unsafe corner in all of Lakewood. Mr. Flannery said they are not proposing a house on the corner, but a house on a open space in between these two houses. They agree to comply with the remainder of the comments. They would agree to provide 4 parking spaces per unit. Mr. Penzer said the lot was just changed by the county to make it the safest it could be, and if they had the property the county took away, they lots would be conforming. Mr. Flannery said they will provide sidewalks on Miller if it does not exist.

Mr. Dolobowsky said he has a concern for this intersection, and there is a school directly across from the application. It is a bad corner, and a busy corner and adding another house to this area is just exacerbating this situation. Mr. Penzer suggested carrying this application so they can explore a little more the concern and try to alleviate the situation.

Motion was made by Mr. Dolobowsky, seconded by Mr. Herzl, to table this application to September 19, 2006

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

10. SD # 1557 (NO VARIANCE REQUESTED)

APPLICANT: YOSEF OPPEN

Location: Garfield Avenue, east of Van Buren Avenue
Block 7 Lots 1 & 4

Minor Subdivision to re-align two lots

Mr. Peters stated the applicant and owner of Lot 4 is seeking Minor Subdivision Approval to realign the existing lot line in order to obtain 1,000 SF of land from the owner of Lot 1. The property is situated on Garfield Street and Van Buren Avenue, within the R-15 Zone. No new structures are proposed at this time. It appears no variances will be required. Ocean County Planning Board Approval will be required. Evidence of approval shall be made a condition of final subdivision approval. The Planning Board should determine if curbing and sidewalks will be required and to what extent. If curbs and sidewalks are required, details shall be provided.

Mr. Slachetka read from a letter dated August 18, 2006. The proposed subdivision would require the relocation or removal of an existing shed from proposed Lot 1.01. Eight (8) street trees are required to comply with Township standards. The applicant proposes to provide five (5) street trees on Garfield Street and none on Van Buren Avenue North. No sidewalk is proposed along Van Buren Avenue, Garfield Street, or Hope Chapel Road. The note on the Subdivision Plan regarding off-street parking for new Lot 4.01 should reference compliance with the NJRSIS. The remaining comments are technical in nature.

Mr. Surmonte appeared on behalf of the applicant. The applicant has a contract to purchase 1,000 ft. from the adjoining owner. There is a way to comply with the street trees by banking the 3 trees necessary on his own property. The issue of sidewalks were brought up and Mr. Surmonte stated the only area where sidewalks are is at the horseshoe of Oliver and Buchanan. The applicant is willing to provide sidewalks along his frontage. His arrangement with the owner of lot 1.01 is such that not only co applicant be willing to contribute to sidewalks, he would rather not have sidewalks, because there are at least a dozen trees that would have to be removed. He request the board limit the request for curb and sidewalk to be along the Garfield Street frontage of Mr. Oppen. Mr. Banas said he would not accept that, and the members agreed.

Yosef Oppen, 2 Rose Place, was sworn in. He is requesting a lot re alignment and it is extremely out of character to have sidewalks, there are no sidewalks anywhere. He would be willing to put in 110 ft. along his frontage and Mr. Banas said they have had many requests similar to his, but it doesn't work. They need sidewalks for every street in town. Mr. Oppen said this is just a simple re alignment. Mr. Dolobowsky said there is another plan that has been approved where they will be bringing in sidewalks, so he would like to see it also.

Mr. Klein asked if they could make it encumberant of the applicant for the co applicant to provide sidewalk frontage on his lot. Mr. Jackson said you can put that in as a condition, and if the other applicant doesn't agree, the subdivision is dead. Mr. Klein said it is a hardship and if there is anything that can be done, but was told he is the applicant.

Mr. Dolobowsky also stated that these are through lots, so is buffering required or what other conditions are applicable. Mr. Jackson said if you deed restricted, it might be inconsistent with the philosophy of the zoning. If you are taking the stand of sidewalks, you have to be clear if you want them on all frontages, which would mean Hope Chapel Road. Mr. Slachetka said all residential units located on through lots shall, where practical, have access from the lower order road frontage. All units shall be orientated so that the front of the unit is toward the same road frontage as the majority of the units in the existing neighborhood. In the case of an application for subdivision, the unit orientation shall be dependent upon the characteristics of the existing neighborhood. All newly created through lots shall provide a landscape buffer along the secondary frontage. The width and depth of the buffer shall be determined by the board based upon the characteristics of the existing neighborhood. In no case shall a buffer be less than 5 ft. The question for the board is what is the appropriate buffer or the applicant could request a waiver for the buffer. If you look at the existing lot 1.01 there existing vinyl fence exists along the right of way of Van Buren Avenue north, and if the board wants to look at that issue. There area existing trees that are in the right of way. Mr. Banas asked what the applicant plans to do about the fencing, and the engineer said it would have to be removed.

Mr. Slachetka had a question for the applicant, that he owned existing lot 4, and the existing lot is undersized. Mr. Jackson asked why not go for a variance to build on an undersized lot from the board of adjustment. The applicant said he already made an agreement with the neighbor for the 1,000 sf to make it conforming. He thought they were doing what the zoning board would want them to do, to make it a conforming lot. Mr. Jackson asked if it was fair to make the applicant put in 580 ft. of sidewalk for a lot realignment. Mr. Slachetka said the board may want to consider the issue of the structure within the existing right of way and whether the board may at some point want to provide for a tree and utility easement for the maintenance of those trees. Mr. Banas said the sidewalks are important. Mr. Jackson said if he came in front of the board of adjustment seeking a variance because of inadequate lot frontage, they may make him put in sidewalks also. Mr. Banas said he was given the opportunity to go in front of either board and he said he wished to remain at the planning board.

Mr. Banas opened the microphone to the public.

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

Motion was made by Mr. Neiman , seconded by Mr. Herzl, to approve this application with sidewalks to be installed only on Garfield Street, not Van Buren and to remove the fence from the right of way and comply with the shade tree, and not requiring sidewalks on Hope Chapel but require the buffering on Hope Chapel.

Mr. Banas said he could not vote positively for this simply because of the sidewalk omitted on Van Buren Avenue.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; no, Mr. Dolobowsky; yes, Mr. Klein; yes

11. SD # 1558 (VARIANCE REQUESTED)

APPLICANT: YITZCHOK SINGER

Location: northwest corner of Sunset Road and Central Avenue
Block 75 Lot 14

Minor Subdivision to create two lots

Tabled to September 19, 2006

6. CORRESPONDENCE

None at this time

7. PUBLIC PORTION

Asher Sebbag spoke about the property on the corner of Miller had Hope. He thinks it should be utilized as a property. Right now it is a vacant lot and is not appealing to the gateway of our community. He would appreciate seeing something nice built there. He also stated there are currently no sidewalks on that side of the street and if there were sidewalks would enhance the safety of the community. Mr. Neiman asked as a neighbor does he see any problem with it and he said since they put in curb and sidewalk on Miller Road, they forbade parking on that side of the street and currently on the other side of the street, so they no longer are able to park on either side of the street.

Bill Hobday stated that they are a quasi judicial body and your first responsibility is to the Master Plan and the land use laws and procedures that this municipal government has put in place. You are not legislatures, you are a judiciary and therefore you may not legislate from the bench. Each one of you has the discretion to, based on criteria, be allowed to grant variances. However, his observation is that this board continuously grants variances where no real hardship has been shown or displayed and he asked them to re-examine what it is that you promise was when you accepted the position of a member of the planning board. He believes they are duty bound to more closely adhere to the Master Plan and those land use ordinances that you should be striving to uphold and sometimes be given to grant variances as opposed to granting variances and sometimes uphold the ordinances.

Mr. Penzer said Mr. Hobday over simplified what the board does. There is a lot of criteria that the board has to deal with. Hardship is not always an issue, there is inherent beneficial use, etc. and many, many different things and this board takes each case very seriously.

This portion was closed to the public for this portion. Mr. Penzer questioned whether the public was closed for Mr. Goldberg and Mr. Jackson said no, the portion was never opened to the public during his hearing, the public does get a chance to speak.

Mr. Kielt asked about the testimony and if only the members present be allowed to vote, and was told yes but they are usually the members that are in attendance anyway.

8. APPROVAL OF BILLS

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

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